

**Planning Committee**

**AGENDA**

**Friday 23 March 2018**

**10.00am**

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|--|--------|
| 1. <b>To receive apologies for absence and introductions</b>   |        |
| 2. <b>To receive declarations of interest</b>  |        |
| 3. <b>To receive and confirm the minutes of the previous meeting held on 2 March 2018 (herewith)</b> | 3 - 16 |
| 4. <b>Points of information arising from the minutes</b>   |        |
| 5. <b>To note whether any items have been proposed as matters of urgent business</b>                 |        |

**MATTERS FOR DECISION**

6. **Chairman's Announcements and Introduction to Public Speaking**  
Please note that public speaking is in operation in accordance with the Authority's Code of Conduct for Planning Committee. Those who wish to speak are requested to come up to the public speaking desk at the beginning of the presentation of the relevant application
7. **Request to defer applications included in this agenda and/or to vary the order of the Agenda**  
To consider any requests from ward members, officers or applicants to defer an application included in this agenda, or to vary the order in which applications are considered to save unnecessary waiting by members of the public attending
8. **To consider applications for planning permission including matters for consideration of enforcement of planning control:**
- |  |         |
|--|---------|
| 1) <b>BA/2018/0053/HOUSEH</b> Wayford Mill Wayford Bridge<br>Wayford Road Smallburgh | 17 - 24 |
| 2) <b>BA/2017/0415/FUL</b> Morrisons George Westwood Way<br>Beccles                  | 25 - 37 |

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9. <b>Enforcement of Planning Control: Unauthorised change of use to Canoe Hire yard, standing of structure and development of boat launching site.</b> Report by Planning Officer, Compliance and Implementation (herewith)	38 – 43
10. <b>Enforcement Update</b> Report by Head of Planning (herewith)	44 – 46

#### MATTERS FOR INFORMATION

11. <b>Appeals to the Secretary of State Update</b> Head of Planning to report	
12. <b>Decisions made by Officers under Delegated Powers</b> Report by Head of Planning (herewith)	47 – 49
13. <b>To note the date of the next meeting – Friday 27 April 2018 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich NR1 1RY</b>	

**Broads Authority**  
**Planning Committee**

Minutes of the meeting held on 2 March 2018

Present:

Mr Paul Rice – in the Chair

Prof J Burgess  
Mr W A Dickson  
Ms G Harris  
Mr H Thirtle

Mr V Thomson  
Mr J Timewell (Minutes 1 – 8(1)  
and Minutes (11 and 13)

In Attendance:

Ms N Beal – Planning Policy Officer (Minutes 8/10 – 8/13)  
Mrs S A Beckett – Administrative Officer (Governance)  
Mr S Bell – for Solicitor (Minutes 8/1 – 8/9 and 8/14, 8/15 and 8/16)  
Mr N Catherall – Planning Officer  
Mr B Hogg – Historic Environment Manager (Minute 8/2))  
Mr R Rogers – Director of Operations  
Ms C Smith – Head of Planning (Minutes 8/1 – 8/9 and 8/14, 8/15 and 8/16)

Members of the Public were in attendance but none spoke.

**8/1 Apologies for Absence and Welcome**

Mr Paul Rice, Vice Chairman and Acting Chairman of the Committee welcomed everyone to the meeting.

Apologies had been received from Sir Peter Dixon, Mr Mike Barnard and Mrs Melanie Vigo di Gallidoro. The Director of Strategic Services had also sent apologies.

**8/2 Declarations of Interest**

Members provided their declarations of interest as set out in Appendix 1 to these minutes in addition to those already registered. A general declaration of interest was made on behalf of all the Committee in relation to Minute 8/8(4) BA/2018/0050/NONMAT as a member of the Navigation Committee was a director of the company making the application.

**8/3 Minutes: 2 February 2018**

The minutes of the meeting held on 2 February 2018 were agreed as a correct record and signed by the Chairman.

**8/4 Points of Information Arising from the Minutes**

No further points of information were reported.

**8/5 To note whether any items have been proposed as matters of urgent business**

No items of urgent business had been proposed.

**8/6 Chairman's Announcements and Introduction to Public Speaking**

**(1) The Openness of Local Government Bodies Regulations**

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

The Chairman gave notice that the Authority would be recording the meeting. The copyright remained with the Authority and the recording was a means of increasing transparency and openness as well as to help with the accuracy of the minutes. The minutes would remain as the matter of record.

**(2) Solicitor – Steven Bell**

The Chairman announced that this would be Steven Bell's last Planning Committee meeting for the Authority on behalf of NPLaw as he would be leaving Norfolk County Council to work for Birketts Solicitors. The Chairman complimented Steven on the clarity of advice he had provided to the Authority. The Committee was very grateful for all he had done for the Authority and wished him all the very best for the future.

**(3) Public Speaking**

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

**8/7 Requests to Defer Applications and /or Vary the Order of the Agenda**

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

**8/8 Applications for Planning Permission**

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

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

- (1) **BA/2017/0487/COND Hedera House, The Street, Thurne** Variation of Conditions: Condition 3 - Materials; 5 - Occupational restrictions and 6 - Holiday restrictions.  
Removal of conditions 4 - construction/completion timescales, 7 - disabled friendly accommodation, 10 - obscure glazing, 12 - driveway details; 13 - visibility splay; 17 – amenity grassland; 22 – flood resilient construction; 23 – flood evacuation plan; 24 – EA flood warnings, and 25 – restriction of permitted development rights of BA/2017/0130/OUT  
Applicant: Mr Delf

The Planning Officer provided a detailed presentation and assessment of the proposals to vary three conditions as well as remove ten of the twenty-five conditions on previously approved outline planning permission BA/2017/0103/OUT for redevelopment of the site at Hedera House in the village of Thurne. The outline permission provided for construction of 6 residential dwellings as enabling development and 10 new holiday cottages. The principle of the development had been established and therefore the Authority was required to only consider the question of the conditions. The Planning Officer set out the applicant's justification for the variation and removal of the conditions and in line with their interpretation of the 6 tests as stated in the NPPF and set out in the report. ie: necessary, relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.

The Committee was provided with the comments expressing concerns about the application received from Thurne Parish Council, the residents of the Red House located opposite the application site, resident of the Thatched House Thurne, the Thurne Community Archive Group as well as the comments in support of the application from the applicant's agent. The Planning Officer read these out as the representatives were unable to attend the meeting due to the adverse weather conditions.

In his assessment the Planning Officer outlined each of the conditions in turn in detail, explaining their content and what was proposed in the application, providing justification for their inclusion and also taking account of the comments received.

In conclusion the Planning Officer stated that the retention of conditions 3, 4, 5, 6, 7, 12, 13, 22, 23, 24 and 25 satisfied the six tests at paragraph 206 of the NPPF and the removal or suggested variation of these conditions would be contrary to Site Specific Policy THU1. In respect of condition 10 this was recommended for removal, in respect

of Condition 17, the use of an Informative would be acceptable. Therefore it was concluded that all other conditions should be restated as originally imposed, so in effect the recommendation was to refuse the application to vary or remove them.

Members were aware of the details of the site having visited it prior to granting the original permission in August 2017 and given the application particularly careful consideration at that time. With reference to Condition 3 concerning the wording "in perpetuity" they were satisfied that this would not restrict changes in the future, but that the condition would ensure that any changes would be in keeping with the overall development and the special qualities of the Broads landscape. With regard to the proposed removal of Condition 4 whereby a time limit of 12 months was provided, following discussion, the Committee was satisfied that this was to ensure a satisfactory and timely redevelopment of the site and to ensure enabling development would provide the necessary new replacement holiday accommodation and ensure the full scheme was carried out. Members considered that there had not been sufficient time from the granting of the original permission for the applicant to provide any evidence to justify the removal of this condition at this stage.

Members fully supported the Officer's assessment that the conditions passed the six tests as stated within paragraph 206 of the NPPF and that they should be retained. They also considered that this should include the retention of Condition 10 relating to obscured glazing in order to protect the privacy of the neighbouring residents, noting that they wished to take the opportunity to improve to improve the situation on the site in this regard. The Authority was charged with looking after and protecting a National Park landscape; Thurne was a very small village where it was important that the tourism facilities were retained, the access arrangements complied with highway safety and flood protection was ensured in accordance with the site being in Flood risk zones 1, 2 and 3.

Jacquie Burgess proposed, seconded by Haydn Thirtle and it was

RESOLVED unanimously

that the application in respect of moving Condition 17 to Informatives, be approved, with all other conditions, including Condition 10, being restated as originally imposed as they are considered to be in accordance with the six tests of the NPPF.

The proposed variation of conditions 3: materials, 5: occupational restrictions and 6: holiday use restrictions, and removal of conditions 4: construction/completion timescales, 7: disabled friendly accommodation, 10: obscured glazing, 12: driveway details, 13: visibility splay, 22: flood resilient construction, 23: flood evacuation plan, 24: EA flood warnings, and 25: restriction of permitted

development rights of BA/2017/0103/OUT are considered contrary to Policy THU1 of the Site Specific Policies Local Plan (2014), Policies CS1, CS4, CS9, CS20 and CS24 of the Core Strategy (2007), Policies DP1, DP2, DP4, DP11, and DP29 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application, along with National Planning Practice Guidance.

- (2) **BA/2017/0389/FUL and BA/2017/0390/LBC Common Farm, Silver Street, Fleggburgh** Demolition of workshop building, renovation of farmhouse and construction of single story link extensions to farm buildings, convert to domestic use. Replacement cattle shed and farm storage buildings.  
**Applicant:** Mr Peter Flowerdew

The Planning Officer provided a detailed presentation and assessment of the proposals for the restoration of a Grade II Listed building in a very poor state of repair, the reinstatement of the historic horseshoe layout of the farm buildings through the removal of the central workshop building; and as part of the restoration of the farmhouse provision of updated accommodation through conversion of an existing hay barn and single storey glazed element to link the two. Members of the Planning Committee had had the benefit of a site visit on 19 January 2018. The proposals also included a replacement farm building for a cattle shed and storage. It was noted that it was already a working farm.

The Planning Officer explained that the existing Grade II Listed farmhouse was included on the Broads Authority Heritage at Risk Register and had been the subject of updates and concern at the HARG meetings. The proposed works would result in the property being removed from the register and help to secure the long term future of the asset. The proposals in total were considered acceptable and would not harm the character and setting of the site. He concluded that the proposals could be recommended for approval subject to conditions.

Members were assured that that there would be no adverse impact on the landscape, given the siting of the extension and replacement buildings which would be well screened and appropriate to a functional farming enterprise for cattle. The heritage asset of the building would be clearly identified and the materials and form of the extension were considered to provide enhancement. Members were assured that the proposed condition (xiv) "recording of all elements of Listed building to be removed" was to ensure that where the historic fabric could not be retained, the significant elements would be logged and recorded in the historic archives. Some concern was expressed about potential ground water contamination in light of the proximity to an important SAC and Members requested that this be investigated and officers satisfied as to the drainage requirements. Members considered that

the site visit had been very useful and welcomed the proposal to restore an important heritage asset.

Jacquie Burgess proposed, seconded by Haydn Thirtle that the officer's recommendation be accepted and it was

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report and Informatives relating to European Protected Species licence. The proposal is considered to be in accordance with Policies CS1, CS2, CS4, and CS5 of the Core Strategy (2007), Policies DP1, DP2, DP4, DP5, DP11, and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

- (3) **BA/2017/0368/FUL St Olaves Marina, Beccles Road, St Olaves**  
Mooring pontoons with bank cutback on the River Waveney frontage together with demasting, visitor and service moorings.  
Applicant: Mr Chris Bromley

The Planning Officer provided a detailed presentation and assessment of the application involving a cut back to the existing riverbank along the River Waveney by 2.5m for a length of 115m and the installation of floating pontoons for private mooring. The pontoons would be accessed by a ramp designed to rise and fall along them. The existing reeded bank and flood wall would be replicated behind the existing position. South of the mooring pontoons the riverbank would be piled along the existing bank line for 60m to provide visitor mooring for 20 metres, servicing berths for 20 metres and a de-masting berth for a length of 20 metres. The Planning Officer set out the reasons as to why the previous application for mooring pontoons BA/2014/0205/FUL was refused and provided an assessment of the current application particularly in relation to Policies DP16 and DP2 and drew attention as to how the concerns had been addressed in full.

The Navigation Committee had considered the application at its meeting on 14 December and welcomed and supported the proposals noting that their concerns about the previous application refused in 2015 had been met.

In conclusion, it was considered that the proposed works to provide floating pontoons for private mooring, piling for visitor, servicing and demasting moorings as part of the well-established St Olaves Marina site were appropriately located, would not result in an unacceptable reduction in navigable river width, would not have an unacceptable impact on landscape character or protected species and habitats subject to mitigation, in fact would provide improvements, and was acceptable particularly with regard to Policies DP2 and DP16. It was



therefore concluded that the application be recommended for approval subject to conditions

Members were assured that the spoil to be dug out would be deposited on site and being suitable would be used to strengthen the new set back bank and the conditions would be included to this effect. The Director of Operations acknowledged that there would be some impact due to the force of tide at this point in the river system but it was considered that this would not be significant. In addition the reinstatement and improvement of the reed fringe would help to reinforce the area.

Members were pleased that the applicants had addressed the concerns raised by the previous application. It was an important site for navigation and the additional moorings were to be welcomed. They considered that the scheme was appropriate, in accordance with policy and endorsed the comments from the Navigation Committee.

Haydn Thirtle proposed, seconded by Bill Dickson and it was

RESOLVED unanimously

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

- (4) **BA/2018/0050/NONMAT Ferry Marina, Ferry Road, Horning.**  
Re-arrangement of external windows and doors, non-material amendment to previous permission BA/2017/0190/FUL  
Applicant: Ferry marina Ltd.

The Application was before the Committee as a member of the Navigation Committee was a Director of the firm making the application. The Solicitor and Monitoring Officer had confirmed that the correct procedures had been followed.

Members concurred with the Officer's assessment that the proposals would not materially affect the design or appearance of the extension or the amenity of neighbouring occupiers and

Vic Thomson proposed, seconded by Bill Dickson that the Officer's recommendation be accepted.

RESOLVED unanimously

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

## 8/9 Enforcement Update

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

- (i) **Burghwood Barnes** – Following the dismissal of the appeal against the Enforcement notice, the Notice had been varied by the Inspector to extend the period for compliance to six months, compliance was required by 9 July 2018. Members were reminded that a number of conditions on previous consents had also not been complied with. Officers had been out on site on a number of occasions and had discussions with the landowner to explain the details of what would be required to achieve compliance with aspects relating to the appeal decision as well as the previous consents. Some of the work required to be completed by the end of February had been commenced not been completed. However, due to the seasonal limitations particularly round the the impacts on ecology, it had been agreed that the period for compliance could be extended. Officers would be monitoring the site.
- (ii) With reference to the non-compliance with a planning condition at **Barnes Brinkcraft** resulting in encroachment into navigation, the Head of Planning reported that at its meeting on 22 February 2018, the Navigation Committee had been considered a number of options for a potentially acceptable scheme on the way in which vessels could be moored to the pontoons together with a restriction on the length. An arrangement which appeared acceptable to the Navigation Committee had been agreed and the Head of Planning together with the Senior Ranger would be progressing this with the landowner. It would be necessary for a planning application to be submitted accordingly and this would be brought to the Planning Committee, potentially in April, following consultation with the Navigation Committee.

There were no further updates to report.

RESOLVED

that the report be noted.

*Minutes 8/14, 15 and 16 were dealt with at this juncture.*

## 8/10 Submission of the Local Plan

The Committee received a report introducing the Broads Local Plan

submission documents, setting out the comments made at the pre-submission consultation together with draft responses and proposed change for consideration by the Inspector, as well as explaining the process for submitting and examining the Local Plan.

The Following documents as part of the Local Plan were considered by Members and noted.

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

Particular attention was given to the Schedule of Proposed Changes and the key proposed changes were highlighted in Section 2.2 of the report. It was noted that considerable efforts had been made to address the comments on the A47, but that of the four stakeholders who had negative comments, only two had been appeased by the proposed changes Policy PUBSSA47: changes to the Acle Straight (A47T)(AppendixG of Appendix C ) the tenor of which were associated with safety and the special characteristics of the Broads landscape and its highly protected qualities, and the Halvergate Marshes Conservation Area.

The Submission documents would also include the Residential Moorings nominations, the report on which was included under Agenda Item 8/12. Members therefore gave consideration to this topic as part of Agenda Item 8/10 and the resolutions from that would be included within the submission documents. There was general support to the approach set out in the report on this item.

It was noted that the outstanding Issues SP13 and TSA3 had been addressed and were no longer outstanding issues.

The aim was for the Broads Local Plan to be presented to the 16 March Authority meeting for approval for submission to the Planning Inspectorate and that it was likely to be submitted in the following week. There was likely to be a period of 10 weeks after submission until the Hearings with the aim of adoption by the end of the year. Three weeks after submission, the Authority could receive the matters and issues that the inspector wished to discuss and consider further. However, it was noted that the NPPF was due to be updated and this could have an impact on the Examination.

Members wished to record their thanks and appreciation to the Planning Policy Officer and the team for the enormous amount of work, the

thoroughness of knowledge and expertise involved resulting in an excellent document for submission.

RESOLVED

(i) That the submission documents be endorsed and it be

RECOMMENDED to the Full Authority.

(ii) That the Broads Local Plan be submitted to the Planning Inspectorate for examination.

**8/11 Waveney District Council Statement of Common Ground for housing need**

The Committee received a report setting out the Statement of Common Ground produced with Waveney District, which covered the agreement that the Broads Housing need in Waveney District is part of Waveney District Council's housing need and that completions in the Broads' part of Waveney contributes to meeting the entire need for Waveney District Council.

Members noted that a bespoke Duty to Cooperate Agreement had already been signed with Great Yarmouth Borough Council. With reference to the North Norfolk, Norwich City, Broadland and South Norfolk Councils it had been agreed that the Norfolk Strategic Planning Framework adequately covered how housing in the Broads would be dealt with.

RESOLVED

That the Statement of Common Ground be agreed and signed by the Chair/or Acting Chair of the Planning Committee.

*The following matter was considered as part of Minute 8/10*

**8/12 Residential Mooring nominations received during pre-submission consultation Assessment of Nominations and consideration of issues raised.**

The Committee received a report on setting out the three additional nominations for residential moorings received as a result of the consultation on the Publication Local Plan together with Officer's assessment of them.(Appendix A of the report) Members also considered the discussion of some of the comments received on some draft allocations. They were informed of the views of the Navigation Committee when the item had been discussed at their meeting on 22 February 2018.

At Horning, up to 6 residential moorings were proposed to be allocated and at Somerleyton it was proposed to allocate for up to 10 (not 12). The Navigation Committee had expressed doubts as to why St Olaves was not acceptable whereas Somerleyton was deemed to be. However it was explained that there

was a lack of every day services and facilities near to the moorings that could be accessed by alternatives to cars and in addition it was proposed that these be on the New Cut, whereas at Somerleyton the allocation would be within an existing marina and there would be access to more facilities (in particular a school and a shop had planning permission). In addition comments had been received from the Highways authority that the site would be unsuitable at St Olaves. Members considered that the conclusion not to have an allocation of residential moorings at St Olaves was sensible given that it was backed by experts and evidence from the Rangers. The comments would form part of the Examination process.

In particular members gave consideration to the proposal to reduce the allocation at Loddon Marina to 5 residential moorings, the introduction of wording to address scale, number and size of boats allowed to be moored as well as views on how to manage such moorings once they were permitted. There had been concerns from neighbours of the Chedgrave and Loddon sites that residential moorings were associated with anti-social behaviour.. Recent research did not find any evidence to link residential moorings with anti-social behaviour . Members considered that as there was no evidence to support this view, the numbers to be allocated at Loddon and Chedgrave should remain at 10. Again this would be for the Planning Inspector to consider as part of the examination process. In addition, the management of residential moorings would be the responsibility of the landowner providing them. Members also considered that residential boats in the system were not all run down. The Navigation Committee's view was that such moorings could be better managed within a mooring basin. This view supported the Planning Committee's resolution in November and the approach being taken. Other views on residential moorings would be reported as part of the Examination Process.

It was agreed

To RECOMMEND to the Full Authority

- (i) That the Assessment of additional residential mooring nominations Topic Paper be submitted with the Local Plan
- (ii) That the sites at Somerleyton and Horning are proposed to be allocated with the policies as set out in the Topic Paper.
- (iii) That the allocation of residential moorings at Loddon and Chedgrave remain at 10 as in the original Issues and Options pre-submission consultation document.

## **8/13 Consultation Documents Update and Proposed Responses**

The Committee received a report on the consultation document from the GNDP Greater Norwich Development Partnership concerning the Greater Norwich Local Plan Growth Options and Sites "Issues and Options" paper together with the Authority's proposed responses. Members of the Authority

had received a full presentation on the consultation at the full Authority meeting on 26 January 2018.

It was noted that not all the sites in the document would necessarily be allocated but they were seen to be suitable for allocation. In general, where sites were partly within or adjacent to the Broads area, the comments in the response highlighted the importance for the Authority to be involved in the production of that policy. Members considered it vital that there was two way dialogue and an understanding that the Broads area was a special landscape that required protecting, and that there were environmental implications relating to water, access and traffic.

RESOLVED

that the proposed responses be endorsed and submitted as the Authority's response to the Great Norwich Local Plan.

#### **8/14 Appeals to Secretary of State Update**

The Committee noted that there were currently no appeals to the Secretary of State against the Authority's decisions.

#### **8/15 Decisions Made by Officers under Delegated Powers**

The Committee received a schedule of decisions made by officers under delegated powers from 23 January 2018 to 14 February 2018.

The Head of Planning reported that two of the applications had resulted from the Monitoring Programme.

RESOLVED

that the report be noted.

#### **8/16 Circular 28/83: Publication by Local Authorities of Information about the Handling of Planning Applications.**

The Committee received a report setting out the development control statistics for quarter ending 31 December 2017. It was noted that 91% of the applications had been dealt with under delegated powers and the Authority had exceeded all statutory targets.

RESOLVED

That the report be noted and welcomed.

#### **8/17 Date of Next Meeting**

The next meeting of the Planning Committee would be held on Friday 23 March 2018 starting at 10.00 am at Yare House, 62- 64 Thorpe Road,

Norwich. The meeting would be followed by the Member's Heritage Asset Review Group.

The meeting concluded at 13.40 pm

CHAIRMAN

## Code of Conduct for Members

### Declaration of Interests

**Committee:**           **Planning Committee**

**Date of Meeting:**   2 March 2018

<b>Name</b>	<b>Agenda/ Minute No(s)</b>	<b>Nature of Interest (Please describe the nature of the interest)</b>
All Members	8/8(4)	Application BA/2018/0050/NONMAT Ferry Marina, ferry Road, Horning. Member of navigation Committee Director of firm making the application.
Haydn Thirtle	8/8(1)  8/8(2)	BA/2017/0487/COND Norfolk County Councillor for area, Lobbied and attended meetings.  BA/2017/0389/FUL and BA/2017/0390/LBC Borough and County Councillor for the area, attended site visit independently from BA meeting, attended parish council meetings when applications discussed.
Gail Harris	8/13	Greater Norwich Local Plan - Councillor Norwich City Council
Paul Rice		Chair of Broads Society



**Reference:**

BA/2018/0053/HOUSEH

**Location**

Wayford Mill, Wayford Bridge, Wayford Road,  
Smallburgh

BA/2018/0053/HOUSEH - Wayford Mill, Smallburgh



**Application for Determination**  
Report by Planning Officer

<b>Target Date</b>	11 April 2018
<b>Parish:</b>	Smallburgh Parish Council
<b>Reference:</b>	BA/2018/0053/HOUSEH
<b>Location:</b>	Wayford Mill, Wayford Bridge, Wayford Road, Smallburgh
<b>Proposal:</b>	Maintenance building and workshop with storage of plant
<b>Applicant:</b>	Mr Mark Rogers
<b>Recommendation:</b>	Approve subject to conditions
<b>Reason for referral to Committee:</b>	Director discretion

## **1 Description of Site and Proposals**

- 1.1 The application site is located on land at Wayford Bridge on the western side of the A149. The River Ant fronts the land to the north. The site is accessed off a long access track leading off the A149. The property comprises Wayford Mill and the associated single storey dwelling and an area of reedbed and mown grass, with the entire site covering an area of approximately 0.9 hectares. An IDB drain runs northwest to southeast across the property close to the southwestern property boundary. A concrete culvert, close to the northern end of the dwelling, bridges this drain providing access over the drain from the main site access to the land to the southwest. The southwestern boundary of the site is defined by a fragmented boundary hedge line.
- 1.2 The site is situated in Flood Risk Zones 2 and 3.
- 1.3 The application is for the construction of an outbuilding to house plant and equipment associated with the residential use of the site. The plant would be

stored on the ground floor of the building with a mezzanine floor above, accessed via an internal staircase, used as a workshop area. The building would be constructed on the concrete culvert bridging the IDB drain. It would be a timber boarded building with a pitched roof clad in corrugated metal profile sheet roofing. Windows would be added to all elevations and the building would be accessed via a pedestrian door in the western elevation and a double garage style roller shutter timber door on the northern elevation. The building would measure 6.3m by 10m and have a ridge height of 5m.

## **2 Site History**

BA/1988/3389/HISTAP - Extension and restoration of cap and sails – Refused 14 April 1989.

BA/1996/2241/HISTAP - Extension of living accommodation adjoining the mill and restoration of cap and sails – Withdrawn

20000304FF (NNDC Reference) – Erection of dwelling linked to mill: Reinstatement of cap and sails, water wheel and linking mechanism; provision of new sluice gates, culvert and bridge – Approved subject to conditions and a S106 Agreement – Approved 9 October 2003.

BA/2005/1313/HISTAP - Erection of garage, excavation of mooring basin and piping of ditch –Refused 29 April 2005.

In 2006 direct action was undertaken in respect of unauthorised land raising works at the site, the costs of which were pursued through the County Court 2009. In 2016 a Settlement Agreement was reached and the financial requirements of this have been fully discharged.

The Settlement Agreement also covered works to the mill and since 2016 there has been significant progress with the restoration of the mill.

## **3 Consultations**

### **3.1 Smallburgh Parish Council**

The Parish Council object to the application as it will detract from the historic mill, due to the proposed height and scale. The Council suggests that if the application is approved the height should be reduced to 4 metres and be single storey, The Council also understood that development had to be above the existing level in this flood plain area and that possibly a satellite survey should be carried out. Lastly- no details of the floor construction are included and members were unsure what the document labelled "existing plan" relates to.

### **3.2 No representations have been received**

## **4 Policies**

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

[NPPF](#)

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

CS1 Landscape Protection and Enhancement  
CS4 Creation of New Resources

Development Management Policies DPD

[Development-Management-DPD2011](#)

DP1 Natural Environment  
DP2 Landscape and Trees  
DP4 Design  
DP29 Development on Sites with a High Probability of Flooding

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

Core Strategy

CS20 Rural Sustainability

Development Management Policies DPD

DP28 Amenity

- 4.3 Neighbourhood Plan

Not applicable

- 4.4 Material consideration

National Planning Policy Framework [NPPF](#)

## **5 Assessment**

- 5.1 In assessing and determining this application the main issues to be taken into consideration include: the principle of the development; scale, design and materials; landscape; ecology and floodrisk.
- 5.2 The applicant currently has plant, including a cherry picker, a JCB telehandler, a mini digger and a 1 tonne dumper stored outside in the curtilage of his property, exposed to the elements. This equipment is required for the ongoing maintenance of the windmill. The equipment required by the applicant for his building business is stored in rented barns elsewhere, offsite. This building is required in which to store the plant in a secure and protected environment and

also provide a small covered workshop area to carry out maintenance tasks for the ongoing upkeep and maintenance of the windmill. The use of the building would therefore be incidental to the residential use of the site. The principle of the development is accepted.

- 5.3 In terms of scale, design and materials the building is to be constructed on the concrete culvert over the IDB drain. The size of the building footprint is therefore restricted by the size of the culvert. The maximum height of the building has been restricted to 5m to ensure that it does not exceed the height of the single storey dwelling on the property or detract from the setting of the mill. At 6.3m by 10m in size the building is considered to be an appropriate scale for its intended use and to be subservient and ancillary to the main residential use of this property.
- 5.4 It is considered that the building is simply detailed with materials appropriate to its location and to give a recessive and subservient appearance to the dwelling and the mill. The proposed timber boarded walls and corrugated metal profiled sheet roof would achieve this. Openings are kept to a minimum and simply fenestrated with fixed lights or simple casements and boarded or simple glazed doors. Given the maturing of the site and landscaping the proposal would not lead to the over domestication of the plot. The development proposed would simply create a visually recessive and subservient storage/workshop structure, which, whilst being clearly ancillary to the domestic use of the site would complement the overall composition on the site in terms of its past use. The development is therefore considered to be in accordance with Policy DP4 of the Development Management Policies DPD.
- 5.5 In terms of any landscape impact the proposed building has been designed to be subservient to the adjacent building with a lower ridge height and no roof glazing. The proposed building would be of timber and with corrugated roofing to provide a visually recessive and 'agricultural' appearance. The building would not be particularly visible as it is set within an existing hedgerow with trees and benefits from wooded backdrops to the north, south and west. The existing reed-filled pond area on the site would provide screening of the site from the river, although there would be some intermittent views of the building from the river bank to the north, the Wayford Bridge area and the A149.
- 5.6 Members will note from the history here that a previous application (BA/2005/1313/HISTAP) was refused, and this was for reasons including concern about the visual intrusion of an additional domestic building, views from the river, and impact on the character of the marshland landscape. It is considered that the current application overcomes these concerns. The building is more modest in nature and constructed with appropriate materials. The site has matured over the intervening years and the reed fringed pond now provides valuable screening. Use of the building would enable storage of vehicles and equipment which are currently standing around the site creating some visual impact.



- 5.7 It is recommended that a condition be imposed on any planning permission that may be granted requiring additional planting of native plants to enhance the screening of the proposed building from the riverbank to the north, the Wayford Bridge area and the A149. On this basis this application is considered to be in accordance with Policy DP2 of the Development Management Policies DPD and paragraph 115 of the NPPF.
- 5.8 As the proposed building is to be erected on the existing concrete culvert it is considered that there would be no adverse impact on biodiversity arising from this development. It is recommended that a condition be imposed requiring details of any external lighting to be added to be submitted for approval to ensure there is no adverse effect arising from light spill. In accordance with Policy DP1 of the Development Management Policies it is recommended that biodiversity enhancement proportionate to the scale of development proposed is achieved with the erection of a bird box on a mature tree within the curtilage of the property.
- 5.9 The site is located within Flood Risk Zones 2 and 3. A Flood Risk Tick Sheet has been completed in accordance with the Environment Agency's Standing Advice for householder developments of less than 250m<sup>2</sup> in area. The proposal is therefore considered to be in accordance with Policy CS20 of the Core Strategy, Policy DP29 of the Development Management Policies DPD and the NPPF.
- 5.10 The site is in a relatively isolated position. There is no other development, and in particular, no other dwellings in the vicinity of the proposed building which would be adversely affected by its construction and future use. It is also considered that given the size of the proposed building and its location in relation to the existing dwelling on the site that there would be no adverse impact on the amenity of the dwelling on the property. It is therefore considered that the proposal is in accordance with Policy DP28 of the Development Management Policies DPD.

## **6 Conclusion**

- 6.1 In conclusion it is considered that the development proposed has satisfactorily addressed the concerns raised over the previous application in terms of scale and design and landscape impact and is now acceptable. The building is required for storage and workshop space associated with the ongoing upkeep and maintenance of the windmill and will therefore be incidental to the residential use of the site. The development is considered to be in accordance with the relevant Development Plan Policies and the NPPF particularly in terms of scale and design and landscape impact.

## **7 Recommendation**

It is recommended that the application be approved subject to the following conditions;

1. Standard time limit

2. In accordance with approved plans
3. Ancillary to domestic use only and no commercial use
4. Submission of material details and door detailing
5. Submission of details of landscape planting and completion in next planting season following completion of development
6. Replacement planting of any new plant that dies within 5 yrs
7. Erection of bird box
8. Details of any external lighting to be submitted for approval

## 8 Reason for Recommendation

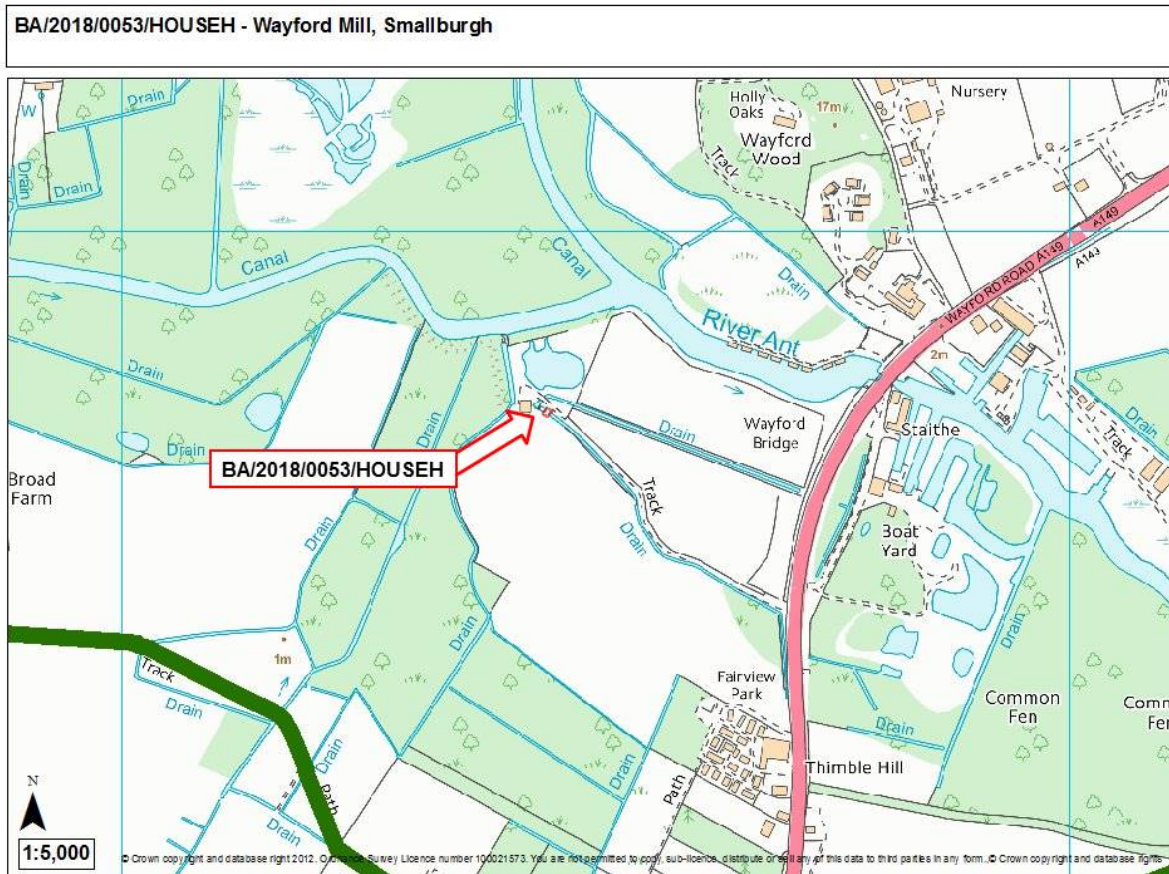
In the opinion of the Local Planning Authority this proposal is in accordance with Policies CS1 Landscape Protection and Enhancement, CS4 Creation of New Resources and CS20 Rural Sustainability of the Core Strategy and Policies DP1 Natural Environment, DP2 Landscape and Trees, DP4 Design, DP28 Amenity and DP29 Development on Sites with a High Probability of Flooding together with the NPPF.

Background papers: BA/2018/0053/HOUSEH

Author: Alison Cornish

Date of report: 8 March 2018

Appendices: Appendix 1 – Map





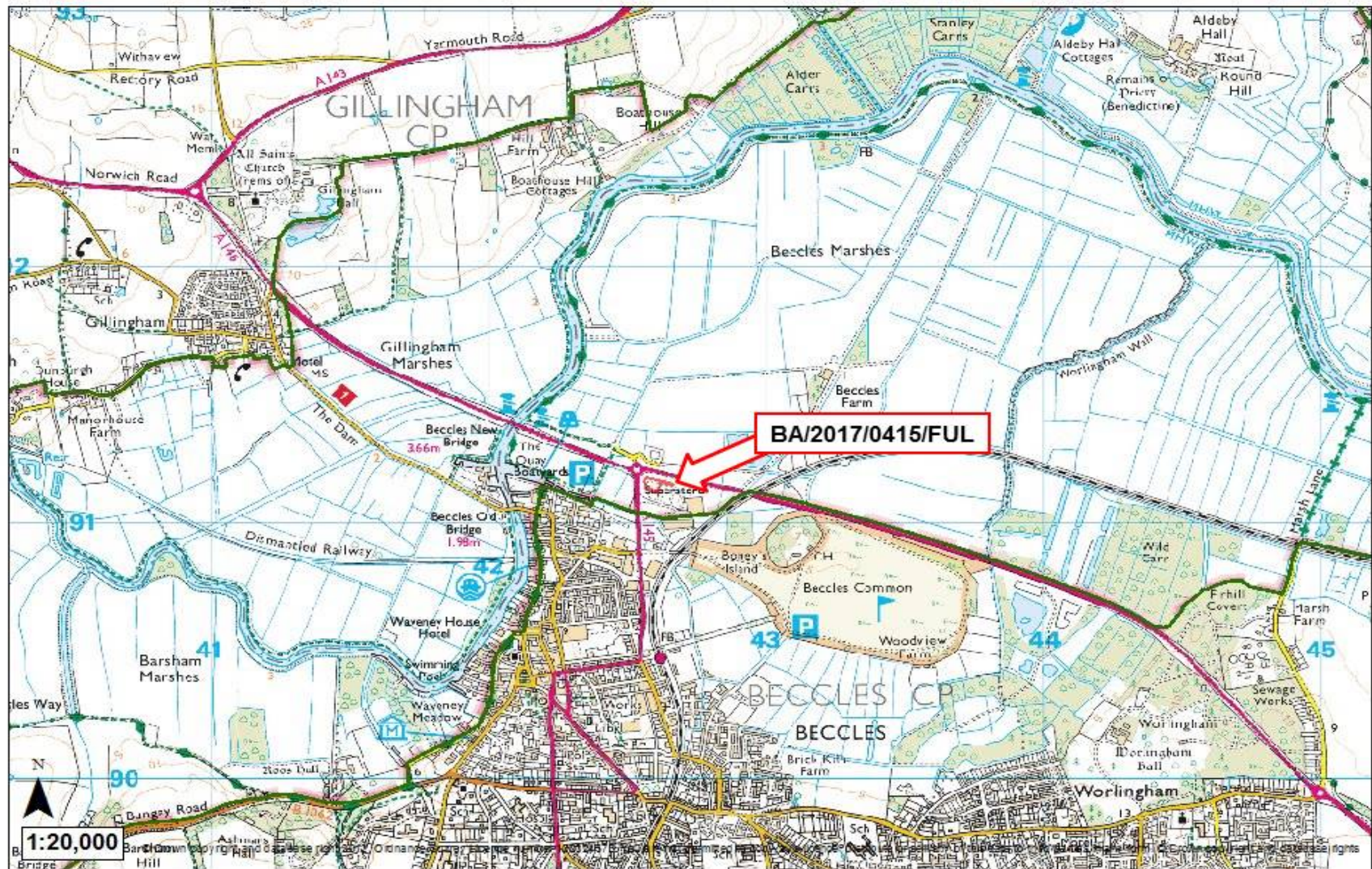
**Reference:**

BA/2017/0415/FUL

**Location**

Morrisons, George Westwood Way, Beccles

BA/2017/0415/FUL - Morrison, George Westwood Way, Beccles



**Application for Determination**  
Report by Planning Officer

<b>Target Date</b>	29 March 2018
<b>Parish:</b>	Beccles
<b>Reference:</b>	BA/2017/0415/FUL
<b>Location:</b>	Morrisons, George Westwood Way, Beccles
<b>Proposal:</b>	Development of 3 retail units, car wash area, tyre service area and two small retail pods (units to comprise of uses within use classes A1, A2, A3 and mixed A1/A3 and A3/A5 uses).
<b>Applicant:</b>	WM Morrison Supermarkets plc
<b>Recommendation:</b>	Refuse
<b>Reason for referral to Committee:</b>	Representations received which raise material considerations of significant weight

## **1 Description of Site and Proposals**

- 1.1 The application site forms part of the Morrisons supermarket car park situated at the junction between the A146 and A145 George Westwood Way in Beccles. The area to be occupied would cover 0.27ha in the north-western corner of the car park. The surface of the site is currently sealed with tarmac and marked out as car parking. The northern and western boundaries of the site are defined by mature tree planting, which was originally planted to screen the supermarket building and the car park from the road. The supermarket building itself is positioned at the eastern of the site.
- 1.2 The site is located in Flood Risk Zones 2 and 3.
- 1.3 The application is for the construction of three retail units, one of which would be a drive-thru unit, two retail pods, a car wash pod and a tyre pod, with the following dimensions:

	Footprint m2	Floor area m <sup>2</sup>	Height m (max)
Retail unit x 2	93	-	4.8 – 4.1 at rear
Drive thru unit	200	-	4.8 – 4.1 at rear
Retail pod x 2	-	15	2.5
Car wash pod	-	13	3.2
Tyre pod	-	26	3.2

All of the development proposed, except for one of the retail pods would be grouped together in the north-western corner of the supermarket car park. The remaining retail pod would be situated adjacent to the western frontage of the store itself.

- 1.4 The proposed retail terrace would be clad in a combination of high level masonry front and side panels and powder coated aluminium glazed frontages, with a light grey aluminium cladding around the remainder of the façade. The retail pods would be clad in a finish to be confirmed with powder coated aluminium trims. The proposed car wash and tyre pods would be a combination of cabin, screen and canopy elements constructed from lightweight materials in colours to reflect the individual operators' signage.
- 1.5 Vehicular access to the site would be via the existing access into the supermarket car park. Pedestrian and cycle access would be via the existing car park pedestrian routes. Servicing would be through the car park to a designated lay-by to the rear of the units. A total of 73 existing car parking spaces in the supermarket car park would be lost as a result of this development.

## 2 Site History

Application Number	Proposal Details	Application Status
BA/1986/7511/HISTAP	O.A. supermarket (32,000 sq.ft gross)	HISAPA
BA/1987/5795/HISTAP	Construct retail food supermarket and associated car parking	APCON
BA/1988/5177/HISTAP	Illuminated fascia sign and 2 floodlit panel signs on boundary	REF
BA/1989/5796/HISTAP	Outline application to construct a petrol filling station	REF
BA/1994/5099/HISTAP	Construct a petrol filling station, replacement lagoon and factory car park	REF
BA/1994/5798/HISTAP	Extension to north elevation	APCON
BA/1994/5799/HISTAP	Installation of satellite antenna for 2 way data communications	APCON
BA/1994/5797/HISTAP	Construct a petrol filling station	REF
BA/1995/5800/HISTAP	Construction of petrol filling station, relocation of balancing lagoon and associated works	HISAPA

BA/1996/5801/HISTAP	Ground floor extension to form additional customer facility i.e. coffee bar	APCON
BA/1997/5180/HISTAP	Illuminated site signage	APCON
BA/1997/5178/HISTAP	Illuminated site signage	REF
BA/1997/5179/HISTAP	3no illuminated signs	REF
BA/1997/5803/HISTAP	Installation of a satellite antenna	APCON
BA/1997/5802/HISTAP	Erection of covered customer trolley shelter	APCON
BA/2001/5183/HISTAP	Provision of banners mounted to lamp posts	REF
BA/2003/5804/HISTAP	Extension to store, amendments to car park and associated works	WDN
BA/2004/5184/HISTAP	Replacement and installation of illuminated and non-illuminated signage	APCON
BA/2005/5185/HISTAP	Erection of illuminated motif, fascia, totem and cash signs	APCON

### 3 Consultations

#### 3.1 Consultations received

##### 3.1.1 Beccles Town Council

Does not meet the requirement of Broads Authority Policy CS20 as it is considered this proposed development is not necessary to support the social and economic needs of the local community. It is considered there is already adequate provision of retail outlets, car wash and tyre services within the town without the need to build these facilities on a flood plain at the edge of town. Therefore the application should be refused.

##### 3.1.2 District Member

This application should be determined by the Broads Authority Planning Committee.

Also I would recommend that the Broad's Authority Planning Committee have a site visit to the Morrisons's site in Beccles to appreciate the infrastructure in this area before they debate and recommend a decision.

##### 3.1.3 Highway Authority

Research has shown that the site is not considered to be a collision cluster site. The proposed increase in traffic, due to the proposed development, will not have a significant or severe impact on highway safety.

The 21 space difference between the 313 spaces required (using 1 No space per 5m<sup>2</sup> on the restaurant and 14 No space per m<sup>2</sup> for the supermarket) and the proposed on the ground provision of 292 No spaces is not significant enough for Suffolk County Council as Local Highway Authority to object to the proposed development. It is unlikely that a safety issue relating to overflow vehicles parking on the public highway will arise. Any overflow vehicles are more likely to park closer by within the private site.



Notice is therefore given that Suffolk County Council as Local Highway Authority recommends that any planning permission that is granted should include a condition requiring the provision of the onsite parking and vehicle manoeuvring spaces as shown on the plan submitted.

#### 3.1.4 Waveney District Council Economic Development Officer

The Economic Development Team seeks to support those planning applications where the application clearly supports the economic growth of the economy. As such we are supportive of the proposed development which should lead to increased employment opportunities and an increase to the local economy.

#### 3.1.5 Environment Agency

In our response dated 15 December 2017 and referenced AE/2017/122293/01-L01 we raised holding objections on this application due to Flood Risk and Contaminated Land. In recent email correspondence with the agent, we initially indicated that our objection regarding Contaminated Land could be resolved through the use of planning conditions. However, following closer inspection and internal discussion, we then informed the agent that this would not be appropriate and that our holding objection would remain until a satisfactory Preliminary Risk Assessment has been provided.

We have not had any discussions with the agent regarding Flood Risk. The agent can overcome this objection by submitting a satisfactory Flood Risk Assessment, as described in our letter.

### 3.2 Representations received

- 3.2.1 One representation, objecting to the scheme on the grounds of another car wash/tyre service business is not required; there will be an increase in traffic with associated risks; the hours of operation will prolong the increase in traffic with the associated risks.

## 4 Policies

- 4.1 The following Policies have been assessed for consistency with the National Planning Policy Framework 2012 (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application.

[NPPF](#)

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

CS1 Landscape Protection and Enhancement  
CS4 Creation of New Resources  
CS22 Economy

[Development Management Policies DPD  
Development-Management-DPD2011](#)

DP2 Landscape and Trees  
DP3 Water Quality and Resources  
DP4 Design  
DP10 Advertisements and Signs  
DP11 Access on Land  
DP29 Development on Sites with a High Probability of Flooding

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

Core Strategy

CS20 Rural Sustainability

Development Management Policies DPD

DP18 Protecting General Employment  
DP28 Amenity

- 4.3 Neighbourhood Plan

Not applicable.

- 4.4 Material considerations

National Planning Policy Framework [NPPF](#)

## **5 Assessment**

- 5.1 In assessing this application the main issues to consider include: The principle of the development; flood risk and contamination; highways; design and materials; and landscape and trees.

The principle of development

- 5.2 The development proposed is retail/service based comprising retail pods to include a drive-thru unit and a carwash and tyre fitting service. The site of the proposed development is contained within the Morrisons site which has an established retail use. Therefore the proposed development would be complementary to the existing use of the site.
- 5.3 Policy DP18 of the Development Management Policies seeks to protect sites that are currently in employment use. Criterion (f) of this Policy requires proposals for retail use to be compliant with the sequential approach to site selection as defined in PPS4, which has now been replaced by the NPPF. Annex 2 of the NPPF defines the proposed development as a 'main town centre use' and as the application site is not located within a defined centre nor on a site allocated for retail purposes, paragraph 24 of the NPPF requires the Local Planning Authority to apply the Sequential Test to this application. Paragraph 24 of the NPPF states Local Planning Authorities should:

*“...require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”*

Recent case law has confirmed that the Sequential Test has to be applied to the application and proposals as submitted and that there is no longer any requirement under paragraph 24 of the NPPF for the applicant to consider disaggregation as part of the application process. When potential sites are being assessed the three key elements that require consideration in order to determine if a site is indeed sequentially preferable are suitability, availability and viability.

- 5.4 Accordingly, this application has been supported by a full Sequential Assessment. This assessment concludes that in accordance with the requirement to look at flexibility, sites that are either 5% larger or smaller than the 385.5sqm proposed by the application have been considered in the assessment. It is clear from carrying out this assessment that there are no sequentially preferable sites and the application proposal therefore passes the Sequential Test.
- 5.5 The initial consultation response received from Beccles Town Council challenged whether indeed the assessment had considered all the possible town centre or edge of centre sites available to accommodate this proposal. The applicant therefore worked with the Economic Development Team at Waveney District Council (WDC) to identify and assess any other sites. WDC stated that there is scarce availability of development sites in both Beccles and Bungay which would be suitable for the A Class developments as indicated on the submitted plans, but identified a further three sites for consideration. These sites have all been robustly assessed and discounted as being unavailable, unsuitable or unviable. WDC has stated that the Economic Development Team seeks to support planning applications where the application clearly supports the economic growth of the economy. As such they are supportive of the proposed development which should lead to increased employment opportunities and an increase to the local economy.
- 5.6 On the basis of the above information, the robust assessment carried out to support this application and the involvement of, and advice received from, the Economic Development Team at WDC it is considered that the development proposed is in accordance with the requirements of Policy DP18 of the Development Management Plan and the NPPF and that the principle of the development is therefore acceptable.

#### Flood Risk and Contamination

- 5.7 The site is situated in Flood Risk Zone 3 as indicated on the Broads Authority's Strategic Flood Risk Assessment. The development proposed is



classified as 'less vulnerable' development as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. As such it is necessary for the Sequential Test to be applied. As set out above there are no other available sites capable of accommodating the proposed development as submitted. Therefore there is no prospect of finding an alternative site situated within a lower flood risk zone for this development. On this basis a full assessment in terms of flood risk must be made of the suitability of this site to accommodate the development proposed.

- 5.8 Whilst the application has been supported by a full Flood Risk Assessment (FRA) the Environment Agency has raised a holding objection to the application on the basis that the FRA does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change. It does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. Until a FRA is submitted which provides an accurate assessment of the flood risk associated with this development on this site they cannot remove their objection. The applicant has stated that they will not be submitting the amended FRA required. Therefore this application cannot be considered as being in accordance with Policy CS 20 of the Core Strategy, Policy DP29 of the Development Management Policies DPD or the NPPF and cannot therefore be recommended for approval.
- 5.9 Paragraph 120 of the NPPF states that in determining a planning application the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account. Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner. The Environment Agency has also raised a holding objection on the basis of contamination. The site has historically been used as a landfill site between 1965 and 1975, known as Beccles Marshes. The Environment Agency therefore requires the submission of a Preliminary Risk Assessment which considers all previous uses and potential contaminants associated with those uses before they can consider removing their holding objection. Again the applicant has stated that they will not be submitting the report required. Therefore on this basis, without the specialist assessment of the possible effects of this development the development has to be considered as not conforming to paragraph 120 of the NPPF and it is not possible to recommend that this application be approved.

### Highways

- 5.10 The one representation received has cited the adverse impact on highway safety arising from this development as a reason for objecting to the proposed development.
- 5.11 The site of this proposed development is on part of the existing Morrisons car park. The establishment of the buildings and associated vehicle circulation space included in this development would result in the loss of 73 car parking spaces. However the Highway Authority has raised no objection to this development on grounds of an adverse impact on highway safety, advising

that the site is not considered to be a collision cluster site and the proposed increase in traffic will not have a significant or severe impact on highway safety.

- 5.12 As detailed above, they also advise that whilst there would be a deficiency of 21 parking spaces across the entire site as a result of the development, this would not justify an objection. A condition is, however, recommended covering parking and vehicle manoeuvring spaces as shown on the plan submitted. The proposal is therefore considered to be in accordance with paragraph 32 of the NPPF and Policy DP11 of the Development Management Policies DPD.

#### Design and Materials

- 5.13 The future occupiers of the buildings and the tyre and car wash businesses have not been identified as part of this application. The buildings have therefore been designed in a fairly generic way to meet the functional needs of a variety of future occupiers and in design terms they are not remarkable. The materials to be used have been chosen to create modern, functional, low maintenance buildings which can then be customised in terms of colour and signage by any future occupier. Given the nature of the development, and its location, and the character of the development in the vicinity of the site it is considered that the design of the retail pods and the car wash and tyre business buildings are not unacceptable. It is recommended that if planning permission were to be granted for this development that conditions be imposed requiring the submission for approval of details of the materials, colour schemes and signage to be used on each of the buildings once the end user has been identified before development commences. On this basis this development is not considered to be contrary to Policy DP4 of the Development Management Policies DPD.

#### Landscape and Trees

- 5.14 The application site is situated in the northwestern corner of the Morrisons carpark. The car park itself is screened from the surrounding landscape and the roads to the north and west by established tree planting on the buffer land separating the car park from the roads. It is important that this tree planting is retained to continue to effectively screen the car park and to also screen the proposed development. The development proposed is in close proximity to these mature trees and there is therefore a risk that any earthworks and excavations required to construct the development could compromise the future health and vitality of these trees. In order to assess the potential impact of this development on these trees it is necessary for a full Arboricultural Impact Assessment to be submitted prior to the determination of this application. No such report has been submitted and it is not therefore possible to support this application. At this stage the application has to be considered as contrary to Policy DP2 of the Development Management Policies DPD.
- 5.15 The car park itself currently includes a number of small landscaped areas, some of which would be lost as a result of the development proposed. The

scheme as submitted does not include a landscaping scheme. It is therefore recommended that if planning permission were to be granted a condition should be imposed requiring the submission for approval of a full and detailed landscaping scheme.

- 5.16 Although the above issues have been raised, and there is currently insufficient information submitted to be able to support this application in terms of landscape, it is considered that if the future of the mature tree planting could be ensured and a satisfactory landscaping scheme is submitted, that in landscape terms the general principle of the development would be acceptable and unlikely to result in significant harm to the local landscape character or give rise to notable visual effects.

#### Amenity

- 5.17 The scheme as proposed includes a drive-thru business as well as a carwash business and a tyre replacement business. It is considered that the location of these premises adjacent to the A146 and A145 and removed from the supermarket building and any residential properties would ensure that the scheme would have no adverse impact on the amenity of any existing development or business. The proposal is therefore considered to be in accordance with Policy DP28 of the Development Management Policies DPD.

## **6 Conclusion**

- 6.1 In conclusion, the proposal to construct a retail/service based development on this site is acceptable in principle as the site has an established retail use and evidence has been submitted that the development proposed passes the Sequential Test. However, regrettably, insufficient information/evidence has been submitted to enable the Environment Agency's holding objections in terms of flood risk and possible contamination to be removed. Furthermore insufficient evidence has been submitted to address any possible impact on the existing screening of the site and therefore it is not possible to make an informed assessment of the landscape impact of the development.
- 6.2 Whilst it is possible to impose conditions on planning permissions requiring the submission of additional information to address or mitigate a particular impact of a development, it is not good practice to condition matters which are fundamental to the acceptability of a development. In this case the information required is necessary to determine how the development would address flood risk and the possible contamination of this site, both of which impact on public health/safety. It is therefore essential that this information is submitted prior to the determination of this application to enable the Environment Agency to assess the implications of this development and accurately advise whether it is fundamentally acceptable and, if so, what, if any, mitigation would be required.
- 6.3 If the information required by the Environment Agency had been submitted and the issues of flood risk and contamination had been satisfactorily addressed an argument could have been made that the impact on the

screening trees and the production of a suitable landscaping scheme for the site could have been conditioned. However this is not the case.

- 6.4 On this basis it has to be concluded that the development is not in accordance with the relevant Policies in the Core Strategy and the Development Management Policies DPD or the NPPF.

## **7 Recommendation**

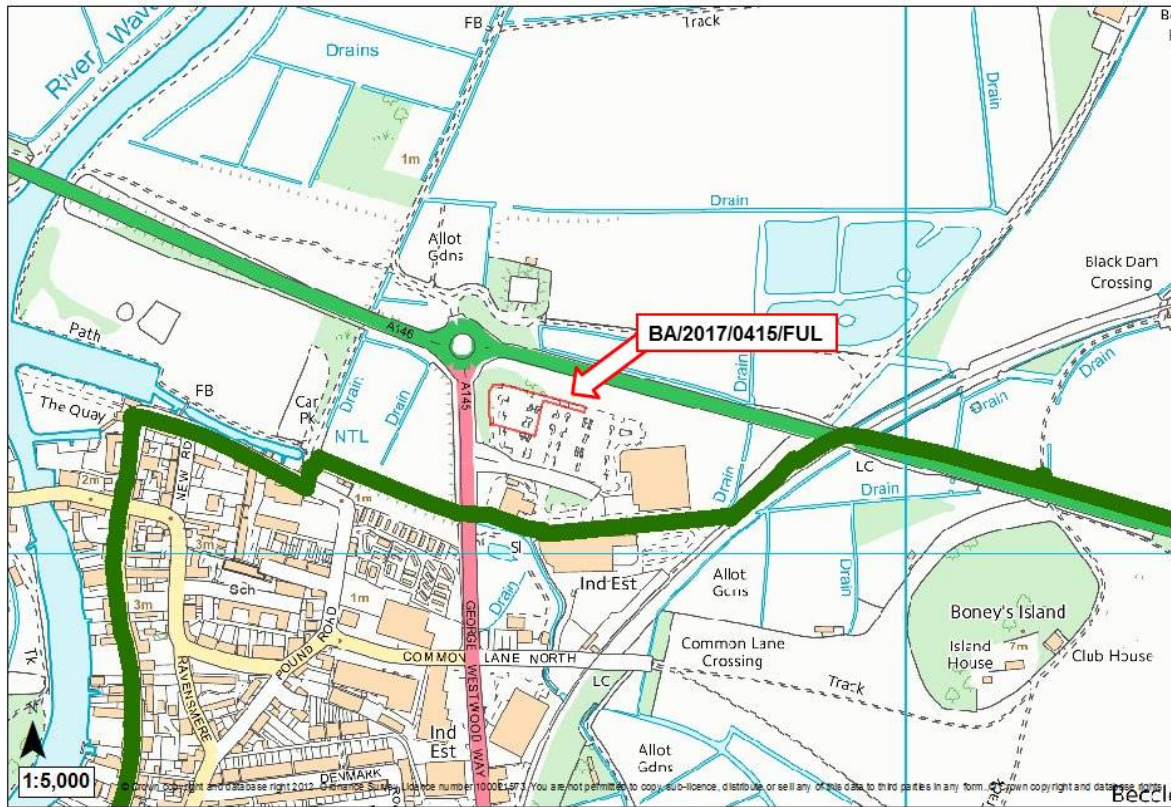
Refuse

## **8 Reason for Recommendation**

- The site is located in an area classified as Flood Risk Zone 3 in the Broads Authority's Strategic Flood Risk Assessment. Whilst the development proposed is classified as a 'less vulnerable' development as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance and the NPPF Sequential Test has been satisfied the application fails to demonstrate that the flood risk associated with this development has been accurately addressed and mitigated. In the opinion of the Broads Authority the proposal therefore has to be considered as being contrary to Policy CS20 of the Broads Authority Core Strategy 2007 – 2021, Policy DP20 of the Broads Authority Development Management Policies DPD 2011 – 2021 and to the NPPF.
- The site is located on a former landfill site and insufficient information has been submitted to satisfactorily demonstrate that the development of this site can be undertaken without giving rise to unacceptable risks from contamination at the site. The development therefore has to be considered as non-conforming to paragraph 120 of the NPPF.
- In the opinion of the Broads Authority insufficient information has been submitted to satisfactorily address the impact on existing established screen planting immediately adjacent to the site and the landscape impact of the overall development cannot therefore be accurately assessed. The proposal therefore has to be considered as contrary to Policy CS1 of the Broads Authority Core Strategy 2007 – 2021, Policy DP2 of the Broads Authority Development Management Policies DPD 2011 – 2021 and to paragraph 115 of the NPPF.

Background papers: BA/2017/0415/FUL  
Author: Alison Cornish  
Date of report: 8 March 2018 Appendices: Appendix 1 – Map

BA/2017/0415/FUL - Morrison, George Westwood Way, Beccles



**Enforcement of Planning Control**  
**Unauthorised change of use to Canoe Hire yard, standing of**  
**structure and development of boat launching site.**  
Report by Planning Officer (Compliance and Implementation)

**Summary:** Unauthorised development and change of use at the rear of The Norfolk Broads Tourist Information and Activity Centre, Wroxham

**Recommendations:**

- (1) That the unauthorised development at the rear of the Canoeman Office be removed.
  
- (2) That officers are authorised to serve an Enforcement Notice removing unauthorised development and in the event of non-compliance to prosecute at magistrates court.

**Location:** The rear of The Norfolk Broads Tourist Information and Activity Centre, 10 Norwich Road, Wroxham

**1. Background**

- 1.1 There has been an unauthorised change of use of land, and associated unauthorised structures, at land to the rear of the independent Tourist Information and Activity Centre (TIAC) in Wroxham. The works to implement the change of use are believed to have commenced after 2013/14 when the area, which was previously scrubland, was cleared and a small area of quay-heading and slipway constructed in order to facilitate the use of the site as a base for canoe hire in connection with the adjacent TIAC operation.
  
- 1.2 The use intensified in 2016 when a large grey/green portable building on wheels was moved onto the site and incorporated into the boundary arrangements alongside the car park, making this portable building incapable of being moved. The area immediately between this portable building and the boundary fence was roofed to create a further storage area. Lean to buildings were also constructed immediately to the rear of the TIAC building and used for cycle storage in connection with the operator's cycle hire business. Large storage racks constructed from scaffold poles were erected to the rear of the building to enable the storage of a large number of canoes. A small staging was erected and a small wooden slipway constructed, with both used in connection with the business of canoe hire.

- 1.3 Around this time the owner stopped leasing another site away from the water and relocated all of his canoes to this site along with his workshop facilities.
- 1.4 The Broads Authority planning department first became aware in September 2016 that this development had taken place and an enforcement investigation was commenced and enforcement file opened.
- 1.5 Prior to the use of this area the site had been overgrown and had a 'nil' planning use, being simply scrub surrounding Bridge Broad Marina. This can be seen on aerial photograph from 2004 in Appendix 2.
- 1.6 The site is located on the corner of Norwich Road and Bure Close. Bure Close is a residential cul-de-sac and the majority of the land use along this part of Norwich Road is retail and commercial.

## **2. The planning breach**

- 2.1 The cumulative effect of the above changes is that the area has evolved into a working yard used in connection with the TIAC and canoe and cycle hire business and the portable building is being used as a workshop. Recently, the business has been further extended through the introduction of dinghy hire and guided fishing trips. This area of former scrub is now an active part of the business area. Canoe tuition is provided here to those hiring canoes and they enter the water for the first time using the staging constructed on Bridge Broad.
- 2.2 The works which constitute development are the material change of use to a business use and the construction of a landing stage, slipway and erection of storage shed/workshop and canoe racks. There is no planning permission for any of this development.

## **3. The planning issues**

- 3.1 Since September 2016 officers have sought to engage with the operator of the site in the submission of a planning application, but none has been submitted. In looking at the planning issues, it is necessary to look at the unauthorised use and the unauthorised constructions/built development.
- 3.2 The unauthorised change of use comprises the use of the site in connection with the operator's business, which is primarily canoe hire with some guided fishing trips and also cycle hire; the site also is used for the storage of equipment associated with these activities. The canoes are stored on large storage racks which can accommodate the large number of canoes the operator owns (they are not all launched from here but moved to locations throughout the Broads system on trailers to be launched at appropriate sites). Cycles are also stored here, whilst the workshops are used to maintain the equipment described above.

- 3.3 The unauthorised operational development (ie the built structures) comprises the standing of the formerly mobile building (which has been incorporated into the fence), the lean-to between this building and the fence, the staging and slipway and the fixed canoe racks.
- 3.4 It should be noted that the built development is of low quality and does not enhance the immediate area. Whilst it is the case that the large workshop trailer/shed might be acceptable in planning terms as a temporary measure only whilst the business was becoming established, any permanent structure would need to be of a higher design quality. It is considered that the use is not inappropriate
- 3.5 This business is at the entrance to the heart of Wroxham/Hoveton and immediately adjacent to a large hire boat and passenger boat operator and Wroxham Road Bridge. The site is very much a gateway to the Broads for many users and as such it should be of a good design

#### **4. Options for resolving the planning breach**

- 4.1 The Authority has a Local Enforcement Plan, which was adopted on 8 July 2016 and sets out its approach to dealing with enforcement matters. At paragraph 3.7 it states that
- “...Whilst the law gives a Local Planning Authority strong legal powers to deal with breaches of planning control, in most cases the first choice of approach is to use negotiation to reach a satisfactory resolution in a timely manner. The negotiations would aim to achieve one of the following outcomes:
- To apply for retrospective planning permission if the development and use is acceptable and would have got planning permission in the first place; or
  - To amend the development so it is acceptable and then apply for retrospective planning permission if the development is capable of being acceptable; or
  - To remove the unauthorised development or cease the unauthorised use if the development is unacceptable and incapable of being made acceptable.”
- 4.2 In this case, the LPA is of the view that the use is acceptable, so the approach is to seek a retrospective application. Officers have sought to negotiate with the operator to obtain a planning application, but none has been forthcoming. In such cases where an application is not forthcoming it would not normally be expedient to pursue formal action – on the basis that the use would be granted planning permission were any application to be submitted. It is not considered expedient to take action in respect of the unauthorised use.
- 4.3 There are, however, a variety of forms of built development on the site which are associated with the unauthorised use, some of which is acceptable and some which is not. The landing stage and slipway are acceptable and officers have sought to negotiate with the operator to obtain a planning application,



but none has been forthcoming. Again, given that these are not unacceptable it is not considered expedient to pursue formal action.

- 4.4 The green workshop/shed and the related lean-to structures, however, are not acceptable on a permanent basis because of the very poor design, which does not meet the requirements of development plan policies, particularly in this prominent location. It is not considered appropriate for them to be retained and is considered expedient to secure their removal.
- 4.5 These structures might, however, be acceptable on a temporary basis whilst the business establishes with a view to their replacement in due course with a more suitable permanent construction of the business prospers. Again, officers have sought to negotiate with the operator to obtain a planning application for a temporary permission, but none has been forthcoming.
- 4.4 Regrettably, the lack of any application from the owner limits the options for remedy of the situation to ones of formal action.
- 4.5 When determining which approach to take, at section 3 the Local Enforcement Plan outlines three guiding principles to be taken into account and these are expediency, proportionality and consistency.
- 4.6 In this case, considering expediency planning officers are of the view that breach of planning control comprising the unauthorised operational development comprised of the green workshop building and associated lean to building should be stopped through requiring the removal of these structures. It is considered that this is a proportionate approach relative to the harm being caused and an expedient means of achieving the removal of unacceptable unauthorised development.

## 5. **Conclusion and recommendation**

- 5.1 The unauthorised development at the site is acceptable in terms of the principle of the use, but unacceptable in respect of some of the structures. In the absence of a planning application, it is not possible to impose planning conditions covering these matters and the LPA has only formal mechanisms available to resolve the position.
- 5.2 The service of an Enforcement Notice can be used in lieu of a planning permission as it can require certain steps to be taken. It is recommended that the Planning Committee authorises officers to serve an Enforcement Notice seeking the removal of the unauthorised free standing structure and the associated lean-to. It is recommended the compliance period should be 9 months to allow the operator time to develop the business to a point where a permanent structure can be justified or to seek further premises from which to operate.
- 5.3 In the event of non-compliance with the Enforcement Notice authority is sought to prosecute in the magistrate's court.

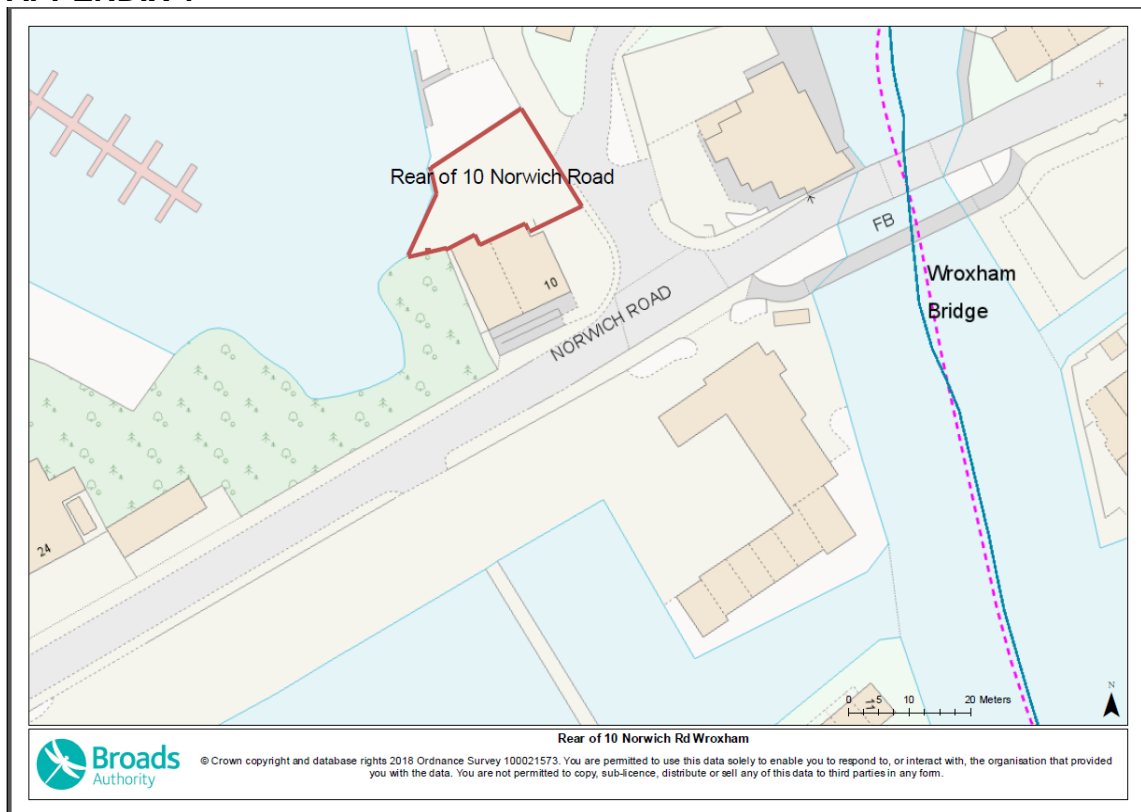
Background papers: BA/2016/0029/UNAUP4

List of Appendices: Appendix 1 Location Plan  
Appendix 2 Aerial View 2004

Author: Tony Risebrow  
Date of report: 09 March 2018

Broads Plan Objectives: None

## APPENDIX 1



**APPENDIX 2-Aerial view 2004**



**Enforcement Update**  
Report by Head of Planning

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

**Recommendation:** That the report be noted.

**1 Introduction**

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

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

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

Committee Date	Location	Infringement	Action taken and current situation
31 March 2017  26 May 2017	Former Marina Keys, Great Yarmouth	Untidy land and buildings	<ul style="list-style-type: none"> <li>• Authority granted to serve Section 215 Notices</li> <li>• First warning letter sent 13 April 2017 with compliance date of 9 May.</li> <li>• Some improvements made, but further works required by 15 June 2017. Regular monitoring of the site to be continued.</li> <li>• Monitoring</li> <li>• Further vandalism and deterioration.</li> <li>• Site being monitored and discussions with landowner</li> <li>• Landowner proposals unacceptable. Further deadline given.</li> <li>• Case under review</li> <li>• <b>Negotiations underway</b></li> </ul>
5 January 2016	Barnes Brinkcraft, Riverside Estate, Hoveton	Non-compliance with planning condition resulting in encroachment into navigation of moored vessels	<ul style="list-style-type: none"> <li>• Authority given to negotiate solution</li> <li>• Meeting held 17 January and draft scheme to limit vessel length agreed in principle. Formal confirmation awaited.</li> <li>• Report to Navigation Committee on 22 February 2018</li> <li>• <b>Planning application required</b></li> </ul>

## 2 Financial Implications

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

Background papers: BA Enforcement files

Author: Cally Smith

Date of report: 8 March 2018

Appendices: Nil

## Decisions made by Officers under Delegated Powers

Report by Director of Planning and Resources

**Broads Authority  
Planning Committee**

23 March 2018

Agenda Item No.12

Summary: This report sets out the delegated decisions made by officers on planning applications from 15 February 2018 to 12 March 2018  
 Recommendation: That the report be noted.

Application	Site	Applicant	Proposal	Decision
<b>Barton Turf And Irstead Parish Council</b>				
BA/2018/0020/NONMAT	Staithe Lodge Hall Road Barton Turf Norfolk NR12 8AR	Mr Tony Cuss	Alterations to cladding, window shapes and positions and reduction in depth of rear extension. Non-material amendment to BA/2015/0076/HOUSEH.	Approve
<b>Brundall Parish Council</b>				
BA/2018/0015/HOUSEH	Cane Rise 48 Riverside Estate Brundall Norwich NR13 5PU	Mr Roger Hubbard	Replacement quay heading to grey plastic, widen wet dock by 1m and lengthen dividing pilling by 3.4m. Reduce width of finger jetty from 1.3m to 1m and extend by 3.8m.	Approve Subject to Conditions
BA/2017/0494/FUL	Alpha Craft Riverside Estate Brundall Norwich NR13 5PS	Ms Louise Wilkinson	Alterations to mooring basins, new quay heading and jetty for private use	Approve Subject to Conditions
<b>Fleggburgh Parish Council</b>				
BA/2017/0466/FUL	Broadland Sports Club Bridge Farm (Track) Fleggburgh NR29 3AE	Mr A. Henden	Sports Club Extension	Approve Subject to Conditions
<b>Geldeston Parish Council</b>				
BA/2017/0435/COND	Three Rivers Camp Site Station Road Geldeston NR34 0HS	James Bromley	Variation of condition 2: approved plans, and removal of condition 3: landscaping, of BA/2016/0152/FUL.	Approve Subject to Conditions

Application	Site	Applicant	Proposal	Decision
<b>Horning Parish Council -</b>				
<b>BA/2017/0430/HOUSEH</b>	<b>Willow Fen 3 Grebe Island Lower Street Horning Norfolk NR12 8PF</b>	<b>Mr Nigel Foster</b>	<b>Replacement quayheading.</b>	<b>Approve Subject to Conditions</b>
<b>BA/2018/0008/HOUSEH</b>	<b>The Boat House Ferry Road Horning Norfolk NR12 8PS</b>	<b>Mr Peter Goshawk</b>	<b>One and a half storey extension and other alterations.</b>	<b>Approve Subject to Conditions</b>
<b>Horstead With Stanninghall PC</b>				
<b>BA/2017/0486/LBC</b>	<b>Horstead House Mill Road Horstead With Stanninghall Norwich NR12 7AU</b>	<b>Mr &amp; Mrs Fleming</b>	<b>Repair and rebuild garden wall and outbuilding.</b>	<b>Approve Subject to Conditions</b>
<b>BA/2017/0485/FUL</b>				<b>Approve Subject to Conditions</b>
<b>Hoveton Parish Council -</b>				
<b>BA/2018/0001/FUL</b>	<b>Number 14 Norwich Road Hoveton NR12 8DA</b>	<b>Mr G Duncan</b>	<b>Side extension.</b>	<b>Approve Subject to Conditions</b>
<b>BA/2017/0499/HOUSEH</b>	<b>Ere quay The Rhond Hoveton Norfolk NR12 8UE</b>	<b>Mr Michael Beer</b>	<b>Replacement roof and boathouse.</b>	<b>Approve Subject to Conditions</b>
<b>BA/2017/0498/COND</b>	<b>Brister Craft The Rhond Hoveton Norfolk NR12 8UE</b>	<b>Mr Christopher Broom</b>	<b>Variation of Condition 3: occupancy restrictions of BA/2015/0256/COND.</b>	<b>Approve Subject to Conditions</b>
<b>Langley With Hardley PC</b>				
<b>BA/2018/0069/NONMAT</b>	<b>Rustygate Farm Hardley Street Hardley Norfolk NR14 6BY</b>	<b>Mr Steven Pipe</b>	<b>Extend the floor area on the north/south elevation, non-material amendment to previous permission BA/2017/0395/HOUSEH.</b>	<b>Approve</b>



Application	Site	Applicant	Proposal	Decision
<b>Oulton Broad Parish Council -</b>				
BA/2017/0491/HOUSEH	Clearwater Broadview Road Lowestoft Suffolk NR32 3PL	Mr Barry Kendle	Floating pontoon with access ramp/walkway and removal of 3 mooring posts.	Approve Subject to Conditions
BA/2017/0500/HOUSEH	5 Ice House Quay Commodore Road Lowestoft NR32 3QU	Mr & Mrs Northover Smith	Replacement window.	Approve Subject to Conditions
BA/2017/0493/HOUSEH	North Landing Borrow Road Lowestoft NR32 3PW	Mr & Mrs P Roper	2 storey extension.	Approve Subject to Conditions
<b>Stokesby With Herringby PC</b>				
BA/2018/0002/FUL	The Homestead Mill Road Stokesby With Herringby Norfolk NR29 3EY	Andrew Jameson And Janet Duncan	Erection of general-purpose storage building and demolition of redundant farm buildings and erection of two general purpose farm buildings with concrete pad between.	Approve Subject to Conditions
<b>Thorpe St Andrew Town Council</b>				
BA/2018/0027/FUL	Norwich Frostbites Sailing Club Girlings Lane Thorpe St Andrew Norwich NR7 0HE	Norwich Frostbites Sailing Club	2 No. boatsheds.	Approve Subject to Conditions
<b>Thurne Parish Council</b>				
BA/2017/0492/FUL	Kingsbury Cottage Common Lane Thurne Norfolk NR29 3BX	Mr Nigel Canham	Shepherd's hut.	Approve Subject to Conditions
<b>Trowse With Newton Parish Council</b>				
BA/2017/0482/FUL	Carrow Point The Street Trowse Norfolk NR14 8SY	Mr Lorne Betts	Replace 156m quayheading.	Approve Subject to Conditions