

Planning Committee

Agenda 07 February 2020

10.00am

Yare House, Thorpe Road, Norwich, NR1 1RY

Introduction

1. To receive apologies for absence
2. To receive declarations of interest
3. **To receive and confirm the minutes of the Planning Committee meeting held on 10 January 2020** (Pages 3 – 11)
4. Points of information arising from the minutes
5. To note whether any items have been proposed as matters of urgent business

Matters for decision

6. Chairman's announcements and introduction to public speaking
Please note that public speaking is in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wish to speak are requested to come up to the public speaking desk at the beginning of the presentation of the relevant application
7. Request to defer applications included in this agenda and/or to vary the order of the agenda including consideration of additional item.
8. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**

BA/2019/0431/REM Homestead Farm, Beccles Road, Bungay (Pages 12 – 22)

Enforcement

9. **Enforcement update** (Pages 23 – 26)
Report by Head of Planning

Policy

10. **Greater Norwich Local Plan Consultation**
Presentation by Mike Burrell Greater Norwich Planning Policy Team Manager

11. **Marketing and Viability SPD - Workshop** (Pages 27 – 64)
Report by Planning Policy Officer

Matters for information

12. **Appeals to the Secretary of State update** (Pages 65 – 66)
Report by Senior Planning Officer
13. **Decisions made by Officers under delegated powers** (Pages 67 – 72)
Report by Senior Planning Officer
14. **Circular 28/83 Planning Statistics for quarter ending 31 December 2019** (Pages 73 – 79)
Report by Senior Planning Officer
15. **To note the date of the next meeting 6 March 2020 at 10.00am at Yare House, 62/64 Thorpe Road, Norwich NR1 1RY**
16. **Additional item: Mettingham, Barsham and Shipmeadow and Ringsfield and Weston Neighbourhood Area** (Pages 80 – 89)

Planning Committee

Minutes of the meeting held on 10 January 2020

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Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Jacquie Burgess, Bill Dickson, Andree Gee, Lana Hemsall, Tim Jickells, Bruce Keith, James Knight, Fran Whymark.

In attendance

Sandra Beckett – Administrative Officer (Governance), Natalie Beal – Planning Policy Officer (Minutes 9 – 12), Nigel Catherall – Planning Officer (Minute 8), Kate Knights – Historic Environment Manager, Cheryl Peel – Senior Planning Officer, Cally Smith – Head of Planning.

Members of the public in attendance who spoke

Mr Paul Carrington – applicant for BA/2018/0514/FUL Water basin at Ludham field base site, Horsefen Road, Ludham.

1. Apologies and welcome

The Chairman welcomed everyone to the meeting. In particular she welcomed Kate Knights, the Authority's new Historic Environment Manager.

Apologies received from Julie Brociek-Coulton, Leslie Mogford and Vic Thomson.

Openness of Local Government Bodies Regulations 2014

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

2. Declarations of interest and introductions

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

3. Minutes of Planning Committee meeting held on 6 December 2019

The minutes of the meeting held on 6 December 2019 were approved as a correct record and signed by the Chairman.

4. Points of information arising from the minutes

Minute 13a 6 December 2019. Item of Urgent Business: Building worthy of listing Wroxham

The Head of Planning reported the application to list the building of Heronby, Beech Road Wroxham had been made to Heritage England and a standard acknowledgement had been received. Officers had posted the Building Preservation Notice on the afternoon of 6 December 2019, informed the landowner and the planning agent of the action that had been taken and explained the process. Officers met with the landowner on the 18 December 2019 and gained a better understanding of the work the landowner required. A further meeting was arranged for the week beginning 13 January 2020. The meetings and response from the landowner had been positive.

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

No matters of urgent business were proposed.

6. Chairman's announcements and introduction to public speaking

Public Speaking: The Chair stated that public speaking was in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wished to speak were invited to come to the Public Speaking desk when the application on which they wished to comment was being presented

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

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

8. Applications for planning permission

The Committee considered the following applications submitted under the Town and Country Planning Act 1990 (also having regard to Human Rights), and reached the decision 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 officer's report, and which were given additional attention.

(1) BA/2018/ 0514/FUL Water basin at Ludham Field Base, Horsefen Road, Ludham

Extension of mooring basin and realignment of site access from Womack Dyke, Applicant: Mr Paul Carrington

The Planning Officer gave a detailed presentation of the application for enlargement of an existing mooring basin, a repositioning of the access from the adjacent water body, and the provision of areas of reedbed. He explained that the site on Horsefen Road was within the Ludham Conservation Area and set within a series of boatyard developments adjacent to Womack Water. He commented that the principle of the development and issues of flood risk, amenity and highway safety were acceptable. The main issues for consideration were the impacts on the landscape, ecology relating to priority Section 41 Habitat and impact on trees. He explained that in the context of the boatyard group of development, the application reinforced the relationship between the land and water. There would be some loss of trees and those to be felled would require consent as they were within a Conservation Area, but the Tree Officer did not have an objection, since he considered they were not of sufficient value to warrant a Tree Preservation Order. There would be some loss of reed screen but this was not incompatible in the context and additional planting was included within the proposals.

With regard to the loss of peat, the applicant sought to address this through adequate mitigating measures and these complied with peat soils policy.

The Planning Officer concluded that the proposed development represented an opportunity for the owners of the former Ludham Field base site to upgrade the mooring provision to reflect current requirements. The improvement to the quality of the mooring provision would help to support the viability of the business. It would not have unacceptable adverse impacts on the landscape character or appearance, on designated sites, or the amenity of neighbouring residents. It was acknowledged that there would be an impact on ecology, but this was mitigated by on-site works as far as was achievable and a contribution to off-site works to provide biodiversity gain. The removal of peat solids was considered acceptable subject to swift reuse on neighbouring sites. The loss of Section 41 Habitat, whilst regrettable, was considered to be reasonably offset by a contribution to related projects such as reed bed creation and management projects. Therefore, the Planning Officer considered that the application was in accordance with policies of the Local Plan for the Broads and could be recommended for approval subject to a Section 106 Agreement to secure the financial contribution towards off-site biodiversity gain and subject to conditions as outlined within the report.

The applicant, Paul Carrington explained that the enlargement of the basis was to accommodate larger boats. There would be no net change in the overall number of moorings, which currently stood at 18. He also explained that the soil which could not be used on site would be transported by barge to an area of wet woodland to the north-west of the site. Having carried out extensive surveys, not all the soil would be peat. Much would be sand and silt which could remain on site. If the soil/peat could not be used immediately, it would be kept under tarpaulin so as not to dry out.

The Planning Officer commented that a couple of potential compensatory habitat sites had been identified, but more details and analysis would not be carried out until the principle of the acceptability of the proposal was resolved and consequent management agreed in association with the Section 106 Agreement. In response to a member's comment that the proposal appeared to be incompatible with policies supported by Natural England, the Planning Officer explained that Natural England had a bench mark criterion above which they would provide comments and no comments had been received.

Members congratulated officers on the excellent presentation and were encouraged and impressed with the thorough, sensitive attention and detailed analysis that had been gone into preparing the proposal. They welcomed the proposal as being valuable in the context of the area and that it would help maintain the viability of the business, particularly in line with the Authority's third purpose in protecting the navigation of the area. There was some concern over the loss of habitat and biodiversity which was regrettable, especially in light of the Authority's recent statement on climate change and the need to maintain carbon sink. They recognised that there was a conflict between employment, viability and habitat. A member wondered if there was a way of obtaining not just a net loss but also a net gain through offsetting.

The Head of Planning explained that in terms of the climate change emergency, matters were moving swiftly. The Local Plan for the Broads adopted in May 2019 contained Policy DM10 on Peat Soils, upon which there had been extensive discussions. The policy was in the early stages of implementation and this application was the first test for it. It was also necessary to be mindful of the advice within the NPPF which permitted off-site compensation. At present the NPPF made no mention of net gain. At present the policy was limited and there was no legal basis on which to require a net gain. Officers would work closely with the applicant to minimise the adverse impact and a calculation on the loss of material and the equivalent compensation required would be made. Officers would aim to achieve as much benefit as possible, but they were satisfied that no net loss could be achieved. The Head of Planning assured members that the policy would be reviewed as part of the Local Plan review.

Members supported the application. Bill Dickson proposed, seconded by Bruce Keith and

It was resolved by 9 votes to 0 with 1 abstention, to delegate to the Head of Planning to approve the application subject to the completion of a S106 Agreement to secure the financial contribution towards offsite biodiversity gain, along with the conditions outlined within the report.

The proposal is considered to be in accordance with Policies DM5, DM10, DM16, DM23, DM28, DM31, DM33, and DM47 of the Local Plan for the Broads, and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

9. Enforcement Update

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

Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter: Unauthorised static caravans. There were four caravans on site which at present were not being used. The site was being monitored regularly.

Blackgate Farm, High Mill Road, Cobholm The Enforcement Notice was served on the landowner on 16 December 2019 by handing it to him in person. Officers were able to explain the Notice and the requirements to the landowner. The Enforcement Notice would take effect on 27 January 2020. The landowner commented that a planning application was being prepared. He was advised that he could appeal against the Enforcement Notice under Section 174 Grounds 2 (a) of the Town and Country Planning Act that planning permission should be granted for the development “alleged in the notice”. It was likely that this would be the course of action he would take and correspondence was awaited.

It was resolved to note the report.

10. Flood Risk SPD Consultation responses

The Committee received a report on the responses to the first stage consultation on the Flood Risk Supplementary Planning Document (SPD) undertaken between 22 November and 16 December 2019. It also included a track changed version of the SPD as a result of the consultation and details of the next steps in the process. The review had been necessary since the policy upon which the Flood Risk SPD adopted in 2017 was no longer in place. The Environment Agency (EA) had been involved in the drafting of the SPD and had made further comments some of which needed clarification and may need further discussion, but the EA would be able to make further comments at the next stage. It was now proposed to have a second phase of consultation, as was required, potentially from 31 January to 6 March 2020.

With reference to Comments 14, 15 and 16 Suffolk County Council: Waveney Area now within East Suffolk, Members suggested that the wording should be changed to “the Waveney area within East Suffolk” rather than “the former Waveney Area”.

Reference to comments 33 and 34. Environment Agency: Raising floor levels for new residential development and building conversions to be above the actual risk design flood level. Members noted that further clarification was required from the Environment Agency. Officers confirmed that raising of floor levels could have an effect on the resulting roof and eaves levels of any proposed development and therefore the impact of that development. This would all be part of the planning discussions and the requirement for a balanced approach.

Reference Comment 48. North Norfolk DC and Anglian Water: Horning incidents of flooding and sewerage treatment. Members noted that North Norfolk District and Anglian Water together with the Environment Agency were addressing the matter. The Planning Policy Officer confirmed that the Joint Position Statement for Horning was being updated to reflect the work being undertaken by the respective relevant authorities, but the Flood Risk SPD would remain unchanged until this was updated.

It was resolved

- (i) that the responses received be noted with minor changes as suggested above and the Draft SPD be endorsed with any subsequent amendments as a result of discussions.**
- (ii) To recommend to the Broads Authority that it agrees to the required second stage of public consultation/participation.**

11. Climate Change Planning

The Committee received a report outlining the planning policy response to climate change mitigation and adaptation, following the Broads Authority’s adoption of a Climate Change Emergency Statement. The report set out how the Authority was working with other Local Planning Authorities in Norfolk and Suffolk to address the issues. The report also detailed Development Management policies within The Local Plan for the Broads, adopted in May

2019 which related to the mitigation of and adaptation to climate change. These included policies relating to water usage requirement and energy requirements for new dwellings, matters to reduce flood risk, protection of peat soil, policies to address light pollution, design policies and general policies relating to climate change. The Planning Policy Officer stated that since the formulation of the Local Plan in 2017, a great deal had happened nationally and internationally to do with climate change. However, as the plan was being reviewed towards the end of 2020, further progress on the requirements of the policies and climate change would be made in the next Local Plan. The report also referred to potential future changes to building regulations, upon which the Government was carrying out a consultation. It was noted that building regulations approval would be required for any development regardless of planning policy.

Members noted that recently a climate change sub-group of the Norfolk Strategic Planning Framework had been set up. This had identified a number of issues which Local Plans could address. A report on this would be going to the Norfolk Strategic Planning Member Forum on 14 January 2020. The Vice-Chair of this Committee would be attending as the Authority's representative. A Member requested that a link to the papers for this be sent to Members of the Planning Committee.

Members welcomed the report as being very helpful. A member suggested that there needed to be more consideration of the use and recycling of grey water and the Authority could be in a position to take more of a lead on this as well as through insisting on SUDS (Sustainable Urban Drainage Systems).

With regards to improvements to historic buildings, members commented that there could be conflict with updated insulation requirements and preservation of and impact on the heritage characteristics with a balance being required. The Head of Planning reported that this had been raised at the Heritage Asset Review Group and although there were policies within the Local Plan (Policy Dm 14) [Local Plan for the Broads Page 64 Policy DM14](#) these would be reviewed and the matter looked at with the possibility of providing guidance notes.

It was resolved to note the report.

12. Suffolk Design Briefing

The Committee received a report on the progress by the Suffolk Local Planning Authorities to develop useful and specifically functional design guidance for future development, a Suffolk Design Charter and to provide a consistent design management process. Broads Authority Officers had attended workshops and meetings in order to be engaged with Suffolk as much as possible. Once the documents were produced, the Authority would consider how they might be applied in the Broads.

It was resolved to note the work on design being prepared by Suffolk Local Planning Authorities.

13. Heritage Asset Review Group – 6 December 2019

The Committee received the notes from the Heritage Asset Review Group meeting of 6 December 2019.

It was resolved to note the report.

14. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since April 2019. The Senior Planning officer reported that a decision had been received on

The Thatched Cottage, Watergate, Priory Farm, Beccles Road, St Olaves for the erection of a dwelling. The site was in Flood Zone 3a and it had been proposed that the dwelling would be on stilts. The Planning Inspector dismissed the appeal citing the main reasons as the risk of flooding, impact towards the landscape character as a result of the design and harm to the setting of heritage assets and being contrary to the development plan when considered as a whole. Members had received a copy of the decision dated 8 January 2020.

It was resolved to note the report.

15. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 22 November 2019 to 17 December 2019.

It was resolved to note the report.

16. Date of next meeting

The next meeting of the Planning Committee would be held on Friday 7 February 2020 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The Head of Planning informed members that at the next meeting it was intended that Mike Burrell, Greater Norwich Planning Policy Team Manager would provide a presentation on the Greater Norwich Development Plan which was out for consultation. It was also intended to include a workshop on the Marketing and Viability Guide. SPD.

The meeting ended at 11.35 am.

Signed by

Chairman

Appendix 1 - Declaration of interests Planning Committee, 10 January 2020

Member	Agenda/minute	Nature of interest
Harry Blathwayt	8 Application BA/2018/0514/FUL	Very tentative inquiry to moor my boat on the site.
James Knight	14 Appeals to SOS update	Planning application subject of appeal.

Planning Committee

07 February 2020

Agenda item number 8

BA/019/0431/REM Homestead Farm, Beccles Road, Bungay, NR35 1HT

Report by Planning Officer

Proposal

Reserved matters application (following outline application BA/2019/0105/OUT) for the erection of a steel framed building to house milking parlour, including details of conditions 2, 3, 4, 8, 9 and 10.

Applicant

Mr D Utting

Recommendation

Approve subject to delegated power to officers to consider amendments

Reason for referral to committee

Major application

Application target date

28th February 2020

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1. Description of site and proposals

- 1.1. The application site is an established farm yard which is situated approximately 1 km south-east of the main centre of the town of Bungay. It is situated in an area which has a residential character, but with an agricultural land-use tucked behind the housing. Housing development runs along Beccles Road in front of the existing farm on either side of the farm's existing site access. To the north of the farmyard and the housing is a large open area of marsh on which the applicants graze their existing dairy herd. This marshland runs to the banks of the River Waveney. Views into the site are afforded from Wainford Road to the east which runs north to south through land farmed by the applicant. This road is used by the applicant currently to move cattle to grazing land to the north of the River Waveney. Longer range views from the elevated land to the east are also possible.
- 1.2. There is a line of housing along Beccles Road and the farmyard and seven large agricultural buildings associated with the farming unit are located behind this. There is marshland beyond the housing to the north. The farmyard is made up of seven agricultural buildings and stores of varying sizes located around a large T-shaped area of hardstanding. The application site is slightly elevated relative to that of the surrounding marsh land and is of a similar height to the ground level on which other buildings adjacent are built.
- 1.3. Outline planning permission has been granted for the erection of a large steel framed agricultural building to form a dairy, milking parlour, collecting yard and associated storage and office. The outline application was approved and this included details of

the access, layout and scale, with the landscaping and the appearance to be dealt with by this Reserved Matters application. The building as approved and as shown in this application is 30m x 60m and with a ridge height of 8.76m and eaves height of 6.0m.

- 1.4. The building would be located to the north of the existing dairy (81m x 42m), to the east of the feed building (32m x 20m) and to the south-east of the existing recently constructed steel frame hay store (37m x 25m). The hay store (BA/2014/0376/AGR) is approximately 2.0m taller in height than the proposed building.
- 1.5. The approved site access is from the existing site entrance to the south of the proposed building onto the B1062 Beccles Road. The application also proposes a strip of hardstanding on the western side of the proposed building. The existing hardstanding in combination with the new area of hardstanding would be used as a turning area for dairy and cattle lorries.
- 1.6. The site is located within Flood Risk Zone 3a.
- 1.7. This Reserved Matters application sets out details of a landscaping scheme to be implemented, and also a design of the external appearance of the building which has now been finalised following the specific internal layout being decided. In addition, the application has set out details of a surface water attenuation scheme, biodiversity enhancements, flood resilience measures and a flood response plan.

2. Site history

- 2.1. The most relevant planning history are a series of planning permissions and agricultural notices which have approved/allowed the construction of agricultural buildings present on site. These permissions date from the 1980's through to present and show the most recent development of the farm site.
 - Planning permission was granted for the Erection of covered cattle yards and dairy unit building in 1981 (BA/1981/5923/HISTAP) and its subsequent extension in 1997 (BA/1997/5925/HISTAP) and 2003 (BA/2003/5926/HISTAP).
 - In 1995 a Prior Notification Application was approved for a Strawed cattle yard
 - In 2000 a Prior Notification Application was approved for the Erection of a Dutch barn.
 - In 2014 a Prior Notification Application was approved for an agricultural building (Hay store) at the site (BA/2014/0376/AGR). In 2017 a Prior Notification Application was made to extend this building (BA/2017/0099/AGR).
 - The Outline Application (BA/2019/0105/OUT) which preceded this current reserved matter application was considered by Planning Committee on the 31st May 2019 and approval issued on the 13th June 2019.
- 2.2. Additionally planning permission (BA/2014/0133/FUL) was granted to create a new bridge and access track to allow movement of cattle away from the Wainford Road on the applicants own land.

3. Consultations received

Parish Council

- 3.1. Bungay Town Council – Recommended for approval with no comments.

Natural England

- 3.2. No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation site.

Environment Agency

- 3.3. All of the flood risk issues having been resolved through the production of a topographic survey and our exchange of letters (EA ref: AE/2019/123983/01 and 02).
- 3.4. EA letter ref. AE/2019/123983/02 referred to the open sided nature of the building as described in the plans: The revised plans have retained the open nature of the walls in the flood zone as was shown in the outline application. These open sides are a key aspect of the structure in this location and they are the basis for compensatory storage not being required.

Suffolk County Council (NCC) Highways

- 3.5. No objection

Suffolk County Council Flood and Water Management

- 3.6. Recommend approval and that condition 4 of application BA/2019/0105/OUT can be discharged.

BA Landscape

- 3.7. Generally, the scale of the building and its visibility in the landscape is the main concern. The landscape mitigation is too limited in this respect, and would benefit from additional tree planting for screening.
- 3.8. More information for and clarification of building design and materials would be useful.

BA Environment Officer

- 3.9. Satisfied that the proposed biodiversity enhancement plan provides suitable and appropriate enhancements for biodiversity across the site.

4. Representations

- 4.1. No representations have been received

5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:

- SP1 (Sustainable Development in the Broads)
- SP6 (Biodiversity)
- SP10 (A prosperous local economy)
- DM5 (Development and Flood Risk)
- DM16 (Development and Landscape)
- DM21 (Amenity)
- DM23 (Transport, Highways and access)
- DM46 (Design)

6. Assessment

- 6.1. This application follows the outline approval of the access, layout and scale covered by planning application BA/2019/0105/OUT. As such the principle of development is established and permitted. This application seeks approval of the remaining Reserved Matters, namely landscaping details and appearance details of the development which will be assessed below. Along with these points, additional information and details associated with a number of the conditions attached to the Outline application have been submitted effectively to allow these conditions to be discharged.
- 6.2. Specifically, details have been submitted with this application to seek the discharge of conditions 2, 3, 4, 8, 9 and 10 of the outline permission
- Condition 2 is a standard outline application condition requiring specific details to be submitted as part of the reserved matters application.
 - Condition 3 relates specifically to a landscaping scheme being submitted.
 - Condition 4 relates to surface water drainage details.
 - Condition 8 requires details of biodiversity enhancements to be provided.
 - Condition 9 and 10 relate to details of flood resilience and a flood response plan being provided.
- 6.3. The information submitted as part of the landscaping and biodiversity schemes shows that there is scope for appropriate form of development, however, as will be outlined below, amendments to the landscape scheme have been requested.

Landscaping scheme

- 6.4. As part of the outline application, the principle of the impact upon the landscape was considered as the siting of the building and its scale were included in that application. On balance, it was considered that the operational requirements and benefits to the business and neighbours meant that the impact of the building was not unacceptable,

mitigated by being in the least harmful position, and that there was a justification for this new building to support the existing agricultural business.

- 6.5. However, the specific landscaping scheme and design detail of the structure was only included as an indicative drawings at outline stage, and the finalised scheme is to be considered as part of a Reserved Matters application.
- 6.6. The current landscape scheme as submitted with this Reserved Matters application goes some way to ensure that the development is screened and softens its impact upon the landscape. However, further improvements have been requested following consultation with the BA Landscape Architect. This application and site has the scope (subject to satisfactory amendments), to provide an acceptable landscaping scheme in accordance with Policy DM16 of the Local Plan for the Broads. However as set out below a number of changes will first need to be submitted prior to being able to issue an approval.
- 6.7. The Landscape and Biodiversity Enhancement Scheme plan suggested that tree planting should be limited to reflect the open character of the landscape. Whilst this is often an appropriate approach in the Broads, in this case the proposed building is of such a significant scale with consequent potential for adverse landscape impacts that it is more important to provide screening. An amendment to include more tree planting along the biodiversity links which follow the ditches to the north-west and north-east has been requested.
- 6.8. Alongside this there is a need to increase the number of proposed trees to screen the building from intermittent views from Wainford Road which also carries Angles Way, as well as longer views. This requested amendment would see that additional tree planting at roughly 5m intervals along Wainford Road (current open field edge), and around the proposed building (north-west and north-east sides) is included in an amended scheme.
- 6.9. Whilst the currently proposed hedgerow could perform a valuable screening role, the Detailed Planting Plan indicates that it would be cut to a height of 1m to 2m which would make it ineffectual as screening for the building. It has been requested that the hedge should include some upright-growing trees to break up the building elevations and should be maintained as a tall feature only cut every few years and the scheme will need to be amended to cover this.
- 6.10. Finally, the Geocell Grate Drainage System seems to involve excavation of around 1m deep with an area of 8.5m x 29m whilst the proposed drainage system overcomes any issue of surface water runoff (see 6.22). This could produce around 250m³ of material, so clarification has been sought on the method and location of disposal, with the agent informed that placing material on adjacent marshland is to be avoided.
- 6.11. In conjunction with the above amendments, a number of details regarding the future management have been requested. An example of which is how the area of marshland proposed to be restored would be protected, such as by temporary fencing to prevent

trampling by livestock. This along with other management details have been requested and should be noted on the amended landscape plans and details.

- 6.12. Subject to the above changes being made and extra information being submitted, it is anticipated that an acceptable scheme can be achieved and it is noted that the agent has indicated they are willing to amend the scheme in line with the above requirements prior to the granting of permission.

Design

- 6.13. The siting and scale of the building was approved by the Outline application. The specific design including the palette of materials and finalised design are proposed as part of this application and takes the form of a typical agricultural building. The use of the building as an improved and modernised dairy will also result in some existing functions in the existing and temporary buildings being sited within this new building.
- 6.14. The improved animal husbandry requirements and practical lessons learned from the existing buildings have led to the design of a building of such scale. The building design has been finalised and shows the dairy, milking parlour, calving pens, dairy cattle collecting yard and dispersal yard within this building. The applicant has reduced the scale of the building to the minimum height and footprint which would still ensure the current and future functionality of the building.
- 6.15. The proposed building will be able to accommodate some of the existing external storage such as machinery stores and silage storage, and temporary calving pods, so the new building will allow for some parts of the site to be improved in appearance and with consequent benefit to the amenity of neighbours.
- 6.16. As with the current landscape scheme, the proposed design is considered to need some minor amendments and clarification in order to be acceptable. In particular the Design and Access Statement describes materials as including GRP clear panels on the roof. Unfortunately, the Building Plan doesn't seem to show these so more information would be required.
- 6.17. The grey fibre cement roof and Yorkshire boarding would be acceptable in principle; however, images or samples are required. Additionally, the use on the south west elevation of Red Hoskins Maldon Antique bricks is not supported and it would be preferable to minimise the number of different materials in the design and instead have a consistent approach for all the elevations. It has been requested that the lower walls are concrete blockwork up to 2-3m with a larger proportion of the upper walls clad with timber boarding. This would create a simpler more honest appearance in neutral recessive colours, and potentially save costs. At the time of writing this report, an amended drawing to show these design changes is awaited.

Biodiversity Measures

- 6.18. Due to the proximity of the site to protected habitats and the likelihood of the presence of protected species, the original approval sought details to be submitted as part of this Reserved Matters application regarding biodiversity.
- 6.19. Neither Natural England nor the Broads Authority Environment Officer object to the proposed development. The application has been supported by additional information and a plan for biodiversity enhancements. On this basis, the conclusion of the BA Environment Officer is that the proposal does not have an adverse impact upon protected sites or species and that the scheme for enhancements would be acceptable.
- 6.20. A condition will be attached to ensure that the biodiversity enhancements are implemented and maintained for the life time of development to ensure that the scheme is in accordance with Policy DM13 (Natural Environment) of the Local Plan for the Broads.

Surface Water Drainage

- 6.21. Due to the increase in hard surfacing at the site, comprehensive details of surface water drainage and water attenuation were required by Condition 4 of the Outline Planning Permission. The information submitted with this application shows how the development will deal with the increased flow of surface water especially during periods of high rainfall and has detailed engineering drawings of attenuation measures proposed.
- 6.22. The Lead Local Flood Authority have been consulted on this application and their response is that the proposed measures are acceptable and that Condition 4 should be discharged.
- 6.23. As stated in 6.11, details of any spoil need to be considered in the revised landscaping scheme. However, apart from this matter the proposal is considered to adequately address the issue of surface water drainage and is therefore in accordance with Policy DM6 (Surface water run-off) of the Local Plan for the Broads.

Flood Resilience and Response Plan

- 6.24. The application has been supported by a Flood Resilient Construction Statement and a comprehensive Flood Response Plan.
- 6.25. The flood resilience measures are comprehensive and would significantly reduce the impact of a flood event on the building and operation of the site. The Flood Response Plan sets out clearly the steps that would be in place prior to, during and after a potential flood event which would reduce the risks to property, people and livestock. As such the scheme is considered to be acceptable, Conditions 8 and 9 of the Outline application can be discharged, and the development accords with Policy DM5 (Development and Flood Risk) of the Local Plan for the Broads.

Other issues

- 6.26. The proposed landscaping scheme, design details, flood risk measures, biodiversity and surface water drainage have not raised any new issues. No objections have been received from neighbouring residents, the Town Council or any of the Statutory Consultees. The implementation of the detailed scheme will not have an adverse impact upon the amenity of neighbours and the approved access is considered acceptable due to the proposal being a continuation of an existing land use, that of dairy farm.

7. Conclusion

- 7.1. In conclusion, based on the information submitted to support the Reserved Matters application for the details of landscaping and design, as well as the information provided relating to the associated conditions, it is considered that the proposed milking parlour and dairy building can be constructed in accordance with all relevant planning policy, in particular Policies SP1, SP6, SP10, DM5, DM21, DM23 & DM46 of the Local Plan for the Broads.
- 7.2. However, whilst this application does show details of the appearance and landscaping, it is noted that these details will need some points of clarification to ensure that the impact of the development upon the landscape is fully addressed. These amendments are achievable and it is considered that that the development can be approved as soon as the scheme is altered.

8. Recommendation

- 8.1. It is recommended that the Planning Committee delegate authority to the Head of Planning to agree the required amended landscaping and design scheme in consultation with the BA Landscape Architect and any other relevant consultee and issue a decision subsequently.
- 8.2. The following conditions would be attached to any decision
- (i) Time limit on commencement following approval of reserved matters;
 - (ii) In accordance with approved plans;
 - (iii) Timing of works;
 - (iv) Prior to occupation surface water drainage to be approved and installed as per approved documents
 - (v) Ecology –biodiversity improvements to be implemented and maintained;
 - (vi) Foul sewage treatment plant to be installed as per approved details
 - (vii) Constructed in accordance with flood resilient construction statement
 - (viii) Flood evacuation plan made available to all staff and visitors
 - (ix) Sign up to flood warnings
 - (x) Remove permitted development rights

9. Reason for recommendation

- 9.1. Subject to the satisfactory amendment of the schemes as detailed and conditions outlined above, the application is considered to be in accordance with Policies SP1, SP6, SP10, DM5, DM21, DM23 & DM46 of the adopted Local Plan for the Broads 2019.

Author: Jack Ibbotson

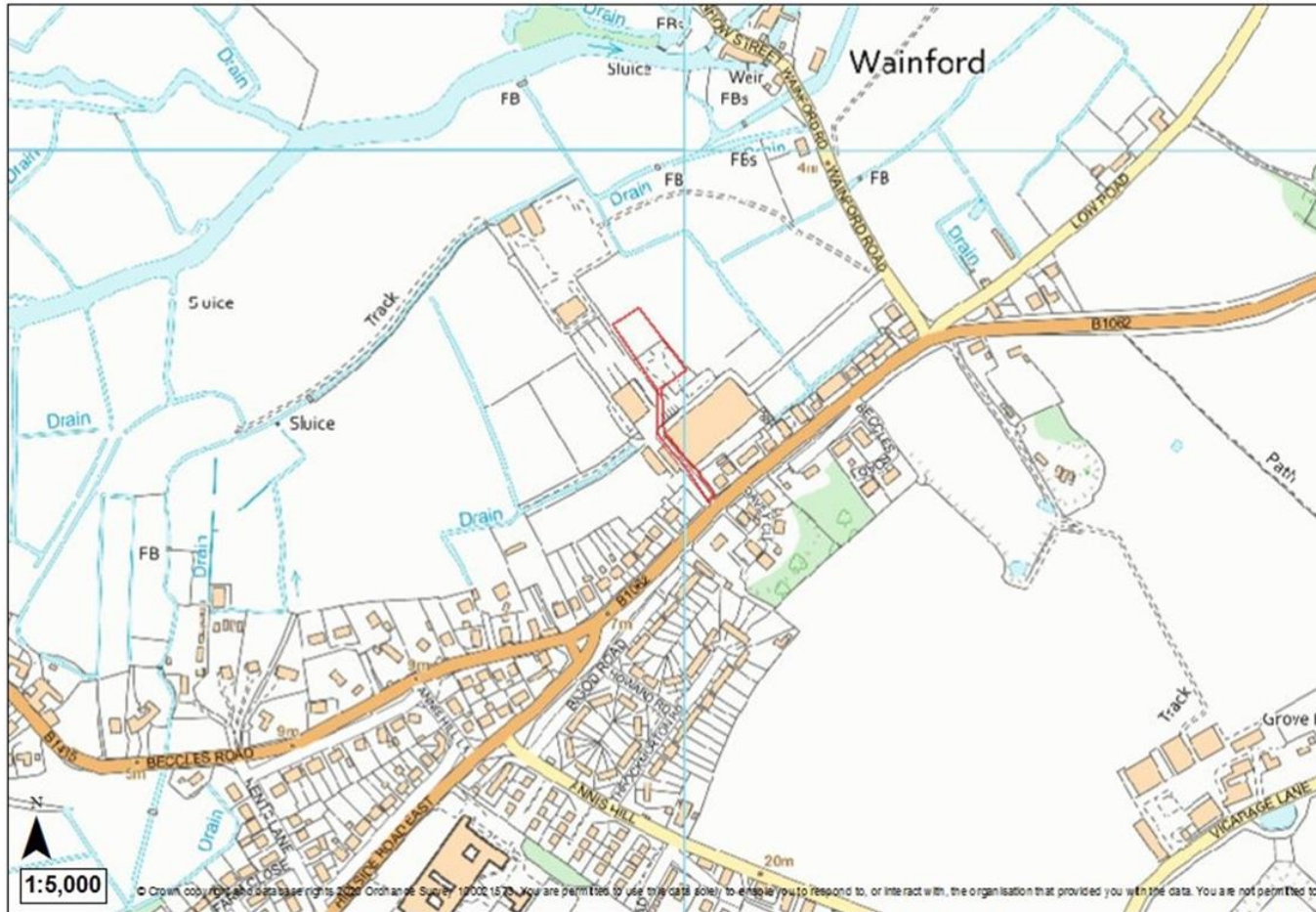
Date of report: 24 January 2020

Background papers: Application file

Appendix 1 – Location map

Appendix 1 – Location map

BA/2019/0431/REM Homestead Farm, Beccles Road, Bungay



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Planning Committee

07 February 2020

Agenda item number 9

Enforcement Update – 7 February 2020

Report by Head of Planning

Summary

This table shows the monthly updates on enforcement matters. The financial implications of pursuing individual cases are reported on a site by site basis.

Recommendation

That the report be noted.

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

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Monitoring 15 June 2017. Further vandalism and deterioration. • Site being monitored and discussions with landowner. • Landowner proposals unacceptable. Further deadline given. • Case under review. • Negotiations underway. • Planning Application under consideration December 2018. • Planning application withdrawn and negotiations underway regarding re-submission. • Works undertaken to improve appearance of building. • Revised planning application submitted 1 April 2019. • Planning Committee 19 July 2019: Resolution to grant planning permission • Arson at building, with severe damage 18 August 2019. • Discussions around securing building and partial demolition 19 August 2019 • Pre-demolition surveys almost completed and works commence thereafter 24 October 2019 • Works underway to secure and commence agreed demolition. 16 December 2019.

Committee Date	Location	Infringement	Action taken and current situation
14 September 2018	Land at the Beauchamp Arms Public House, Ferry Road, Carleton St Peter	Unauthorised static caravans	<ul style="list-style-type: none"> • Authority given to serve an Enforcement Notice requiring the removal of unauthorised static caravans on land at the Beauchamp Arms Public House should there be a breach of planning control and it be necessary, reasonable and expedient to do so. • Site being monitored. • Planning Contravention Notices served 1 March 2019. • Site being monitored 14 August 2019 • Further caravan on-site 16 September 2019 • Site being monitored
8 November 2019	Blackgate Farm, High Mill Road, Cobholm	Unauthorised operational development – surfacing of site, installation of services and standing and use of 5 static caravan units for residential use for purposes of a private travellers' site.	<ul style="list-style-type: none"> • Delegated Authority to Head of Planning to serve an Enforcement Notice, following liaison with the landowner at Blackgate Farm, to explain the situation and action. • Correspondence with solicitor on behalf of landowner 20 November 2019. • Correspondence with planning agent 3 December 2019 • Enforcement Notice served 16 December 2019, taking effect on 27 January 2020 and compliance dates from 27 July 2020. • Appeal against Enforcement Notice submitted 26 January 2020.

Author: Cally Smith

Date of report: 27 January 2020

Planning Committee

07 February 2020

Agenda item number 11

Marketing and Viability SPD Workshop

Report by Planning Policy Officer

Summary

The Marketing and Viability Supplementary Planning Document (SPD) was subject to public consultation late 2019. This report includes the comments received and the proposed responses and proposed amendments to the draft SPD for discussion at February Planning Committee.

Recommendation

None – paper and appendices are for discussion.

1. Introduction

- 1.1. Several policies in the Local Plan will require applicants or agents to carry out a robust marketing strategy and/or a viability assessment if the proposed scheme is promoting something different to the adopted policy position. This SPD explains what is meant by marketing and viability, and which Local Plan policies have this requirement.

2. Public consultation

- 2.1. The SPD was subject to public consultation from 27 September to 22 November 2019. The comments received and the Authority's proposed responses are included at Appendix 1. An amended draft Marketing and Viability SPD is included at Appendix 2.

3. Workshop and discussion

- 3.1. When supporting the SPD for consultation, Planning Committee resolved to hold a workshop on the SPD to discuss comments received during the public consultation. The document at Appendix 1 outlines the comments received and the proposed responses and this is the basis for discussion at this meeting.
- 3.2. A further report including any changes resulting from the discussion will be prepared for the meeting of Planning Committee on 6 March 2020 for approval for further public consultation.

4. Financial implications

- 4.1. The consultation will require a press advert, but it might be at the time of other documents being out for consultation so effectively the cost will be shared. Officer time in producing the SPD.

5. Conclusion

- 5.1. The comments, proposed responses and amended draft SPD are presented for discussion.

Author: Natalie Beal

Date of report: 22 January 2020

[Broads Plan](#) objectives:

Appendix 1 – Comments received from the consultation on the draft SPD, with proposed Broads Authority responses, for discussion.

Appendix 2 – Amended second draft Marketing and Viability Guide for discussion

Appendix 1 – Comments received from the consultation on the draft SPD, with proposed Broads Authority responses, for discussion.

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#1	Laura Waters	Norfolk County Council	The LPA needs to be clear when they will accept a Viability Report's conclusions over provision of flood risk mitigation or SuDS.	<p>Further clarification was sought from NCC and it seems that in some areas surface water flood risk may not have been addressed because of viability concerns in doing so.</p> <p>The Broads Authority has a recently adopted Local Plan with a strong surface water policy. It also has a Flood Risk SPD that is out for consultation at the same time as this and the LLFA seem content with it (and they helped to produce it). So in the absence of suggested text, in the absence of examples of where surface water has not been addressed in the Broads due to viability and in the presence of a recently adopted strong surface water policy and in the presence of a SPD that refers to surface water and is supported by the LLFA it is concluded, with Norfolk County Council LLFA that no change is needed.</p>	No change to SPD
#2	Joy Brown	Norwich City Council	With regards to the length of period for marketing although I would have no objection to the extension to 18 months within a stagnant market, I would suggest that 18 months is a long time to expect someone to market something before a change of use or redevelopment can be considered. Within Norwich City although we don't specify a time within our Local Plan we would only normally expect something to be marketed for around 9-12 months as within this time adjustments can be made to the marketing strategy if there is very little interest initially.	Comment noted. We agree that a longer period if the market is stagnant should be removed from the SPD.	Remove the reference to a longer period if the market is stagnant.
#3	Joy Brown	Norwich City Council	The SPD could clarify how benchmark land value will be calculated and what won't be considered.	The area of the Broads is very mixed. We currently do not specify a process; we rely on guidance and the check by the independent person/district valuer. If the respondent would like to propose some wording and suggest where it goes then we can consider this.	No change to SPD
#4	Joy Brown	Norwich City Council	The SPD could set out what is a reasonable profit level	The area of the Broads is very mixed. We currently do not specify a process; we rely on guidance and the check by the independent person/district valuer. If the	No change to SPD

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
				respondent would like to propose some wording and suggest where it goes then we can consider this.	
#5	Joy Brown	Norwich City Council	The SPD could explain when viability would be reviewed if development hasn't commenced/been occupied i.e. is there a review mechanism built into s106 agreements?	We would expect the developer to come to us if they are experiencing issues. If sites do not come forward we will contact them as part of monitoring process	No change to SPD
#6	Lorraine Houseago	Norfolk County Council	We have no other comments to make.	Noted	No change to SPD
#7	Penny Turner	Norfolk Policy ACLO	We have no comments on the above at this stage.	Noted.	No change to SPD
#8	James Knight	Individual	I am a former member of the RICS Governing Council, a South Norfolk District Councillor, and an appointed member of the Broads Authority and its Planning Committee. I am responding to this consultation in my capacity as a private individual, property developer and company director. I am not responding in my capacity as a member of the Broads Authority or its Planning Committee.	Noted.	No change to SPD
#9	James Knight	Individual	<p>3.1. Viability assessments have a limited and specific scope, which is to determine the level of planning contributions which might be appropriate for a proposed development whilst maintaining its viability and deliverability.</p> <p>3.2. The use of viability assessments to prove that an existing use is not viable appears to be a misuse of the principle of viability assessments as envisaged by the NPPF.</p> <p>3.3. This may simply be a case of semantics (i.e. the SPD means 'marketing assessment' when it says 'viability assessment'). But there is a significant difference between proving that there is no demand for a property, and proving that an existing business which happens to trade from a property is viable. The first is clearly within the ambit of planning, whereas the second is not.</p>	Noted. Perhaps in the next Local Plan we could say 'assessment of the viability of continuing the current use' or something like that. We could also add some explanatory text along those lines in the SPD as well. In general, assessing the viability of an existing use is an accepted approach when considering change of use applications. See response to comment #11 for local examples and National Park examples.	Add a section to clarify what we mean by viability assessments in this instance along the lines of 'assessment of the viability of continuing the current use'

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#10	James Knight	Individual	3.4. The SPD lists 13 policies which contain viability requirements, including changes of use on any historic building, waterside site, employment land or holiday property. This represents a substantial proportion of all land within the Broads Executive Area. Notwithstanding the fact that the Plan has been adopted, this appears to be excessive by comparison with the policies of other local authorities, and demonstrates an overly prescriptive approach to planning which is contrary to the overriding presumption in favour of sustainable development.	Noted. As Mr Knight says, the Local Plan is adopted. The SPD cannot change policy - it seeks to help the implementation. As such, the SPD cannot change policy, but the comment is noted for the next Local Plan. These are important uses which contribute to the special character of the Broads and are protected under planning policy for that very reason. However, we do accept that things change and planning does not seek to stop change, but to facilitate appropriate change where it can be demonstrated that an existing use is no longer viable.	No change to SPD
#11	James Knight	Individual	3.5. In particular, the focus on requiring viability assessments when seeking changes of use in so many different circumstances demonstrates a pre-disposition against change, which is contrary to the principle of ensuring viability and sustainability, and in conflict with other policies designed to protect and enhance the Broads. Preventing or delaying change does not protect businesses. The Broads owes its historical success to its ability to evolve over time, and it must be allowed to continue to do so.	<p>Noted. See answer to previous comment. The use of viability assessments in considering proposals for change is a well-established planning approach which has been used, for example, to protect town centre uses since around the 1980s.</p> <p>We looked at the local plans of our districts and some National Parks. Here are some examples from other LPAs that follow a similar approach.</p> <ul style="list-style-type: none"> • Broadland Council, Development Management DPD, Policy CSU2, page 54. Requires change of use of community facilities to prove no longer viable. 12 month marketing period. • South Norfolk, Development Management DPD, Page 34 onwards. Employment use – evidence not viable and at least 6 months active professional marketing. Page 97 onwards. Community use – 6 months. • North Norfolk, Core Strategy and Development Management DPD, Page 97 onwards. Tourism accommodation – 12 months. Page 103 onwards. Local facilities and services – 12 months • Former Waveney area, Local Plan, Page 58 – change of use of employment at a particular site – 12 months. Page 205, 8.22 – self build plots – 12 months. Page 220 – employment – 12 months. Page 228 – tourist accommodation - 12 months. Page 237 – community facilities -12 months. Appendix 4 – marketing requirements. 	No change to SPD

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
				<ul style="list-style-type: none"> Great Yarmouth, Core Strategy Local Plan, Page 54 – employment – 18 months. Page 97 – community facilitates ‘thorough’ but no timescale. Norwich City, Development Management DPD, Page 155 onwards – community facilities – 9 months Exmoor National Park, Local Plan, Page 195 - local commercial services and community facilities - 12 months. Page 213, employment land, 12 months. Page 228, serviced accommodation, 12 months. Peak district, Development Management Document, Page 109, shops, community services and facilities, 12 months. Page 63, employment sites, 12 months. 	
#12	James Knight	Individual	3.6. Small businesses are rarely cash rich. Owners will often fail to spot the early signs of decline, hoping each year that the next will be an improvement. It is often the case that they can be on the verge of failure before they consider the necessity of making significant changes. The cost and delay of producing a viability assessment could easily be the final nail in the coffin of a business which might otherwise be saved through a (possibly partial) change of use or other development.	This comment seems to suggest that when a business is in decline, the cost and time required to produce a viability assessment could be 'fatal'. It doesn't explain how not doing a viability assessment would alter this trajectory. If it is not viable then the outcome of the viability assessment will be to allow it to change to another use.	No change to SPD
#13	James Knight	Individual	3.7. The same is true in the case of historic buildings - in the absence of grant or charitable aid, historic buildings must continue to have an economic value in order to ensure their future. Resisting 'inappropriate' changes of use must be balanced against the need to ensure that the building has some future. There is a danger that, whilst lengthy viability assessments are being carried out, a building may continue to deteriorate to the point where it is no longer economically viable to save it.	<p>Heritage assets are of importance locally and nationally and it has been long recognised by the planning system that the best way to protect them is keep them in a viable use. For the use to be an appropriate means to protect the building, it does not have to be the most economically viable use (i.e. the most profitable), but it needs to be one that recognises and balances the specific constraints of the building. A viability assessment is a way of doing this.</p> <p>The NPPF is clear in relation to change of use of a heritage asset. 192. In determining applications, local planning authorities should take account of:</p>	No change to SPD

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
				<ul style="list-style-type: none"> a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. 	
#14	James Knight	Individual	3.8. Whilst recognising the value and importance of policy-led planning, sometimes it is obvious that an existing use is neither viable nor, in many cases, even desirable when considering location and other factors. Under those circumstances, insisting on lengthy marketing or viability periods to “prove” what is already obvious can be an unhelpful box ticking exercise which is of no value to the applicant, future occupiers or the local community.	Planning relies on the presentation and consideration of evidence in favour or against a particular development. It will rarely be the case that something was so obvious that evidence was not needed. If evidence was not required and the planning system accepted assertions made without evidence, it may act as an incentive to run businesses down to get another use. See row #11 that shows the 12-month marketing period is consistent with other LPAs.	No change to SPD
#15	James Knight	Individual	3.9. Great care should be taken to ensure that requirements placed upon applicants to demonstrate viability of existing businesses, as distinct from demonstrating demand (or lack of it) for the property, are reasonable, proportionate and in accordance both with the NPPF and National Planning Guidance.	Noted. The approach of the Local plan is consistent with the NPPG and NPPF as the Local Plan has been assessed by an Independent Planning Inspector who concluded the plan to be sound. Conformity with the NPPF and NPPG is a key consideration.	No change to SPD
#16	James Knight	Individual	4.1. Where a marketing assessment is considered necessary, it is helpful for applicants to know in advance what is required of them, and this fundamental purpose of the SPD is therefore supported.	Support for SPD noted.	No change to SPD
#17	James Knight	Individual	4.2. The marketing instructions in section 5.4 are, however, far more prescriptive than should be expected from a planning document. The guidance significantly over-reaches itself into the detail of the work of an estate agent or surveyor, which is not only beyond the scope of a planning authority but will also rapidly become out of date. This section should simply identify the requirement for the applicant to use their	The SPD clearly says that 'if you do not wish to use a particular method, you will need to fully explain and justify this in your strategy'. So, this allows the marketing strategy to reflect the site being marketed. We can also make reference to the need for proportionality in relation to what is provided.	Make reference to proportionality.

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
			best endeavours to use all appropriate methods to maximise exposure to the market.		
#18	James Knight	Individual	4.3. Paragraph 5.5 is unreasonable in its requirements and exceeds those required by most other planning authorities. Some wealthy landowners holding vacant sites may be able to wait for 12 months, but for a majority of small business owners, this delay could be terminal. The concept of making the marketing period even longer when the market is stagnant – and the occupier is likely already to be suffering financial hardship – shows a breath-taking lack of understanding of the harsh realities facing businesses.	Comment noted. The 12 month period is consistent with many other Local Planning Authorities as set out at the response to comment #11. The SPD cannot change Local Plan policy. We will note this comment for when the Local Plan is reviewed. We agree that a longer period if the market is stagnant should be removed from the SPD.	Remove the reference to a longer period if the market is stagnant. In relation to the 3 month interval, add text that says along the lines of 'unless otherwise agreed with the Broads Authority as LPA'.
#19	James Knight	Individual	4.4. The arbitrary imposition of a 12-month (or even longer) marketing period, regardless of site-specific circumstances or other material considerations, is unnecessary and disproportionate. It would be better to specify a range (from say 3 to 12 months), which allows officers some flexibility in interpretation and the ability to negotiate with the applicant.	Comment noted. The 12 month period is consistent with many other Local Planning Authorities as set out at the response at row #11 and previous answer where we propose to add some flexibility to re-advertising.	No change to SPD
#20	James Knight	Individual	5.1. There are of course times when grants or other external interventions are useful and desirable in order to make improvements to a business which would otherwise be unaffordable. 5.2. It is rare, however, for an unprofitable business to be rendered profitable in the long term through public subsidy, and planning authorities should not – as a matter of policy - be encouraging businesses to seek external financial support in order to make a business viable. “Viable” means making a business capable of standing on its own feet for the foreseeable future, rather than just finding a way of making it last a few years longer in order to satisfy a regressive planning policy.	The planning system does not operate to support individual businesses, but to manage land use and protect land uses that are important to the character and operation of an area. The success or otherwise of a business can be dependent on the activities of its owner; operator 2 may make a success of a business where operator 1 has failed and this needs to be recognised. The reference to the potential for business rate relief came from a Member of Planning Committee who is a Councillor in one of our district councils.	No change to SPD
#21	James Knight	Individual	6.1. The principle of having a guide to assist planning applicants in ensuring that applications contain all relevant information at the outset is supported.	Support for SPD noted.	No change to SPD
#22	James Knight	Individual	6.2. Viability Assessments are a useful tool for determining an appropriate level of planning contributions for new development.	Noted.	No change to SPD

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#23	James Knight	Individual	6.3. Marketing Assessments can be useful under limited circumstances in order to protect historic assets or the underlying character of culture the Broads.	Noted.	No change to SPD
#24	James Knight	Individual	6.4. The need to protect character and culture needs to be balanced against practicality and economic reality. It is not in the interests of residents, businesses or visitors for the Broads to become a decaying museum of past glories.	Noted.	No change to SPD
#25	James Knight	Individual	6.5. Marketing periods must be reasonable and proportionate in relation to the individual site. An arbitrary “one size fits all” period of 12 months (or more) is not conducive to positive planning.	Noted. It is proposed to remove the reference to longer periods if the market is stagnant. Also, this SPD cannot change things in the Local Plan. Interestingly, these are the periods used in our district's local plans: Broadland DC: 12 months South Norfolk DC: 6 months North Norfolk: 12 months WDC/East Suffolk: 12 months GYBC: 18 months for employment; no set time for community facilities Norwich CC: 9 months	No change to SPD
#26	James Knight	Individual	6.6. Good planning means identifying genuinely viable and sustainable uses for land and buildings - which might entail changes of use – rather than relying on public interventions and grants to maintain the status quo.	Noted. Policies allow change of use if certain criteria are met. The reference to public interventions and grants is an option and was suggested a few years ago by a Planning Committee Member as something to consider.	No change to SPD
#27	James Knight	Individual	6.7. The Broads Authority must become less prescriptive and more flexible in its approach to planning, accepting that generalised policies might not be appropriate or desirable in certain locations and could result in perverse outcomes if applied rigidly.	This SPD cannot change policy. We will note this comment down for when we produce the next Local Plan.	No change to SPD
#28	Ben Wright	East Suffolk Council	The Council is broadly supportive of the details in the SPD. East Suffolk has similar requirements but these are set out in the appendices of the Local Plan covering the former Waveney area and the emerging Local Plan covering the former Suffolk Coastal area. The basis for this approach is the Council’s Commercial Property Marketing Best Practice Guide which was published in August 2016.	Support for SPD noted.	No change to SPD

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#29	Ben Wright	East Suffolk Council	Business rate relief (lines 281-284). The SPD highlights that district councils may provide business rate relief. Although this is possible, it is a different approach from that of East Suffolk. Therefore, would suggest that we consider ways to ensure greater consistency particularly in parts of East Suffolk that are within the Broads Authority.	Asked for clarification. This was an observation. ES were saying that seeking business rate relief is not a requirement in their Local Plan. It was explained to ES that the point of this section is for the applicant to consider ways of trying to improve the success of their business by trying the suggested 'interventions'. One of the interventions is to ask the district council for rate relief. The SPD does not say that this relief will be granted, but asks the applicant to consider asking for it. The District may agree or not and that discussion and outcome will help inform any decision making. ES clarified that they were not after any changes and did not suggest any changes; rather they wanted to highlight this.	No change to SPD
#30	Ben Wright	East Suffolk Council	Confidentiality (lines 294-303). The Council support the intention that viability assessments are made available – this is consistent with the approach set out in the Local Plan for Waveney and the emerging Local Plan for Suffolk Coastal.	Support for SPD noted.	No change to SPD
#31	Ben Wright	East Suffolk Council	Proposals relating to Public Houses (lines 318-330). Although we support the requirements set out, the section should probably include reference to public houses that may be identified as Assets of Community Value. My understanding is that the district council would identify these (even if within the Broads Authority) and therefore probably should be referenced in this SPD.	Agree with proposed change.	It is also important to note that some public houses may be listed as Assets of Community Value. These are allocated as such by the District Council, in liaison with the Broads Authority. There are certain requirements relating to these Assets which can be found here: https://mycommunity.org.uk/help-centre/resources/land-and-building-assets/assets-community-value-acv/

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#32	John Walchester and Simon Marjoram	Broadland District Council and South Norfolk District Council	An issue of concern is Para. 5.5 of the “Supplementary Planning Document on Marketing and Viability Assessment Requirements (Draft Consultation Version) September 2019”. This appears to set out a marketing period of a minimum of 15 months. If this were to apply solely to a loss of commercial activity to residential use then this could help protect the potential commercial use of the site. However, Para. 5.1 of the document seems to indicate that this applies to any change of use – even from one commercial use to another (where planning permission is required). If this is the case, this seems excessive and it may be advisable to reduce this e.g. to a marketing period of 6 months. A period of 15 months for a commercial change of use could drive any potential developer/tenant elsewhere and leave the site stagnated and not responsive to economic trends.	Comment noted. We agree that a longer period if the market is stagnant should be removed from the SPD. The period of 12 months is consistent with other LPAS - see row #11.	Remove the reference to a longer period if the market is stagnant.
#33	Charlie Middleton	Beccles Town Council	The Planning Committee, replying on behalf of Beccles Town Council, consider all three documents provide comprehensive support for the planning policies of the Broads Authority.	Support noted.	No change to SPD
#34	Simon Marjoram	South Norfolk District Council	The Council would also highlight that many sites within the Broads Authority area include multiple uses. Some of these uses are core functions, important to the role, function and character of the Broads, and others are more ancillary in nature. As such, the SPD should explicitly include the potential for sites to be subdivided, with its requirements only applied to those elements that are the subject of any application, rather than the whole land holding and also reflecting the greater desirability of retaining those core functions.	On sites in a mixed use where change is proposed, we would always encourage a landowner to submit a comprehensive scheme and information covering the range of activities and always seek to be proportionate.	No change to SPD
#35	Yvonne Wonnacott	Bramerton Parish Council	No comment	Noted.	No change to SPD
#36	Ian Withington	North Norfolk District Council	Section 5.4 implies that the BA may request other ways of marketing. Could usefully say that the marketing strategy will need to be agreed in advance with the Broad’s Authority.	We do say this in section 5.3. But see no harm in adding it again at 5.4.	Add: The Marketing Strategy will be agreed with the Broads Authority in advance.

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#37	Ian Withington	North Norfolk District Council	<p>Section 6.2</p> <p>Early on in the section it should set out that the Local Plan underwent viability testing and the national guidance's states that the assumptions and approach used in the plan wide viability should also form the basis of any site specific viability assessment submitted. The contextual information could also spell out in what circumstances site specific viability appraisals could be submitted.</p> <p>i.e. that where up to date policies have set out the contributions expected from development, planning applications that comply with them will be assumed to be viable. hence no need to include an assessment unless contesting the council's position.</p> <p>Consider adding: The Local Plan Viability Assessment also sets the preferred standard approach to appraisals. Any viability assessment for specific applications must refer back to the assessment of the Plan and the standard methodology used, and be transparent. In all cases, submitted assessments will be made publicly available in accordance with paragraph 57 of the NPPF.</p>	<p>Some text added about the viability assessment for the Local Plan. It should be noted that the Local Plan was assessed against the 2012 NPPF and so the NPPG relating to viability appraisals and Local Plans was slightly different to what is in place now.</p> <p>Section 5 refers to policies that have an element relating to viability assessments and shows the circumstances when site specific viability assessments will likely be required.</p>	<p>Add this text to the start of section 7: It is important to note that the Local Plan and its policies underwent a viability appraisal as part of the production and examination. The viability appraisal and its assumptions should be an important consideration when producing a site-specific viability assessment.</p> <p>Footnote: By way of background, the Local Plan for the Broads was examined using the 2012 NPPF. It is noted that the NPPG and the new NPPF have specific requirements relating to viability appraisals and these are noted. When determining the specifics of a site-specific viability appraisal, the current NPPF and NPPG will be referred to, noting that the Local Plan was examined under the 2012 NPPF.</p>
#38	Ian Withington	North Norfolk District Council	<p>Line 270 – it would be preferable if the optional approach indicated by the word “ideally” is not used. The SPD should clearly set out what is expected and also include an executive summary that brings it all together in descriptive form.</p> <p>i.e. Any assessments submitted should include an executive summary and include a spreadsheet version of the viability assessment model that can be 270 opened and interrogated in Microsoft Excel and similar spreadsheet software applications. We 271 strongly recommend Homes England's Development Appraisal Tool, an open sourced spreadsheet 272 that anyone can use.</p>	Noted. Will amend text.	<p>Amend text to say: Any assessments submitted needs to include an executive summary and ideally, the appraisal will include a spreadsheet version of the viability assessment model that can be opened and interrogated in Microsoft Excel and similar spreadsheet software applications. We strongly recommend Homes England's Development Appraisal Tool, an open sourced spreadsheet that anyone can use.</p>

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#39	Ian Withington	North Norfolk District Council	It would also be useful to place emphasis on the fact that viability assessments must now not be based on information specific to the developer, and therefore need not be treated as commercially sensitive. If commercially sensitive information is included, then it should be aggregated in published viability assessments and executive summaries.	Noted. Will amend text.	Add: Viability assessments must now not be based on information specific to the developer, and therefore need not be treated as commercially sensitive. If commercially sensitive information is included, then it should be aggregated in published viability assessments and executive summaries.
#40	Ian Withington	North Norfolk District Council	You may also wish to include text around land values and the onus now being on site promoters and developers to ensure that the price paid for land does not negatively affect the delivery of this Local Plan's objectives. Government advice clearly states that the "price paid for land is not a relevant justification for failing to accord with relevant policies in the plan" PPG, Section on Viability, para. 002. Reference ID: 10-002-20180724 revision 24.07.18. and where necessary the Local Planning Authority will require submission of viability and option agreements. Where land with planning permission is subsequently sold, the price paid for land should not be inflated to such an extent that it compromises the existing permission. Such land transactions should remain at a price that ensures that the development remains policy compliant.		<p>Add a new section as follows:</p> <p>7.2 Land Values</p> <p>Site promoters and developers need to ensure that the price paid for land does not negatively affect the delivery of this Local Plan's objectives. The NPPG says:</p> <ul style="list-style-type: none"> ‘The price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. Landowners and site purchasers should consider this when agreeing land transactions’ ‘It is important for developers and other parties buying (or interested in buying) land to have regard to the total cumulative cost of all relevant policies when agreeing a price for the land. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan’ ‘Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan’. <p>Where land with planning permission is subsequently sold, the price paid for land should not be inflated to such an extent that it compromises the existing permission. Such land transactions should remain at a price that ensures that the development remains policy compliant.</p>

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#41	Ian Withington	North Norfolk District Council	<p>Section 6.5</p> <p>Disagree planning practice guidance is now clear that viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Even when there are exceptional circumstances (i.e. the BA's is satisfied that the information is commercially sensitive) the executive summary should be made public. In such publications the commercially sensitive information should be aggregated into costs in the executive summary. This DOES NOT mean that the information is not split out in the appraisal - just that it is not published in agreement with the BA's. Please see detail in Paragraph: 021 Reference ID: 10-021-20190509 Revision date: 09 05 2019.</p> <p>Suggest that references to the BA's keeping some or all of the appraisal confidential are removed</p>	Noted. Will amend text.	<p>7.6 Confidentiality</p> <p><u>Planning practice guidance is now clear that viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances.</u> In general, viability assessments are published online (as part of the supporting documents for planning applications on the Broads Authority's website) and are kept in the planning application file with the other studies, plans and information contained within the planning application. Members of the public may ask to see these files.</p> <p>In exceptional circumstances, where the publication of information would harm the competitiveness of a business due to the necessity to include commercial information unique to that business, the Authority will consider keeping some or all of the viability assessment confidential. In such cases, the applicant will need to provide full justification as to why the harm caused would outweigh the public interest in publishing the information.</p> <p><u>Even when there are exceptional circumstances (i.e. the Authority is satisfied that the information is commercially sensitive) the executive summary should be made public. In such publications, the commercially sensitive information should be aggregated into costs in the executive summary. This does not mean that the information is not split out in the appraisal; just that it is not published in agreement with the Authority. Please see detail in Paragraph: 021 Reference ID: 10-021-20190509 Revision date: 09 05 2019.</u></p>
#42	Ian Withington	North Norfolk District Council	Section 6.8 – welcome the clarification that independent verification will be at the expense of the applicant.	Support noted.	No change to SPD

Reference	Name	Organisation	Comment	BA Responses	Proposed changes
#43	Ian Withington	North Norfolk District Council	Policy DM34 surely the BA's wish to maximise affordable housing provision. if so the text should stipulate that the viability assessment should show the highest viable percentage and also using the transfer values used in the Local Plan viability testing along with an assessment of each type / mix of tenures to maximize the position and provision. Assessment should not just take the lowest transfer value i.e. social rented.	Noted. Will amend text.	Add text to say: Policy DM34: Affordable housing reasoned justification says that effectively, the district's percentage will be a starting point for assessment. If viability is an issue, the assessment can assess lower percentages. <u>In assessing lower percentages, the assessment should demonstrate at what percentage the scheme becomes unviable. Any assessment should use different tenures as they have different transfer values. For example, shared equity may be 50% market value; Low Cost Home Ownership may be 80 % market value. Where a developer is suggesting a scheme is unviable and seeking to reduce affordable housing they should model the highest transfer values in order to maximise the choice.</u>
#44	Ian Withington	North Norfolk District Council	Consider adding text that if no viability assessment is submitted then it will be assumed that the application is policy compliant and full policy ask is being delivered / not contended	Noted. Will amend text.	Add text to say: <u>If no viability assessment is submitted then it will be assumed that the application is policy compliant and full policy ask is being delivered / not contended</u>

Broads Authority
A Supplementary Planning Document on marketing and viability assessment requirements
Second ~~D~~raft consultation version
~~September 2019~~ February 2020

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1) Introduction

Several policies in the Local Plan for the Broads¹ will require you, as an applicant or agent, to carry out a robust marketing strategy and/or a viability assessment if your proposed scheme is promoting something different to the adopted policy position. This Supplementary Planning Document (SPD) explains what is meant by marketing and viability, and which Local Plan policies have this requirement. It highlights how to carry out these processes and provide information in the way the Broads Authority requires. Following this SPD will reduce the chances of a delay in determining your application in relation to these requirements.

The Broads Authority is the Local Planning Authority within the Broads area and this Supplementary Planning Document (SPD) applies only to land within the Authority's executive boundary.

The NPPF 2018 defines supplementary planning documents as 'documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.'

The Authority considers that this SPD will help applicants consider the issue of marketing and viability in an appropriate way. The SPD should be read alongside relevant policies of the Local Plan for the Broads (adopted 2019). The SPD is a material consideration in determining planning applications. The advice and guidance herein will not add unnecessary financial burden to development.

In the Local Plan, we refer to 'viability assessment'. This effectively has two meanings. The first is an assessment of the viability of continuing the current land use, when a proposal is submitted to change the use. The second is to determine the level of planning contributions that might be appropriate for a proposed development whilst maintaining its viability and deliverability.

2) About this consultation

This version is the draft for consultation. Please tell us your thoughts and suggest any changes you think would make the SPD better and set out your reasons. We welcome any thoughts you have on this document, ~~but we have some specific questions to ask you:~~

- ~~• Question 1: Are we clear with what we need from applicants when they produce a marketing strategy? Do you have any suggestions to improve this document?~~

~~Question 2: We refer to a longer period of marketing of around 18 months if the market is stagnant – do you have any thoughts on that draft requirement?~~

We consulted on the first draft of this document back in September 2019. We have made some amendments following the comments we received as part of that consultation. As the regulations for producing a SPD require two stages of consultation, we are consulting you again.

¹ The Local Plan is here: <https://www.broads-authority.gov.uk/planning/planning-policies/development>

This consultation runs from ~~27 September to 4pm on 22 November~~xxx to xxxx. We will then read to each of the comments received with our responses. We may make changes if we agree with you. If we do not make changes we will set out why. Please email us your comments: planningpolicy@broads-authority.gov.uk. Please feel free to quote the line number in this document in your response.

This consultation document and consultation process have been developed to adhere to the Broads Authority's Statement of Community Involvement².

Information provided by you in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), and the Environmental Information Regulations 2004). Please see [Appendix A](#) for the Privacy Notice.

Are you satisfied that this consultation has followed the Consultation Principles? If not, or you have any other observations about how we can improve the process, please contact us at planningpolicy@broads-authority.gov.uk.

Historic England, Natural England and the Environment Agency were asked for their opinions relating to the need for a Strategic Environment Assessment. Historic England replied saying 'we would advise that it is not necessary to undertake a Strategic Environmental Assessment of this particular SPD'. The Environment Agency said 'an SEA likely is not required'. Natural England did not response. The SEA Screening is at [Appendix B](#).

3) National Planning Policy on viability and marketing

The National Planning Policy Guidance (NPPG)³ states that: 'Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return'.

The Local Plan for the Broads was examined under the 2012 National Planning Policy Framework (NPPF). However, all planning applications submitted to the Broads Authority will be considered against the most up-to-date version of the NPPF, published in 2019.

Regarding viability, the 2019 NPPF⁴ (para 57) states that: 'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case,

² Our current SCI is here: http://www.broads-authority.gov.uk/_data/assets/pdf_file/0006/576609/Final-Adopted-Statement-of-Community-Involvement-November-2014.pdf

³ National Planning Policy Guidance on viability: <https://www.gov.uk/guidance/viability>

⁴ NPPF 2019: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.’

More information from the NPPG relating to viability assessments can be found here: Standardised inputs to viability assessment: <https://www.gov.uk/guidance/viability#standardised-inputs-to-viability-assessment>.

Whilst not necessarily National Policy, the Royal Institute of Chartered Surveyors have a guidance note⁵ and are intending to update it.

Regarding marketing, the NPPF and NPPG seem to only refer to marketing relating to the use of heritage assets (NPPF paragraph 195).

4) When do you need to assess marketing and viability?

If you are required to prepare a marketing and viability assessment, this should be completed before a planning application is submitted. Marketing and viability assessments carried out after an application has been submitted to justify a new use or development, will inevitably lead to a delay in determination of the application due to the sustained period required for marketing.

It will be necessary to provide information on how a site has been marketed and to assess the viability of the site in these circumstances:

- a. When a policy of the Local Plan for the Broads requires appropriate marketing of a site (and evidence of this marketing to be provided) to assist in proving to the Broads Authority that the current use of the site is no longer appropriate.
- b. When a policy requires the submission of viability evidence to demonstrate that a use of a site is not viable.
- c. When a policy requires something to be provided as part of a scheme (such as affordable housing and planning obligations) and a promoter assesses the impact of this provision on the viability of the scheme.

5) Relevant policies in the Local Plan

The following policies of the Local Plan for the Broads refer to marketing/rent and viability requirements. If your scheme is promoting something different to the position set out in these policies, you will need to carry out a marketing strategy and/or a viability assessment. The objective is to assess the economic viability of the existing business/use and, if necessary, market it at a reasonable price to find a new owner/occupier and retain that use.

Policies containing marketing/rent requirements:

⁵ Financial Viability in Planning, 1st edition <https://www.rics.org/uk/upholding-professional-standards/sector-standards/land/financial-viability-in-planning/>. PLEASE NOTE THAT AT THE TIME OF THIS CONSULTATION, THIS DOCUMENT HAS BEEN REVIEWED AND AMENDED AND IS OUT FOR CONSULTATION, WE WILL UPDATE THE SPD ACCORDINGLY TO REFLECT THE SITUATION AT ADOPTION OF THE SPD (<https://consultations.rics.org/consult.ti/financialviabilitygn/consultationHome>)

- Policy DM12: Re-use of Historic Buildings
- Policy DM26: Protecting general employment
- Policy DM30: Holiday accommodation – new provision and retention
- Policy DM38: Permanent and temporary dwellings for rural enterprise workers
- Policy DM44: Visitor and community facilities and services
- Policy DM48: Conversion of buildings

Policies containing viability requirements:

- Policy DM4: Water Efficiency
- Policy DM12: Re-use of Historic Buildings
- Policy SP11: Waterside sites
- Policy DM26: Protecting general employment
- Policy DM30: Holiday accommodation – new provision and retention
- Policy DM34: Affordable housing
- Policy DM38: Permanent and temporary dwellings for rural enterprise workers
- Policy DM43: Design
- Policy DM44: Visitor and community facilities and services
- Policy DM48: Conversion of buildings
- Policy HOR8: Land on the Corner of Ferry Road, Horning
- Policy THU1: Tourism development at Hedera House, Thurne
- Policy SSPUBS: Waterside pubs network

6) Preparing and delivering a Marketing Strategy

5.1 Introduction

This section sets out the detailed requirements for marketing a site to show that there is no demand for the existing use and to justify a change of use.

5.2 The requirement to market tourist accommodation

We note that the marketing requirement is slightly different for tourist accommodation. The policy seeks marketing the accommodation to potential customers for 12 months to understand the demand for the accommodation rather than marketing it for 12 months to sell it on the open market.

If you believe that your tourist accommodation is not successful or not viable enough, then we will need to understand why this is. We need to understand, in order to be successful and take into account the various costs associated with the accommodation, what % occupancy (in days or weeks in a year) is the 'break even' level. When marketing the accommodation for 12 months, we can then see how the occupancy level rates against that 'break even' level in that time.

Tourist accommodation permitted in the first few months of a calendar year may not receive many bookings for the following summer/peak period because people may book their holidays well in advance. Therefore, the 12-month period for marketing is best to start from the following December (1st) to be available for booking when people may book their holidays.

When marketing your accommodation, we would expect the accommodation to be available for rent on at least three well-known holiday accommodation websites. These may include Air BnB and bookings.com for example. You will need to explain and justify the websites you use. We would

expect good quality photos posted on those websites to help the accommodation be attractive to those looking for somewhere to stay.

The price charged per night needs to be reasonable and a level that is acceptable and one that someone is likely to pay to stay at your accommodation. This price will require justifying.

The property should be able to be let for a variety of time periods (for example 1 night, 2 nights, 7 nights etc), in accordance with any planning conditions attached to the property. Again, these time periods need to be justified.

If the property is unavailable for rent during the 12 months, you need to contact the Broads Authority to discuss this. The policy does say that a sustained period of 12 months is required. We may require the time the property is unavailable to be added on to the end of the 12 months.

The marketing report presented to the Broads Authority at the end of the 12 month period will need to detail what bookings were made and for how long. The report needs to say how many days or weeks in a year the accommodation was rented for and how that relates to what was expected to be successful year for the accommodation. This could usefully include information from the websites used to advertise the property. Indeed, information of the reviews received for the holiday accommodation will be of interest and relevance. If a negative review raises issues that can be addressed, how have you addressed those issues?

A different approach as stated above could be acceptable, but would need agreeing with the Broads Authority in advance.

The rest of this section (section 6) may not necessarily apply to changes of use of tourist accommodation, but we advise you to speak to the Planning Team (who offer free pre-application advice).

Specific questions for this section:

a) How do we define a well-known website?

b) Is there a cost associated with advertising on these websites? Is there a fair number to require?

c) Do any website companies have exclusivity demands? Do they say that you should not advertise on other websites?

d) When should the 12-month period start from; as soon as permission is granted, or a date like the following 1 December?

e) How do we address the quality of marketing? For example, should we say something about the standard of pictures on websites that advertise the property? What about the actual provisions of the property itself? How do we consider if a site is run-down and negative reviews on websites?

5.3 Permitted Development

Permitted Development rights allow changes of certain uses to other uses, subject to particular criteria. As part of marketing the site, the site will need to be marketed and/or investigated in terms of its potential for other uses permitted by the General Permitted Development Order⁶ as well as for its current use.

⁶ https://www.planningportal.co.uk/info/200187/your_responsibilities/37/planning_permission/2

5.4 The marketing strategy

How you market the site will vary based on the type of premises being advertised. The scope of the marketing exercise and how you intend to market the site needs to be set out in the marketing strategy and agreed with the Broads Authority beforehand. This will ensure the marketing strategy meets the requirements set out in this SPD/section, and will avoid the need to repeat the marketing exercise should the Authority consider the marketing is not up to standard, saving you time and money.

The marketing strategy will need to explain why the property is being marketed and its location, a description of the site, a summary of the planning history of the site including any restrictions, how the site will be advertised and markets and guide terms. More detail is provided in the following paragraphs.

The strategy will need to include a marketing matrix like the template below.

Marketing initiative	Budget	Year: 20xx											
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Marketing board	£xxx												
Targeted mailing	£xxx												
Online advertisement	£xxx												
...etc. etc.	£xxx												

5.5 How to market your site

As a minimum, the following initiatives need to be used for all premises. The Broads Authority may request other ways of marketing. [The strategy will be proportionate to the site/property that is being marketed/proposed for change of use.](#) Your strategy will need to explain how you will use the following methods in marketing your site. If you do not wish to use a particular method, you will need to fully explain and justify this in your strategy. [The Marketing Strategy will be agreed with the Broads Authority in advance.](#)

5.5.1 Method of marketing and approach to advertisement

This will cover:

- Basis of instruction - sole agent or joint agent, etc.
- Method of disposal - private treaty or informal/formal bids.
- Advertisement option - sale boards, internet, PR, publications, mailing, etc.

5.5.2 Marketing board

- A simple 'for sale' board for small commercial premises, single tourist unit accommodation and community facilities.
- For larger commercial units and tourist accommodation sites, larger boards giving details of the property including the guide price are required.
- Boards need to be placed so they can be seen from the main public vantage point (which could be a road and/or river in the Broads) but not so they cause obstructions or inconvenience to the public or neighbouring uses. They should also be designed and located in a way to not impact the special qualities of the Broads.
- Temporary 'for sale' boards do not generally require consent, subject to certain restrictions, and it is the land owner's responsibility to comply with these⁷.

⁷ [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007, Schedule 3, Part 1, Class 3A; 'Miscellaneous temporary advertisements'](#)

5.5.3 Marketing particulars

- a) The details of the site need to be advertised. The Marketing Strategy also needs to explain how you will advertise these particulars.
- b) For a small site, this could be on the website or be a simple handout.
- c) For larger commercial units and tourist accommodation sites, which are more likely to have a regional or national audience, the particulars need to be set out in a bespoke, well-designed brochure. This needs to include layouts of the building and professional photos.
- d) In all cases, the following information is required:
 - Background –why the property is being marketed.
 - Description – including details on floorspace, number of floors, layout, car parking and yard facilities.
 - Internal and external photographs
 - Location - including information on proximity to regional centres such as Norwich, Ipswich and Lowestoft, links to transport networks and general setting (e.g. Business Park / enterprise zone).
 - Description of accommodation
 - Terms (leasehold, freehold, long lease, etc.) - these should be flexible and consider prevailing market conditions. The length of leases should not be unduly restrictive.
 - Guide price/rent
 - Planning information – a summary of the existing planning use and status, history and restrictions.
 - Services and utilities
 - Energy Performance Certificate
 - Rateable value and business rates
 - VAT status
 - Legal and professional costs
 - Viewing arrangements
 - Contact information for the agent

5.5.4 Advertisement in press/press release

- a) For small commercial units, community facilities and single unit tourist accommodation, an advert is to be placed and maintained (for a period to be agreed with the Authority) in a local newspaper and estate/property agents (including with specialist trade agents if appropriate).
- b) For larger commercial units and tourist accommodation sites, specialist publications are to be used (again for a period to be agreed with the Authority) and estate/property agents (including with specialist trade agents if appropriate).
- c) Advertisements in both local and national publications should include a colour picture of the premises.
- d) For larger commercial units and tourist accommodation sites, a press release could be given to the local and regional press.

5.5.5 Online advertisement

- a) The site needs to be published on the agent's website
- b) Also, if for a commercial site, one national commercial property search engine.
- c) For very large commercial units and tourist accommodation parks, a bespoke website for the property should be created.
- d) The information set out in 6.4.2 needs to be displayed on the website.

5.5.6 Targeted mailing

- a) This would be completed by the agent.
- b) They may mail their contacts and/or purchase a database of contacts and send them the details.

5.6 Length of marketing campaign and re-advertising

The marketing of the site must be for a sustained period of 12 months at a realistic price (see 5.7). ~~A longer marketing period may be required if the market is stagnant.~~

This period may have the added benefit of allowing communities time to develop community led proposals, and will also be relevant if the property has been registered as an asset of community value with Broadland District, Great Yarmouth Borough, North Norfolk, Norwich City, South Norfolk or East Suffolk Council.

If there has not been a willing buyer/occupier in the first three months of marketing, the site/property will need to be re-advertised, using the above strategy, at three monthly intervals unless otherwise agreed with the Authority. This will need to continue for at least 12 months.

The strategy needs to address these requirements.

5.7 Expenditure on marketing

The budget for the marketing campaign should be proportionate to the anticipated return from the property. As a guide, the budget should be about 3% of the anticipated return from the property. The strategy needs to provide details of this.

5.8 Guide Price/Rent

This needs to be commensurate with the current market price for similar premises (which may reflect if the market is stagnant). To provide impartial evidence regarding viability and marketing of the property, an independent valuation is likely to be required. It is expected that the value of the property will be derived from an expert RICS registered valuer (likely to be the District Valuation Office) or accredited member of RICS (Royal Institution of Chartered Surveyors). The marketing must be at a reasonable and realistic value for the current permitted use class and for other permitted use classes (see 5.2) both for sale and rent. The strategy needs to provide details of this.

5.9 Marketing statement

If there has been no success in selling or letting the unit after 12 months of marketing, a marketing statement must be prepared and submitted with any planning application for redevelopment or change of use. The marketing statement should set out the following details:

- a) The original marketing strategy as agreed with the Broads Authority (which is likely to be in accordance with this SPD)
- b) The duration and dates of the marketing campaign
- c) The value of the property used in the marketing campaign and the justification to support this value
- d) Evidence that the marketing strategy was delivered – to include photos of the marketing boards, copies of particulars, screenshots of online advertisements, copies of press articles and adverts
- e) A full record of enquiries received throughout the course of the marketing campaign. This needs to record the date of the enquiry, details of the company/individual, nature of the enquiry, if the property was inspected, details of any follow-up and reasons why the prospective occupier deemed the premises unsuitable. If any offers were rejected, the grounds on which the offers were rejected must be provided. This will be subject to GDPR requirements.

- 309 f) If the record of enquiries indicates a lack of interest during the marketing campaign, the
310 report needs to detail the measure undertaken to alter the strategy and to increase
311 interest.

DRAFT

7) Preparing a Viability Assessment

7.1 Introduction

This SPD gives general information about requirements for viability assessments. It is not intended that this SPD goes into detail about completing viability assessments; instead it discusses viability assessments more generally. For more detailed information, visit the NPPG:

<https://www.gov.uk/guidance/viability>.

It is important to note that the Local Plan and its policies underwent a viability appraisal⁸ as part of the production and examination. The viability appraisal and its assumptions should be an important consideration when producing a site-specific viability assessment⁹.

Viability assessments must now not be based on information specific to the developer, and therefore need not be treated as commercially sensitive. If commercially sensitive information is included, then it should be aggregated in published viability assessments and executive summaries.

If no viability assessment is submitted then it will be assumed that the application is policy compliant and full policy ask is being delivered / not contended

7.2 Land Values

Site promoters and developers need to ensure that the price paid for land does not negatively affect the delivery of this Local Plan's objectives. The NPPG says:

- 'The price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. Landowners and site purchasers should consider this when agreeing land transactions'
- 'It is important for developers and other parties buying (or interested in buying) land to have regard to the total cumulative cost of all relevant policies when agreeing a price for the land. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan'
- 'Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan'.

Where land with planning permission is subsequently sold, the price paid for land should not be inflated to such an extent that it compromises the existing permission. Such land transactions should remain at a price that ensures that the development remains policy compliant.

7.3 Requirements of viability assessments

An independent chartered surveyor must complete the viability assessment.

The level of detail and type of evidence and analysis presented should be proportionate to the scale and nature of the site and/or property in question.

⁸ https://www.broads-authority.gov.uk/_data/assets/pdf_file/0010/1418653/EPS28-Updated-Viability-Appraisal-for-the-Broads-Local-Plan-Nov-2018.pdf

⁹ By way of background, the Local Plan for the Broads was examined using the 2012 NPPF. It is noted that the NPPG and the new NPPF have specific requirements relating to viability appraisals and these are noted. When determining the specifics of a site-specific viability appraisal, the current NPPF and NPPG will be referred to, noting that the Local Plan was examined under the 2012 NPPF.

The assessment must be clear and transparent, setting out robust evidence behind the assumptions that go into the development appraisal. There must be no hidden calculations or assumptions in any model or appraisal.

Viability Assessments need to include details of the proposed scheme including site area, unit numbers, number of habitable rooms (if residential), unit size, density and the split between the proposed tenures/uses. Floorspace figures need to be provided for residential uses (gross internal area) by tenure, and non-residential uses in gross internal area (GIA) and net internal area (NIA). Information needs to be provided relating to the target market of the development and proposed specification, and be consistent with assumed costs and values.

Details of the assumed development programme and the timing of cost and income inputs need to be provided.

Any assessments submitted needs to include an executive summary and ~~Ideally, the appraisal will include~~ a spreadsheet version of the viability assessment model that can be opened and interrogated in Microsoft Excel and similar spreadsheet software applications. We strongly recommend Homes England's Development Appraisal Tool, an open sourced spreadsheet that anyone can use.

7.4 Assisting a business to be run in a viable manner - grant funding/financial support

As part of the assessment, the applicant will need to demonstrate that they have explored all possible options to improve the viability and sustainability of the service/business. It is up to the applicant to investigate and demonstrate the steps they have taken, but it could include the following. Details of the grants or support investigated, whether the application was successful (and if not, why not), and the impact of this funding or support on viability must be provided as part of the viability assessment.

- a) **Business rate relief:** The district council may provide business rate relief. Owners or operators of the site in question should approach the district council to discuss the potential for this, and evidence of any such discussions with the district council will need to be provided with any planning application.
- b) **Interventions to improve the commercial attractiveness:** The owner or operator of the site will need to provide evidence showing how they have considered reasonable interventions to improve the attractiveness of the site, and evidence if these interventions are not feasible (if that is the case).
- c) **Grant funding and financial support:** Information showing that all available opportunities of grant funding and financial support to help retain the current use(s) have been fully explored and that none are viable (if that is the conclusion).

7.5 Community Infrastructure Levy (CIL)

At the time of writing, the Broads Authority does not have a CIL in place.

7.6 Confidentiality

Planning practice guidance is now clear that viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. In general, viability assessments are published online (as part of the supporting documents for planning applications on the Broads Authority's website) and are kept in the planning application file with the other studies,

plans and information contained within the planning application. Members of the public may ask to see these files.

In exceptional circumstances, where the publication of information would harm the competitiveness of a business due to the necessity to include commercial information unique to that business, the Authority will consider keeping some ~~or all~~ of the viability assessment confidential. In such cases, the applicant will need to provide full justification as to why the harm caused would outweigh the public interest in publishing the information.

Even when there are exceptional circumstances (i.e. the Authority is satisfied that the information is commercially sensitive) the executive summary should be made public. In such publications, the commercially sensitive information should be aggregated into costs in the executive summary. This does not mean that the information is not split out in the appraisal; just that it is not published in agreement with the Authority. Please see detail in Paragraph: 021 Reference ID: 10-021-20190509 Revision date: 09 05 2019¹⁰.

7.7 Likely future demand for the property

The viability assessment needs to assess the current and likely future market demand for the site or property.

7.8 Circumstances

Any Issues relating to the personal circumstances of the applicant or to the price paid for the building cannot be taken into consideration.

7.9 Independent Review

The Authority will need to verify the content of a viability assessment and may need to employ external expertise to do so. The applicant will need to meet this expense.

The independent review will assess and scrutinise the assumptions and assessment and give a view on whether the assessment is robust. If the assessment is not considered robust, this will be discussed with the applicant who may be asked to amend the assessment. Depending on circumstances, the independent review may include a revised viability assessment in accordance with this SPD and again the applicant will need to meet this expense.

7.10 Proposals relating to Public Houses

Owners wishing to pursue other uses of a public house will need to make a planning application and submit a report undertaken by an independent Chartered Surveyor that meets the tests as set out in the CAMRA Public House Viability Test¹¹. The Authority will need to verify the content of the report and may need to employ external expertise to do so. The applicant will need to meet this expense.

The Public House Viability Test does not seek to protect the continued existence of every pub - circumstances can change and some pubs find themselves struggling to continue. It does, however, help all those concerned in such cases – local authorities, public house owners, public house users and Planning Inspectors – by providing a fact-based method to rigorously scrutinise and test the future viability of a pub against a set of well-accepted measures.

The fundamental basis of this viability test is to assess the continued viability of a pub business. The question to address is what the business could achieve if it were run efficiently by management committed to maximising its success.

¹⁰ NPPG: <https://www.gov.uk/guidance/viability>

¹¹ CAMRA Public House Viability Test: www.camra.org.uk/documents/10180/36197/PHVT/725c3a01-9c07-4b2b-b263-a1842bef09b7

It is also important to note that some public houses may be listed as Assets of Community Value. These are allocated as such by the District Council, in liaison with the Broads Authority. There are certain requirements relating to these Assets which can be found here: <https://mycommunity.org.uk/help-centre/resources/land-and-building-assets/assets-community-value-acv/>

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8) Additional requirements relating to specific proposals/policies

7.1 Introduction

Some schemes are specific and trigger slightly different approaches to marketing and viability. In these instances, as set out above, the approach to marketing needs to be agreed with the Authority and viability and marketing assessments will be reviewed by external expertise with the cost met in full by the applicant. The specific differences are highlighted in bold.

7.2 Economy section of Local Plan.

The reasoned justification to policy DM26: Protecting general employment says that any assessment needs to consider employment, tourism, recreational and community uses of the site.

‘To prevent the loss of established employment sites and properties, proposals to redevelop them to uses related to community facilities or to sustainable tourism and recreation uses will only be permitted if it can be demonstrated that employment uses (uses within Classes B1, B2 or B8 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010) are unviable. **Only then will alternative uses be permitted, again subject to demonstrating that employment, tourism, recreational or community uses would be unviable**’.

7.3 Heritage section of the Local Plan

The reasoned justification to policy DM12: Re-use of Historic Buildings says that assessments need to consider and detail conversion costs and market for economic, leisure and tourism uses of the site.

‘Applications to convert a historic building to residential use will be expected to be accompanied by a report, undertaken by an independent Chartered Surveyor, **which demonstrates why economic, leisure and tourism uses would not be suitable or viable as a result of inherent issues with the building**. Issues relating to the personal circumstances of the applicant or as a result of a price paid for the building will not be taken into consideration. **Details should be provided of conversion costs and the estimated yield of the commercial uses, and evidence provided on the efforts that have been made to secure economic, leisure and tourism re-use** for a continuous 12-month period’.

7.4 Tourist accommodation section of the Local Plan

Policy DM30: Holiday accommodation – new provision and retention says that the emphasis is on demonstrating no demand for tourist accommodation in the area as well as assessing the impact of a net loss of accommodation that is necessary.

‘Existing tourism accommodation will be protected. Change of use to a second home or permanent residence will only be considered in exceptional circumstances **where it can be fully and satisfactorily demonstrated that there is no demand for tourist accommodation**’.

‘To make sure new holiday accommodation is used for tourism purposes that benefit the economy of the Broads, occupancy conditions will be sought to prevent the accommodation from being used as a second home or sold on the open market. To ensure an adequate supply of holiday accommodation is retained, the removal of such a condition will only be permitted where the proposal is accompanied by a statement, completed by an independent chartered surveyor, which demonstrates that it is financially unviable or **that any net loss of accommodation is necessary to allow appropriate relocation or redevelopment**’.

7.5 Affordable Housing policy

Policy DM34: Affordable housing reasoned justification says that effectively, the district’s percentage will be a starting point for assessment. If viability is an issue, the assessment can assess lower

percentages. In assessing lower percentages, the assessment should demonstrate at what percentage the scheme becomes unviable. Any assessment should use different tenures as they have different transfer values. For example, shared equity may be 50% market value; Low Cost Home Ownership may be 80 % market value. Where a developer is suggesting a scheme is unviable and seeking to reduce affordable housing they should model the highest transfer values in order to maximise the choice. Conversely, for any market housing, the assessment will work up from zero.

‘The independent review process will require the applicant to submit a site-specific viability appraisal (to include a prediction of all development costs and revenues for mixed use schemes) to the Authority’s appointed assessor. **They will review the submitted viability appraisal and assess the viable amount of affordable housing or the minimum number of market homes needed to cross subsidise the delivery of affordable housing on a rural exceptions site.** This review shall be carried out entirely at the applicant’s expense. Where little or no affordable housing would be considered viable through the appraisal exercise, the Authority will balance the findings from this against the need for new developments to provide for affordable housing. In negotiating a site-specific provision with the applicant, the Authority will have regard to whether or not the development would be considered sustainable in social terms’.

7.6 Converting buildings

Policy DM48: Conversion of buildings reasoned justification says that assessments need to consider and detail conversion costs and commercial yield and consider proposals for economic, commercial, leisure and tourism uses.

‘Residential conversions may be appropriate for some types of buildings and in certain locations, providing that it has been demonstrated that **a commercial or community use of the building is unviable** and that the building is of sufficient quality to merit retention by conversion. Applications to convert a building outside of a development boundary to residential use should be accompanied by a report undertaken, by an independent Chartered Surveyor, which **demonstrates why employment, recreation, tourism and community uses would not be viable due to inherent issues with the building.** This should include **details of conversion costs, the estimated yield of the commercial uses, and evidence of the efforts that have been made to secure employment, recreation, tourism and community** re-use for a sustained period of 12 months’.

7.7 Rural enterprise workers dwellings

Policy DM38: Permanent and temporary dwellings for rural enterprise workers addresses what to do if the condition relating to a rural enterprise dwelling is proposed to change to make it market residential.

‘Should a new dwelling be permitted under this policy, the Authority will impose a condition restricting its occupation to a person (and their immediate family) solely or mainly employed in agriculture, forestry or a Broads related rural enterprise, as appropriate.

The **removal of an occupancy condition** will only be permitted in exceptional circumstances where it can be demonstrated that:

- i) There is no longer a long-term need for the dwelling on the particular enterprise on which the dwelling is located; and
- j) **Unsuccessful attempts have been made to sell or rent the dwelling at a price that takes account of the occupancy condition**

517 Applications for the removal of occupancy conditions will also need to be accompanied **by robust**
518 **information to demonstrate that unsuccessful attempts have been made, for a continuous period**
519 **of at least 12 months, to sell or rent the dwelling at a reasonable price. This should take account of**
520 **the occupancy condition, including offering it to a minimum of three local Registered Social**
521 **Landlords operating locally on terms which would prioritise its occupation by a rural worker as an**
522 **affordable dwelling, and that option has been refused. With regards to criterion j), unless there**
523 **are special circumstances to justify restricting the dwelling to the particular enterprise where the**
524 **dwelling is located, an occupancy condition is likely to allow occupation by other workers in the**
525 **locality. In this case it should be considered whether there is other demand locally, not just**
526 **whether the demand for this particular enterprise has ceased’.**

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9) Summary

If you intend to submit a planning application to the Broads Authority, please check at an early stage whether your proposal will require marketing of the site and/or a viability. If it does, you must submit the assessment with your application as the Authority cannot validate your application until the assessment is received.

Please note that the assessment will be treated as public information in support of the application, along with all the other required documents and plans.

During the determination of the application, the Authority will assess the information you have provided against the market and viability requirements set out in this SPD. It will verify the content of any viability assessments and may need to employ external independent expertise to do so. As the applicant, you will need to meet this expense. The Authority will consider the expert advice and let you know whether: (a) the assessment adequately demonstrates the argument you have put forward; (b) further information is required; or (c) the assessment does not demonstrate the case. The application will then be determined accordingly.

Appendix A: Privacy notice

Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018. Our Data Protection Policy can be found here: http://www.broads-authority.gov.uk/data/assets/pdf_file/0003/1111485/Data-Protection-Policy-2018.pdf.

The Broads Authority will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will be made publicly available as part of the process. It will not however be sold or transferred to third parties other than for the purposes of the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Broads Authority is the data controller. The Data Protection Officer can be contacted at dpo@broads-authority.gov.uk or (01603) 610734.

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters. We will also contact you about later stages of the Local Plan process.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a Local Planning Authority, the Broads Authority may process personal data as necessary for the effective performance of a task carried out in the public interest, i.e. a consultation.

4. With whom we will be sharing your personal data

Your personal data will not be shared with any organisation outside of MHCLG. Only your name and organisation will be made public alongside your response to this consultation.

Your personal data will not be transferred outside the EU.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for 16 years from the closure of the consultation in accordance with our Data and Information Retention Policy. A copy can be found here <http://www.broads-authority.gov.uk/about-us/privacy>.

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a) to see what data we have about you
- b) to ask us to stop using your data, but keep it on record
- c) to ask to have all or some of your data deleted or corrected

576 d) to lodge a complaint with the independent Information Commissioner (ICO) if you think we
577 are not handling your data fairly or in accordance with the law. You can contact the ICO at
578 <https://ico.org.uk/>, or telephone 0303 123 1113.

579 **7.** Your personal data will not be used for any automated decision making.

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Appendix B: SEA Screening

The Strategic Environmental Assessment (SEA) Directive is a European Union requirement that seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing certain plans and programmes. Its aim is “to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”

With regards to a SPD requiring a SEA, the NPPG says:

Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the [Local Plan](#).

A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.

Before deciding whether significant environment effects are likely, the local planning authority should take into account the criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies.

The following is an internal assessment relating to the requirement of the Draft Marketing and Viability SPD to undergo a Strategic Environmental Assessment.

The Environmental Assessment of Plans and Programmes Regulations 2004 requirement	Assessment of the Marketing and Viability SPD
Environmental assessment for plans and programmes: first formal preparatory act on or after 21st July 2004	
Is on or after 21st July 2004.	Yes. The SPD will be completed in 2019.
The plan or programme sets the framework for future development consent of projects.	No. It elaborates on already adopted policy.
The plan or programme is the subject of a determination under regulation 9(1) or a direction under regulation 10(3) that it is likely to have significant environmental effects.	See assessment in this table.
CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT	
1. The characteristics of plans and programmes, having regard, in particular, to	
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating	The SPD expands on adopted policy. It will be a material consideration in determining planning applications. It is considered that the subject of the SPD does not negatively impact this criterion.

The Environmental Assessment of Plans and Programmes Regulations 2004 requirement	Assessment of the Marketing and Viability SPD
resources.	
the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The SPD does not influence other plans, rather expands on adopted policy. That is to say, it has been influenced by other plans or programmes.
the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	It is considered that the subject of the SPD does not negatively impact this criterion.
environmental problems relevant to the plan or programme	It is considered that the subject of the SPD does not negatively impact this criterion.
the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	It is considered that the subject of the SPD does not negatively impact this criterion.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to	
the probability, duration, frequency and reversibility of the effects	It is considered that the subject of the SPD does not negatively impact this criterion.
the cumulative nature of the effects	It is considered that the subject of the SPD does not negatively impact this criterion..
the transboundary nature of the effects	<p>The Broads Authority sits within six districts so by its very nature there are transboundary considerations, in relation to administrative boundaries.</p> <p>It is considered that the subject of the SPD does not negatively impact this criterion. The requirements will relate to a specific scheme and site.</p>
the risks to human health or the environment (for example, due to accidents)	It is considered that the subject of the SPD does not negatively impact this criterion.
the magnitude and spatial extent of the effects (geographical area and size of the population)	The SPD will cover the Broads Authority which includes 6,000 permanent residents. There are

The Environmental Assessment of Plans and Programmes Regulations 2004 requirement	Assessment of the Marketing and Viability SPD
likely to be affected)	also visitors throughout the year.
<p>the value and vulnerability of the area likely to be affected due to—</p> <ul style="list-style-type: none"> • special natural characteristics or cultural heritage; • exceeded environmental quality standards or limit values; or • intensive land-use; 	<p>The Broads is special in its natural characteristics and cultural heritage.</p> <p>Unsure if standards or limits have been exceeded in the Broads</p> <p>Not relevant</p>
The effects on areas or landscapes which have a recognised national, Community or international protection status.	The area to which the SPD applies is the Broads with an equivalent status to that of a National Park.

Response to consultation with Historic England, Natural England and Environment Agency:

Historic England

In terms of our area of interest, given the nature of the SPD and on the basis of the information provided in this consultation, we would concur with your assessment that the document is unlikely to result in any significant environmental effects and will simply provide additional guidance on existing Policies contained within a Adopted Development Plan Document which has already been subject to a Sustainability Appraisal/SEA. As a result, we would advise that it is not necessary to undertake a Strategic Environmental Assessment of this particular SPD.

Environment Agency

As stated, it elaborates on already adopted policy. We therefore agree with the conclusions you have drawn in that an SEA likely is not required.

Planning Committee

07 February 2020

Agenda item number 12

Appeals to the Secretary of State update – 7 February 2020

Report by Senior Planning Officer

Summary

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

Recommendation

To note the report.

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
APP/E9505/W/19/3226955 BA/2018/0303/FUL	Mr Grant Hardy	Appeal submitted 17 April 2019. Start Date 1 May 2019.	Thatched Cottage Watergate Priory Farm Beccles Road St Olaves Norfolk	Appeal against refusal of planning Permission: Erection of dwelling	Delegated Decision 20 December 2018. Notification Letters by 8 May. Statement by 5 June 2019. Inspector site visit scheduled for 15 July

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
					2019, but postponed by Planning Inspectorate. Appeal Dismissed 8 January 2020
APP/E9505/W/19/3237552 BA/2019/0214/FUL	James Knight LEF Trading Ltd	Appeal submitted 19 September 2019. Start date 13 November 2019	Land off Staitheway Road, Wroxham	Appeal against refusal of planning permission: Erection of two dwellings	Committee decision 16 August 2019 and planning decision issued 21 August 2019. Questionnaire submitted 19 November 2019. LPA Statement by 18 December 2019.
APP/E9505/C/20/3245609	Larry Rooney	Appeal submitted 26 January 2020	Black Gate Farm, Cobholm, Great Yarmouth NR31 0DL	Appeal against Enforcement Notice: Change of use and standing of seven caravans for residential use	Committee decision 8 November 2019. Enforcement Notice issued 16 December 2019, taking effect 27 January 2020.

Author: Cheryl Peel

Date of report: 27 January 2020

Background papers: BA appeal and application files

Planning Committee

07 February 2020

Agenda item number 13

Decisions made by Officers under delegated powers

Report by Senior Planning Officer

Summary

This report sets out the delegated decisions made by officers on planning applications from 18 December 2019 to 24 January 2020.

Recommendation

That the report be noted.

Parish	Application	Site	Applicant	Proposal	Decision
Beccles Town Council -	BA/2019/0395/HOUSEH	The White House The Score Northgate Beccles Suffolk NR34 9AR	Mr Paul Cannon	Replace 4 existing timber windows/doors with timber bi-fold doors, timber window and aluminium windows.	Approve Subject to Conditions
Brundall Parish Council	BA/2019/0402/FUL	Willow Marina Riverside Estate Brundall Norwich NR13 5PL	Mr John Parker	Replace approximately 90m of quay heading. Re-profile mooring area and	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
				replace with quay heading and floating pontoon.	
Ditchingham Parish Council -	BA/2019/0449/NONMAT	5 Ditchingham Dam Ditchingham Norfolk NR35 2JQ	Mr Smith And Ms Norton	Install window and door on extension instead of bi-fold doors, non-material amendment to permission BA/2018/0415/HOUSEH	Approve
Haddiscoe And Toft Monks PC -	BA/2019/0323/LBC	Raven Hall Langley Marshes Haddiscoe NR31 9HU	Mr P Spanton	2 storey extension. New Front Porch. Alterations to outbuilding. Internal Alterations.	Approve Subject to Conditions
Haddiscoe And Toft Monks PC -	BA/2019/0322/HOUSEH	Raven Hall Langley Marshes Haddiscoe NR31 9HU	Mr P Spanton	2 storey extension. New Front Porch. Alterations to outbuilding. Internal Alterations.	Approve Subject to Conditions
Haddiscoe And Toft Monks PC -	BA/2019/0401/CLEUD	Cuttbridge Cottage Station Road Haddiscoe NR31 9JA	Mr & Mrs Christina Palmer	Lawful Development Certificate for the standing of a mobile home.	CLUED Issued
Hoveton Parish Council -	BA/2019/0398/HOUSEH	Mirabilis 2 Bure Cottages Riverside Road Hoveton NR12 8UD	Mr & Mrs P Gowing	Proposed new balcony and removal of dormer, roof light and associated works.	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Ludham Parish Council -	BA/2019/0380/HOUSEH	Limes Farmhouse Clint Street Ludham NR29 5PA	Mr Matthew Sheppard	Erection of front boundary grey wooden picket fence of less than 1m in height	Approve Subject to Conditions
Mautby Parish Council	BA/2019/0414/APPCON	Manor Farm Cottage Manor Farm Low Road Runham Mautby Norfolk NR29 3EQ	Mr Holmes And Ms Gentle	Details of: Condition 4: Internal and external joinery sections of permission BA/2018/0471/LBC	Approve
Mettingham Parish Council -	BA/2019/0379/COND	1 Old Post Office Cottages Beccles Road Mettingham NR35 1TD	Mrs Jean Kiekopf	Variation of condition 4 of permission BA/1995/6403/HISTAP to allow use of annexe as holiday let.	Refuse
Oulton Broad Parish Council -	BA/2018/0517/FUL	Flat 1 Broad House Nicholas Everitt Park Lowestoft Suffolk NR33 9JR	Ms Tina Page	Change of use of flat from residential to use for the museum including community meeting room.	Approve Subject to Conditions
Oulton Broad Parish Council -	BA/2018/0522/LBC	Flat 1 Broad House Nicholas Everitt Park Lowestoft Suffolk NR33 9JR	Ms Tina Page	Change of use of flat from residential to use for the museum including community meeting room.	Approve Subject to Conditions
Oulton Broad Parish Council -	BA/2019/0259/APPCON	Study Centre Burnt Hill Lane Carlton	Mr Steve Aylward	Details of Conditions 6: External materials, 7:	Approve

Parish	Application	Site	Applicant	Proposal	Decision
		Colville Suffolk NR33 8HU		External joinery, 13: Screen planting, 20: Visibility splays of permission BA/2017/0405/FUL	
Postwick With Witton Parish Council	BA/2019/0393/COND	The Old Stables Oaks Lane Postwick Norwich NR135HQ	Mr Chris Langridge	Amendment to wording regarding European Protected Species mitigation licence, variation of condition 4 of BA/2017/0191/FUL	Approve Subject to Conditions
Reedham Parish Council	BA/2019/0419/HOUSEH	The Moorings 54 Riverside Reedham Norwich Norfolk NR13 3TE	Mr & Mrs Webster	Replacement rear extension	Approve Subject to Conditions
Repps With Bastwick Parish Council	BA/2019/0424/HOUSEH	The Homestead High Road Bastwick Repps With Bastwick Norfolk NR29 5JH	Mr & Mrs A Jones	Two storey rear extension with balcony & front porch	Approve Subject to Conditions
Rollesby Parish Council	BA/2019/0450/NONMAT	6 Rollesby Gardens Rollesby Norfolk NR29 5HD	Mr Geoff Beck	Infill corner on groundfloor adj. garage. Keep wall between kitchen and extension, only remove window to	Approve

Parish	Application	Site	Applicant	Proposal	Decision
				floor level. Non-material amendment to BA/2018/0197/HOUSEH	
Rollesby Parish Council	BA/2019/0420/NONMAT	Lady Broad Lodge Lady Broad Lane Rollesby Norfolk NR29 5GY	Mr G Roney	Omission of gable projection, non-material amendment to BA/2019/0123/HOUSEH	Approve
Somerton Parish Council	BA/2019/0408/HOUSEH	The Pantiles Cottage Road Somerton NR29 4DL	Mr Clinton Button	Single-storey rear extension	Approve Subject to Conditions
Stalham Town Council -	BA/2019/0407/HOUSEH	2 Utopia Way Mill Road Stalham Norfolk NR12 9DD	Mr Andy Richardson	Single storey rear extension	Approve Subject to Conditions
Stokesby With Herringby Parish Council	BA/2019/0383/HOUSEH	4 Paved Yard Croft Hill Stokesby With Herringby NR29 3AL	Mr & Mrs Michael and Dawn Lamb	Replace garden room with single storey entrance lobby and dining room. First floor extension over existing office and bathroom.	Approve Subject to Conditions
Wroxham Parish Council -	BA/2019/0375/HOUSEH	Yeoman House Beech Road Wroxham Norwich NR12 8TP	Mrs B Halford	Replace conservatory with a garden room	Approve Subject to Conditions

Author: Cheryl Peel

Date of report: 27 January 2020

Planning Committee

07 February 2020

Agenda item number 14

Circular 28/83 Planning Statistics for quarter ending 31 December 2019

Report by Planning Technical Support Officer

Summary

This report sets out the development control statistics for the quarter ending December 2019.

Recommendation

To note the report.

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1. Development control statistics

- 1.1. The development control statistics for the quarter ending are summarised in the tables below.

Table 1

Number of applications

Category	Number of applications
Total number of applications determined	49
Number of delegated decisions	47
Numbers granted	46
Number refused	3
Number of Enforcement Notices	2
Consultations received from Neighbouring Authorities	21

Table 2

Speed of decision

Speed of decision	Number	Percentage of applications
Under 8 weeks	33	67.4%
8-13 weeks	6	12.3%
13-16 weeks	0	0%
16-26 weeks	0	0%
26-52 weeks	2	4.1%
Over 52 weeks	0	0%
Agreed Extension	8	12.3%

Table 3

National performance indicators: BV 109 The percentage of planning applications determined in line with development control targets to determine planning applications.

National target	Actual
60% of Major applications ¹ in 13 weeks (or within agreed extension of time)	0
65% of Minor applications ² in 8 weeks (or within agreed extension of time)	75%
80% of other applications ³ in 8 weeks (or within agreed extension of time)	80%

Author: Thomas Carter

Date of report: 27 January 2020

Appendix 1 – PS1 returns

Appendix 2 – PS2 returns

¹ Majors refers to any application for development where the site area is over 1000m²

² Minor refers to any application for development where the site area is under 1000m² (not including Household/ Listed Buildings/Changes of Use etc.)

³ Other refers to all other applications types

Appendix 1 – PS1 returns

Measure	Description	Number of applications
1.1	On hand at beginning of quarter	48
1.2	Received during quarter	47
1.3	Withdrawn, called in or turned away during quarter	3
1.4	On hand at end of quarter	41
2.	Number of planning applications determined during quarter	49
3.	Number of delegated decisions	47
4.	Number of statutory Environmental Statements received with planning applications	0
5.1	Number of deemed permissions granted by the authority under regulation 3 of the Town and Country Planning General Regulations 1992	0
5.2	Number of deemed permissions granted by the authority under regulation 4 of the Town and Country Planning General Regulations 1992	0
6.1	Number of determinations applications received	0
6.2	Number of decisions taken to intervene on determinations applications	0
7.1	Number of enforcement notices issued	1
7.2	Number of stop notices served	0
7.3	Number of temporary stop notices served	0
7.4	Number of planning contravention notices served	0
7.5	Number of breach of conditions notices served	1
7.6	Number of enforcement injunctions granted by High Court or County Court	0
7.7	Number of injunctive applications raised by High Court or County Court	0

Appendix 2 – PS2 returns

Table 1

Major applications

Application type	Total	Granted	Refused	8 weeks or less	More than 8 and up to 13 weeks	More than 13 and up to 16 weeks	More than 16 and up to 26 weeks	More than 26 and up to 52 weeks	More than 52 weeks	Within agreed extension of time
Dwellings	1	1	0	0	0	0	0	1	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
Total major applications	1	1	0	0	0	0	0	1	0	0

Table 2

Minor applications

Application type	Total	Granted	Refused	8 weeks or less	More than 8 and up to 13 weeks	More than 13 and up to 16 weeks	More than 16 and up to 26 weeks	More than 26 and up to 52 weeks	More than 52 weeks	Within agreed extension of time
Dwellings	4	3	1	3	1	0	0	0	0	0
Offices/Light Industry	0	0	0	0	0	0	0	0	0	0
General Industry/Storage/Warehousing	0	0	0	0	0	0	0	0	0	0
Retail Distribution and Servicing	0	0	0	0	0	0	0	0	0	0
Gypsy and Traveller Sites	0	0	0	0	0	0	0	0	0	0
All Other Minor Developments	19	19	0	10	4	0	0	0	0	5
Minor applications total	23	22	1	13	5	0	0	0	0	5

Table 3

Other applications

Application type	Total	Granted	Refused	8 weeks or less	More than 8 and up to 13 weeks	More than 13 and up to 16 weeks	More than 16 and up to 26 weeks	More than 26 and up to 52 weeks	More than 52 weeks	Within agreed extension of time
Minerals	0	0	0	0	0	0	0	0	0	0
Change of Use	1	1	0	0	0	0	0	1	0	0
Householder Developments	17	15	2	14	1	0	0	0	0	0
Advertisements	1	1	0	1	0	0	0	0	0	0
Listed Building Consent to Alter/Extend	6	6	0	5	0	0	0	0	0	1
Listed Building Consent to Demolish	0	0	0	0	0	0	0	0	0	0
Certificates of Lawful Development ⁴	6	4	2	5	1	0	0	0	0	0
Notifications	0	0	0	0	0	0	0	0	0	0
Other applications total	31	27	4	25	2	0	0	1	0	1

⁴ 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 row in Table 4.

Table 4

Totals by application category

Application type	Total	Granted	Refused	8 weeks or less	More than 8 and up to 13 weeks	More than 13 and up to 16 weeks	More than 16 and up to 26 weeks	More than 26 and up to 52 weeks	More than 52 weeks	Within agreed extension of time
Major applications	1	1	0	0	0	0	0	1	0	0
Minor applications total	23	22	1	13	5	0	0	0	0	5
Other applications total	25	23	2	20	1	0	0	1	0	1
TOTAL	49	46	3	33	6	0	0	2	0	6
Percentage (%)		93.9	6.1	67.3	12.3	0	0	4.1	0	12.3

Planning Committee

07 February 2020

Agenda item number 16

Designating the Mettingham, Barsham and Shipmeadow and Ringsfield and Weston Neighbourhood Area

Report by Planning Policy Officer

Summary

This report introduces the Mettingham, Barsham and Shipmeadow and Ringsfield and Weston Neighbourhood Plan.

Recommendation

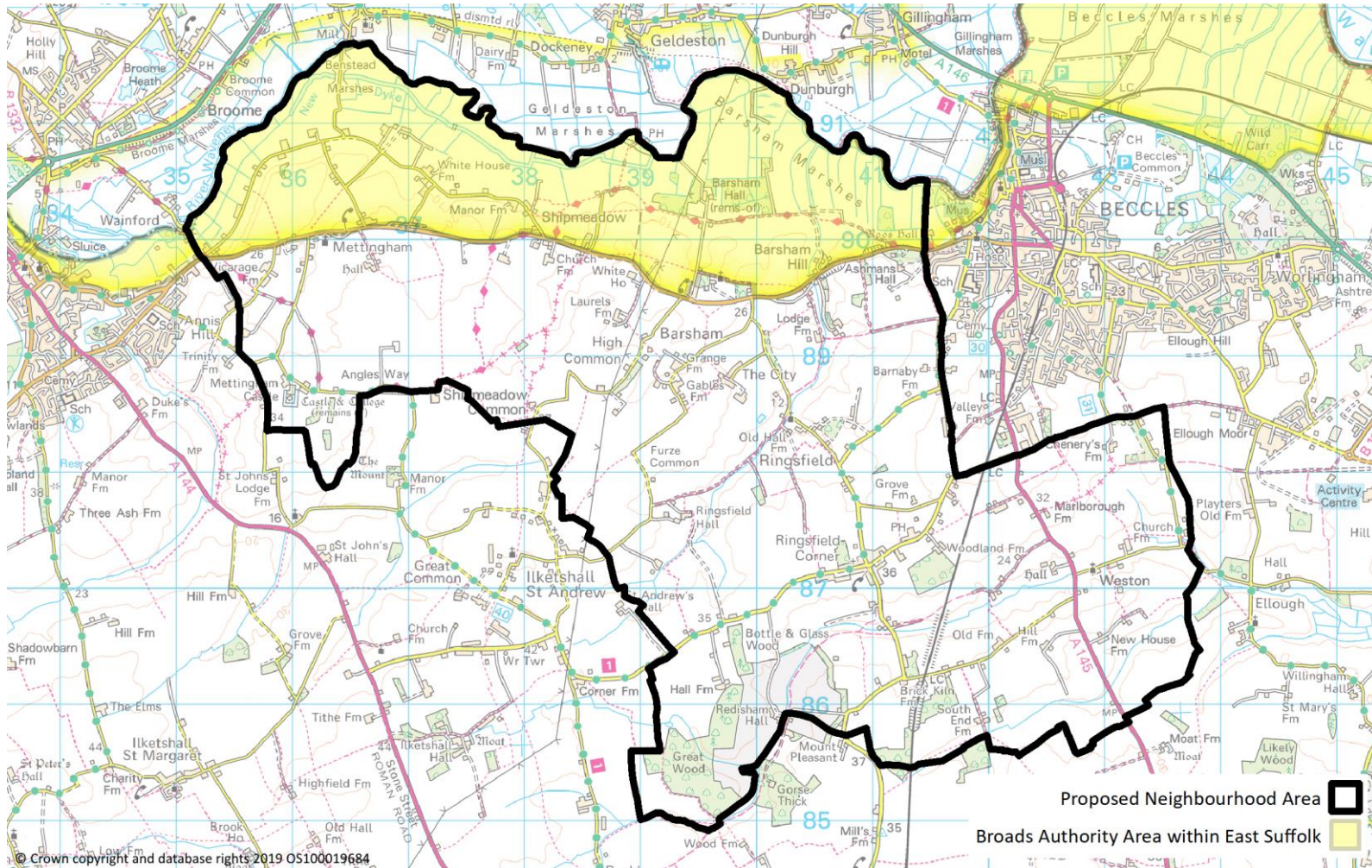
To agree to Mettingham, Barsham and Shipmeadow and Ringsfield and Weston becoming a neighbourhood area to produce a Neighbourhood Plan.

1. Neighbourhood planning

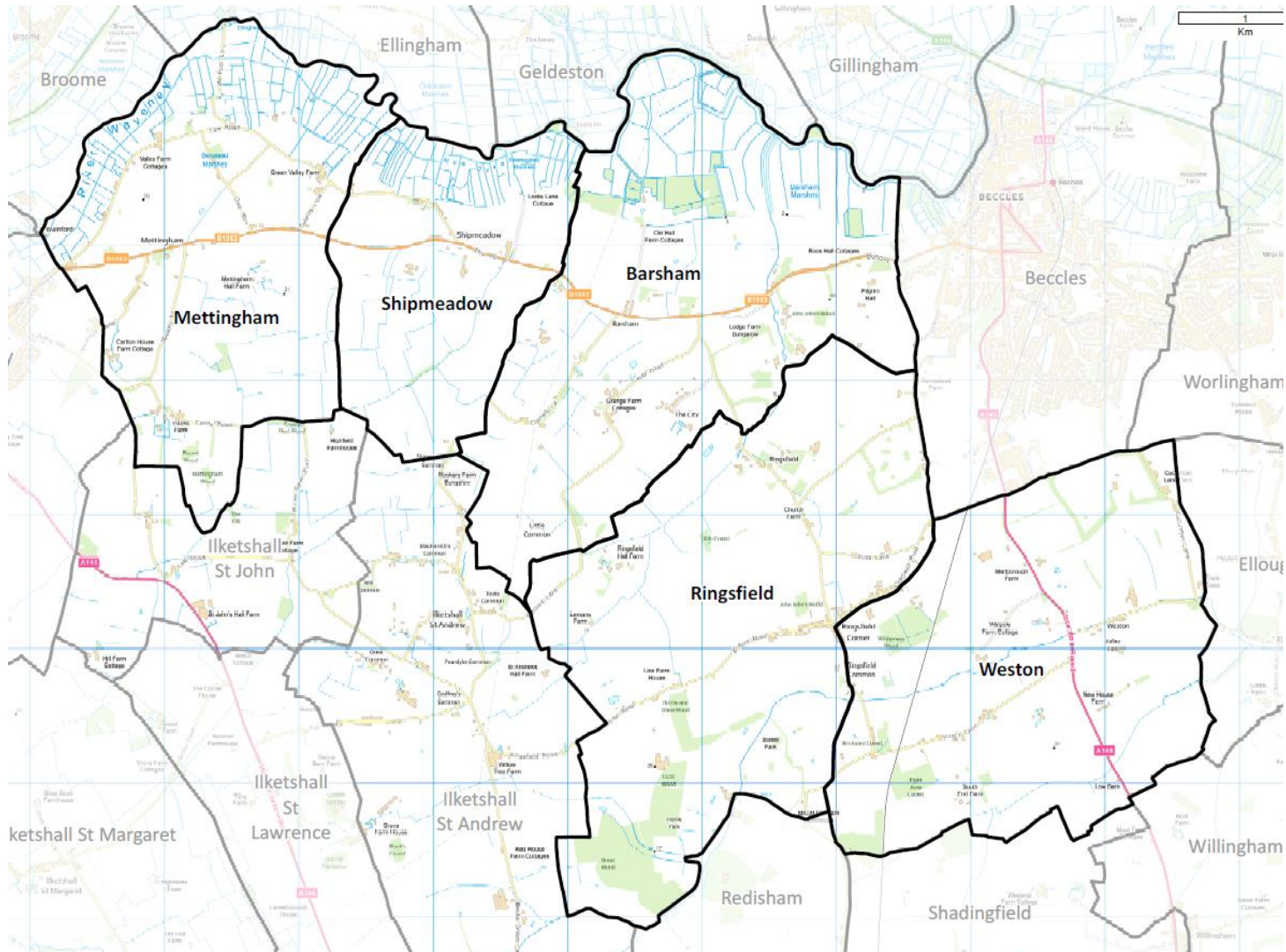
- 1.1. Neighbourhood planning was introduced through the Localism Act 2011. Neighbourhood Planning legislation came into effect in April 2012 and gives communities the power to agree a Neighbourhood Development Plan, make a Neighbourhood Development Order and make a Community Right to Build Order.
- 1.2. A Neighbourhood Development Plan can establish general planning policies for the development and use of land in a neighbourhood, such as where new homes and offices should be built, and what they should look like.
- 1.3. Under the Neighbourhood Planning (General) Regulations 2012, parish or town councils within the Broads Authority's executive area undertaking Neighbourhood Plans are required to apply to the Broads Authority and the relevant District Council to designate the Neighbourhood Area that their proposed plan will cover.
- 1.4. Given that this proposed area covers a number of parishes, the proposal was consulted on from 6 December 2019 to 24 January 2020.

2. Map showing Mettingham, Barsham and Shipmeadow and Ringsfield and Weston

- 2.1. Mettingham, Barsham and Shipmeadow and Ringsfield and Weston Parish Councils in East Suffolk have submitted the application for the entire area of the parishes. Source: East Suffolk Council.



This map shows the parishes of which the area is made up. Source East Suffolk Council



3. Consultation responses

- 3.1. Responses were received from Historic England and Natural England. These seem to be generic responses, and are included at Appendix A.

4. About Mettingham, Barsham and Shipmeadow and Ringsfield and Weston neighbourhood area application

- 4.1. The nomination was received on 10 November 2019.
- 4.2. There are no known or obvious reasons not to agree the Neighbourhood Area.
- 4.3. Useful links are shown below:
- [Broads Authority Neighbourhood Planning](#)
 - [Link to council's neighbourhood planning web page](#)
 - [Royal Town Planning Institute neighbourhood planning guidance](#)

5. Financial implications

- 5.1. There will be no cost to the Broads Authority for the referendum at the end of the process, as East Suffolk have agreed to take on this task and cost.

Author: Natalie Beal

Date of report: 29 January 2020

Appendix A: Consultation responses from Natural England and Historic England

APPENDIX A Mettingham, Barsham and Shipmeadow and Ringsfield and Weston Neighbourhood Area

Respondent	Response
Natural England (-)	<p>Natural England does not wish to make comment on the suitability of the proposed plan area or the proposed neighbourhood planning body.</p> <p>However we would like to take this opportunity to provide you with information sources the neighbourhood planning body may wish to use in developing the plan, and to highlight some of the potential environmental risks and opportunities that neighbourhood plans may present. We have set this out in the annex to this letter.</p> <p><u>Natural England's role</u></p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. The local planning authority will be aware and should advise the neighbourhood planning body when Natural England should be consulted further on the neighbourhood plan.</p> <p><u>Planning policy for the natural environment</u></p> <p>Neighbourhood plans and orders present significant opportunities, but also potential risks, for the natural environment. Proposals should be in line with the National Planning Policy Framework. The key principles are set out in paragraphs 170-177.</p> <p>The planning system should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> • protecting and enhancing valued landscapes, geological conservation interests and soils; • recognising the wider benefits of ecosystem services; • minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; <p>The neighbourhood planning body should also consider the natural environment policies in the area's Local Plan. The neighbourhood plan or order should be consistent with these, and the neighbourhood planning body may decide that the emerging Neighbourhood Plan should provide more detail as to how some of these policies apply or are interpreted locally.</p> <p>The attached annex sets out sources of environmental information and some natural environment issues you may wish to consider as the neighbourhood plan or order is developed.</p>
Historic England (-)	<p>Thank you for notifying Historic England about this Neighbourhood Plan Area Designation. As the Government's adviser on the historic environment, Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. We are therefore pleased to have been notified at this early stage. I would be</p>

Respondent	Response
	<p>grateful if you could forward this letter to the neighbourhood group for Mettingham, Barsham, Shipmeadow, Ringsfield and Weston, to whom the rest of this letter is addressed.</p> <p>Neighbourhood Plans are an important opportunity for local communities to set the agenda for their places, setting out what is important and why about different aspects of their parish or other area within the neighbourhood area boundary, and providing clear policy and guidance to readers - be they interested members of the public, planners or developers - regarding how the place should develop over the course of the plan period.</p> <p>The conservation officer at your local planning authority will be the best placed person to assist you in the development of the Plan with respect to the historic environment and can help you to consider and clearly articulate how a strategy can address the area's heritage assets. Unfortunately, Historic England is not able to be involved in the detailed development of the strategy for all neighbourhood areas, but we offer some general advice and guidance below, which we hope is helpful.</p> <p>Paragraph 185 of the National Planning Policy Framework (2019) sets out that Plans, including Neighbourhood Plans, should set out a <u>positive strategy</u> for the conservation and enjoyment of the historic environment. In particular, this strategy needs to take into account the desirability of sustaining and enhancing the significance of all types of heritage asset where possible, the need for new development to make a positive contribution to local character and distinctiveness; and ensure that it considers opportunities to use the existing historic environment to help reinforce the character of your area.</p> <p>As a minimum, it is important that the positive strategy you put together safeguards and protects those elements of your neighbourhood area that contribute to the significance of any designated or non-designated heritage assets. This is especially important if you are considering site allocations or development proposals as part of your plan. This will ensure that those assets can be enjoyed by future generations of the area and make sure your plan is in line with the requirements of national planning policy, as found in the National Planning Policy Framework (NPPF). Information on designated heritage assets, other than Conservation Areas, can be found on Historic England's website by searching the National Heritage List: https://historicengland.org.uk/listing/the-list/.</p> <p>The government's <u>National Planning Practice Guidance</u> https://www.gov.uk/guidance/neighbourhood-planning--2 on neighbourhood planning is also clear that, where relevant, neighbourhood plans need to include enough information about local heritage to guide local authority planning decisions and to put broader strategic heritage policies from the local authority's local plan into action but at a <i>neighbourhood scale</i>. Your Neighbourhood Plan is therefore an important opportunity for a community to develop a positive strategy for the area's locally important heritage assets that aren't recognised at a national level through listing or scheduling. If appropriate this should include enough information about local non-designated heritage assets, including sites of archaeological interest, locally listed buildings, or identified areas of special historic landscape character. Your plan could, for instance, include a list of locally important <i>neighbourhood heritage assets</i>, (e.g. historic buildings, sites, views or places of importance to the local community) setting out what factors make them special against a robust set of criteria. These elements can then be afforded a level of protection from inappropriate change through an appropriately worded policy in the plan requiring any harm to them be clearly justified. We refer you to our guidance on local heritage listing for further information: HE Advice Note 7 - local</p>

Respondent	Response
	<p>listing: https://www.historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7</p> <p>Information and guidance on how heritage can best be incorporated into Neighbourhood Plans has been produced by Historic England, including on evidence gathering, design advice and policy writing. Our webpage contains links to a number of other documents which your forum might find useful. These can help you to identify what it is about your area which makes it distinctive, and how you might go about ensuring that the character of the area is protected or improved through appropriate policy wording and a robust evidence base. This can be found here: https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/.</p> <p>The recently published Historic England Advice Note 11- Neighbourhood Planning and the Historic Environment available to download also provides useful links to exemplar neighbourhood plans that may provide you with inspiration and assistance for your own. This can be found here: https://historicengland.org.uk/images-books/publications/neighbourhood-planning-and-the-historic-environment/</p> <p>The NPPF (paragraphs 124 - 127) emphasises also the importance placed by the government on good design, and this section sets out that planning (including Neighbourhood Plans) should, amongst other things, be based on clear objectives and a robust evidence base that shows an understanding and evaluation of an area. The policies of neighbourhood plans should also ensure that developments in the area, especially if you are considering allocating sites for development, establish a strong sense of place, and respond to local character and history by reflecting the local identity of the place - for instance through the use of appropriate materials, and attractive design. If you are considering site allocations, it is especially important to consider design questions at the earliest possible stage to provide clarity and certainty not only for the community, but also for any prospective developer. Community design workshops are a useful tool to explore the use of in this regard. The output from these can then be fed into the policy wording for any site allocation, ensuring that the plan achieves your aspirations.</p> <p>One way that we would recommend gathering evidence on your local area and what your community consider to be important is to undertake a “Placecheck” exercise. This is simple and effective a way of assessing the qualities of a place, what is worth preserving, what could be improved, and developing a strategy for achieving both. More information on this can be found here: https://placecheck.info/en/</p> <p>The plan could also include consideration of any Grade II listed buildings or locally-designated heritage assets which are at risk or in poor/deteriorating condition. These could then be the focus of specific policies aimed at facilitating their enhancement as part of any wider proposals. An example could be where a vacant or derelict site contains buildings in poor condition which nonetheless are important to the character of your area or are of interest in their own right, and which would be important to repair and retain as part of any development proposal. We would refer you to our guidance on writing effective neighbourhood plan policies, which can be found here: https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/policy-writing/.</p> <p>If you area contains areas of historic designed landscape or parkland, we would recommend that you contact the Gardens Trust http://thegardenstrust.org/ who, as the statutory consultee for</p>

Respondent	Response
	<p>parks and gardens, will be able to offer advice and information on their significance. You can then incorporate in the evidence base and policy regarding the historic environment within your plan.</p> <p>If you have not already done so, we would recommend that you speak to the staff at your local archaeological advisory service (this is usually your county council, but can also be held by Unitary Authorities) who look after the Historic Environment Record and give advice on archaeological matters. They should be able to provide details of not only any designated heritage assets but also non designated locally-important buildings, archaeological remains and landscapes. Some Historic Environment Records may be available to view on-line via the Heritage Gateway (www.heritagegateway.org.uk <http://www.heritagegateway.org.uk>), and this website also provides the contact details for the Historic Environment Team relevant to your local area. It may also be useful to involve local voluntary groups such as a local Civic Society, local history groups, building preservation trusts, etc. in the production of your Neighbourhood Plan, particularly in the early evidence gathering stages. They could undertake community led historic area assessments, record features of interest, or undertake research.</p> <p>Your local authority might also be able to provide you with more general support in the production of your Neighbourhood Plan, including the provision of appropriate maps, data, and supporting documentation. There are also funding opportunities available from Locality that could allow the community to hire appropriate expertise to assist in such an undertaking. This could involve hiring a consultant to help in the production of the plan itself and assist with the development of sound policies, or to undertake work that could form the evidence base for the plan. More information on this can be found on the My Community website here: <http://mycommunity.org.uk/funding-options/neighbourhood-planning/>.</p> <p>The neighbourhood plan is an opportunity for the community to clearly set out which elements of the character and appearance of the neighbourhood area as a whole are considered important, as well as provide specific policies that protect the positive elements, and address any areas that negatively affect that character and appearance. An historic environment section of your plan could include policies to achieve this and these policies could be underpinned by a local character study or historic area assessment. This could be included as an appendix to your plan. Historic England's guidance notes for this process can be found here: HE Advice Note 1 - conservation area designation, appraisal and management <https://historicengland.org.uk/images-books/publications/conservation-area-designation-appraisal-and-management>, and here: <https://historicengland.org.uk/images-books/publications/understanding-place-historic-area-assessments/>. The funding opportunities available from Locality discussed above could also assist with having this work undertaken.</p> <p>Your neighbourhood plan is also an opportunity for the community to designate Local Green Spaces, as encouraged by national planning policy. Green spaces are often integral to the character of place for any given area, and your plan could include policies that identified any deficiencies with existing green spaces or access to them, or aimed at managing development around them. Locality has produced helpful guidance on this, which is available here: <https://mycommunity.org.uk/resources/neighbourhood-planning-local-green-spaces.></p> <p>You can also use the neighbourhood plan process to identify any potential Assets of Community Value in the neighbourhood area. Assets of Community Value (ACV) can include things like local public houses, community facilities such as libraries and museums, or again green open spaces. Often these can be important elements of the local historic environment, and whether or not they</p>

Respondent	Response
	<p>are protected in other ways, designating them as an ACV can offer an additional level of control to the community with regard to how they are conserved. There is useful information on this process on Locality's website here: http://mycommunity.org.uk/take-action/land-and-building-assets/assets-of-community-value-right-to-bid/ .</p> <p>Communities that have a neighbourhood plan in force are entitled to claim 25% of Community Infrastructure Levy (CIL) funds raised from development in their area, if the local planning authority has CIL in place (some do not). The Localism Act 2011 allows this CIL money to be used for the maintenance and on-going costs associated with a range of heritage assets including, for example, transport infrastructure such as historic bridges, green and social infrastructure such as historic parks and gardens, civic spaces, and public places. As a Qualifying Body, your neighbourhood forum can either have access to this money or influence how it is spent through the neighbourhood plan process, setting out a schedule of appropriate works for the money to be spent on. Historic England strongly recommends that the community therefore identifies the ways in which CIL can be used to facilitate the conservation of the historic environment, heritage assets and their setting, and sets this out in the neighbourhood plan. More information and guidance on this is available from Locality, here: https://mycommunity.org.uk/resources/community-infrastructure-levy-neighbourhood-planning-toolkit/</p> <p>In addition to the Historic England guidance linked to above, the following general guidance also published by Historic England may also be useful to the plan forum in preparing the neighbourhood plan, or considering how best to develop a strategy for the conservation and management of heritage assets in the area. It may also be useful to provide links to some of these documents in the plan's Glossary:</p> <p>HE Advice Note 2 - making changes to heritage assets: https://historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/</p> <p>HE Good Practice Advice in Planning 3 - the setting of heritage assets: https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/</p> <p>If you are considering including Site Allocations for housing or other land use purposes in your neighbourhood plan, you may need to undertake a Strategic Environmental Assessment. We would recommend you review the following two guidance documents, which may be of use:</p> <p>HE Advice Note 3 - site allocations in local plans: https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans</p> <p>HE Advice Note 8 - Sustainability Appraisal and Strategic Environmental Assessment : https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/</p> <p>We recommend the inclusion of a glossary containing relevant historic environment terminology contained in the NPPF, in addition to details about the additional legislative and policy protections that heritage assets and the historic environment in general enjoys.</p> <p>Finally, we should like to stress that this advice is based on the information provided by East Suffolk Council. To avoid any doubt, this does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the</p>

Respondent	Response
	<p>proposed neighbourhood plan, where we consider these would have an adverse effect on the historic environment.</p> <p>I hope that the above information is useful for you, but if you have any queries about anything above, or would like to discuss anything further, please do not hesitate to contact me.</p>

Report run at 29 Jan 2020 10:56:55. Total records: 2.