

## **Application for Determination**

<b>Parish</b>	Wroxham		
<b>Reference</b>	BA/2015/0330/FUL	<b>Target date</b>	1 December 2015
<b>Location</b>	Woodland East Of Backwater, Beech Road, Wroxham		
<b>Proposal</b>	Tea house/fishing lodge.		
<b>Applicant</b>	Mr Tim Barrett		
<b>Recommendation</b>	Approve subject to conditions		
<b>Reason for referral to Committee</b>	Departure from Development Plan		

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

- 1.1 The application site is on the northwestern edge of Wroxham Broad, to the east of the settlement of Wroxham. The site is at the southern end of a peninsular of wet woodland that extends from Beech Road to the northwest. To the northeast, Beech Road runs north of the Broad parallel with the River Bure and separates the Broad from the river. Two dwellings stand south of the road in the northwestern corner of the Broad, one dwelling on the northern edge also fronts the river and a large dwelling occupies the area to the northeast at the northern access from the river into the Broad. Two dwellings also exist to the northwest of the site within a lagoon that is largely screened from the rest of the Broad and the site is directly east of one of these, Backwater. Two boathouses exist on the western edge of the Broad and the Norfolk Broads Sailing Club is to the south of these. The site is in the Wroxham Conservation Area and flood risk zone 3.
- 1.2 The application site consists of a small area on the edge of the wet woodland which is currently only occupied by the remaining timber piles which formerly supported a thatched 'tea house' building that is thought to date from the early twentieth century. It is understood this was used recreationally as a tea house or fishing lodge, providing a stopping point and shelter for sailors. The original structure is no longer present; in 2005 the Broads Authority recorded that only a collapsed thatch roof on the platform base was evident and this has since been removed.
- 1.3 The application proposes building a new tea house/fishing lodge on the site. The application advises that the proposed design has been developed from historic photographs and maps and would take an 'L' shaped plan measuring

5.2 metres wide and 4.34 metres deep. Double doors on the south elevation would open to a deck and to the east this would access a 5.3 metre long jetty for mooring. The walls would have waney edged timber boarding and the hipped roof would be thatched at a ridge height of approximately 3.9 metres. Windows on the south and east elevation would be set behind shutters. Access would be by water only although there would be a door on the rear (north) elevation to the wet woodland.

- 1.4 The building is proposed to be used by the applicant, his family and guests to provide shelter for sailors and fishermen in accordance with the historical use of such structures where those enjoying the Broads would stop to take tea. It would not be insulated, nor have potable water, electricity or gas supplies and it is not proposed to use it for overnight accommodation.
- 1.5 A woodland management plan has been submitted for the area of approximately 0.28 hectares of alder carr to the rear of the platform that connects to Beech Road. This proposes cyclical coppicing around the edge of the peninsular to a maximum of 3 metres from the bank edge to maintain bank protection and safe navigation. The area at the centre of the peninsula would be managed by non-intervention. There are no proposals for any clearance to facilitate access by land. It is also proposed to provide a bat loft or similar feature.

## **2 Site History**

BA/2013/0390/FUL Erection of fishing lodge on existing base – Withdrawn.

## **3 Consultation**

Parish Council – No objections

District Member – No response

**Broads Society** – No objections

## **4 Representations**

- 4.1 One representation from neighbouring occupier concerned the building would be used for commercial activity and would impact adversely on amenity.

## **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.

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

CS1 – Landscape Protection and Enhancement  
CS5 – Historic and Cultural Environments

Broads Developments Management DPD  
[DEVELOPMENTPLANDOCUMENT](#)

DP1 – Natural Environment  
DP2 – Landscape and Trees  
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.

DP5 – Historic Environment  
DP17 – Leisure Plots  
DP28 - Amenity

## **6 Assessment**

- 6.1 In terms of assessment, it is necessary to consider the principle of the development. If this is acceptable, the design of the building, impact on the Conservation Area, landscape, amenity, flood risk, trees and ecology must be considered.

### Principle

- 6.2 In terms of principle, the application proposes a building to facilitate a leisure use. Development Management Policy DP17 is concerned with 'leisure plots' and states that new plots, created from the sub-division of land and its use for leisure purposes (including the mooring of boats), will not be permitted. The objective of Policy DP17 is to protect the landscape character of the Broads and visual quality of the waterscape from the adverse visual impacts associated with the fragmentation and sub-division of land to form individual plots and the suburbanising effect the use for leisure activities and associated domestic paraphernalia can have. Furthermore, where existing leisure or mooring plots do exist, Policy DP17 states permission will 'not normally be granted' for the erection of buildings, enclosures or structures, other than storage lockers. This is in the interests of protecting the character and appearance of the Broads landscape and areas of wildlife importance.
- 6.3 Policy DP17 seeks to control a particular form of development that has been found to be damaging to the special features of the Broads landscape. Whilst the National Planning Policy Framework does not address the matter of leisure plots, it is considered that full weight should

be given to Policy DP17 as it is in full conformity with the objectives of the Framework with regard to protecting the Broads landscape.

- 6.4 Although there was previously a leisure building on this site and it is understood that some informal leisure use may have continued since its collapse, the proposal is considered to represent a material intensification in the use of the land such that it must be considered the creation of a new leisure plot (and the erection of a building thereon). In principle, the proposal clearly conflicts with Policy DP17 by proposing a new leisure plot and the tea house/fishing lodge cannot be considered a storage locker and therefore the erection of this building on the proposed leisure plot is also contrary to the provisions of DP17.
- 6.5 Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that planning applications should be determined in accordance with the Development Plan unless there are other material considerations which indicate otherwise. This proposal is, in principle, contrary to Development Management Policy DP17. The objectives of that policy are to protect the landscape and visual quality of the Broads waterscape and sites of wildlife importance. Whilst there is a clear policy presumption against the development in principle, it should be considered what the impacts of allowing this specific proposal would be on those objectives, whether the proposal is otherwise acceptable and what material considerations may weigh in its favour.
- 6.6 The proposed leisure use would be relatively low key. Leisure plots in the Broads are predominantly mooring plots – individual plots of land, demarcated by fencing or other boundary treatments, with boat moorings and ancillary structures. They generally have open areas of cleared land and use is made of both land and water space. The proposed leisure use here would only be the building and jetty, not the adjacent land and it is not a leisure ‘plot’ in the usual sense. As no water, electricity or gas supply is proposed, this would limit the intensity of the potential use and ensure the building only provides a base for recreational activities and shelter from the elements. Overnight accommodation would not be appropriate here and this can be managed by condition, as can the future provision of potable water, electricity or gas which could lead to an inappropriate intensification of use.
- 6.7 It must be considered what impact the introduction of a new leisure use would have on the landscape and visual quality of the waterscape here. The site is on the edge of Wroxham Broad; a large expanse of water with predominantly green banks of alder carr woodland. The scale of the open water and relative lack of intrusion from the built environment gives it a sense of space of tranquillity, although that is very much dependent on the level of activity on the water. The built development is primarily focussed around the northern edge of the Broad in the area of the application site and the Sailing Club on the western side. From the Broad, views are not dominated by built development and where this can be seen it is modest in

scale, low in density and generally seen amongst the setting and backdrop of alder carr woodland.

- 6.8 The proposed development would sit on the edge of the water against a backdrop of alder carr. The design and merits of the proposed building are assessed below, but with regard to landscape it is considered that, by virtue of the scale of the proposed building, the woodland backdrop would remain visually dominant from the Broad. The thatched roof would also integrate into this backdrop in time but any treatment to the timber walls could increase the prominence of the development, as would any boat mooring in front of the building and recreational paraphernalia on the deck across the front elevation. These latter items could be managed by condition to mitigate any unacceptable impacts. As the main landscape feature of alder carr woodland would continue to be dominant here and modest buildings at the waters edge are a feature of the existing waterscape, it is not considered the proposal would significantly detract from the landscape or waterscape and this is what Policy DP17 is trying to protect.
- 6.9 The adverse landscape impact that leisure plots can have is often a result of the sub-division of larger areas of land, demarcation with boundary treatments and use of both land and water. The leisure 'plot' here would be the footprint of the building and mooring area against the jetty. It is not considered this would significantly detract from the landscape or waterscape and therefore, in principle, the proposal would not significantly harm the objectives of Policy DP17 and there may be a case for considering this proposal as a departure from the development plan. It must, however, also be considered whether there are any merits to the proposed building to overcome the 'normal' presumption against allowing buildings on leisure plots.

#### Design and Heritage Assets

- 6.10 Historical images of the original building have been submitted and it is appreciated that the design is based on the original structure but does not exactly replicate it. It is considered to be a sensitively designed building, the simple form, design and materials of which are typical of traditional Broads waterside recreational buildings. Policy DP4 seeks to secure high quality design that integrates effectively with its surroundings and reinforces local distinctiveness. It is considered the proposed design achieves these objectives.
- 6.11 Policy DP4, along with Policy DP5 and the National Planning Policy Framework, states development should preserve or enhance cultural heritage and as this site is in the Wroxham Conservation Area, new development should, at a minimum, conserve this designated heritage asset.
- 6.12 It is accepted that there was once a tea house/fishing lodge building on this site and that this was an example of a Broads waterside building of which there are not known to be any other surviving examples. As that

building collapsed some years ago and was removed from site, there is no tangible heritage to preserve. The proposed building cannot be considered a replacement given the time that has lapsed since the original structure stood and nor can it be considered that historical features, once lost, can be recreated. The application suggests that reinstating a building on this site would restore a use and structure which form part of the history and heritage of Wroxham Broad. Whilst the historical context here is appreciated, it is not considered it provides any significant justification for the provision of a new building here and allowing any new building on the basis that it recreated a previous feature could set an undesirable precedent.

- 6.13 In terms of the Conservation Area and cultural heritage, the contribution the new building would make on its own merits must be considered. As assessed above, the design is considered to be appropriate for the site and it follows that it would make a positive visual contribution to the Conservation Area. However, the alternative would be to maintain the status quo and it should be noted that this would have no detrimental impact on the Conservation Area.
- 6.14 With regard to Policy DP17 discussed above, buildings would not normally be permitted on leisure plots. One potential exception to the policy provision that buildings will not 'normally' be allowed is where they are of such quality that it would outweigh this presumption. It must be considered whether the high quality design and positive contribution the building would have on the Conservation Area provide sufficient justification for the introduction of a new building here, particularly given that there is no negative impact from the existing state of the site to ameliorate. This is a finely balanced judgement, however officers are satisfied that the building is of sufficient merit and has been sensitively designed in response to the heritage and setting of the site and these factors help to ensure that it would not set an undesirable precedent.
- 6.15 The proposal can be considered acceptable with regard to Policies DP4 and DP5 and the National Planning Policy Framework in respect of locally distinct design and heritage assets.

#### Trees and Ecology

- 6.16 The application includes the submission of a ten year Woodland Management Plan for the site. It is acknowledged that the perimeter of this alder carr woodland would benefit from some management and that the implementation of this plan could be secured by planning condition, should permission be granted. Consent is required for the management of this woodland as it is within the Wroxham Conservation Area and although approval and implementation of this plan can be achieved through other means, securing it is a condition of any planning permission for this proposal would secure a comprehensive plan for the management of the site as a whole. The proposal would provide benefits to the woodland and can be considered acceptable in accordance with Policy DP1.

- 6.17 With regard to ecology, the proposal to not intervene with the majority of the woodland (a Biodiversity Action Plan habitat) is welcomed and management would be kept to a small margin around the edge. This site has significant potential for bats and the inclusion of a bat feature is welcomed. The design of this should be confirmed and secured by condition. Whilst the Conservation Area designation protects the woodland to some extent and non-development of the site would not have any adverse impact on ecology, the proposal offers an opportunity to secure the enhancements and long-term management. Policy DP17 seeks to protect areas of wildlife importance it is considered this can be fulfilled and the proposal is also considered to be in accordance with Policy DP1, subject to appropriate conditions.

#### Amenity

- 6.18 A neighbour has made a representation raising concerns about the impact on their amenity, however this is largely based on a misunderstanding that the building would operate as a commercial tea room. It is not considered the proposed use as a base for recreation and daytime shelter would result in any unacceptable impacts on the amenity of adjoining occupiers or users of Wroxham Broad and the proposed conditions regarding use would satisfactorily manage this. The proposal is therefore considered acceptable in accordance with Policy DP28.

#### Flood Risk

- 6.19 The proposed recreational/leisure use is classified 'water compatible' and the construction would not result in any loss of floodplain storage, impede water flows or increase flood risk elsewhere and is acceptable in flood risk zone 3.
- 6.20 Should permission be granted, in order to manage the landscape impact it would be considered necessary to apply conditions requiring that no external lighting is provided, that the walls are not stained, painted or have any other application of colour without agreement and that boats only moor at the site in connection with the use of the building and for the duration of its occupation. Permitted development rights for fences, walls and other means of enclosure should be removed for the entire site, to manage any development on the adjoining wet woodland as should rights for the installation of microgeneration equipment.

## **7 Conclusion**

- 7.1 Development Management Policy DP17 seeks to protect the Broads landscape, waterscape and wildlife from the intrusion of leisure plots and buildings thereon. The proposed development is not a typical form of leisure plot, consisting of a modest waterside building and mooring with no sub-division or clearance of land proposed. The principle of the proposal is however in direct conflict with the wording, if not spirit, of Policy DP17.
- 7.2 At paragraph 5.5 above, the circumstances in which proposals that conflict with the development plan can be considered for approval are outlined and

three tests are set out: does the proposal harm the objectives of the policy and plan; does it comply with other development plan policies; and, are there any other material considerations that weigh in favour of the proposal. As assessed above, it is not considered the proposal would significantly detract from the landscape or visual quality of the waterscape, nor impact adversely on wildlife. Therefore it is concluded there would be no significant harm to objectives of the policy or wider plan were the proposal to be permitted. The proposal has also been found to be in compliance with the other relevant policies. Furthermore, the design is considered to be of high quality and respond positively to the local setting. Whilst not being able to 'recreate' heritage it would make a positive visual contribution to the Wroxham Conservation Area. Also, some enhancement could be secured in terms of a ten year woodland management plan and bat roost.

- 7.3 Whilst the primacy of the development plan is appreciated, on balance, it is considered that the objectives of the plan would not be significantly harmed by allowing this development as a departure from the development plan nor would any undesirable precedent be created.
- 7.4 Were Members to resolve to approve the application as a departure, it would be necessary to re-advertise the application and consider any further representations received prior to issuing a decision.

## **8 Recommendation**

- 8.1 Subject to no new issues being raised at re-advertisement, approve subject to the following conditions:
- (i) Standard time limit
  - (ii) In accordance with plans
  - (iii) Works outside bird breeding season
  - (iv) Building to be used for recreational/leisure purposes only and no overnight accommodation
  - (v) Woodland management plan for next ten years
  - (vi) Bat roosting feature to be retained for lifetime of development
  - (vii) No paint, stain or colour to walls
  - (viii) Mooring to jetty only and only in association with use of building and when building is occupied
  - (ix) Remove permitted development rights for fences, walls and other means of enclosure
  - (x) Remove permitted development rights for non-domestic microgeneration
  - (xi) No potable water, electricity, gas or other sources of power shall be supplied
  - (xii) No external lighting



## 9 Reason for recommendation

- 9.1 The application is considered acceptable as a departure from adopted Development Management Policy DP17 (2011) but is in accordance with Policies DP1, DP2, DP4, DP5 and DP28. It is also considered to be in accordance with Policies CS1 and CS5 of the adopted Core Strategy (2007) and the National Planning Policy Framework (2012).

Background papers: BA/2015/0330/FUL

Author: Maria Hammond  
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List of Appendices: APPENDIX 1 – Site Plan

### APPENDIX 1

