

Planning Committee

Agenda 26 March 2021

10.00am

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Participants: You will be sent a link to join the meeting. The room will open at 9.00am and we request that you **log in by 9.30am** to allow us to check connections and other technical details.

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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 5 March 2021** (Pages 3-13)
4. Points of information arising from the minutes
5. To note whether any items have been proposed as matters of urgent business

Matters for decision

6. Chairman's announcements and introduction to public speaking
Please note that public speaking is in operation in accordance with the Authority's [Code of Conduct for Planning Committee](#) and the new Government regulations and standing orders agreed by the Authority.
7. Request to defer applications include in this agenda and/or vary the order of the agenda
8. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**
 - 8.1. BA/2020/0408 – Westerley, Borrow Road, Oulton Broad: demolition of existing and erection of replacement dwelling (Westerley) and erection of new dwelling on neighbouring plot (The Moorings) (Pages 14-24)

Enforcement

9. **Enforcement update** (Pages 25-29)
Report by Head of Planning

Matters for information

10. **National Planning Policy Framework (NPPF) consultation response** (Pages 30-39)
Report by Planning Policy Officer
11. **Appeals to the Secretary of State update** (Pages 40-42)
Report by Senior Planning Officer
12. **Decisions made by Officers under delegated powers** (Pages 43-46)
Report by Senior Planning Officer
13. **To note the date of the next meeting – Friday 23 April 2021 at 10.00am**

Planning Committee

Minutes of the meeting held on 05 March 2021

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Present

Melanie Vigo di Gallidoro – in the Chair, Harry Blathwayt, Stephen Bolt, Bill Dickson, Andrée Gee, Gail Harris, Lana Hemsall, Tim Jickells, Bruce Keith, James Knight, Leslie Mogford, Vic Thomson, Fran Whymark

In attendance

Natalie Beal – Planning Policy Officer, Essie Guds – Governance Officer (meeting Moderator), Stephen Hayden – Arboricultural Consultant, Jack Ibbotson – Planning Officer, Kate Knights– Historic Environment Manager, Sarah Mullarney – Governance Officer (meeting Moderator), Cally Smith – Head of Planning, Marie-Pierre Tighe – Director of Strategic Services, Sara Utting – Governance Officer (minute taker) and Tony Wilkins – Planning Officer (Compliance & Implementation)

Members of the public in attendance who spoke

Graeme Hewitt (on behalf of applicant) for item 8(1) – application BA/2021/0028/FUL – Whitlingham Country Park.

1. Apologies and welcome

The Chairman welcomed everyone to the meeting.

Openness of Local Government Bodies Regulations 2014

The Chairman explained that the meeting would be held remotely in accordance with the Coronavirus Regulations 2020 and the Standing Orders for remote meetings agreed by the Broads Authority on 22 May 2020. The meeting would be live streamed and recorded and the Authority retained the copyright. The minutes remained the record of the meeting.

2. Declarations of interest and introductions

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

3. Minutes of last meeting

The minutes of the meeting held on 5 February 2021 were approved as a correct record and would be signed by the Chairman, subject to an amendment to Appendix 1 (to reflect that Norwich City Council was a member of the Greater Norwich Development Partnership and not Gail Harris as a Norwich City Councillor).

4. Points of information arising from the minutes

Minute 11 – Adopting the Residential Moorings Guide

The Head of Planning reported that the Environment Agency had subsequently been in contact with officers to discuss the vulnerability classification for houseboats and this could potentially result in some changes to the Guide. Accordingly, the Guide would not be considered by the Broads Authority at its meeting on 19 March but deferred to a later date. If

the changes were significant these would be presented to the Planning Committee for consideration prior to adoption of the Guide by the full Authority.

5. Matters of urgent business

There were no items of urgent business

6. Chair'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.

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

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

8. Applications for planning permission

The Committee considered the following application 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 decision.

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

(1) BA/2021/0028/FUL – Whitlingham Country Park

Construction of toilet block

Applicant: Whitlingham Country Park

The Planning Officer (PO) provided a detailed presentation of the application for the construction of a toilet block to replace the temporary building which had functioned as public toilets since temporary planning permission was granted in 2014. The PO updated the Committee with comments received since the report had been prepared, as follows: the Public Rights of Way Officer had no objections but CNC Building Control had raised concerns which would require amendments to the plans to meet Part M of the Building Regulations. Confirmation had been received from the agent that they would amend the plans to increase the size of the application site and the footprint of the building but these had yet to be received. Accordingly, the officer recommendation would need to be amended to delegate authority to the Head of Planning to approve subject to the receipt of satisfactory plans to meet the Building Regulations.

In assessing the application, the PO addressed the key issues of: principle of development; design and appearance of the building and any impact upon the landscape and historic buildings, and accessibility of the replacement building.

Mr Hewitt, on behalf of the applicant, advised that he did not wish to provide a statement in support of the application but was happy to answer questions.

In response to a member's question on what would be the life expectancy of the building, the PO commented that he was unsure but based on the fact that the building would not be near water and so would not be constantly getting wet then dry, he estimated 40-50 years.

A member question how long the site would be without toilet facilities during the construction period. The PO responded that there would be a short period of construction and officers were proposing a condition for temporary toilets. Whilst there were alternative facilities in the flint barn, their use was impacted by the current Covid restrictions.

Mr Hewitt added to these responses, advising that the life expectancy of the building was 50 years and 30 years for the cladding. The new facility would provide male, female and disabled toilets and would take approximately 4-6 weeks to complete.

A member referred to the ground conditions around the toilet block and whether these would be suitable for use by wheelchair users. The PO responded that the surface was type 1 hardcore (compacted gravel) so there would be good access.

Members concluded that the replacement of the temporary facility with a permanent facility was to be welcomed and, subject to minor amendment to the design or clarification that the current layout would be acceptable in terms of accessibility, the scheme was a good quality and well designed permanent replacement.

Melanie Vigo di Gallidoro proposed, seconded by Leslie Mogford, to delegate authority to approve the application, subject to conditions and

It was resolved unanimously

to approve the application subject to the conditions outlined within the report and an amendment to the design and size of the wheelchair accessible WC and access ramp, which may include an increase in the size of the building if the current scheme would not meet relevant Building Regulations.

9. Enforcement update

Members received an update report from the Planning Officer (Compliance and Implementation) on enforcement matters previously referred to the Committee. Further updates were provided for:

Former Marina Keys, Gt Yarmouth: still awaiting final clearance of site.

Blackgate Farm, High Mill Road, Cobholm: Hearing rescheduled by Planning Inspectorate to 20 July.

land east of North End, Haddiscoe: commencement date was 12 February with compliance date of 12 May.

In response to a question on why the Hearing for Blackgate Farm had been delayed, the Head of Planning advised that the Planning Inspectorate required an accompanied site visit with representatives of the Authority, the appellants and those residing on the site. Due to the current Covid restrictions, this was not possible but officers had contacted the Planning Inspectorate to confirm they would be happy for the Inspectorate to carry out site visit unaccompanied. However, the Inspectorate had responded that it required all parties to be present and the new date in July, whilst disappointing, was the first available date.

10. Tree in Oulton Broad Conservation Area – prosecution

The Historic Environment Manager (HEM) introduced her report seeking authority to commence prosecution proceedings in respect of wilful damage to a tree in Oulton Broad Conservation Area. The HEM also provided a detailed presentation, including photographs of the site and the affected tree.

It was noted that pre-application discussions had been ongoing for a number of years regarding a replacement dwelling at Westerley and a new dwelling on the adjoining plot known as The Moorings, which was in the same ownership. As part of these negotiations, there had been discussion about the significance of the view of Oulton Broad and from Broadview Road and footpath 33, and the retention of this view. In November 2020 a planning application was submitted which included the removal of the Beech tree in order to achieve the applicant's preferred layout on the plots, to which the Authority's Arboricultural consultant raised an objection. Following further negotiations, the applicant amended the drawing to show the tree's retention and this revision was submitted on 21 December 2020. The Arboricultural consultant subsequently carried out another site visit, on 18 January 2021, when it was discovered that three holes had been made in the tree trunk which appeared to have been made with a drill. The holes had fungal pellets inserted into them and were plugged with twigs. An unknown fungus was growing out of some of the holes. At a further site visit, on 21 January 2021, a full survey was taken of the tree including an assessment of the tree's suitability for a Tree Preservation Order. At this visit, it was discovered that there were actually 15 holes drilled into the tree, of which five had mushrooms growing from them.

It was evident from the tree survey that the damage was deliberate and officers contacted the landowner who subsequently confirmed that he took full responsibility for his actions over his treatment of the Beech tree. He confirmed his reason for wanting to remove the tree was to create a clear view between the replacement and new dwellings. However, when asked about the type of fungus contained within the pellets, the landowner confirmed he was unable to provide this information.

The HEM advised the Committee that, since the case had been reported in the local Press, a letter of support of the Authority had been received from a member of the public.

A member asked if the severity of the damage to the tree was known and questioned if there was a lesser remedy which might be open to the Authority which would achieve the same purpose and whether prosecution was proportionate. The HEM responded that the owner had acknowledged his actions and spoken of his regret which the Court would take into

consideration if prosecution was pursued. She advised that this would be the appropriate place for the matter to be assessed and confirmed there was no lesser course of action the Authority could take as the damage had been done so it would not be possible to negotiate or mitigate the harm in this case as the damage was permanent. The Arboricultural Consultant advised that it was not possible to quantify the level of damage currently. Whilst there was evidence of fungus, it was not certain exactly what it was but it was definitely detrimental to the future health and safety of the tree. The holes had been filled with twigs and the Authority had no knowledge of what had been placed in those holes but it would hasten the demise of the tree. Any new owner would be justified in being worried about the tree due to its decline. He concluded that there had been a malicious act and this would cause problems to the future owner of the site and therefore, the Authority had no other options available to it.

The Head of Planning (HoP) added that officers had carefully considered the appropriate course of action prior to coming to the recommendation before members. This included all the alternative options such as informal advice, warning, a requirement to replant or replace either now or in the future, issue of a Caution or to initiate prosecution proceedings. There were factors which the Authority had to have regard to, for example would this act as a deterrent and the financial advantage obtained by the landowner if successful in his actions, through the development proposal as the value of the plot would be affected. It was important to note that the landowner was well aware that the tree was protected by a TPO and of the Authority's objections to its removal. He did not advise the Authority of his actions until six months later or try to remove the pellets. It was questionable that his remorse was genuine and whether the Authority could be confident of the depth and sincerity of his apology. Finally, there were the issues of public perception and public interest and officers were of the opinion that there was clear evidence and it would be in the public interest to prosecute the perpetrator.

Having heard all of the above, the member confirmed that he was content all angles had been considered.

Another member commented that the financial implications of a prosecution were not outweighed by the financial benefits of the tree's removal. In his view the fungus would be very effective and the tree would die and the resultant planning permission would outweigh any fines imposed. The HEM responded that this matter would not necessarily have a bearing on the planning application which needed to be judged on its own merits. It could be a long time before there was obvious damage to the tree and meanwhile, the provisional TPO was to be confirmed and in the longer term, the Authority would seek to replace the tree if necessary. However, this would obviously take some time before it afforded the same benefits as the existing tree.

In response to a question about the status of the planning application for this site, the Arboricultural Consultant advised that officers had requested the building line be set back from the tree but the situation was now different due to the owner's actions and the future

safety of the tree needed to be considered. Whilst the application showed the tree to be retained, there were obviously issues.

A member referred to the amount of Ivy growing on the tree, commenting that this could also be a sign of neglect, and questioned what would happen to the tree, ie would it be cut down immediately or wait to see if it remained safe. The Arboricultural Consultant advised that the planning application would be assessed on the basis of the tree being retained, with space allowed for its growth and any associated planting. Officers would keep a watching brief to see what happened to the tree plus there was an obligation on the perpetrator to monitor its condition.

In assessing what action to take, members took into consideration the wilful and deliberate damage caused to the tree; the tree was a mature specimen in good condition and made an important contribution to the character of the Conservation Area; the Authority's duty to protect the Conservation Area and the trees within that area, as well as duty to protect the planning system and the procedures established in law. It was apparent that, in damaging the tree, the owner of the site was seeking private gain at the expense of the public benefits afforded by the tree.

Fran Whymark proposed, seconded by Bill Dickson and

It was resolved unanimously to authorise the commencement of prosecution proceedings in respect of the wilful damage to a protected tree.

11. Adopting the Peat Guide

The Planning Policy Officer introduced the report, which proposed the adoption of a Peat Guide to elaborate on the policy within the adopted Local Plan seeking a reduction in the amount of peat that was excavated as part of a development proposal. The draft Guide had been subject to consultation between September and November 2020.

Tim Jickells proposed, seconded by Bruce Keith, and

It was resolved unanimously to endorse the Guide and recommend it to the Broads Authority for adoption.

12. Norfolk Strategic Planning Framework version 3 endorsement

The Planning Policy Officer introduced the report, containing the third version of the Norfolk Strategic Planning Framework (NSPF) which set out agreements relating to cross boundary, strategic planning matters. It demonstrated how all the local planning authorities would work together under the Duty to Co-operate, through a series of agreements on planning related topics. Whilst the Framework was not an adopted planning document in its own right, it could be seen as a guide for future planning work.

Bill Dickson proposed, seconded by Andrée Gee, and

It was resolved unanimously to endorse the NSPF version 3 and recommend it to the Broads Authority for adoption.

13. Local Plan for the Broads – review

The Planning Policy Officer (PPO) introduced the report, which provided an update on the start of the review of the Local Plan for the Broads; the likely steps and issues generally about producing Local Plans.

A member commented that there was no mention of the adoption of the Climate Emergency since the original Plan was produced and that this should be in the Authority's evidence. The PPO responded that officers were well aware of the issues and were in discussion with the Climate Change Officer how it should be addressed in the Local Plan. Issues of mitigation, adaption, resilience and sequestering etc would be addressed.

The report was noted.

14. Review of Scheme of Delegated Powers to Officers

The Director of Strategic Services (DoSS) introduced the report, setting out proposed changes to the planning section of the Scheme of Delegated Powers to Officers, together with the rationale for the proposed changes.

A summary of the changes was as follows:

- Updated column on authorised officers
- Paragraphs 37 (iv) & (v) to enable officers to determine applications under delegated powers where representations are received and the recommendation is to refuse
- Updates to reflect latest Regulations and terminology
- Inclusion of addition sections covering Conservation Areas, heritage and planning policy
- Paragraph 49 (TPOs) amended wording for clarity
- Reordering of sections to improve flow and minor changes to wording

In response to a member's question on the purpose of the changes, in particular the proposed additional wording to paragraphs 37(iv) and (v) and the benefits it would bring, the DoSS advised that currently applications had to be referred to the Planning Committee when representations were received and the recommendation was to refuse. It would be more efficient to process those applications under delegated powers. The member responded that he did not consider this would have a big impact as the committee did not consider a large number of applications, to which the DoSS responded that the proposed change would bring the Authority in line with what was happening elsewhere.

A number of members concurred with the views expressed above by the member, citing the low workload of the committee in terms of number of applications and so there would be no

benefit in changing that delegation role. In particular, one member referred to the Authority's role as the decision maker and the ability to delegate powers to officers as appropriate but the Planning Committee remained the decision maker. He considered that the Scheme of Delegated Powers needed improvements but some of the proposed changes were taking it in the wrong direction. An example of this was where an application which was well supported locally, but the officers were recommending refusal, but it would not be before the committee for determination. He considered that the potential outcome (ie refusal or approval) should not determine whether an application was referred to committee or not and could result in an increased number of appeals. Furthermore, the revised wording of "... material planning reasons of significant weight" in paragraphs 37 (vi) and (vii) could prevent members' power of call-in which he considered to be ultra vires and he suggested alternative words of "appropriate planning reasons". Another member concurred with this suggestion, commenting that the NPPF referred to "material planning considerations" and therefore the word "significant" should be removed, as this was subjective.

Lana Hempsall had left the meeting at this point.

In conclusion, members expressed their support for the revised planning section of the Scheme of Delegated Powers to Officers but with the following amendments:

Paragraphs 37(iv) and (v) – deletion of the proposed additional words "and it is proposed to grant planning permission".

Paragraphs 37(vi) and (vii) – delete reference to "significant weight" so it read "... is placed before the Planning Committee for a decision, for appropriate planning reasons".

Tim Jickells proposed, seconded by Bruce Keith and

It was resolved by 10 votes for, 1 against and 1 abstention (due to the member having lost connection) to endorse the planning section of the Scheme of Delegated Powers to Officers and recommend it to the Broads Authority for approval, subject to the amendments detailed above.

15. Winterton Neighbourhood Plan – agreeing to consult

The Planning Policy Officer introduced the report, which sought agreement for public consultation to go ahead on the Winterton Neighbourhood Plan. Members noted that that the Broads Authority was a key stakeholder and therefore able to comment on the Plan. It was anticipated that a report would be presented to a future meeting of the Committee for endorsement of the suggested response.

The Chair asked if Members were happy to endorse the recommendation and

It was agreed by consensus to note the report and agree that the Winterton Neighbourhood Plan proceeds to consultation.

16. Consultation documents update and proposed response

The Planning Policy Officer introduced the report, which provided a proposed response to a consultation by the Greater Norwich Authorities on the Greater Norwich Local Plan prior to its examination by an independent Planning Inspector.

The Chair asked if Members were happy to endorse the recommendation and

It was agreed by consensus to note the report and endorse the proposed response.

17. Circular 28/83 – Publication by Local Authorities about the handling of planning applications – quarter 4

The Committee received the development control statistics for the quarter ending 31 December 2021, noting that 100% of all applications had been agreed within the 8 weeks' target or within an agreed extension of time.

18. Appeals to the Secretary of State

The Committee received a schedule of appeals to the Secretary of State since February 2021.

19. Decisions made by officers under delegated powers

The Committee received a schedule of decisions made by officers under delegated powers from 25 January 2021 to 19 February 2021 and any Tree Preservation Orders confirmed within this period.

20. Date of next meeting

The next meeting of the Planning Committee would be on Friday 26 March 2021 10.00am.

The meeting ended at 12:18pm

Signed by

Chairman

Appendix 1 – Declaration of interests Planning Committee, 05 March 2021

Member	Agenda/minute	Nature of interest
Andrée Gee	10	Ward Councillor
Gail Harris	12 & 15	Norwich City Councillor
Lana Hemsall	12 & 15	Broadland District Council appointee to a number of regional and county level planning fora
Bruce Keith	8.1	Former Trustee of the Whitlingham Charitable Trust
Vic Thomson	8.1	Application site was within his County Division
Melanie Vigo di Gallidoro on behalf of all Members	12	All Members were signatories to the document
Fran Whymark	12	Norfolk County Councillor

Planning Committee

26 March 2021

Agenda item number 8.1

BA/2020/0408: Westerley & The Moorings, Borrow Road, Oulton Broad – Demolition of existing and erection of replacement dwelling (Westerley) and erection of new dwelling on neighbouring plot (The Moorings)

Report by Senior Planning Officer

Proposal

Demolition of existing dwelling (Westerley) and erection of replacement dwelling and erection of new dwelling on neighbouring plot (The Moorings).

Applicant

Mr and Mrs Swietlik

Recommendation

Approve subject to conditions

Reason for referral to committee

There have been several representations that have raised material considerations.

Application target date

20 January 2021

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1. Description of site and proposals

- 1.1. The application site lies on the northern banks of Oulton Broad at the western end of Broad View Road, a suburban road consisting of mainly substantial, detached properties which sit on large plots, frequently positioned relatively close to the road and in close proximity to one another, with long gardens running towards the Broad. The site is within the Oulton Broad Conservation Area.
- 1.2. Westerley is a detached, two storey, flat-roofed property clad in vertical timber boards. It is situated close to the southern boundary of the plot, adjacent to its residential neighbour, Beechside. There is a flat-roofed double garage to the north-east corner of the plot, a small, thatched shed towards the northern boundary and a mooring at the edge of the broad to the west. The remainder of the plot is laid to lawn and the land declines towards the water.
- 1.3. The existing plot at The Moorings is separated from Westerley by a 1.8m tall hedge extending west to east along the boundary. The majority of the plot is laid to lawn and

there is a thatched boathouse, slipway and mooring at the western end by the Broad. The northern and eastern edges of the site have several large, mature trees. There are residential properties to both the north and east of the site as well as a public footpath forming part of the Angles Way which runs along the eastern boundary.

- 1.4. The proposals are for the erection of two, two-storey dwellings at the eastern ends of the plots known as Westerley and The Moorings. The new dwelling at Westerley will replace the existing and will be positioned in a similar position to that of the existing property. The new dwelling at The Moorings will be situated directly north of this, in line with the neighbour further to the north, The Croft.
- 1.5. The two proposed dwellings are laid out in an upside-down style with the main living areas on the first floor to take advantage of views across the Broad. The ridge heights of the proposed dwellings were calculated by taking the average height of the ridges of Beechside (to the south) and The Croft (to the north). The highest point of the new dwellings is 6.9m. Both properties have matching gables that project towards the water and result in an overhang over the main balcony. The dwelling at Westerley is proposed to be 'L' shaped with an integral garage. The width at the eastern elevation (widest point) is approximately 17m. The dwelling at The Moorings is 'T' shaped with no garage. The length of the northern elevation (widest point) is approximately 18m including the enclosed balcony area.
- 1.6. The access point from Broadview Road will remain the same and parking areas are provided for both properties. The existing boathouse at The Moorings will be retained as will the quay heading and mooring cuts at the edge of the broad.

2. Site history

- 2.1. BA/1976/5504/HISTAP Erection of two bedroomed bungalow. Refused.
- 2.2. BA/1976/5599/HISTAP Erection of house and garage. Refused.
- 2.3. BA/1980/5600/HISTAP Erection of dwelling and garage. Refused & appeal dismissed.
- 2.4. BA/2011/0225/FUL Erection of new fence to replace existing. Approved.

3. Consultations received

Parish Council

3.1. **Original response:**

Over development replace one house with two. Overall height of the new houses thereby overbearing on the neighbours property loss of light, sunlight privacy. Over development of the moorings site, allowing larger boats. There will also be an impact on footpath 33 and the wildlife.

3.2. **Response to latest amended plans:**

Our recommendation has not changed.

Environment Agency

- 3.3. No objections.

Suffolk County Council (SCC) Highways

- 3.4. No objections.

BA Environment Officer

- 3.5. No objection to the proposed new development subject to the listed enhancements and conditions.

BA Tree Officer

- 3.6. **Original response:**

Given the size of the site it seems unfortunate that the northernmost dwelling requires the loss of two large trees, a sycamore and beech tree, the beech being a key landscape feature at on the eastern boundary of the site immediately adjacent to the entrance. Both of the trees to be lost are healthy specimens with good life expectancy. I would therefore like to see the plot(s) redesigned to allow the sustainable retention of the trees.

- 3.7. **Response to latest amended plans:**

I consider the amendments acceptable subject to the recommendations of the arboricultural consultants being implemented. If the proposal is deemed acceptable, we should condition the submission of a detailed Arboricultural Method Statement for our approval prior to commencement, detailing all proposed construction methodology, foundations services, drainage, levels, piling plan (including piling mat construction details & plant size) and associated Tree Protection Plans for works within the RPA and provide details of proposed arboricultural monitoring and reporting throughout any permitted development.

BA Historic Environment Manager

- 3.8. **Original response:**

To summarise, although I am generally supportive of the proposal and the principle of development I have the following concerns that I would like to see addressed:

- Scale sections across the sites showing neighbouring properties. These do not need to be detailed elevations but do need to show accurate building heights and ground levels so that the relative heights of the proposed and neighbouring buildings can be compared.
- The north elevations are long, blind and relatively prominent elevations and I would suggest that their impact is reduced.
- I need to see a sample of the Pigmneto blue zinc. I question whether it is an appropriate material for such a large area on the north elevations.
- The loss of two trees within the conservation area.

3.9. Response to latest amended plans:

- I have no objection to the zinc, which varies in shade between grey and blue-grey depending on its position and the light / weather conditions. This variation in tone should work well and relate successfully to the red bricks and timber that form the other materials in the palette.
- The removal of the garage block reduces the extent of the built form at the eastern end of the site, which is beneficial to the setting of the building and the wider conservation area, as well as improving conditions for the trees in the vicinity.
- The amendments to the north elevation of the proposed house at The Moorings give it a more domestic and less austere appearance. I therefore have no objections to the application.

ESDC Environmental Health Officer

- 3.10. The Homescreen report submitted with the application is not sufficient to rule out contamination that may be present on the site. This work, together with any other investigation, remediation and validation which may subsequently be required should be secured using appropriately worded conditions.

BA Landscape Officer

- 3.11. No objection to amended plans.

4. Representations

- 4.1. Responses have been received from 16 households. 10 object and 6 are in support.

Object:

- Overdevelopment of the area.
- Out of character for the area.
- The proposed dwellings are too high.
- Loss of light and overshadowing.
- Adverse impact on the footpath.
- Loss of privacy.
- Loss of public amenity.
- Concerns about services to the plots.
- Concerns about impact on wildlife.
- Flooding and drainage issues.
- Concern over accuracy of plans.
- Concern about loss of trees.
- A smaller replacement would be preferred.
- Sets a precedent for other mooring plots.

- Detrimental to the area.

Support:

- Well thought out design, height and spacing.
- An improvement to the area.
- No detriment to adjacent properties.
- Views to the Broad will remain.
- The proposals will enhance the area both from the broad and the public footpath.
- No loss of views or light.
- Plenty of space for development.

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:
 - DM5 – Development and flood risk
 - DM11- Heritage Assets
 - DM113 – Natural environment
 - DM16 – Development and Landscape
 - DM21 – Amenity
 - DM23 – Transport, highways and access
 - DM35 – Residential development within defined development boundaries
 - DM43 – Design
- 5.3. The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are material considerations.

6. Assessment

- 6.1. The main considerations in the determination of this application are the principle of development, the design of the new buildings and the impacts on the Conservation Area, trees, biodiversity, flood risk, neighbour amenity and highways.

Principle of development

- 6.2. In terms of the principle of development, both national and local planning policy seek to focus new development towards existing settlements in order to protect the countryside. The development boundary for Oulton Broad is drawn quite tightly around the existing dwellings along Broadview Road and does not include the majority of gardens extending towards the Broad. The eastern parts of both Westerley and The Moorings are within the Oulton Broad Development Boundary.

- 6.3. The application seeks permission for both a replacement dwelling and the erection of a new dwelling within the development boundary for Oulton Broad and so Policy DM35 of the Local Plan for the Broads applies. Policy DM35 states that new dwellings within development boundaries are supported where compatible with other policies within the Local Plan and where they are of a scale that is suitable and appropriate for the size of the site and reflect the character of the area. The principle of development on this site is therefore acceptable.

Design and Materials

- 6.4. Policy DM43 of the Local Plan for the Broads requires all development to be of a high standard of design and that it integrates effectively with the surroundings, reinforces local distinctiveness and landscape character and preserves or enhances cultural heritage.
- 6.5. The proposed buildings relate well to neighbouring properties in terms of their height and the elevations work well in terms of the way in which they break up the massing of the buildings. In terms of materials, the limited palette works well and the proposed vertical timber cladding and red brick are acceptable in principle, being materials local to the area. The roof material is pigment blue zinc which, although not traditional, varies in shade between grey and blue-grey depending on its position and the light and weather conditions and it is considered that this variation in tone will work well and relate successfully to the red bricks and timber that form the other materials in the palette.
- 6.6. Other criteria of the policy will be discussed in detail below but the proposal is considered to be in accordance with Policy DM43.

Impact upon the Conservation Area and landscape

- 6.7. The application is accompanied by an Arboricultural Impact Assessment, a Landscape Visual Impact Assessment and Landscape Plan and Heritage Statement. Following initial consultations, amendments were made to these documents and the amended versions are considered here.
- 6.8. The existing property at Westerley is not of any architectural merit and does not enhance the character of the Conservation Area. The principle of its demolition and replacement with a more contemporary form of development in this location is considered acceptable. As the existing thatched boathouse does contribute to the character of the Conservation Area, its retention is welcomed.
- 6.9. Whilst the new dwelling proposed at The Moorings will inevitably result in a denser form of development than at present, a new dwelling on the plot situated in relatively close proximity to its neighbours is not out of keeping with the form and pattern of development found within this part of the conservation area along Broadview Road. It is acknowledged that it would result in a more restricted view to the Broad from Broad View Road but the view itself will still be maintained.

- 6.10. The revised plans addressed the need to remove trees on the north and west boundaries to facilitate the development (which was not supported), by reducing the scale of the dwelling at The Moorings and creating a better relationship between the building and the existing trees. The BA Tree Officer has no objection to the revised scheme subject to a condition requiring the submission of a Method Statement for works within the Root Protection Areas.
- 6.11. The Broads Landscape Character Assessment [*6 Waveney - Boundary Dyke, Barnby to The Fleet, Oulton*] identifies the distinctly contrasting character between the busy eastern and the quieter more natural western end of Oulton Broad. The site is located in an area whose character is one of large dwellings within large plots which tend to have extensive, well vegetated gardens which provide a visual foil, filtering views of development and reducing the effect built development has on both the character of the area and in views from the Broad.
- 6.12. The Landscape Visual Impact Assessment has been carried out by a suitably qualified professional, accords with relevant guidelines and its findings are accepted. The design and materials of the proposed dwellings do seek to minimise the visual effects particularly from views across the Broad and the revised landscaping scheme are acceptable, whilst the new dwelling at The Moorings replicates this pattern of development. The mooring and quay heading at the Broad's edge are existing and will be retained.
- 6.13. The revised proposals are not considered to result in an adverse visual impact on the character of the Oulton Broad Conservation Area nor will they result in the unnecessary loss of trees within the site. The proposals are therefore considered to be in accordance with Policies DM11 and DM16 of the Local Plan for the Broads.

Amenity of residential properties

- 6.14. Policy DM21 of the Local Plan for the Broads seeks to protect the existing amenity of neighbouring properties as well as providing new occupiers with a satisfactory level of amenity. The replacement dwelling at Westerley is situated in a similar position to the existing dwelling and has the main habitable windows facing east to west, as existing. Windows on the side elevations are high level or rooflights to prevent overlooking.
- 6.15. There is some concern among local residents that the new dwelling at The Moorings will result in a detrimental impact on their amenity due loss of light, overlooking and loss of a view through to the Broad. The agents therefore provided a supplementary report on direct sunlight carried out by Geologic and additional plans which address the issue of loss of light for both neighbouring properties Hiwood and The Croft. In accordance with the best practice methodology within Building Research Establishment (BRE) guidance document on Loss of Light REP 209 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' 2nd Edition, it can be demonstrated that the new dwelling at The Moorings falls well inside the 25° rule and would not result in a detrimental impact in terms of loss of daylight.

- 6.16. The north-east elevation of the new property at The Moorings has only one window at first floor level facing Hiwood and this serves a kitchen. The distance between the dwellings at first floor level is over 20m and there is additional screening from the mature trees on the boundary and so direct overlooking and loss of privacy is not considered to be a concern here.
- 6.17. The issue of a loss of view from the footpath through to the Broad is not a material planning consideration. However, the revised site layout plan does demonstrate that there is a sufficient gap between the two new dwellings to retain a view of the Broad from Broadview Road and the footpath and so the proposal will not result in an unacceptable impact on the amenity of neighbours and users of the footpath. The proposals are considered to accord with the requirements of Policy DM21.

Flood Risk

- 6.18. The application is accompanied by a Flood Risk Assessment. Whilst parts of the site fall within flood zones 3a and 3b, the buildings themselves are proposed within flood Zone 1. The floor levels proposed are 2.355m AOD which is above the 0.5% and 0.1% modelled flood levels inclusive of climate change and refuge is provided on the first floor. The access and egress routes for the site fall within flood zone 1 and both flood resilient construction techniques and a flood response plan are proposed. The proposal is therefore considered to be in accordance with Policy DM5 of the Local Plan for the Broads.

Impacts on biodiversity

- 6.19. The application is accompanied by an Ecological Appraisal, Bat Survey and Reptile Survey and there is no objection from the BA Environment Officer subject to the enhancements recommended by the reports.
- 6.20. The [Suffolk Coast Recreation Disturbance Avoidance and Mitigation Strategy \(RAMS\)](#) is a partnership between East Suffolk Council, Ipswich Borough Council and Babergh and Mid Suffolk District Councils. Its aim is to reduce the impact of increased levels of recreational use on habitat due to new residential development in the Suffolk Coast area and to provide a simple, coordinated way for developers to deliver mitigation for their developments. In smaller developments mitigation is most efficiently achieved through payment of the RAMS contribution only.
- 6.21. The site lies within the strategy's Zone of Influence and so a Habitat Regulations Assessment was carried out by the BA Environment Manager and it was concluded that a RAMS contribution was required. This payment was made to East Suffolk District Council. The proposal is therefore considered to be in accordance with Policy DM13 of the Local Plan for the Broads.

Other issues

- 6.22. The access and parking arrangements are unchanged by the development and so there is no objection from the Highways Authority. In addition, the proposals will not adversely impact on the public right of way adjacent to the site.

6.23. There is an outstanding enforcement case in relation to damage caused to the beech tree on the north-east boundary of the site and this was brought before the Planning Committee on 5 March 2021. Whilst this incident is regrettable, it is not a material planning consideration in the determination of this application and is being dealt with through a separate process. In response to concerns from the BA Tree Officer in relation to the proposed new dwelling's impact on this tree, the agent has reduced the scale of the building and moved the new build elements away from the root protection area.

7. Conclusion

7.1. In summary, the proposal is for the replacement of one dwelling and the erection of a new dwelling within the development boundary for Oulton Broad. The design of the dwellings is modern but the use of traditional materials coupled with the proposed landscaping will result in a development that blends well with the existing character of the surrounding Conservation Area. The position and angles of the dwellings will ensure there is no direct overlooking, overshadowing or loss of privacy for existing neighbours. In addition, there are no issues raised with regards to biodiversity, highways or flood risk. The proposals are therefore considered to be in accordance with the policies of the Local Plan for the Broads.

8. Recommendation

8.1. Approve subject to the following conditions:

- Time Limit
- In accordance with plans & documents
- Submission of exact materials
- Submission of Arboricultural Method Statement, Construction Methodology & Arboricultural monitoring.
- Ecological conditions recommended
- Removal of permitted development rights for extensions, alterations, outbuildings.

9. Reason for recommendation

9.1. The application is considered to be in accordance with Policies DM5, DM11, DM13, DM16, DM21, DM23, DM35 and DM43 of the Local Plan for the Broads 2019.

Author: Cheryl Peel

Date of report: 17 March 2021

Appendix 1 – Location map

Appendix 1 – Location map



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Planning Committee

26 March 2021

Agenda item number 9

Enforcement update- 26 March 2021

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

To note the report.

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
			<ul style="list-style-type: none"> • Site now sold. New landowner intends to build out with some amendments to be agreed. • New owner asked to demolish building as does not propose conversion 12 February 2020. • Application received to demolish building (and other amendments to scheme) 20 February 2020. • Application approved and demolition almost complete. 24 September 2020. • Demolition completed and site almost cleared. November 2020 • Final inspection needed. March 2021
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 3 July 2020.

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> Complaints received. Site to be visited on 29 October 2020. Three static caravans located to rear of site appear to be in or in preparation for residential use. External works requiring planning permission (no application received) underway. Planning Contravention Notices served 13 November 2020. Incomplete response to PCN received on 10 December. Landowner to be given additional response period. Authority given to commence prosecution proceedings 5 February 2021 Solicitor instructed 17 February 2021
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 with a request for a Hearing. Awaiting start date for the appeal. 3 July 2020.

Committee date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Appeal start date 17 August 2020. • Hearing scheduled 9 February 2021. • Hearing cancelled. Rescheduled to 20 July 2021.
4 December 2020	Land to east of North End, Thorpe next Haddiscoe	Unauthorised change of use to mixed use of a leisure plot and storage.	<ul style="list-style-type: none"> • Authority given for the service of Enforcement Notices. • Section 330 Notices served 8 December 2020. • Enforcement Notice served 12 January 2021 with compliance date 12 February 2021. • Some clearance commenced. Three month compliance period.
8 January 2021	Land east of Brograve Mill, Coast Road, Waxham	Unauthorised excavation of scrape	<ul style="list-style-type: none"> • Authority given for the service of Enforcement Notices. • Enforcement Notice served 29 January 2021 • Appeal against Enforcement Notice received 18 February 2021

Author: Cally Smith

Date of report: 17 March 2021

Planning Committee

26 March 2021

Agenda item number 10

NPPF consultation response

Report by Planning Policy Officer

Summary

The report presents the proposed changes to the NPPF, with a short commentary on how they could be relevant to the Broads Authority and the Broads. The report is for information only.

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1. Introduction

- 1.1. The Government are proposing changes to the National Planning Policy Framework. The consultation documents and details can be found here: [National Planning Policy Framework and National Model Design Code: consultation proposals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals)
- 1.2. The consultation seeks views on draft revisions to the National Planning Policy Framework. Revised wording is proposed. Some text changes are in response to the [Building Better Building Beautiful Commission “Living with Beauty” report](#).
- 1.3. There are also other changes to the NPPF. There are a number of environment-related changes, including amendments on flood risk and climate change. The amendments also include a small number of very minor changes arising from legal cases, primarily to clarify the policy. A few minor factual changes have also been made to remove out-of-date text (for example, the early thresholds for the Housing Delivery Test), to reflect a recent change made by Written Ministerial Statement about retaining and explaining statues, and an update on the use of Article 4 directions.
- 1.4. This is not a full review of the NPPF and the consultation wording implies there could be a review in due course depending on the implementation of the government’s proposals for wider reform of the planning system.
- 1.5. This paper highlights the changes and provides some commentary on the proposed changes. Commentary is shown as italics.
- 1.6. In terms of responding to the consultation, National Parks England have produced a response that represents all of the National Parks and the Broads.

2. Proposed changes to the NPPF and commentary

Chapter 2: Achieving sustainable development

The revised text reflects the government’s response to the Building Better Building Beautiful Commission, and makes a small number of other minor changes:

- 2.1. The wording in paragraph 7 has been amended to incorporate the 17 Global Goals for Sustainable Development which are a widely-recognised statement of sustainable development objectives, to which the UK has subscribed.
- 2.2. Paragraph 8(b) has been amended in response to the Building Better Building Beautiful Commission recommendations to emphasise the importance of well-designed, beautiful and safe places in achieving social objectives of sustainable development.
- 2.3. The wording in paragraph 8(c) has been strengthened to emphasise the role of planning in protecting and enhancing our natural, built and historic environment.

- 2.4. The wording of the presumption in favour of sustainable development (paragraph 11(a)) has been amended to broaden the high-level objective for plans to make express reference to the importance of both infrastructure and climate change.
- 2.5. The final sentence in footnote 8 (referred to in paragraph 11(d)) has been removed as the transitional arrangements for the Housing Delivery Test no longer apply.
- 2.6. *As we start to review the Local Plan, the UN Sustainable Development Goals were intended to be a key aspect of that review. Design is an important aspect of development in protected landscapes such as the Broads and so, generally, the increased emphasis on the importance of design is welcomed. So too is the increased emphasis on climate change. The Housing Delivery Test does not apply to the Broads Authority.*

Chapter 3: Plan-making

The revised text reflects the government's response to the Building Better Building Beautiful Commission, and recent legal cases:

- 2.7. In response to the Building Better Building Beautiful Commission recommendations, paragraph 20 has been amended to require strategic policies to set out an overall strategy for the pattern, scale and design quality of places.
- 2.8. Paragraph 22 has also been amended in response to the Building Better Building Beautiful Commission recommendations to clarify that councils who wish to plan for new settlements and major urban extensions will need to look over a longer time frame, of at least 30 years, to take into account the likely timescale for delivery.
- 2.9. Paragraph 35(d) has been amended to highlight that local plans and spatial development strategies are 'sound' if they are consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the Framework, and other statements of national planning policy where relevant. This ensures that the most up to date national policies (for example, Written Ministerial Statements) can be taken into account.
- 2.10. *The increase in the importance of design is welcomed. The Broads Authority is unlikely to plan a new settlement, but we are aware that this could be something our districts may investigate over the coming years. Indeed, Greater Norwich Local Plan refers to the potential for a new settlement and that work could start to look into that over the coming years. If relevant to the Authority, we would work with the districts on such schemes. As for the soundness related changes, as we review the Local Plan, we will ensure the Local Plan is well prepared so the tests of soundness can be passed an examination.*

Chapter 4: Decision making

The revised text aims to clarify the policy intention for Article 4 directions:

- 2.11. An Article 4 Direction is where a Local Planning Authority removed national permitted development rights. In order to ensure Article 4 directions can only be used to remove national permitted development rights allowing changes of use to residential where they are targeted and fully justified, the Government proposes amending Paragraph 53, and asks for views on two different options.
- 2.12. It also propose clarification of the policy that Article 4 directions should be restricted to the smallest geographical area possible. Together these amendments would encourage the appropriate and proportionate use of Article 4 directions.
- 2.13. *At present, local authorities can apply directions under article 4 of the General Permitted Development Order 2015 to restrict the use of PD rights in specific local areas, although the NPPF currently restricts the use of such directions to “where this is necessary to protect local amenity or the well-being of the area”. But the proposed amendments would further limit such directions to situations to “where this is essential to avoid wholly unacceptable adverse impacts” (or, alternatively “where this is necessary in order to protect an interest of national significance”), while ensuring that they are “in all cases” applied “to the smallest geographical area possible”.*
- 2.14. *The Authority does have some Article 4 directions and may consider more in the future. But where these have been set, they tend to be targeted and we ensure they are fully justified. Commentators on the proposed changes state that this will result in a very high bar to pass in order to set Article 4 directions.*
- 2.15. *The National Parks England response to the consultation objected to these changes to reflect the ever-expanding Permitted Development Rights as well as some of the proposed terminology not being clear with what it intended and potential conflict with primary legislation.*

Chapter 5: Delivering a wide choice of high quality homes

The revised text aims to clarify the existing policy and reflects the government’s response to the Building Better Building Beautiful Commission and recent legal cases:

- 2.16. Paragraph 65 has been amended to clarify that, where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. This is to address confusion as to whether the 10% requirement applies to all units or the affordable housing contribution.
- 2.17. Paragraph 70 has been amended to remove any suggestion that neighbourhood plans can only allocate small or medium sites. This was not the policy intention, so the wording has therefore been amended to clarify that neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with new paragraph 69a) suitable for housing in their area.

- 2.18. Paragraph 73 has been amended to reflect Chapter 9: “Promoting sustainable transport” in ensuring that larger scale developments are supported by the necessary infrastructure and facilities including a genuine choice of transport modes. Paragraph 73(c) has also been amended in response to the Building Better Building Beautiful Commission’s recommendations to clarify that when planning for larger scale development, strategic policy making authorities should set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles) and ensure that masterplans and codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community.
- 2.19. Footnote 40 (referred to in new paragraph 74(c)) has been updated to reflect that the Housing Delivery Test has now come into effect.
- 2.20. New paragraph 80 (d) has been amended in response to legal cases in order to clarify that the curtilage does not fall within the scope of this policy.
- 2.21. New paragraph 80 (e) has been amended in response to the Building Better, Building Beautiful Commission’s policy proposition 1 e) that it opens a loophole for designs that are not outstanding, but that are in some way innovative, and that the words ‘or innovative’ should be removed. This change is not proposed to rule out innovative homes, rather that it will ensure that outstanding quality can always be demanded, even if an innovative approach is taken.
- 2.22. *Clarification on policy requirements is always useful, so the clarification relating to 10% is welcomed and will be reflected in the Local Plan. The clarification relating to Neighbourhood Plans is noted, although not many Neighbourhood Plans that cover the Broads, in our experience, allocated land. The Broads does not tend to have ‘large-scale’ development so this change to the NPPF would rarely be of relevance, but is noted. The housing delivery test does not apply to the Broads. Regarding the removal of the words ‘or innovative’, it is not clear what impact this will have. We have had some developments quoting the innovative criteria of the NPPF.*

Chapter 8: Promoting healthy and safe communities

The revised text seeks to clarify existing policy:

- 2.23. New paragraph 92 (b) includes minor changes to help to clarify Government’s expectations for attractive pedestrian and cycle routes. This supports the Building Better Building Beautiful Commission’s recommendations on supporting walkable neighbourhoods.
- 2.24. New paragraph 97 has been amended to emphasise that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and efforts to address climate change.

- 2.25. *The emphasis on well-designed and high-quality walking and cycling routes, open spaces and sport opportunities is supported. The benefits to health and wellbeing and biodiversity are important. These changes relate well to the aims and benefits of protected landscapes.*

Chapter 9: Promoting sustainable transport

The revised text reflects the government's response to the Building Better Building Beautiful Commission:

- 2.26. New paragraph 105 (d) has been amended to support the Building Better, Building Beautiful Commission's recommendations on encouraging walking and cycling.
- 2.27. New paragraph 109 (c) and supporting footnote 45 has been amended to prevent continuing reliance by some authorities on outdated highways guidance. Our amended wording states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that the design of schemes and standards applied reflects current national guidance, including the National Design Guide and National Model Design Code.
- 2.28. *Encouraging walking and cycling is supported and reflects some of the ways to enjoy the Broads. We work well with our Highways Authorities and reflect the advice and guidance in the local plan and discussions with applicants. As required, we will ensure we consider other relevant guidance that is in place.*

Chapter 11: Making effective use of land

The revised text reflects the government's response to the Building Better Building Beautiful Commission:

- 2.29. New paragraph 124 has been amended to include an emphasis on the role that area-based character assessments, codes and masterplans can play in helping to ensure that land is used efficiently while also creating beautiful and sustainable places.
- 2.30. *Design is an important aspect of development in the Broads, and national policy emphasising the importance of design is welcomed. The use of such approaches is noted and we will consider how these can be used when we produce the Local Plan. There is also the potential that design codes might be a requirement set on Local Planning Authorities. The accompanying paper on the consultation on design code documents may be of relevance and interest. In terms of using land efficiently, again, this is something that we seek through the Local Plan, especially regarding development on areas of peat, where our policy approach is to reduce the amount of peat excavated.*

Chapter 12: Achieving well-designed places

The revised text reflects the government's response to the Building Better Building Beautiful Commission:

- 2.31. New paragraphs 125 and 127 have been amended to include the term "beautiful" in response to the Building Better Building Beautiful Commission's findings. This supports

the Building Better Building Beautiful Commission's recommendation for an overt focus on beauty in planning policy to ensure the planning system can both encourage beautiful buildings and places and help to prevent ugliness when preparing local plans and taking decisions on planning applications

- 2.32. Paragraph 126 has been amended to clarify the role that neighbourhood planning groups can have in relation to design policies.
- 2.33. Paragraph 127 has been amended to emphasise that all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code and which reflect local character and design preferences.
- 2.34. A new paragraph 128 has been added in response to the Building Better Building Beautiful Commission's recommendations and the Government's manifesto commitment to give communities greater say in the design standards set for their area. This reflects the Government's proposals for a National Model Design Code, which will include a model community engagement process, and will create a framework for local authorities and communities to develop a more consistent approach which reflects the character of each place and local design preferences. It also clarifies that the National Design Guide and the National Model Design Code should also be used to guide decisions on planning applications in the absence of locally produced guides or codes.
- 2.35. A new paragraph 130 has been added to reflect the findings of the Building Better Building Beautiful Commission and the Government's ambition to ensure that all new streets are tree-lined, and that existing trees are retained wherever possible.
- 2.36. New paragraph 132 and footnote 50 have been updated to refer to Building for a Healthy Life.
- 2.37. New paragraph 133 responds to the Building Better Building Beautiful Commission's recommendations to make clear that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. In addition, it clarifies that significant weight should be given to development which reflects local design policies and government guidance on design.
- 2.38. *Generally, emphasising the importance of design is welcomed and is something we consider when determining applications already. The accompanying paper on the consultation on design code documents may be of relevance and interest. Neighbourhood Plans are tending to include policies relating to design and tend to assess the character of the area. Regarding the tree-lined streets potential requirement is noted, but it is not common that new streets are created in the Broads, as we tend to have development on a smaller scale. We are aware of the Building for a Healthy Life criteria and will ensure that is included in the Local Plan.*

Chapter 13: Protecting the Green Belt

The revised text seeks to clarify existing policy:

- 2.39. New paragraph 149(f) has been amended slightly to set out that development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order, is not inappropriate in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it.
- 2.40. *Whilst the Broads does not have areas of green belt, the NPPF says that policies for managing development within a Local Green Space should be consistent with those for Green Belts. The Local Plan and adopted and emerging neighbourhood plans allocate local green spaces and so the change is somewhat relevant. That being said, the change seeks to clarify the policy stance and does not seem to really affect the allocations.*

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

The revised text seeks to strengthen environmental policies, including clarifying some aspects of policy concerning planning and flood risk:

- 2.41. The changes proposed are in part an initial response to the emergent findings of the joint review with the Department for Environment, Food and Rural Affairs (Defra) of planning policy for flood risk. The government's Policy Statement on flood and coastal erosion risk management sets out a number of actions to maintain and enhance the existing safeguards concerning flood risk in the planning system. Informed by this, the Government will consider what further measures may be required in the longer term to strengthen planning policy and guidance for proposed development in areas at risk of flooding from all sources when our review concludes.
- 2.42. On planning and flood risk, new paragraphs 160 and 161 have been amended to clarify that the policy applies to all sources of flood risk.
- 2.43. New paragraph 160(c) has been amended to clarify that plans should manage any residual flood risk by using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management).
- 2.44. The Flood Risk Vulnerability Classification has been moved from planning guidance into national planning policy (set out in Annex 3 and referred to in paragraph 162). It is considered that this classification is a key tool and should be contained in national policy.
- 2.45. New paragraph 163 has been amended to clarify the criteria that need to be demonstrated to pass the exception test.
- 2.46. New paragraph 166(b) has been expanded to define what is meant by "resilient".

- 2.47. *Generally, the proposed changes are supported as flood risk can have great impacts and the risk will get worse with climate change. If these changes are adopted, the Local Plan will reflect the NPPF as appropriate and the Flood Risk SPD will be updated as required.*

Chapter 15: Conserving and enhancing the natural environment

The revised text seeks to clarify existing policy and reflects the government's response to the Building Better Building Beautiful Commission:

- 2.48. New paragraph 175 has been amended in response to the Glover Review of protected landscapes, to clarify that the scale and extent of development within the settings of National Parks and Areas of Outstanding Natural Beauty should be sensitively located and designed so as to avoid adverse impacts on the designated landscapes.
- 2.49. New paragraph 176 has been separated from the preceding paragraph to clarify that this policy applies at the development management stage only.
- 2.50. New paragraph 179(d) has been amended to clarify that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around other developments should be pursued as an integral part of their design, especially where this can secure measurable net gains for biodiversity and enhance public access to nature.
- 2.51. *The clarification relating to setting of protected landscapes is welcomed. The changes to para 176 led to much debate with fellow Protected Landscape planning policy officers. For clarity, this relates to major development in terms of protected landscapes, rather than the numerical definition in the NPPF. Generally, the group consider that either the current wording is adequate or there could be reference to relevance of the major development text at all stages of development, including plan making. And this formed the response produced by National Parks England. Wording that increases the importance of the impact of benefits that development can have on biodiversity is welcomed.*

Chapter 16: Conserving and enhancing the historic environment

The revised text seeks to reflect a change made to national planning policy by a Written Ministerial Statement on protecting our nation's heritage dated 18 January 2021:

- 2.52. New paragraph 197 has been added to clarify that authorities should have regard to the need to retain historic statues, plaques or memorials, with a focus on explaining their historic and social context rather than removal, where appropriate.
- 2.53. *We are not aware of any such statues, memorials or plaques in the Broads that are public.*

Chapter 17: Facilitating the sustainable use of minerals

Minor changes have been made to clarify existing policy:

- 2.54. New paragraph 209(c) has been amended to refer to Mineral Consultation Areas in order to clarify that this is an important mechanism to safeguard minerals particularly in two tier areas, and to reflect better in policy what is already defined in Planning Practice Guidance.
- 2.55. New paragraph 210(f) has been amended to reflect that some stone extraction sites will be large and serve distant markets.
- 2.56. *The Broads is not a minerals and waste authority, but the Norfolk and Suffolk County Council Minerals and Waste Local Plans are of course relevant to the Broads*

Annex 1: Implementation

- 2.57. Minor changes have been made to update the position on transitional arrangements, and on the Housing Delivery Test.
- 2.58. *The Housing Delivery does not apply to the Broads.*

Annex 2: Glossary

- 2.59. The definition of “green infrastructure” has been updated to better reflect practice, as already set out in Planning Practice Guidance, published evidence reviews and the new national framework of green infrastructure standards.
- 2.60. The definition of the “Housing Delivery Test” has been amended to reflect the rulebook. This clarifies that the test measures homes delivered in a local authority area against the homes required, using national statistics and local authority data.
- 2.61. The definition of “minerals resources of local and national importance” has been amended to include coal derived fly ash in single use deposits.
- 2.62. Definitions of “mineral consultation area”, “recycled aggregates” and “secondary aggregates” have been added to reflect the changes in chapter 17.
- 2.63. *The change to the definition of Green Infrastructure is noted. The Housing Delivery Test does not apply to the Broad. The Broads is not a minerals and waste authority, but the Norfolk and Suffolk County Council Minerals and Waste Local Plans are of course relevant to the Broads.*

3. Conclusion

- 3.1. Most of the proposed changes, in general, seem positive. There is some concern however about the proposed changes to when to apply the major development test as well as the wording related to Article 4 directions. We will keep Members informed of the progress on this consultation and any changes adopted by the Government.

Author: Natalie Beal

Date of report: 17 March 2021

Planning Committee

26 March 2021

Agenda item number 11

Appeals to the Secretary of State update- 26 March 2021

Report by Senior Planning Officer

Summary

This report sets out the position regarding appeals against the Authority.

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/C/20/3245609	Larry Rooney	Appeal submitted 26 January 2020 Request for Hearing Start date 17 August 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 Statement submitted 12 October 2020 Hearing date 9 February 2021

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
					Hearing cancelled. Hearing rescheduled to 20 July 2021
APP/E9505/W/19/3240574 BA/2018/0012/CU	Mr Gordon Hall	Appeal submitted 14 February 2020 Request for Hearing Start date 26 May 2020	Barn Adjacent Barn Mead Cottages Church Loke Coltishall	Appeal against refusal of planning permission: Change of Use from B8 to residential dwelling and self contained annexe.	Delegated decision 15 April 2019 Statement submitted 30 June 2020. Hearing date 2 February 2021 Hearing cancelled. Hearing rescheduled to 27 April 2021
APP/E9505/D/20/3258679 BA/2020/0105/HOUSEH	Mr N Hannant	Appeal submitted 2 September 2020 Start date 9 November 2020	Gunton Lodge Broadview Road Lowestoft	Appeal against refusal of planning permission: Second floor balcony.	Delegated decision 25 August 2020. Questionnaire submitted 16 November 2020
APP/E9505/W/21/3267755 BA/2020/0138/FUL	Mr K Wheeler	Appeal submitted 27 January 2021	39 Riverside Estate Brundall	Appeal against conditions imposed:	Delegated decision 7 August 2020

Application reference number	Applicant	Start date of appeal	Location	Nature of appeal/ description of development	Decision and dates
		Awaiting start date.		Occupation restriction	
APP/E9505/C/21/3269284 BA/2017/0035/UNAUP3	Mr Henry Harvey	Appeal submitted 18 February 2021 Awaiting start date	Land east of Brograve Mill, Coast Road Waxham	Appeal against Enforcement Notice. Unauthorised excavation of scrape	Committee decision 8 January 2021

Author: Cheryl Peel

Date of report: 17 March 2021

Background papers: BA appeal and application files

Planning Committee

26 March 2021

Agenda item number 12

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 22 February 2021 to 16 March 2021 and Tree Preservation Orders confirmed within this period.

Recommendation

To note the report.

Decisions made by officers under delegated powers

Parish	Application	Site	Applicant	Proposal	Decision
Beccles Town Council	BA/2021/0020/COND	Primrose Cottage The Score Northgate Beccles NR34 9AR	Mr James Hartley	Increase height of building, variation of condition 2 of permission BA/2020/0120/HOUSEH	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Cantley, Limpenhoe And Southwood PC	BA/2021/0053/AGR	Barn End Grimmer Lane Cantley Norwich Norfolk NR13 3SB	Mr Daniel Cook	Agricultural building for storing hay and straw	Prior Approval Required
Carlton Colville Parish Council	BA/2021/0047/NONMAT	North End Of Peto's Marsh South Of Burgh Pumping Station Camps Heath Oulton Broad	Ms Sue Stephenson	Change of timings and sequence of works, non-material amendment to permission BA/2019/0002/FUL	Approve
Dilham Parish Council	BA/2021/0059/APPCON	Land At Redbeck Adjacent Dilham Restricted Byway 11 Dilham Norfolk	Mr Luke Paterson	Details of Condition 3: Highway improvements of permission BA/2020/0335/FUL	Approve
Horning Parish Council	BA/2021/0024/HOUSEH	Hill House Ropes Hill Horning Norfolk NR12 8PA	Mr James Porter	Proposed single storey side extension with lean-to roof	Approve Subject to Conditions
Hoveton Parish Council	BA/2020/0448/FUL	Hoveton Great Broad Lower Street Hoveton Norfolk	Natural England Chris Terry	Replacement quayheading at the Hoveton Great Broad Nature Trail Moorings and renovate woodchip pathway.	Approve Subject to Conditions
Ludham Parish Council	BA/2020/0466/CON	Brooks Barn Yarmouth Road Ludham Norfolk NR29 5QF	Mrs Lynne Forbes	Demolition of corrugated shed	Approve Subject to Conditions

Parish	Application	Site	Applicant	Proposal	Decision
Martham Parish Council	BA/2020/0418/APPCON	Land Adjacent To Martham Pits Ferrygate Lane Martham NR29 4RG	Mr H Alston	Details of: Conditions 3: highway improvement works,6: external lighting,7: landscape/ecology scheme,12: control of noise scheme of permission BA/2018/0227/FUL	Approve
West Caister Parish Council	BA/2020/0386/LBC	Motor Museum Caister Castle Castle Lane West Caister Norfolk	Mr John Hill	Alterations to NW elevation of storage building to facilitate tea rooms and addition of raised terrace	Approve Subject to Conditions
West Caister Parish Council	BA/2020/0383/FUL	Motor Museum Caister Castle Castle Lane West Caister Norfolk	Mr John Hill	Change of use of storage building to tea rooms and addition of a raised terrace	Approve Subject to Conditions

Tree Preservation Orders confirmed by officers under delegated powers

Parish	Address	Reference number	Description
Oulton Broad Parish Council	Westerley Broadview Road Lowestoft Suffolk NR32 3PL	BA/2021/0002/TPO	T1: Beech Tree

Author: Cheryl Peel

Date of report: 17 March 2021