

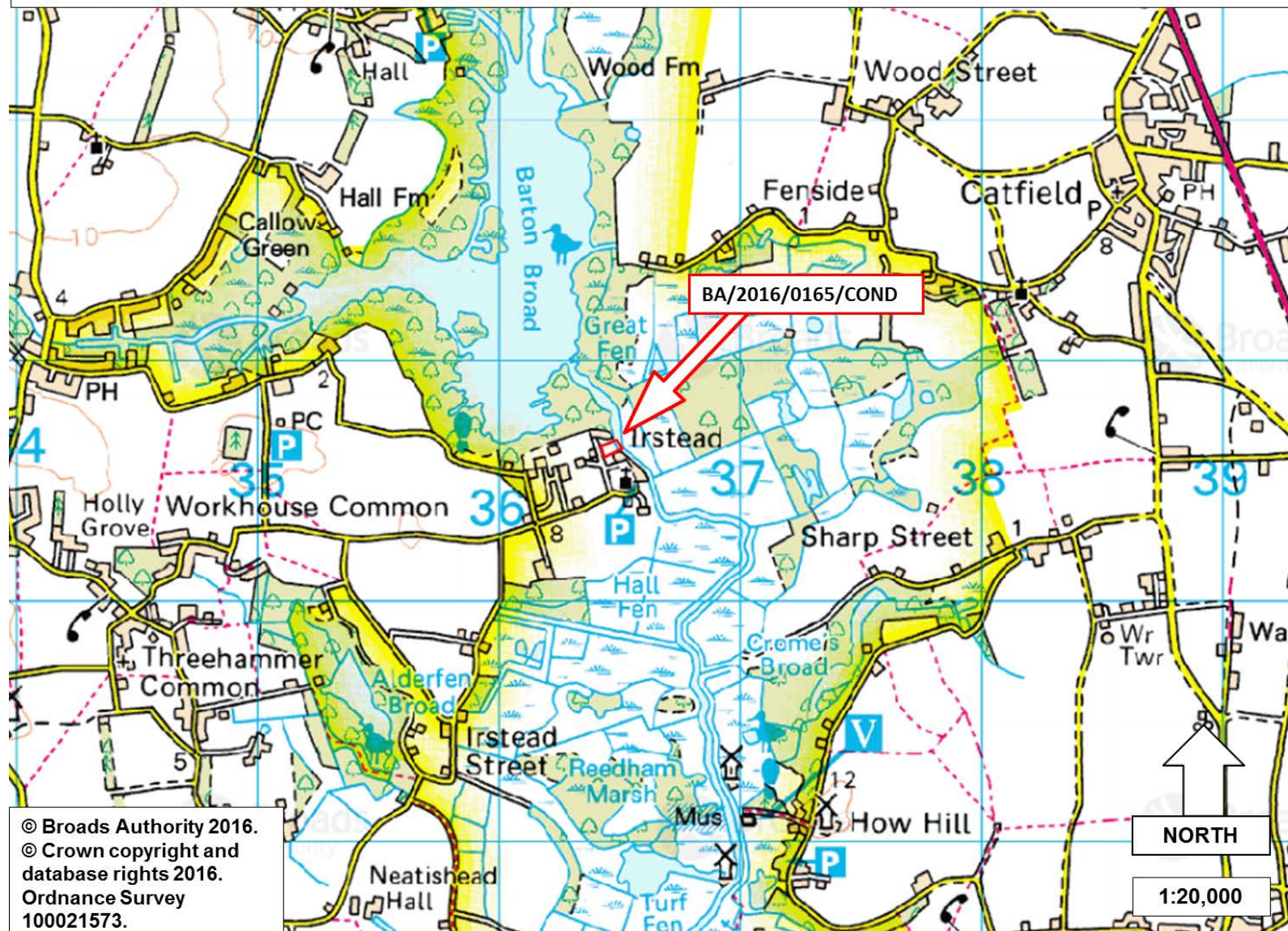
Reference:

BA/2016/0165/COND

Location

The Ice House, The Shoal, Irstead

BA/2016/0165/COND - Ice House, The Shoal, Irstead, NR12 8XS



Application for Determination

Parish	Barton Turf and Irstead
Reference	BA/2016/0165/COND Target date 30 June 2016
Location	Ice House, The Shoal, Irstead
Proposal	Retrospective variation of condition 2 of pp BA/2013/0208/FUL to change the materials required for the windows and external cladding to gables and amend the elevations
Applicant	Mr and Mrs Andrew Lodge
Recommendation	Approve subject to conditions and Section 106 agreement
Reason for referral to Committee	Departure from development plan

1 Background

- 1.1 A report was prepared for the 16 September 2016 Planning Committee meeting recommending approval of this application as a departure from the development plan and subject to conditions and a Section 106 agreement. The full report is attached at Appendix A.
- 1.2 Having considered the representations made on behalf of the applicant and from the District Member at that meeting, Members resolved to defer determining the application to enable further clarification on the proposal and the applicant's intentions to be obtained.

2 Update

- 2.1 Since the September Planning Committee, the applicant's agent has submitted the following statement:

"I have now spoken with Mr Lodge and confirm that whilst he is aggrieved that any remedial work is necessary at all to the holiday cottage, for the reasons given in previous correspondence, he is prepared to take the following action in order to bring the matter to a close.

1. *It is proposed to replace the cladding with waney edged larch to the gables and timber shiplap to the dormers, as set out in the current application, as detailed to Members in the Committee report as*

presented it to Members at the last meeting. The windows and doors would be retained in their current form and materials.

2. *It is acknowledged that the recommendation for this proposal is for approval and trusts members will agree with the recommendation.*
3. *Mr Lodge is committed to this proposal and would implement this permission, should the application be approved.*
4. *Mr Lodge will replace the cladding in accordance with a timescale agreed with the Authority. Due to the financial implications and the need to implement phase 2 of the Ice House refurbishment, whilst he and his wife move into the holiday cottage on a temporary basis, Mr Lodge would require a reasonable timescale in order to complete the replacement cladding. I would suggest a timescale of 24 months would be more appropriate.*

I trust this is sufficient for you to re present your report to the planning committee at the next meeting with the recommendation of approval.”

- 2.2 Members should note that from 1st October the Housing and Planning Act 2016 requires that the provisions of the Neighbourhood Plan be detailed in a report to Planning Committee. There is no neighbourhood plan in force for the area for the application site

3 Conclusion and Recommendations

- 3.1 There has been no change in circumstances since the application was last considered and the above statement confirms the applicant's proposal is that which was presented to Members at the September meeting and offers clarity on the applicant's intentions.
- 3.2 Officers remain of the opinion that 12 months is an appropriate and reasonable timescale for the replacement of the cladding but Members may wish to consider the request for 24 months.
- 3.3 The recommendation therefore remains as previously.

Approve subject to conditions and Section 106 agreement:

- (i) Time limit
- (ii) In accordance with amended plans
- (iii) Cladding to be replaced within one year
- (iv) Holiday dwelling to be retained with bricks and tiles as agreed
- (v) Landscaping scheme retained as agreed
- (vi) Replace any damaged or diseased planting
- (vii) Biodiversity enhancements to be retained
- (viii) Holiday accommodation only
- (ix) Parking and turning area

8 Reason for recommendation

The proposal is considered to be acceptable as a departure from Policy DP4 of the adopted Development Management Policies (2011) as, nonetheless, it would achieve the aim of conserving a heritage asset in accordance with Policy DP5 of the Development Management Policies (2011), Policies CS1 and CS5 of the adopted Core Strategy (2007) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

List of Appendices:

Appendix A – Report to September Planning Committee

Background papers: Application File BA/2016/0165/COND

Author: Maria Hammond

Date of Report: 29 September 2016

Application for Determination

Parish	Barton Turf and Irstead		
Reference	BA/2016/0165/COND	Target date	30 June 2016
Location	Ice House, The Shoal, Irstead		
Proposal	Retrospective variation of condition 2 of pp BA/2013/0208/FUL to change the materials required for the windows and external cladding to gables and amend the elevations		
Applicant	Mr and Mrs Andrew Lodge		
Recommendation	Approve subject to conditions and Section 106 agreement		
Reason for referral to Committee	Departure from development plan		

1 Description of Site and Proposals

- 1.1 The application site consists of a dwellinghouse with holiday dwelling in the curtilage at Ice House, The Shoal, Irstead. The Shoal is a private road running north of Shoals Road which gives access to a number of dwellings along its eastern side that enjoy an open aspect to the River Ant to the east.
- 1.2 The dwelling sits immediately adjacent to the river to the east of the large plot and is two storey, incorporating a boatshed on the ground floor. It is thatched and timber framed.
- 1.3 In 2014, planning permission was granted for the erection of a holiday dwelling in the curtilage as enabling development to fund the restoration of dwelling which was in a poor state of repair (BA/2013/0208/FUL). It was recognised that the dwelling is a fine example of a traditional Broads riverside property and it was identified as a non-designated heritage asset. Planning permission was granted as a departure from policy as this is a location where new holiday accommodation would not normally be permitted, however it was considered on balance that the benefits to the dwelling of this enabling development would outweigh the disbenefits. A Section 106 agreement was used to secure a scheme of structural and other repair work to the dwelling tied to the timing of the implementation of the holiday dwelling scheme.

- 1.4 The above permission has been implemented and work to the main dwelling is progressing. The holiday dwelling has been constructed following the completion of the first phase of approved restoration works to the main dwelling, this is in accordance with the scheme required by the Section 106 agreement and the restoration work has been completed to a high standard. It is the holiday dwelling which is the subject of this application.
- 1.5 The planning permission for the holiday dwelling included the use of timber windows and timber boarding as identified in the submitted plans and documents. Condition 2 of the permission requires the development to be carried out in accordance with these plans and documents. A routine condition monitoring visit identified that this had not been the case and the holiday dwelling has been constructed with wood effect UPVC windows and fibre cement boarding.
- 1.6 This application seeks to vary condition 2 to apply to amended plans which propose the retention of the UPVC windows. Following negotiations, it is proposed to replace the existing unauthorised fibre cement boarding on the gables with waney edged timber boarding and on the porch and dormer windows this would be replaced with timber shiplap boarding. It is proposed to carry out the replacement of the boarding within 18-24 months of any permission being granted.
- 1.7 The application states that the intention was for the holiday dwelling to be as low maintenance as possible to steer money into the refurbishment of the dwelling. It is stated that the cost of removing and replacing the windows in the holiday cottage would place a financial burden on the applicant which would effectively put the refurbishment of the dwelling on hold. Quotes have been submitted which indicate it would cost over £50,000 to remove and replace the incorrect windows and cladding and that this would have the effect of postponing repairs to the external cladding of the main dwelling and lead to the existing inappropriate and failing windows in this building to be retained.
- 1.8 It is also proposed to retain amendments to the elevations. These include the amended siting of two dormer windows and provision of a rooflight and suntube on the principle west elevation and a rooflight on the south elevation.
- 1.9 Since the determination of the 2013 application, the main dwelling has been formally recognised as a non-designated heritage asset by inclusion on the Authority's Local List.

2 Site History

BA/2013/0208/FUL - Erection of holiday dwelling within curtilage of Icehouse Dyke to enable refurbishment of main dwelling - Approved subject to conditions and Section 106 agreement.

3 Consultation

Broads Society – No objections.

Parish Council - No objections.

District Member – This application can be determined by the Head of Planning.

4 Representations

4.1 None received.

5 Policies

5.1 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 Adopted September 2007 pdf](#)

CS1 - Landscape protection and enhancement

CS5 - Historic and Cultural Environments

DP4 - Design

5.2 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.

[DEVELOPMENTPLANDOCUMENT](#)

DP5 - Historic Environment

6 Assessment

6.1 The key considerations in the determination of this application are the acceptability of the materials, the impact on the setting of the non-designated asset and the consequences for the restoration of this.

6.2 In the Planning Committee report (November 2013) recommending approval of the holiday dwelling, it was noted "*In terms of detailed design, the simple design of the property and use of a palette of materials which complements, but does not attempt to mimic, the host dwelling is acceptable... the quality of these materials is crucial to the acceptability of the proposal*".

- 6.3 Development Management Policy DP4 requires all new development to be of high design quality and to integrate effectively with its surroundings, reinforce local distinctiveness and landscape character, and to preserve or enhance cultural heritage. In respect of the detailed design and materials, criterion (f) of this policy requires these to be high quality, appropriate to the context and sustainable.
- 6.4 Whilst no detailed proposals for the timber windows and timber boarding were submitted, the use of timber was considered appropriately high quality in accordance with Policy DP4 and to protect the heritage asset of the main dwelling in accordance with Policy DP5.
- 6.5 Replacement of the fibre cement boarding with timber boarding is welcomed as this would restore this element of the development to as originally approved. The fibre cement boarding is considered to adversely affect the appearance of the dwelling with its imitation timber finish that is uniform, will not weather and is different in colour and texture to both the timber fascias and UPVC windows. The three gables are large, prominent areas on the building where the incongruity of this material is most apparent, including in views from the river. The cladding is the most unacceptable element of the development and retention of it would be contrary to Policies DP4 and DP5.
- 6.6 The use of waney edged larch to the three large gables would reference the main dwelling and is a traditional Broads material, thus reinforcing local distinctiveness. It is not considered an attempt to mimic the main dwelling and nor would it detract from it and it is considered an improvement and preferable to shiplap on these large areas of the holiday dwelling. Timber shiplap is considered appropriate for the smaller areas around the dormers and on the porch. The shiplap and waney edge boarding are considered to be high quality materials appropriate to the context which will complement the design of the holiday dwelling and, as intended, the setting of the main dwelling. This aspect of the proposal is therefore considered acceptable in accordance with Policies DP4 and DP5. It is considered necessary to require the replacement of the unauthorised boarding within an appropriate timescale by condition and it is noted that 18 months to two years has been requested. However, in order to regularise the development and achieve a significant improvement in the appearance of the development, one year from the date of the decision is considered more appropriate.
- 6.7 The amendments to the elevations are relatively minor and whilst it would be preferable to minimise the use of rooflights and suntubes, it is not considered the overall design or appearance is significantly adversely affected and nor is the setting of the heritage asset. This aspect of the proposal is also considered acceptable in accordance with Policies DP4 and DP5.
- 6.8 The remaining proposal to consider is the retention of the wood effect UPVC windows. UPVC windows are generally resisted in the Broads as they are not traditional and are a more urban and suburban feature. They

lack the fineness of detail of timber, often having bulky frames which are much larger in profile and the finish is flat and uniform and does not soften and weather in appearance over time. The sustainability credentials are also poor in terms of manufacture and disposal and they cannot be repaired as easily as timber, potentially reducing the lifespan. Products do vary in quality however and it is necessary to consider each proposal on a case by case basis and in relation to Policy DP4.

- 6.9 In this case, the wood effect windows and doors which have been used are not considered to be of such a design or finish that overcomes the general presumption against UPVC. They are not considered to be the high quality, locally distinct material that Policy DP4 seeks to achieve generally nor the high quality material that it was considered necessary to secure the use of to complement the host dwelling when allowing this exceptional development.
- 6.10 Furthermore, it is considered these windows have an adverse impact on the setting of the heritage asset although it must be noted that this is relatively minor in terms of the level of harm and affects only the setting and not the asset itself. In respect of paragraph 135 of the National Planning Policy Framework and Policy DP5, taking a balanced view, the impact on the heritage asset is not unacceptable. In design terms, however, the windows and doors cannot be considered to comply with Policy DP4 and are unacceptable.
- 6.11 Whilst the proposal is contrary to development plan Policy DP4, it is necessary to consider whether there are any other material considerations which weigh in its favour. In this context it is necessary to remember that the holiday cottage was allowed as a departure from the development plan as it was a means to provide funds which were not otherwise available to support the restoration of the main dwelling. This is proving successful as, now the holiday dwelling has been constructed, the applicant has been able to borrow against it and the rethatching of the main dwelling has been completed ahead of schedule.
- 6.12 The application contends that the cost of replacing the windows with appropriate, high quality timber windows would be significant and that it would divert money from the restoration of the main dwelling, compromising the work which was considered necessary to safeguard the future of the heritage asset. The costings that have been presented are itemised and considered realistic. Such cost implications would not normally be a material consideration, however given the reasons for permitting the original development this is a consideration here and the argument presented is considered to be a compelling one that requires careful attention.
- 6.13 It is necessary to consider whether the benefits to the holiday cottage and setting of the main dwelling of requiring the replacement of the UPVC windows with more appropriate windows would be so significant as to outweigh the delays and reduced scale of restoration to the main dwelling;

a heritage asset. This heritage asset sits in a prominent position on the bank on the River Ant and is something of a landmark building, being a familiar feature which makes a positive contribution to the riverscene locally and built heritage of the Broads more widely. The holiday dwelling sits to the rear of the site and, whilst visible from the river, it is less prominent and thus subservient in appearance to the main dwelling. As approved, with timber cladding and windows, the holiday dwelling would have made its own positive contribution to the Broads landscape. This contribution is lessened by virtue of the UPVC windows and doors which have been used.

- 6.14 In respect of heritage assets, the National Planning Policy Framework at paragraph 131 advises that account should be taken of:
- the desirability of sustaining and enhancing the significance of heritage assets...
 - the positive contribution that conservation of heritage assets can make to sustainable communities...
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.15 Whilst the positive contribution the new holiday dwelling makes to local character and distinctiveness is undermined by the retention of the UPVC windows, it is considered that, in this case and on balance, greater weight should be given to the conservation and enhancement of the heritage asset. The improvement that could result from the replacement of the windows must be weighed against the potentially negative impact on the finances available for the conservation and enhancement of the main dwelling and on this basis it is considered that the latter is a material consideration which outweighs the conflict with the development plan. This is a finely balanced judgement made in light of the specific context of this development, the facts of the matter and the information which has been presented. It is not considered that allowing the retention of the windows and doors would set an undesirable precedent nor undermine the objectives of Policy DP4 or the development plan more generally as this is a considered response to a unique set of circumstances.

7 Conclusion

- 7.1 This application seeks to regularise amendments to a development which is largely complete and that was allowed as a departure from the development plan in order to secure the restoration of a non-designated heritage asset. The amendments to the elevations are considered minor and acceptable and the replacement of the unauthorised boarding with high quality, locally distinct timber cladding is welcomed
- 7.2 The proposal to retain the UPVC windows and doors cannot be considered acceptable in accordance with Policy DP4. However, in the particular circumstances of this case it is considered that greater weight should be given to the conservation of the heritage asset and requiring the replacement of the windows and doors would put this at risk. On balance, it is considered that the

proposal to retain the existing windows and doors can be allowed in the interests of securing the complete restoration of the main dwelling.

- 7.3 The proposal is therefore recommended for approval as a departure from the development plan. It is necessary to advertise/readvertise/publicise the proposal as such.
- 7.4 This application proposes varying condition 2 of the original permission and should it be approved it shall be necessary to repeat all other conditions from the original permission, amended to reflect that the pre-commencement conditions have been discharged. It shall also be necessary to vary the section 106 agreement that the original permission was subject to, to reflect the new permission that would be granted.

8 Recommendation

- 8.1 Approve subject to conditions and Section 106 agreement:

- (i) Time limit
- (ii) In accordance with amended plans
- (iii) Cladding to be replaced within one year
- (iv) Holiday dwelling to be retained with bricks and tiles as agreed
- (v) Landscaping scheme retained as agreed
- (vi) Replace any damaged or diseased planting
- (vii) Biodiversity enhancements to be retained
- (viii) Holiday accommodation only
- (ix) Parking and turning area

9 Reason for Recommendation

- 9.1 The proposal is considered to be acceptable as a departure from Policy DP4 of the adopted Development Management Policies (2011) as, nonetheless, it would achieve the aim of conserving a heritage asset in accordance with Policy DP5 of the Development Management Policies (2011), Policies CS1 and CS5 of the adopted Core Strategy (2007) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

Background papers: Application File BA/2016/0165/COND and BA/2013/0208/FUL

Author: Maria Hammond

Date of Report: 30 August 2016

List of Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

