

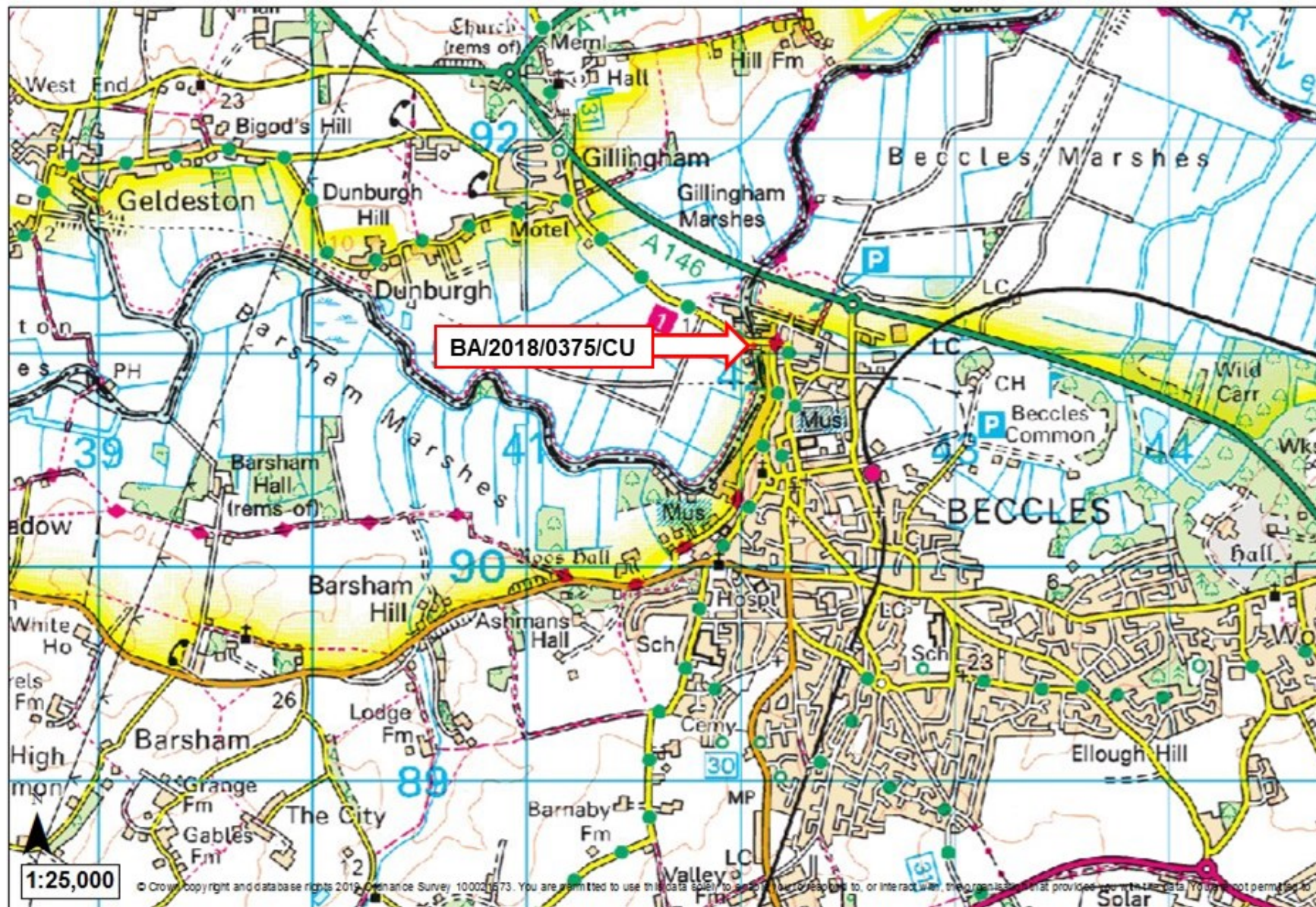
**Reference:**

BA/2018/0375/CU

**Location**

Workshop building, Gillingham Dam,  
Gillingham

BA/2018/0375/CU Gillingham Dam, Gillingham, Beccles



**Application for Determination**  
Report by Planning Officer

<b>Target Date</b>	10 June 2019
<b>Parish:</b>	Gillingham Parish Council
<b>Reference:</b>	BA/2018/0375/CU
<b>Location:</b>	Workshop building, Gillingham Dam, Gillingham.
<b>Proposal:</b>	Change of use from workshop to restaurant and extensions
<b>Applicant:</b>	Mr J Tubby
<b>Recommendation:</b>	Approve subject to conditions
<b>Reason for referral to Committee:</b>	Objections received

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

- 1.1 The site to which this application relates is a fire damaged building which has seen use in the past as offices, workshop, craft businesses and has also had planning consent to be used as a dog grooming parlour. The building is located on the western bank of the River Waveney at Gillingham Dam, adjacent to the bridge linking this side of the river and the main settlement of Beccles. The buildings on site are comprised of a series of single storey structures built in brick and timber.
- 1.2 The site has a large area of car parking which is open to residents, visitors, fishermen and boat users as well as staff and visitors to the buildings in question. The buildings are to the south of the river, with a public right of way running along the river bank within the site. The buildings alongside the river and bridge, combined with the buildings on the Beccles side of the river and on the opposite side of Gillingham Dam road, contribute to a positive character and it is popular as a destination for tourists, walkers and cyclists.

- 1.3 The site is located within the Barsham, Gillingham and Beccles Marshes landscape character area (LCA 3). There is existing settlement in this area so the character of the area reflects its edge of settlement location and not the open pastoral landscape of the wider LCA. The site itself has little in the way of natural features, other than the several trees within and around the car park. The site is characterised by its riverside location and small-scale buildings set back from the river.
- 1.4 The site is located within flood risk zone 3a, as the site is not part of the functional flood plain. The current use of the site as a workshop is considered to be a less vulnerable classification by the Environment Agency.
- 1.5 The site is located within the Beccles Conservation Area and makes up part of the wider setting alongside the bridge and Bridge House. This group contributes to the significance of the Conservation Area. The building is 19<sup>th</sup> century and has a quality which positively benefits the character of the conservation area, although is partially damaged through fire. On this basis the building is considered to be a non-designated heritage asset and its restoration and retention is preferred.
- 1.6 Planning permission is sought for an amended scheme which is for the change of use of the existing fire damaged buildings from their previous workshop use, to a restaurant or café use (Use Class Order A3) and the extension of the building in the form of a single storey flat roof extension to create a seating area. The current buildings have a footprint of approximately 155m<sup>2</sup>. The building extension would be approximately 72m<sup>2</sup>, projecting 6.0m out from the existing building towards the river. The amended reduced area, access ramp and decking proposed would have an area of 85m<sup>2</sup>.
- 1.7 Additionally, the proposal includes details of a wall projecting from the extension closest to the road to the north, and an area of outdoor seating on a raised deck area with balustrade facing the river in front of the proposed extension. The proposal would also retain the existing parking area as currently laid out in line with the requirements of the S106 attached to the previous planning application.
- 1.8 The proposed use is also considered to be a less vulnerable use classification as defined by the Environment Agency.

## **2 Site History**

- 2.1 The most relevant planning history are a series of planning permissions which approved the construction of a small residential development on the opposite side of Gillingham Dam. The permission which was built dates to the 1990s and as part of this development a Section 106 agreement was included that covers the application site. An explanation of the relevance of this S106 agreement is under the summary of relevant planning permissions.

- BA/1987/7489/HISTAP - Redevelopment to provide 14 houses – Approved



- BA/1994/7217/HISTAP - Renewal of permission 97/89/1759/D - Erection of houses and flats (outline 97/87/2155/O) – Approved -
- BA/2001/6895/HISTAP - Construction of car park – Approved
- BA/2010/0159/CU – Change of Use from offices to Dog Grooming Parlour – Approved – 9 June 2010

- 2.2 The site history has relevance in determining this application, in particular application ref. BA/1994/7217/HISTAP for the Erection of houses and flats (outline 97/87/2155/O) which has a S106 agreement attached to the decision which also covers the application site. This S106 is between the owners of the land, and the Broads Authority. Having taken legal advice and assessing the S106, it is apparent that the clauses which might be relevant do not restrict the proposed development and use and therefore the S106 does not need to be varied. However, the agreement within the S106 remains in place and the landowner and/or operator should ensure that they continue to comply with this agreement.
- 2.3 The S106 sets out in 2(a)(iv) that the building to which this application relates should be retained as an office. However, due to the wording of the clause this is time limited to 12 months from the commencement of the development (as defined). As development permitted under this permission was commenced then the 12 months have now passed. Therefore, a use outside of office would not be restricted by this clause of the S106.
- 2.4 In regards to other clauses within the S106 which might restrict the proposal, particularly the building's extension or the effective change of use of land, these clauses relate to other areas of land as specified within the S106, and therefore this proposal does not result in a need to vary the existing S106.

### 3 Consultations

#### 3.1 Consultations received

##### **Gillingham Parish Council –**

The Parish Council are pleased that the eyesore of the current building would be improved. In general, the feeling by the council is that small businesses should be encouraged but they do have some very real concerns about the proximity, of what could be a disturbance caused by an isolated building that is open until late at night, next to a residential area, both across the water and opposite residential homes.

They also set out concern regarding the safety aspect of customers who may have taken alcohol due to the site's close proximity to the river and road crossing. Finally, they state that the public footpath along the river would be affected.

**Environment Agency –** The development is not considered to change the flood risk vulnerability and therefore the development would remain in a less vulnerable classification. Standing Advice is then set out by the EA for this type of development. In addition, the EA set out that Environmental Permitting

may be required due to the location of the works in relation to the river and set out where this information can be found.

**Norfolk County Council (NCC) Highways** – Initially the highways officer set out an objection to the scheme and required further information. The agent has shown in a drawing an existing dropped access and crossing point, and also shown that only one access would be open onto the site. This has resulted in the NCC objection being removed, and subject to conditions the Local Highways Authority considers the proposal acceptable.

**Norfolk County Council Public Rights of Way** – The development is within close proximity to the public right of way footpath which runs along the riverbank. The agent has consulted the relevant section at NCC and it has been confirmed that the development would not encroach upon the public right of way. No objection.

**Waveney District Council Environmental Health Officer** – No objection. Recommends condition.

**BA Landscape** – Although in principle bringing this building into use would be positive in terms of addressing the dilapidated look of the site, the scale and character of the building extension along with the associated decking need further consideration. The seating area might be better sited on the existing land in an informal manner rather than the proposed deck as this would have an impact upon the landscape. The extension and wall would also have an impact through loss of views to the river and bridge.

**BA Historic Environment Manager** – Following amendments it is considered that the length of wall is relatively short and given this the simple change in height will be acceptable subject to an appropriate coping detail by condition. The design is sympathetic, and the works would retain a non-designated heritage asset within the Conservation Area.

### 3.2 **Representations Received**

**Representations received = 8**

A number of objections and comment on both the original and amended scheme have been received. The key issues raised are as follows.

- Unacceptable design and harm upon the character and appearance of the area. The new addition is out of keeping with the host building. Poor detailing such as location of the bin store in a road facing position and lack of detail regarding extraction flues.
- Detracting from views which benefit the landscape character of the area. Views which are very popular with visitors to the Broads. Including the riverside of Beccles and also from the river back towards.
- Impact upon the amenity of neighbouring residential property.
- Access to and from this site is not very safe with the proximity to the bridge, which has a limited view, with numerous near misses and minor accidents, some not so minor. Poor footpath access and lack of lighting

- Parking at the site is already an issue. The open car park currently can be an issue with nuisance especially if the gates are removed.
- An overdevelopment of the site in the Broads which is for commercial rather than community benefit
- The previous uses as a workshop, woodyard, boat maintenance and craft businesses, all ceased work at the end of a normal working day and did not result in overlooking of the other side of the river such as the Hermitage. A restaurant with a large viewing area that looks directly across the river in to the garden of the Hermitage will make the garden unusable and would be a severe invasion of privacy.
- Noise and light pollution would result by virtue of the outside seating area and extended restaurant.
- No visitor moorings in front of the restaurant.
- No music licence to be granted.
- Concerns about cooking smells and the food waste containers attracting vermin.
- Some of the letters of comment/objection set out that they are not against the principle of development but then set out concerns relevant to this specific proposal.

One letter of support has been received setting out that the development was a benefit to locals and visitors to the area and that it is long overdue for the area. They also consider that the development would be modern but in keeping.

## **4 Policies**

- 4.1 The adopted development plan policies for the area are set out in the Local Plan for the Broads (adopted 2019). It was adopted at the Full Authority meeting on 17th May 2019. [Local-Plan-for-the-Broads-2019](#)

The following policies were used in the determination of the application:

DM5 - Development and Flood Risk  
 DM11 - Heritage Assets  
 DM12 - Re-use of Historic Buildings  
 DM13 - Natural Environment  
 DM16 - Development and Landscape  
 DM21 - Amenity  
 DM22 - Light pollution and dark skies  
 DM23 - Transport, highways and access  
 DM24 - Recreation Facilities Parking Areas  
 DM29 - Sustainable Tourism and Recreation Development  
 DM43 - Design  
 DM46 - Safety by the Water

## **5 Assessment**

- 5.1 The key considerations in determining this application are the principle of development, impact upon landscape, the impact upon neighbouring amenity, design and the Conservation Area, and highways and public right of way.

## Principle of Development

- 5.2 In principle, the refurbishment and change of use of the building to a recreation/tourist use is supported by the relevant policies of the newly adopted Local Plan for the Broads (2019). The building's previous use was that of a workshop, and prior to this it had been in a number of uses including offices and storage and has also had planning permission granted for use as a dog grooming parlour.
- 5.3 This building is considered to be a non-designated heritage asset due to the positive contribution it makes to the setting and character of the Beccles Conservation Area. Adopted plan policy DM12 (re-use of historic buildings) sets that where designated or non-designated heritage buildings are proposed for change of use that employment, recreation or tourism uses (excluding holiday accommodation) would be the next preference to retaining the building in the use it was designed for. In this instance, the building has seen numerous different uses which are not what it was originally designed for, however this proposal would see the building retained and repaired where required, in a use which complies with the relevant policy. The retention of this building and its renovation is supported in principle by policy DM12, and DM11 of the Local Plan for the Broads.

## Impact upon the Landscape

- 5.4 Although in principle bringing this building into use would be positive in terms of addressing the dilapidated look of the site, an objection raised in representations (and also within the BA Landscape Architect's response) is that the form of the extension and decked area would have an impact upon the landscape and setting.
- 5.5 The scale and character of the building extension and decking is large, and would impact on the overall appearance of the area adjacent to the river, and consideration should be given to the appearance of any external areas and levels of activity close to the river that could lead to a more urbanised feeling.
- 5.6 The Landscape Architect has suggested that it would be more appropriate to have an informal seating area outside with any required seating set out on gravel or existing surfaces, to avoid the permanence of associated clutter such as decking and balustrading. The application did see a slight decrease in decked area, however, the applicant has not been willing to remove it altogether.
- 5.7 Concern has been raised from neighbours and the Landscape Architect that the extension to the north end of the existing building is likely to change the character of the site and obscure views of the river when approaching via Bridge Street from the west. Whilst it is acknowledged that the extension wall and boundary wall would obscure views when approaching the site from certain positions, clear views would be available when walking around the application site on the Public Right of Way from the Beccles side of the



bridge. Additionally, the decked area would allow for more visitors to enjoy the views from this area.

- 5.8 Conditions would be attached to ensure that the wall and balustrading are of a high quality and, when combined with the improvement in the general appearance of the site through this redevelopment, on balance it is considered that the development would not have a harmful impact upon the wider landscape. The loss or reduction of certain views of the landscape and townscape would not be sufficient to warrant refusal in this instance, and therefore the scheme is considered to accord with policy DM16 (Development and Landscape) of the Local Plan for the Broads.

#### Amenity of Residential Properties

- 5.9 In certain circumstances restaurant or café uses could result in potential harm to the amenity of neighbours. The issues that can arise include increased noise, disturbance and late-night music, odours and issues with waste and vermin. These issues have been set out in some of the reasons for objection. Considering the location of the site it is considered that there is potential for some of these issues to occur.
- 5.10 The site and the site's side of the river is relatively quiet with some moorings, the existing car park, and residential development on the opposite side of the road. This means that the initially proposed hours of operation up to 24:00hrs were considered to have the potential to result in undue noise and disturbance, particularly at night.
- 5.11 Consequently, the applicant was asked to amend the opening hours to reduce the impact upon neighbouring residential sites to the north, and on the opposite bank of the River Waveney. The agent agreed to limit the hours of opening of the café use to between 08:00 and 21:00. These hours allow for flexibility for future businesses, but would restrict the use sufficiently to avoid nuisance.
- 5.12 Additionally, whilst it is acknowledged that the use would create an active business at the riverside which would generate more noise than the current derelict fire damaged business, by virtue of the design noise would be limited by the wall and new building along the north of the site.
- 5.13 The agent has agreed to a condition relating to siting of the waste and also flue and extraction equipment. This would ensure that the position of the waste storage can be more sympathetically located than indicated on the site plan, and that if odour suppression is required, then this can be located in a position that is acceptable both visually and in terms of amenity of neighbours.
- 5.14 In terms of alcohol, music and events this would be covered by the District Council's Licencing Committee. However, considering the proposed hours of operation, which would be conditioned, it is not considered likely that this would cause undue disturbance.

- 5.15 In regards to the development and its impact upon the properties on the opposite bank of the River Waveney, concern was raised about the loss of privacy and amenity due to increased visitor numbers in this area. However, the river and the site are currently public places with moorings, a footpath, fishing and boating which all bring visitors into the area who would currently have a view of the properties on the opposite bank. As such, and also considering the separation distance over the river (approximately 35m or more) the development is not considered to have an additional impact that could warrant refusal. Subject to conditions and the requirement for a licence to be sought by future operators of the site the scheme is considered to accord with Policy DM21 (Amenity) of the Local Plan for the Broads

### Design

- 5.16 The form of existing buildings is a positive addition to the character of the area. However, due to the fire damage of the brick building, currently the site is unkempt and from certain angles is harmful to the appearance of the Conservation Area. The planning application seeks to extend the main brick building with a larger seating area and change the use of the existing buildings. To benefit from the river frontage a decked seating area is also proposed.
- 5.17 The site is part of the wider setting of the bridge and Bridge House which, together with the building, form a group which contribute to the significance of the Beccles Conservation Area. The existing building is considered to be a non-designated heritage asset because of this positive contribution to the Conservation Area.
- 5.18 The proposal would see the retention of the more historically and architecturally significant of the buildings on the site and as such their retention within the Conservation Area. The retention of the building facing the dam is particularly welcome in relation to its group value with the bridge and bridge house.
- 5.19 The extensions and physical alterations to the building are appropriate in terms of their scale and simple, subservient design. The introduction of a wall facing the dam gives a degree of visual screening from the dam and from the river the flat roofed and pitched extensions sit comfortably with the existing/original form of the building.
- 5.20 Whilst the extensions will have a visual impact on the Conservation Area, this is considered, on balance, to be positive and an appropriate level of extension to this existing building. Furthermore, the fact that the existing building itself is being retained is considered to be in accordance with Para 200 of the NPPF in that it preserves an element of setting that makes a positive contribution to the designated heritage asset – that being the Beccles Conservation Area.
- 5.21 In terms of materials, details of all external materials should be conditioned including hard landscaping and decking. The use of UPVC windows in this

location would not be considered appropriate, timber or powder coated aluminium would be preferred.

- 5.22 Detailed information by way of condition would also be required regarding the form of construction, including the brick bond of the cavity section of wall and the bond of the 9" solid section and pier. It is suggested to use snapped headers on the cavity section to create a Flemish bond to match that of the existing building and also use Flemish bond for the solid section of wall.
- 5.23 On balance the scheme is considered to accord with policies DM43, DM11, DM12 of the Local Plan for the Broads as the development would preserve the character and appearance of the Conservation Area.

#### Highways and Public Rights of Way

- 5.24 The site is ideally located to be accessed from the town and neighbouring boat yards by foot or by bike (National Cycle Route 1) and is adjacent to a footpath along the River Waveney. However, there isn't a direct access by footway to the site. There is footway provision on Gillingham Dam/Bridge Street on the opposite side of the road with an existing crossing point. This is considered by the Local Highways Authority to be acceptable safe provision.
- 5.25 The Highways Officer has set out that 25 parking spaces with turning provision should be supplied and that it would not be acceptable for parking on the main highway in this location. Initially in the objections and the Local Highways Authority response, concern was raised regarding the development's ability to provide this space. Additionally, the vehicular access was unclear in terms of position, width and visibility splay.
- 5.26 An amended drawing has been submitted setting out the vehicular point of access that will be used and visibility splays that accord with current requirements. This detail has confirmed that there is only one point of vehicle access for the general public which is the central access. The other points of access are to be permanently closed. The proposed access is now shown to be wide enough to allow two vehicles to pass so that vehicles turning into the site can leave the main highway without obstruction.
- 5.27 On receipt of the additional information and plan, the Highways Officer has confirmed that the amendments address their earlier comments and were satisfactory; accordingly, no objection is raised to the amended scheme from the Local Highways Authority subject to conditions.
- 5.28 Through boundary and footpath research the existing footpath has been shown to skirt the development site and none of the proposed development would encroach the existing public right of way. As such, subject to a condition ensuring that this PROW is kept open during the development works, Norfolk County Council do not object to the development as the scheme would not affect the PROW.

## Other Issues

- 5.29 The site is located within an area of flood risk (Environment Agency Flood Zone 3a), however, the proposed use is not considered to be a higher vulnerability classification than the current use (both less vulnerable uses). The Environment Agency do not object, and the development complies with the standing advice. A condition will require both flood resilience measures to be incorporated into the construction and a flood response plan to be submitted prior to the first occupation of the site.
- 5.30 Due to the proximity of the site to a cycle route, a condition will be attached requiring adequate cycle parking to be provided for staff and visitors to the site to promote sustainable transport to the site, and enhance leisure opportunities in the area.
- 5.31 The current building has been assessed by the BA Ecologist and it is not considered to form suitable habitat for protected species unless works occur to the roof of the intact building. A condition will be attached to ensure a bat survey would be triggered and biodiversity enhancements are included in the development. Additionally, lighting will be restricted by condition, which would also overcome some of the concerns of neighbouring residents, as well as ensure that wildlife is not adversely affected by inappropriate lighting.

## **6 Conclusion**

- 6.1 In conclusion, based on the amended plans and information submitted to support this application for the proposed change of use to a A3 (Café or restaurant use) the principle of development is in accordance with all relevant planning policy, in particular DM12 (Re-Use of Historic Buildings). It is acknowledged that the development would have an impact upon the landscape. However, on balance, the proposed scale of development is considered to be acceptable. The visual impact in the context of the existing buildings on site is considered to be an enhancement to the Conservation Area, subject to details of materials and construction methods. The proposal is considered by the Highways Authority to be acceptable. Whilst an unrestricted use as proposed might have the potential to cause nuisance, the scheme has been amended with shorter opening hours (only open between the hours of 8:00am to 21:00hours) and conditions are proposed to require further details of extraction systems and waste. As such the amenity of neighbours would not be adversely affected. Therefore, it is recommended that planning permission is approved subject to conditions.

## **7 Recommendation**

Approve subject to conditions

- (i) Standard time limit
- (ii) In accordance with approved plans
- (iii) Details of materials and construction methods
- (iv) Details of extraction and odour suppression

- (v) Details of location and design of waste storage
- (vi) Details of landscaping
- (vii) Bat survey prior to any works on the roof
- (viii) Bat survey prior to any demolition works on flashing, soffits and Biodiversity Enhancements
- (ix) Hours of operation and opening times
- (x) Vehicular and pedestrian access, parking/turning area shall be laid out, demarcated, levelled, surfaced and drained
- (xi) Details of cycle parking and installation and retention thereafter.
- (xii) vehicle access as shown on the approved plan. No other access
- (xiii) Remove Permitted Development Rights
- (xiv) external lighting details
- (xv) No obstruction of footpath

## **8 Reason for Recommendation**

- 8.1 The proposal is considered to be in accordance with all relevant planning policy specifically DM12 (Re-Use of Historic Buildings) and would preserve and enhance the character and appearance of the Conservation Area through the retention of the non-designated heritage area.

Background papers: BA/2018/0375/CU and BA/1994/7217/HISTASP with S106 Agreement

Author: Jack Ibbotson

Date of report: 13 June 2019

Appendices: Location Map

