

Application for Determination

Parish	Burgh St Peter/Wheatacre
Reference	BA/2016/0064/COND Target date 15 April 2016
Location	Waveney Inn and River Centre, Staithe Road, Burgh St Peter
Proposal	Removal of conditions 1: temporary consent, 3: residential mooring limit, 5: mooring management plan, 6: passing bay signs, 8: vessel size limit and 10: mooring details of permission BA/2015/0251/FUL.
Applicant	Mr James Knight, Waveney River Centre
Recommendation	Refuse
Reason for referral to Committee	Applicant is a Member of the Navigation Committee

1 Description of Site and Proposals

- 1.1 Waveney Inn and River Centre is an established complex of visitor, recreation and boatyard facilities located in a relatively isolated position on the River Waveney at Burgh St Peter. Vehicular access is via largely single track roads off the A143 and the nearest villages of Burgh St Peter, Wheatacre and Aldeby are small settlements with no significant services. The whole area has a strong rural character.
- 1.2 Facilities within the site include a public house with restaurant, convenience shop, swimming pool, cafe, camping and touring caravan pitches, glamping pods, play area, launderette, self-catering apartments, lodges, workshop, and private and visitor moorings.
- 1.3 At the December 2015 Planning Committee, Members resolved to grant planning permission for a proposal for the change of use of the marina from leisure to mixed leisure and residential, with residential moorings not to exceed a total of 10 of the 130 moorings on site. That resolution was to approve the application for a temporary period of five years and subject to conditions, the details of which were delegated to officers to draft, to include:
 - Number of residential moorings and identification on the Plan where these might be applied
 - Use of residential moorings in accordance with Policy DP25 definition

- Register of Residential moorings to be kept for monitoring purposes
- Management Plan for the use of adjacent areas
- Highway conditions including signage on passing bays
- No net loss in number of moorings
- Removal of permitted development rights for change of use of barns/other buildings on site
- Size of boats

The planning permission was issued in January 2016 subject to detailed conditions covering those matters as appropriate.

1.4 This application pursuant to section 73 Town and Country Planning Act 1990, as amended, seeks to remove six of the ten conditions as below. On an application under section 73 Town and Country Planning Act 1990, as amended, a local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application. The applicant states in the application that he considers these conditions to be contrary to paragraph 206 of the National Planning Policy Framework which sets out the six 'tests' all planning conditions must meet. Paragraph 206 states: "Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects". Guidance is given on the 'tests' in the Planning Practice Guidance. With regard to the test of necessity, the applicant considers they fail this when it is considered "would it be appropriate to refuse planning permission without the requirements imposed by condition".

1.5 The justification for the removal of the various conditions is as set out below:

Condition	Reason for proposed removal
<p>1. This permission shall expire on 22 January 2021 and, unless on or before that date an application is made for an extension of the period of permission and such application is approved by the Local Planning Authority:</p> <p>(a) the use as residential moorings hereby permitted shall be discontinued; and</p> <p>(b) the moorings shall revert to visitor/private use.</p>	<p>This condition is arbitrary, unreasonable, unnecessary, imprecise, not relevant to planning and does not relate to the development to be permitted:</p> <p>a) the condition unreasonably impacts on the deliverability of the development, because it restricts the appeal of the moorings to people who are transient and not looking for a permanent 'home'. This "damocles sword" will prevent the take up of residential moorings by anybody hoping to settle at the marina - especially in 2 or 3 years time when the deadline is approaching;</p>

	<ul style="list-style-type: none"> b) the term of 5 years is entirely arbitrary; c) the condition is imprecise, as there is no mechanism or objective test proposed which could enable a future viability assessment as described in the decision notice; d) the condition is not relevant to planning and does not relate to the development to be permitted, as it concerns the overall viability of other facilities on site; e) the condition is unnecessary because it is not required to make the development acceptable in planning terms. The material considerations were sufficient for a time-limited consent, and therefore they are also sufficient for the grant of permanent consent.
<p>3. No more than ten moorings within the area outlined in red and shaded in blue on the drawing titled 'Moorings at Waveney River Centre' (received by the Local Planning Authority on 17 July 2015) shall be used as residential moorings (as defined in Informative Note 4) at any one time.</p>	<p>This condition is unnecessary because:</p> <ul style="list-style-type: none"> a) the description of development applied for, as clearly set out on in the application forms and the decision notice, refers to a total of 10 moorings, not to be exceeded; b) condition 2 requires the development to be carried out in accordance with the submitted plans and documentation.
<p>5. Prior to the first occupation of any mooring within the area outlined in red and shaded in blue on the drawing titled 'Moorings at Waveney River Centre' (received by the Local Planning Authority on 17 July 2015) as a residential mooring or within two months of the date of this decision, whichever is later, a plan for the management of the residential moorings and adjacent areas shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be occupied and maintained in accordance with the plan as shall be agreed.</p>	<p>This condition is unnecessary, unreasonable and not relevant to planning:</p> <ul style="list-style-type: none"> a) the marina is operated within the terms of The Yacht Harbour Association's Gold Anchor award scheme and all berth holders must already comply with the marina's terms & conditions relating to acceptable use of moorings and the surrounding areas, as confirmed at para 6.9 of the committee report dated 23rd November 2015. Additional management plans add an unreasonable burden on the business; b) any attempt by an LPA to exert control over the management of an applicant's business is likely to be found to be ultra vires and is certainly

	<p>not relevant to planning;</p> <p>c) there is no reason to suppose that the character of the moorings would become any different as a result of the residential use permitted, making such a condition unnecessary in planning terms;</p> <p>d) public safety is not relevant to planning and is covered by other statutory authorities.</p>
<p>6. Prior to the first use of the development hereby permitted, or within two months of the date of this decision, whichever is later, the existing passing bays on Burgh Road (indicated on drawing number 961-03/100 received by the Local Planning Authority on 2 November 2015) shall be signed with approved passing bay signs, the number and exact locations to be agreed in writing by the Local Planning Authority in consultation with the Highway Authority.</p>	<p>This condition is unreasonable, unenforceable and unlawful because the co-operation of a third party (the highways authority) is required in order to discharge the condition and there is no mechanism in place to ensure this. Therefore, it could become impossible for the applicant to discharge the condition for reasons beyond its control.</p>
<p>8. Any vessel occupying a residential mooring hereby permitted shall measure no more than 25 metres in length.</p>	<p>This condition is arbitrary, unnecessary and does not relate to planning. Vessels exceeding 25m in length are no more or less likely to affect the appearance and amenity of the area than any other, and there is no such restriction in policy DP25. Furthermore, there is no such current restriction on any other vessel in the marina so it is unreasonable to apply it arbitrarily to the 10 residential moorings.</p>
<p>10. Prior to the first occupation of any mooring within the area outlined in red and shaded in blue on the drawing titled 'Moorings at Waveney River Centre' (received by the Local Planning Authority on 17 July 2015) as a residential mooring or within two months of the date of this decision, whichever is later, details of the means of securing each residential vessel to the bank shall be submitted to and agreed in writing by the Local Planning Authority. Each vessel occupying a residential mooring shall be secured in accordance with these</p>	<p>This condition is unnecessary, unreasonable, not relevant to planning and unenforceable. The marina is already populated with boats which must rise and fall with the tide and the exact method will vary according to the type of vessel, the specific location in the marina and seasonal weather variations. Every boat must be adequately and safely secured, whether lived on or not, and these requirements already form an integral part of the day to day management of the marina.</p>

details as shall be agreed, unless otherwise agreed in writing by the Local Planning Authority.	
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1.6 No additional or amended development is proposed in this application.

2 Site History

07/06/0479 Extension of existing caravan site with 8no private units and new sewerage treatment plant - Approved subject to conditions and Section 106 agreement.

BA/2010/0392/FUL Proposed demolition of existing outbuildings and replacement with new build 5 unit bed and breakfast accommodation - Approved subject to conditions (not implemented and expired in March 2014).

BA/2013/0310/FUL Proposed six camping pods - Approved subject to conditions.

BA/2013/0329/FUL New entrances, external cladding and window alterations - Approved subject to conditions.

BA/2013/0405/CU Conversion of existing shop to luxury apartment with re-location of shop to unused part of pub - Approved subject to conditions.

BA/2015/0236/COND Variation of Condition 2 of BA/2013/0329/FUL to amend approved drawings - 'New entrances, external cladding and window alterations'. Retrospective. - Approved subject to conditions.

BA/2015/0243/NONMAT Non Material Amendment to pp BA/2013/0405/CU for minor differences to the external appearance from that approved. Retrospective – Approved.

BA/2015/0251/FUL Change of use of marina from leisure to mixed leisure & residential, residential moorings not to exceed a total of 10. Part retrospective – Approved subject to conditions.

BA/2015/0360/FUL – Restaurant Extension - Approved subject to conditions.

BA/2015/0371/FUL - Replace barn with administration centre – Approved subject to conditions.

BA/2016/0088/COND - Change of fenestration, variation of condition 2, and removal of conditions 4 and 7 of permission BA/2015/0360/FUL. – Pending consideration.

3 Consultation

Burgh St Peter/Wheatacre Parish Council - Most of these matters appear to be technical / legal issues between James Knight and yourselves. However,

councillors could see little merit in putting a 5 year limit on the residential moorings. Councillors would NOT want to see more than 10 residential moorings and would want to see the installation of the passing bay signs, as this is crucial for the free movement of traffic along Burgh Road and traffic safety. We still have a problem with traffic not using the designated route and using Staithe Road and passing through the village. Staithe Road is very dangerous being very narrow and with numerous blind bends. Please can you ask the Highways Department if there any further measures that can be taken to discourage people from using this route (Officers have forwarded these comments to the Highways Authority). (Full comments in Appendix 2)

Broads Society - No objections

District Member - No response

Highways Authority – In terms of the requirements as outlined in para 206 of the NPPF, I believe it can be demonstrated that the ‘tests’ are met. Certainly in highway terms the passing bay signage will make the passing spaces more prominent and indicate to motorists where passing provision has been provided and as such reduce deterioration of the highway network and mitigate the effects of the development. The removal of this condition would not make the development acceptable in highway terms and indeed you will be aware that a recommendation of refusal was initially made.

In terms of mechanisms in place to discharge the condition, I consider the condition as appended to the grant of permission a Grampian condition. However, there are various methods that can be utilised from written agreement for the applicant or his agent to work on the highway (subject to appropriate noticing and insurances) through to formal agreement under Section 278 of the Highways Act 1980.

Indeed the Highway Authority could have recommended a condition requiring the applicant to enter into a formal agreement which would have meant the applicant paying a non-returnable administration fee over and above the works cost; certainly given the scale of the works this was considered unreasonable given the Highway Authority can give written permission to work on the highway.

Therefore as stated above I consider that the condition is necessary and relevant to the development permitted, is precise, reasonable and enforceable. In respect of it being relevant to planning, along with the other criteria, you Authority will have satisfied themselves that the requirements of para 206 are met.

Whilst the Highway Authority would not recommend removal of the condition I am of the opinion that given the nature of the application and supporting documentation, it is for your Authority to consider the grounds relating to the reasoning for the request to remove the condition and make a decision accordingly.

Environment Agency - We did not request any conditions so have nothing to add.

4 Representations

None received.

5 Policies

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

[Core Strategy Adopted September 2007 pdf](#)

CS1 – Landscape
CS16 - Access and Transportation

[DEVELOPMENTPLANDOCUMENT](#)

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 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.

CS18 – Rural Sustainability
CS20 – Rural Sustainability
DP25 – New Residential Moorings
DP28 - Amenity

6 Assessment

- 6.1 In terms of assessment, for clarity it is considered appropriate to address each of the conditions which are proposed to be removed from the permission in turn. It should be noted that since the granting of the permission there has been no change in the circumstances of the site, other than the granting of permission for a restaurant extension (commenced) and administration centre, and there has been no change in planning policy or guidance.

Condition 1 – temporary permission

- 6.2 It should be noted that at the December 2015 meeting of the Planning Committee the application was recommended for refusal as it was contrary to Policy DP25 with regard to the location of new residential moorings. However, Members considered the applicant's argument, presented at that meeting, that the presence of residents year-round at this tourism site

would help support the viability of the existing facilities. They considered this to be a significant material consideration and one to which they applied considerable weight. On the basis that this is a very specific situation where the proposal had potential to provide increased benefits and improve the sustainability and viability of the site as a whole within an area where there are fewer facilities for tourism, it was considered that the material considerations could outweigh the provisions of the development plan. In reaching this conclusion, however, the members of the Planning Committee wanted to be sure that this would be the effect of the residential moorings and therefore resolved to approve the proposal on a temporary basis only to enable an assessment of the impacts in terms of the site and the economics of providing facilities, to assess whether the provision of ten residential moorings did improve the economic viability of the Centre.

- 6.3 In applying the condition, officers considered it to comply with the six tests and other relevant guidance, in accordance with the Planning Committee's resolution. Considering in turn the applicant's objections to the condition firstly, with regards to reasonableness, the applicant considers the temporary permission to unreasonably impact on the deliverability of the development by only being attractive to people who are transient and not looking for a permanent home, with this increasing as the five year limit approaches. Whilst this is appreciated, it is the case that much housing is provided on the basis of limited tenure, particularly in the private rented market and in this case the effect of the restriction is no different to, for example, renting a property on a shorthold lease. Such a restriction does not prevent the take-up of such properties. Members considered what is effectively a 'trial period' was necessary in order to assess the applicant's claims with regards to the viability of the existing facilities on site and this was the basis on which the development was approved. The Planning Practice Guidance advises that conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness, however that is not considered to be the case here given that this permission relates to the use of moorings and that no operational development was proposed or permitted, the permission affects only the duration of leases which could be given for the residential moorings. As the very nature of living aboard a boat can be transient and at the end of any lease period the moorer could move on to another site, a temporary permission is not considered to unreasonably affect the approved use or make it undeliverable. Three years is the standard period given for a temporary permission, but Members considered a longer period of five years appropriate in this case given that it would affect people's homes. It should also be noted that there was already residential occupation of some boats in the basin which did not have the benefit of any consent.
- 6.4 The applicant considers the condition to be imprecise, citing the consideration of a future viability assessment. However, the condition itself is very precise, setting out the timescale, what it relates to and what should happen at the end of the permitted period. It is not the purpose of the condition to specify what would be considered in a future planning application to renew or extend the permission or make it permanent.

Similarly, the condition itself is not concerned with the viability of the other facilities on site, it merely sets out the duration of the permission and in this respect is relevant to planning and the development permitted.

- 6.5 With regard to necessity, the proposal for residential moorings was considered to be contrary to development plan policies. In order to approve such a proposal, there must be significant material considerations weighing in its favour and in this case Members considered these moorings may help the viability of existing facilities on site and keep these open for the benefit of the wider community. However, this argument had not been demonstrated in the application, or in fact, and a temporary permission allows this to be properly assessed. The Planning Practice Guidance advises “A condition limiting use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity”. In this case the proposal was contrary to the development plan and there was insufficient information available to justify the argument in favour of the moorings supporting the other facilities on site to substantiate the material considerations to support a departure with a permanent permission. The Guidance continues: “Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area” and this is the case here.
- 6.6 It is therefore considered the condition as applied passes the six tests and should be retained. Removing the condition would have the effect of making the permission permanent and the applicant has the option of making a further application to do so and providing the necessary supporting information to justify the proposal.

Condition 3 – Maximum number of residential moorings

- 6.7 It is agreed that the description of the development and submitted documents refer to a maximum of ten moorings, however condition 3 clearly sets out that no more than ten moorings shall be used as residential moorings, the area of the site this applies to and how those moorings shall be used. The applicant considers this unnecessary as it is covered by the description and documents listed in condition 2. However, this condition is considered necessary because it precisely sets out what the permission is for and would provide a clear basis for monitoring and enforcement. Removing this condition would not change the effect of the permission overall and would not make the development unacceptable, however it is considered necessary in the interests of precision and the condition is considered to satisfy the other tests, therefore retaining it is considered appropriate. In addition the case of *I’m your Man Limited-v-Secretary of State* [1999] is clear that the grant of planning permission in the same terms as the development proposed in the application for permission cannot be treated as imposing a condition on the permission.

Condition 5 – Management Plan

- 6.8 The condition requiring the submission and agreement of a management plan for the residential moorings and adjacent areas was applied to the permission in accordance with the reasoned justification to Policy DP25 which states “*In order to protect the visual and residential amenity and to ensure that the use of residential moorings does not compromise public safety, where permission is granted for a new permanent mooring planning conditions and/or obligations will be used to secure agreement for the management of the mooring and surrounding land*”.
- 6.9 Whilst it is appreciated the existing terms and conditions of the marina prevent the use of adjacent areas by moorers, this is beyond the control of planning and could change at any time. The needs and activities of residential moorers living aboard boats are considered to be different to recreational moorers occasionally visiting their boats and the use of adjacent areas for storage and amenity has the potential to have a detrimental visual effect on what is a well-maintained site in the countryside. It is considered reasonable and necessary to require a management plan to ensure any adjacent areas are used appropriately without detrimental effects on the appearance of the site and wider area and the amenity and safety of other users, including the public using the main river. These are material planning considerations and securing a management plan for these reasons is not considered to be *ultra vires* or to place any unreasonable burdens on the business.
- 6.10 Removing this condition could potentially lead to inappropriate use of the areas adjacent to the residential moorings with a detrimental effect on the appearance of the site and wider area and the amenity and safety of other users. It is therefore considered appropriate to retain the condition in accordance with Policies CS1 and DP25.

Condition 6 - Highways

- 6.11 It should be noted that the Highways Authority’s initial response to the application was a recommendation for refusal and that position only changed as a result of the applicant agreeing to a reduction in the number of residential moorings from 13 to 10 and agreeing to provide signage to passing bays along Burgh Road. The Highways Authority considered this sufficient mitigation and removed their objection subject to a recommended condition requiring agreement on and provision of passing bay signs.
- 6.12 The applicant considers this condition unreasonable, unenforceable and unlawful because it requires the co-operation of the Highways Authority to discharge it. What the condition requires is for the Local Planning Authority to agree the number and location of the signs in consultation with the Highways Authority. As the Highways Authority are the statutory consultee for highways matters and have the expertise to advise on the acceptability of any proposal for highway safety signs, it is necessary and reasonable to require their consultation to discharge this condition.

- 6.13 This condition is a 'Grampian condition' meaning that it prohibits the use of the development until the passing bays have been signed with approved signage. Such conditions should not be used where there are no realistic prospects of the required action being performed within the time limit imposed by the permission. In this case, the Highways Authority, whose consultation on the signage numbers and locations is required to discharge the condition, recommended this particular condition and it is understood to be a condition they recommend regularly.
- 6.14 The applicant considers the condition unenforceable as he doesn't have complete control over compliance with the condition, because it requires the consent of a third party (the Highways Authority) to carry out the work. The Planning Practice Guidance states "Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition)...". The Highways Authority have advised that provision of the signage could have been secured in other ways, but they recommended a Grampian condition and considered it to be the most pragmatic and reasonable means to achieve the required mitigation given that they can give written consent for works to be undertaken in the highway.
- 6.15 Removing the condition would remove any highways mitigation from the development. The passing bay signs would make the bays more prominent and indicate to motorists where passing provision is available and reduce deterioration of the highway network and mitigate the effects of the increased traffic from the development. The Highways Authority have commented that removing this condition would not make the development acceptable in highway terms and they would not recommend the removal of the condition. They consider it to be necessary and relevant to the development permitted, precise, reasonable and enforceable.
- 6.16 The applicant has stated he is willing in principle to carry out the signage subject to the removal of condition 1, as he considers it unreasonable to provide the signage for a time limited consent. The requirement is not considered disproportionate and would continue to benefit visitors to his business and the local community following the expiry of the consent. No alternative condition wording has been proposed the application therefore proposes removing the condition and this highways mitigation. On this basis and taking account of the Highways Authority response, it is considered this condition should be retained in accordance with Policies CS16 and DP11.

Condition 8 – Maximum vessel length

- 6.17 In their response to the application for residential moorings, the Parish Council commented that the boxy shape and large size of residential boats could have a detrimental visual impact and Members resolved for officers to explore how the size of boats could be managed in such a way as to avoid this. It is the function of the planning system to control the use of

land and this does not normally involve detailed matters such as these – for example, it would not be appropriate when granting permission for a car park to dictate what size or colour of cars could use the site. In this case, however, the vessels will by definition (being residential) be moored for long periods in what is a prominent open site within a protected landscape and it is neither unreasonable or unnecessary to manage the size of boats in the interests of protecting the appearance of the development, which is a material planning consideration. Length was considered an appropriate dimension to specify and 25 metres was identified as the maximum as that is slightly larger than one of the largest boats known to already residentially moor in the existing marina. An alternative mechanism to manage this aspect of the development could be considered, however the proposal is to remove the condition, rather than vary it.

- 6.18 This condition also works in conjunction with condition 7 which requires there to be no net loss in the number of moorings from the existing 130, as larger residential boats would reduce the mooring capacity for other users. Removing this condition would remove any control over the size and potential appearance of residential boats and in the interests of protecting the character and appearance of the surrounding area in accordance with criterion (d) of Policy DP25 and Policy CS1 it is considered appropriate to retain it.

Condition 10 – Means of securing vessels

- 6.19 It is appreciated that under their terms and conditions the marina requires all vessels to be adequately and safely secured (and this is a commercial matter), however the purpose of this condition is to manage the safety of the residential vessels with regard to flood risk, which is a planning matter. Any inadequately secured vessel may, in a flood event, become unsafe presenting a risk to other users within or outside the site. However, with a residential vessel, there are more likely to be people aboard in such a situation (although the flood evacuation plan required by condition 9 should require prior evacuation) with their possessions. An inadequately secured vessel is more likely to become damaged in a flood event and the contents of the boat may be harmed too. This would have greater consequences for residential rather than recreational boats as it may leave the occupants without accommodation, placing a greater burden on the community following a flood event, and result in loss of, or damage to, more significant personal possessions, increasing the economic and emotional impact of flooding.
- 6.20 This condition is considered to be necessary to manage flood risk to people and property and this is a material planning consideration, meaning it is relevant to planning. It is considered reasonable as the boats would need to be secured in any case and the condition just requires agreement of the method and it is enforceable as it can be monitored and enforced as necessary. Removing this condition would remove this means of managing flood risk and potentially increase risk to people and property, contrary to Policies CS20 and DP29.

7 Conclusion

7.1 The application proposes removing six conditions from a planning permission for ten residential moorings. The effect of the proposal would make this a permanent, rather than temporary permission, make the effect of the permission and enforcement of it more difficult, remove any provision for the Local Planning Authority to manage use of adjacent areas and the size of boats, remove any mitigation for the increase in traffic on the constrained highway access to/from the site and potentially increase flood risk to people and property.

7.2 It is proposed to remove, rather than vary, the conditions. Each condition is considered to satisfy the six tests at paragraph 206 of the National Planning Policy Framework and the removal of conditions 1, 5, 6, 8 and 10 is considered to be contrary to Policies CS1, CS16, CS20, DP11, DP25 and DP29. This report has been approved by the Solicitor to the Authority.

It is important to remember that the application should be determined on the basis that it has been submitted i.e the complete removal of 6 conditions. Even if it was considered acceptable to remove some, but not all, of the conditions, the proposal to remove all conditions would still be unacceptable and therefore should be refused.

8 Recommendation

8.1 Refuse.

9 Reason for recommendation

9.1 The proposal is considered contrary to Policies CS1, CS16 and CS20 of the adopted Core Strategy (2007), Policies DP11, DP25 and DP29 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of the application.

Background papers: BA/2016/0064/COND

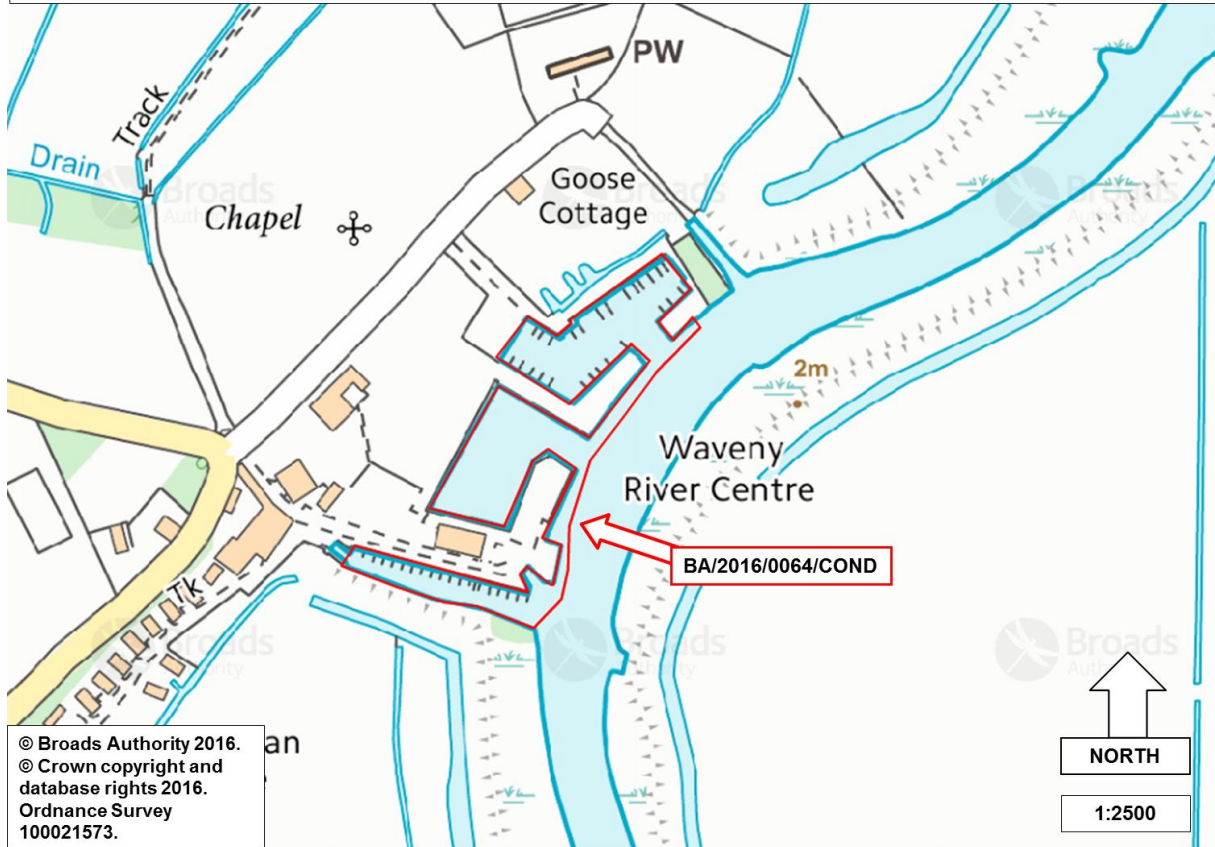
Author: Maria Hammond

Date of Report: 17 March 2016

List of Appendices: APPENDIX 1 – Site Plan
APPENDIX 2 – Letter from Burgh St Peter Parish Council

APPENDIX 1

BA/2016/0064/COND - Removal of conditions 1: temporary consent, 3: residential mooring limit, 5: mooring management plan, 6: passing bay signs, 8: vessel size limit and 10: mooring details of permission BA/2015/0251/FUL.



21 MAR 2016

Wheatacre Burgh St. Peter Parish Council

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Ms Hammond
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Dear Ms Hammond

17 March 2016

Planning Applications BA/2016/0064/COND & BA/2016/0088COND

At the March meeting of the Parish Council the above application was considered. The applicant attended the meeting and explained in detail the reasons for why he wished certain conditions removed.

BA/2016/0064/COND Residential Moorings

The Councillors remain opposed to any residential moorings at the Waveney River Centre because of the reasons which have been stated many times in the past. However, the Planning Committee have granted permission with conditions. The view of the Parish Council on each of the conditions to be determined by this application is as follows.

Condition 1- Temporary consent.

A majority of councillors agreed that this condition should be removed because ;
* It removes the certainty of the applicant and residents that residential moorings will be permitted beyond the 5 year period
* There appears no mechanism to evaluate whether the residential moorings have a positive or negative impact on the locality, environment or business.

Condition 3 - Maximum number of residential moorings

A majority of councillors agreed that this condition appears irrelevant as the application is for 10 moorings only. Councillors would not want there to be more than 10 residential moorings.

21 MAR 2016

Condition 5- Management plan for moorings.

Councillors consider this to be a technical/legal matter between the applicant and the Broads Authority and have no comment except that the Broads Authority should have the power to take action if the site were to become untidy and like a 'shanty town.'

Condition 6- Highways

Councillors consider this to be a technical/legal matter between the applicant and the Broads Authority and have no comment except that they expect the passing bay signs to be provided and installed as soon as possible as this is a highway safety matter.

Condition 8 – Maximum vessel length

Councillors consider this to be a technical/legal matter between the applicant and the Broads Authority and have no comment.

Condition 10 – Means of securing vessels

Councillors consider this to be a technical/legal matter between the applicant and the Broads Authority and have no comment .

Yours sincerely,

A handwritten signature in cursive script that reads "Simon Solomon".

Simon Solomon clerk