

Application for Determination

Parish	Thorpe St Andrew
Reference	BA/2014/0114/COND Target date 19 May 2014
Location	Yarevue, 18 Bungalow Lane, Thorpe St Andrew
Proposal	Variation of Condition 2 of pp 05/89/1626 to allow all year round holiday let
Applicant	Mr Gary Burns
Recommendation	Approve subject to conditions
Reason for referral to Committee	Objection received

1 Description of Site and Proposals

1.1 The application site is a holiday chalet at Yarevue, 18 Bungalow Lane, Thorpe St Andrew. The site fronts the River Yare and vehicular access is by an unmade track which is also a public footpath and this crosses an unmanned level crossing. The riverfront development along Bungalow Lane varies in use and character, including a dwelling, boatyard with hire fleet and mooring plots. The Broads Authority dockyard is located just downstream of the site. The site is outside the development boundary and in flood risk zone 3.

1.2 The chalet is storey and a half in scale, providing two bedrooms, and although the permission was granted in 1989, construction was completed in 2009. The permission granted in 1989 (891626) for the holiday chalet was subject to conditions, including condition 2 which states:

The chalet hereby approved shall not be occupied overnight in the period 4th January to 18 March in any one year.

This condition was applied for the following reason:

In the opinion of the Local Planning Authority, the site is considered to be unsuitable for permanent residential accommodation because of the low-lying nature of the area, the problems of access, the lack of proper sewers and the proximity of the riverside plots to neighbouring commercial premises.

1.3 The application seeks a variation of the above condition to allow year-round holiday let use.

2 Site History

- 2.1 In 1989 planning permission was granted for the holiday chalet (891626).

3 Consultation

Broads Society – No objections.

Town Council – Objections. The original planning permission condition that said the chalet should not be occupied overnight between 4 January to 18 March each year is supported. It is noted that when planning permission was granted the LPA considered the chalet to be unsuitable for permanent residential accommodation because of the low-lying nature of the area, the problem of access, the lack of proper sewers and the proximity of the riverside plots to neighbouring commercial premises. None of those matters have changed other than the most adjacent commercial premises which now house the Broads Authority who continue the activities previously carried out on the site when it was in private ownership. It is noted that in the current consultation on proposed changes to the BA Sites Specifics Local plan Policy TSA 4 Bungalow Lane, if adopted, would not permit permanent dwellings on Bungalow Lane.

District Member – No response.

Highways Authority - No objection.

Public Rights of Way Officer - No objection.

Environment Agency - No objections, the proposal does not increase the risk in any significant way for future occupants. The owner of the property should sign up to our flood warning service and ensure there is a procedures in place for the tenants to be notified including the displaying of flood evacuation notices in the property.

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.

Adopted Development Management Policies (2011)

[DevelopmentManagementPoliciesDPD2011](#)

DP3 – Water Quality and Resources

DP11 – Access on Land

DP29 – Development on sites with a High Probability of Flooding

- 5.2 The following Policies have been assessed for consistency with the NPPF and have been 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.

[NPPF](#)

Adopted Core Strategy (2007)

[Core Strategy Adopted September 2007 pdf](#)

CS20 – Rural Sustainability

Adopted Development Management Policies (2011)

DP15 – Holiday Accommodation – New Provision and Retention

DP28 – Amenity

- 5.3 The Proposed Site Specific Policy TSA4 covers the area of the application site and is a material consideration in the determination of this application.. Given the advanced stage of the Proposed Site Specific Policies, it is considered the Proposed Policy can be given great weight in the determination of this application.

6 Assessment

- 6.1 In assessing this proposal it is necessary to consider the reasons for applying the existing condition (flood risk, access, sewerage and amenity) and the impacts of the proposed variation.
- 6.2 Since the permission was originally granted there have not been any significant changes, or improvements, in flood risk, access, sewerage or amenity in the Bungalow Lane area. The original reasons for not allowing a permanent residential use therefore still remain valid. Furthermore, the site is outside a development boundary and Site Specific Policy TSA4 criterion 2 does not allow the use as permanent dwellings of buildings restricted to holiday use. By preventing overnight occupation between 4 January and 18 March, the accommodation can be used as holiday accommodation or a second home. The application is seeking to allow this use to continue between 4 January and 18 March, not to allow a permanent residential use. It must therefore be considered what impacts this year-round use would have on flood risk, access, sewerage or amenity.

Flood Risk

- 6.3 The site is in flood risk zone 3 and no built development is proposed that would affect flood risk. It is not considered the additional period of occupation would significantly increase flood risk for occupants and the Environment Agency have no objection, subject to securing the display of flood warning notices and this can be done by condition. The proposal is

therefore considered acceptable in this respect in accordance with Development Management Policy DP29 and Core Strategy Policy CS20.

Access

- 6.4 The Highway Authority do not consider that the proposal would result in a material change in traffic movements and have no objection insofar as traffic accessing the site from Yarmouth Road is concerned. Bungalow Lane is, at least in part, a public footpath and the Public Rights of Way Officer has no objection to the proposal. The proposal is therefore considered acceptable in accordance with Development Management Policy DP11.

Sewerage

- 6.5 It is understood that the chalet is served by a private treatment plant and as the accommodation itself would not be extended, only the period of occupation, there is not considered to be any need to alter or upgrade this plant as a result of the proposal. As the development is adequately served by an existing plant, the proposal is considered acceptable in accordance with Development Management Policy DP3.

Amenity

- 6.6 It is understood the commercial operations at the neighbouring boatyard and dockyard were considered to make this area unsuitable for permanent residential occupation when the original permission was granted. Whilst these activities remain, it is not considered their impacts in the period 4 January to 18 March would be any greater than the remainder of the year and the impact on the amenity of occupants during this period would not be unacceptable. Similarly, it is not considered that this additional period of occupation would result in any unacceptable impacts on adjoining occupiers and the proposal is considered acceptable in accordance with Development Management Policy DP28.

Holiday Use

- 6.7 Development Management Policy DP15 seeks to retain existing holiday accommodation in that use. The proposal would retain the holiday/second home use but the current mechanism limiting the period of occupation would need to be replaced with an alternative mechanism in an appropriately worded condition to ensure the holiday use and its associated economic benefits remains. Policy DP15 requires new holiday accommodation to be limited to short-stay rentals and does not allow for second home use. It would not, however, be reasonable to restrict the type of use any further than the existing condition and the condition at paragraph 7 below is considered to be compliant with paragraph 206 of the National Planning Policy Framework and to be in accordance with Policy DP15 and Site Specific Policy TSA4.

7 Conclusion

- 7.1 As noted by the Town Council, the reasons for restricting the occupation of the chalet on the original permission have not changed. However, the

proposal to use the chalet for holiday accommodation year round is not considered to have any significant adverse impacts on any of these aspects and the recommended condition would retain the chalet in holiday use in accordance with Development Management Policy DP15 and Site Specific Policy TSA4.

8 Recommendation

8.1 Approve subject to conditions:

- (i) Standard time limit
- (ii) The chalet identified on the submitted plan (Site Location Plan received by the Local Planning Authority on 20 March 2014) shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence
- (iii) Flood warning notices to be agreed

9 Reason for recommendation

- 9.1 The proposal is considered acceptable in accordance Development Management Policies DP3, DP11, DP15, DP28 and DP29 and Core Strategy Policy CS20, insofar as they are consistent with the National Planning Policy Framework. The proposal is also considered acceptable in accordance with Policy TSA4 of the emerging Site Specific Policies DPD (2014) and the National Planning Policy Framework (2012) which are material considerations in the determination of this application.

Background papers: Application File BA/2014/0114/COND

Author: Maria Hammond
Date of Report: 8 May 2014

List of Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

BA/2014/0114/COND – Yarevue, 18 Bungalow Lane, Thorpe St Andrew
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