

Planning Committee

29 April 2022

Agenda item number 7.1

BA/2021/0248/FUL- Halls Yard, Reedham

Report by Planning Officer

Proposal

Redevelopment of the site to provide 3 new residential dwellings, ancillary car parking and landscaping

Applicant

Broadland Pension Fund Trust

Recommendation

Refusal

Reason for referral to committee

Material considerations of significant weight raised by District Councillor

Application target date

20 September 2021

Contents

1.	Description of site and proposals	2
2.	Site history	4
3.	Consultations received	4
	Parish Council	4
	District Member	4
	Environment Agency	5
	Norfolk County Council (NCC) Highways	5
	BDC Environmental Quality Team	5
	Broads Society	6
	Norfolk and Suffolk Boating Association.....	7
	BA Rivers Engineer	7
	BA Ecologist.....	7

BA Historic Environment Manager	7
BA Planning Policy Officer	8
4. Representations	9
5. Policies.....	10
6. Assessment.....	11
Principle of change of use	11
Principle of residential development.....	14
Design, landscape, amenity of existing residential properties, and flood risk.....	14
Amenity of prospective residential properties	14
Highways and public rights of way	15
Other issues.....	15
7. Conclusion	15
8. Recommendation	16
9. Reason for recommendation.....	16
Appendix 1 – Location map	17

1. Description of site and proposals

- 1.1. The subject site is on the northern bank of the River Yare in the village of Reedham. Reedham is a small village located within the Broadland District Council area to the west of Great Yarmouth, to the south of Acle and to the north west of Loddon. The village is served by railway lines which run to Norwich, Great Yarmouth and Lowestoft. The road network links to the A47 to the north, and via a ferry across the River Yare to the A146 to the south.
- 1.2. The site is a broadly rectangular plot sited between the River Yare to the south and a road named Riverside to the north. The western side of the site abuts a residential property (No. 25 Riverside). To the east is boatyard known locally as Sandersons Marine Craft.
- 1.3. The road, Riverside, forms the vehicular access and pedestrian access to the site. There is no footway alongside the site boundary and the road is a single lane width with no central lane marking. There is a bus stop on this road in close proximity to the site. On the opposite side of the site (to the west) are residential properties which face towards the river on land which rises up away from the river, behind which are properties located on The Hills.
- 1.4. Historically the subject site, along with the Sandersons site to the east, was a single boatyard used in the construction and repair of wherries and then holiday boats. The

site was then divided into two boatyards referred to as Halls Yard and Sanderson Marine Craft. The Sanderson's Marine Craft business was functioning in the summer of 2021 but has since ceased operations.

- 1.5. Halls Yard is currently a vacant site with its most recent used being as a boatyard. All buildings have been removed due to concerns regarding their structural safety in close proximity to the EA flood wall. The dry dock and flood wall are still present, located to the west of the site in close proximity to the site boundary. Previously the dry dock had been covered by metal roofed boat sheds with ridge heights of 5.19m AOD and 4.96m AOD. This would have been of a similar height to that of the remaining timber building on the Sandersons Marine Craft site.
- 1.6. In 2020 planning permission was granted for development across the two sites comprising the replacement of the existing shed on the Sanderson's site with a larger timber clad building in a similar position, and the erection of 3 linked residential dwellings on the Halls Yard site and associated car parking and landscaping across the site with the replacement of the flood defences (BA/2018/0359/FUL). The residential development was presented as enabling development to fund the works necessary to sustain a modern boatyard business at the Sanderson's site and was granted planning permission on that basis. A planning condition was imposed requiring the submission and agreement of a phasing plan prior to the commencement of the development. The purpose of this was to ensure that the boatyard redevelopment was completed prior to completion and occupation of the houses – i.e. to ensure that the 'enabling development' did 'enable' the boatyard development.
- 1.7. Since the granting of that permission the Sanderson's site has been sold separately and this application relates solely to the Halls Yard site.
- 1.8. This application is for the 3no. dwellings, which were the subject of the 2020 permission. The proposed block of 3-bedroom terraced dwellings is orientated with a rear elevation facing south towards the river with a small first floor balconies, and a north road-facing elevation where the entrance is located. Parking for two vehicles is provided for all properties to the north elevation. The dwellings have a contemporary design and would be in an 'upside down' configuration with main living space on the first floor and bedrooms and bathrooms on the ground floor. To the rear of the property would be an area of decking facing the river.
- 1.9. The dwellings would have a ridge height of 9.1m AOD, which from the existing ground level would be approximately 7.8m tall, and eaves of approximately 4.4m above ground level. The materials would be mid red facing brick, clay pantiles, painted timber windows and zinc standing seam catslide dormers. Each dwelling would have a single catslide dormer and single rooflight in the front and rear roof plane, aside from the central dwelling which would feature an additional rooflight in the northern roof plan to provide light to the stairwell as well as the utility.

- 1.10. The proposal also includes the replacement of the flood defence along part of the application site.
- 1.11. This proposal differs from the 2020 permission in that the boatyard element has been removed and the 1.3m wide footway across the northern boundary of the site is no longer shown. The provision of this could be required by planning condition.

2. Site history

- 2.1. In 2020 planning permission was granted for the demolition of a boat shed, erection of a timber clad boat workshop, 3 residential dwellings, car park, flood defence wall and landscaping (BA/2018/0359/FUL).
- 2.2. In 1984, and subsequently in 1989 outline planning permission was granted for the erection of 6 no. houses across the whole of the application site (BA/1989/5020/HISTAP).

3. Consultations received

Parish Council

- 3.1. The Council unanimously voted to object to the planning application for the following reasons:
 - it is outside the development boundary and therefore contrary to the Broads Authority policy DM35;
 - its location makes it susceptible to both pluvial and fluvial flooding;
 - now that the development of the site is no longer linked to the redevelopment of the adjacent Sanderson Marine site it does not fit the Broads Authority spatial strategy SP15;
 - the emerging local plan, GNLP, has identified and met the housing need for Reedham and therefore these dwellings are not required to fulfil Reedham's housing allocation.
 - The Council unanimously resolved to ask Cllr Nurden to request the application be considered by the Broads Authority Planning Committee.

District Member

- 3.2. I attended the Parish Council meeting earlier this evening and request the following:

This application should only be determined by Broads Authority Planning Committee.

The planning policy/other material planning reasons/comments for requesting the application to be determined by the Broads Authority Planning Committee are as follows:

- it is outside the development boundary and therefore contrary to DM35;

- its location makes it susceptible to both pluvial and fluvial flooding;
- now that the development of the site is no longer linked to the redevelopment of the adjacent Sanderson Marine site it does not fit the BA spatial strategy SP15;
- the emerging local plan, GNLP, has identified and met the housing need for Reedham and therefore these dwellings are not required to fulfil Reedham's housing allocation.

Environment Agency

- 3.3. Thank you for your re-consultation, dated 01 February 2022. We have reviewed the latest documents, as submitted, and have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility. We refer you to our previous letter, referenced AE/2021/126388/01 and dated 18 August 2021, to which our comments on flood risk remain valid. We have no further comments to make.

Norfolk County Council (NCC) Highways

- 3.4. Thank your recent consultation with respect to the above and I am minded of a similar application (BA/2018/0359/FUL) and, whilst appreciating the earlier application encompassed the adjacent workshop site and that every application should be considered on its own merits, the housing element is fundamentally unchanged.
- 3.5. Accordingly, the proposals include a lack of footway provision to serve the development and link to existing provision: which was secured under that application. The Highway Authority's comments in respect of the footway link are a matter of record.
- 3.6. It is clearly acknowledged that the applicant does not control the same land as with the previous application and therefore the possibility to provide a continuous footway link east of the proposed development may not be possible, However, it has not been demonstrated whether or not even a minimum width footway could be provided. Whilst the LHA commented (on the earlier application) that the original footway proposed fronting the development was isolated, such provision is not even proposed under this application which in its own right is considered a retrograde step; it would at least provide some refuge for pedestrians.
- 3.7. Accordingly, I consider that the plans should be amended to include a footway across the front of the proposed development and that the applicant give further consideration be given to identify whether or not there is sufficient space within the highway corridor to provide a minimal width footway whilst retaining an acceptable carriageway width for two vehicles to pass, in accordance with Manual for Streets.

BDC Environmental Quality Team

- 3.8. I write on behalf of the Environmental Quality Team in reply to your consultation regarding the above planning application. Having reviewed the application documentation, we do not wish to object to this planning application. However, we

would recommend that any approval of this application include the following conditions and notes:

- 3.9. The Phase One desk study or Preliminary Risk Assessment (PRA) is of a good quality and meets with industry best practice and current guidelines.
- 3.10. The report highlights the potential for significant contamination to be present and further investigation into the possibility of contamination and ground gas to be present is required.
- 3.11. As of the time of this response the Environment Agency (EA) have not commented on controlled waters risk from contamination. In the absence of a response, we would advise that any investigations should address the potential risk to both ground water and surface water.
- 3.12. Please note that asbestos containing materials (ACM) and asbestos fibres could also be present in near surface soils from the previous demolition activities that took place. Suitable precautions should be taken during any investigation activities.

Broads Society

- 3.13. The previous approval for the site (BA/2018/0359/FUL) granted permission for the redevelopment of both this site and the upgrading of the existing Sanderson's Boatyard resulting in new housing development and a modern boatyard facility on 8th April 2020. The previous approval granted by the Broads Authority clearly viewed the housing element of the site as 'enabling' development as demonstrated by the imposition of Condition No. 3 attached to the previous permission, so that improvements to the boatyard facility could be implemented. Although housing on the current application site was considered by the Broads Authority to comply with the policies of the Broads Local Plan, this has to be seen in the context that this was clearly justified as being an enabling tool to gain improvements to the adjacent boatyard site. The loss of the potential improvements to the adjacent boatyard is very regrettable.
- 3.14. The fact that this application now proposes a stand-alone housing development (with no guarantee that the adjacent site will remain as a boatyard or in waterside related employment use) must change the consideration of the residential element of the development. The site itself is clearly outside of any designated development boundary and there is no requirement upon the Broads Authority to provide housing in this location. The need for additional housing in Reedham has been satisfied by existing development and allocations in the adjacent Broadland District Local Plan (Site Allocations DPD - adopted May 2016).
- 3.15. If the Broads Authority agree with the applicant that this is a 'brownfield' site where the previous use has been abandoned and there is little or no chance of the site being used for employment or any community-based use, a preferable alternative would be for the site to provide some form of tourist accommodation. This would provide wider benefits to the local economy in terms of employment and year-round spend on a range of other local services and businesses which would comply with the economic

growth aspirations of the NPPF. This would also comply with Policies DM29 and DM30 of the Broads Local Plan.

- 3.16. For the reasons set out above, therefore, the Society objects to the current application.

Norfolk and Suffolk Boating Association

- 3.17. Thank you for your letter of 28 July 2021 and for reconsulting the NSBA about this application.

- 3.18. The NSBA committee has discussed this revised application and is happy to advise no objection, there being no direct impact on the navigation.

- 3.19. However, The NSBA would like to express the view that it is to be hoped that at least one of the boatyards remaining in Reedham will provide reciprocal arrangements with other Broads boat hire yards and full boatyard facilities for all river users.

BA Rivers Engineer

- 3.20. No information regarding whether there is work being carried out on quay heading. No information on flood wall construction. No information on sealing up boat housing gates.

BA Ecologist

- 3.21. An ecological assessment is needed to identify the potential presence of protected species. The connectivity of the site to the river edge habitats means there is potential for reptiles to be present on this area of apparent waste ground, previously used for storage of boats/equipment/materials. An ecological assessment will need to include assessment for reptiles. If buildings are still present on site, then an assessment will need to be made for the potential for bats prior to demolition. In addition, an ecological assessment should include an assessment of breeding bird potential and potential for water voles behind old quay heading. Any development proposals would also need to include features with benefits for biodiversity. Considerations could include nest boxes for birds, bat boxes or bricks that could be built into the development. We would expect lighting, particularly external lighting or lighting cast towards the river to be kept to a minimum. Native species planting should be included within the design.

BA Historic Environment Manager

- 3.22. The proposal is for three residential units of the same design as those previously granted permission under application no: BA/2018/0359/FUL. The application has removed the Sanderson's boat shed from the application following its sale.
- 3.23. I therefore have no objection to the proposal but would recommend that the conditions for materials previously suggested by my colleague Kayleigh Judson be attached to any permission.

BA Planning Policy Officer

- 3.24. I believe that the dwellings were permitted as part of the comprehensive re-development of the site and to enable the ongoing survival of the boatyard which is a traditional Broads industry.
- 3.25. Is it the case that the site has been split and sold off? So, one can conclude that the boatyard element is actually viable without these dwellings as someone has bought it? It is not clear what the need for the dwellings is other than as a windfall site to be considered now as a stand-alone scheme. Indeed, the Broads Authority has met and exceeded its housing need.
- 3.26. This therefore seems to be a standalone scheme for 3 market dwellings. I do not see that the site is going to be an exceptions site, nor a rural enterprise dwelling. It does not seem to be holiday accommodation. As such this is contrary to policy as the sites is outside a development boundary (DM35) and does not meet any of the elements set out in SP15.
- 3.27. It is also important to note that whilst the previous scheme was permitted and that included 3 dwellings, it cannot be presumed that the three dwellings are acceptable. The Officer's report is quite clear in that the dwellings were deemed acceptable as part of this scheme as they were linked to improvements elsewhere on the site and rigorous policy tests were applied to enable the dwellings to be permitted. So, the dwellings were permitted as they were linked to the redevelopment and retention of the rest of the site in boatyard use. They are now standalone and do not result in any improvements to the rest of the site and therefore need to be taken on their own merit. There is therefore a policy objection as the scheme is contrary to DM35 and the spatial strategy as set out in SP15.
- 3.28. If the scheme is permitted, even though it is not supported in policy terms, I note that these policies did not form part of the original planning committee report. The requirements will need to be met if a scheme is permitted.

Policy DM2: Water quality and foul drainage - what is the foul water method?

Policy DM4: Water efficiency - dwellings designed to 110 l/h/d

Policy DM7: Open space on land, play space, sports fields and allotments - check Broadland's policy and standards for open space provision

Policy DM9: Climate-smart checklist

Policy DM13: Natural Environment - biodiversity enhancements

Policy DM14: Energy demand and performance - fabric first approach

Policy DM22: Light pollution and dark skies - the site is in dark sky zone 2 and lighting may be included as part of the scheme

Policy DM45: Designing places for healthy lives

4. Representations

4.1. Twenty-four responses were received, all objecting to the scheme, raising the following relevant points:

- Property being lived all year round despite it being a holiday (10/12 month) property
- If a boat shed is no longer part of the application then there can be no justification for allowing the housing against policy.
- Detrimental impact on riverside views
- Loss of historic, iconic riverside frontage
- Impact on moorings
- Development outside the designated development area
- Overdevelopment of site
- Would set precedent for overdevelopment
- Possible industrial contamination
- Poorly designed houses
- The modern design and construction do not match the majority of properties in the village
- Dangerous and narrow road with poor visibility
- Impact on pedestrian safety
- Inadequate off-road parking
- Will add to poor parking provision locally
- Historic boat yard should be retained
- Site at risk from flooding
- Alternative sites available in Reedham
- Homes will not be affordable, no benefit to local people
- Although described as 'family homes', built close to the fast-flowing tidal river, they have no gardens or play area.
- Loss of views and ambience for neighbouring residents
- Does not support retention of adjacent boatyard
- Contrary to a number of key Broads Authority planning policies
- Lack of adequate bin storage

- The heritage of boat building and the maintenance of Broads sailing craft will be lost forever.
- Site more beneficial in riverside use
- There is no evidence of any investment in the boatyard, and the site is being marketed for housing development, with very little reference to the commercial opportunity for a new boatshed.
- The village has more than sufficient current and proposed designated housing development areas in much more appropriate locations and there is absolutely no justifiable housing need for this development.
- The only change seems to be that the applicant has been unable to sell the whole site with the existing planning permission for a highly inflated price, which does not reflect the true value of such mixed-use land.
- There is a high risk any new housing will become holiday let's or second homes which doesn't have any benefits for local businesses or people.
- Sewerage in the village has always been troublesome and this would add to it.
- Piling having an effect on not only the properties adjacent to the site, but also affecting the vulnerable bank leading up to the Hills.

5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:
 - SP2 - Strategic Flood Risk Policy
 - SP5 - Historic Environment
 - SP7 - Landscape Character
 - SP8 - Getting to the Broads
 - SP9 - Rec. Access around the Broads
 - SP10 - A prosperous local economy
 - SP11 - Waterside sites
 - SP15 - Residential development
 - DM2 - Water quality and foul drainage - what is the foul water method?
 - DM4 - Water efficiency
 - DM5 - Development and Flood Risk

- DM6 - Surface water run-off
- DM11 - Heritage Assets
- DM13 - Natural Environment
- DM16 - Development and Landscape
- DM21 - Amenity
- DM23 - Transport, highways and access
- DM25 - New Employment Development
- DM26 - Protecting General Employment
- DM28 - Development on Waterside Sites
- DM33 - Moorings, mooring basins and marinas.
- DM35 - Residential Development within Defined Development Boundary
- DM43 - Design
- DM46 - Safety by the Water

5.3. Other material considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Broads Authority - A guide on marketing and viability assessment requirements

6. Assessment

6.1. The proposal is for the redevelopment of the Halls boatyard site to provide 3 residential dwelling houses, with landscaping and car parking. The main issues in the determination of this application are the principle of development, in particular the loss of employment land at a waterside site and the fact that these dwellings lie outside of a defined settlement boundary. In addition, the proposal also needs to be considered in terms of the impact of amenity of neighbouring residential properties, design, impact upon the character and appearance of the village and landscape, flood risk, highway safety and the future amenity of residents of the 3 proposed dwellings.

Principle of change of use

6.2. The principle of development relates to the loss of a boatyard use at a waterside location. The adopted Local Plan for the Broads has policies which seek to protect this type of land use in such locations as the number of waterside areas suitable for boatyard uses is finite. Furthermore, these uses form a part of a network of waterside boat related businesses which have a strong synergy throughout the Broads.

- 6.3. The application proposes a redevelopment of the site and a change of use to residential. Policy SP11 seeks to retain a network of waterside sites in employment and commercial use. Changes from an existing boatyard use are considered under Policies DM28 and DM26. Policy DM28, which applies when considering proposals for a redevelopment of a waterside site which will result in a comprehensive change to the use of the site, requires that it is demonstrated that the existing use is not viable. It states that the site must be marketed to confirm that there is no alternative tenant or purchaser of the site, or interest in the site from other operators and a 12-month marketing period is set as a minimum. Policy DM26 states the retention of the site in an employment use is sequentially preferable, and then community uses should be considered, and, only if these are not required or feasible in this locations, tourism and recreation must be considered. Only where these uses are demonstrated not to be viable, can alternative uses (such as residential development) be considered; these are also subject to meeting criteria (d), (e) and(f) of policy DM26 as well as other local plan policies, specifically housing, design, flood risk, landscape and highways policies in this case.
- 6.4. Marketing of the site has taken place in various forms since 2017, however it must be noted that this was always for the Sanderson Marine Craft and Halls Yard sites together. Most recently the land has been advertised as having planning permission for redevelopment for housing (BA/2018/0359/FUL). The submitted viability assessment reports a lack of interest in the two sites together, but does report that a sale has been agreed for the Sanderson's site as a boatyard business. This sale has since been completed.
- 6.5. Looking at the more recent marketing of the Halls Yard site as a separate site, it is considered that this has not been done as clearly, realistically, or thoroughly as the two sites had been marketed together. A number of points are worth highlighting.
- 6.6. The Halls Yard marketing has emphasised that planning permission has been granted for 3 residential units, however this does not accurately portray the situation as the planning permission is for the reprovision of a boat workshop at the Sanderson's site, with the residential element being enabling development to fund this. Now that Sanderson's site has been separated off (and separately sold), the existing permission on the Halls Yard part of the site could not be autonomously implemented by any landowner because it is reliant on the boatyard element (which is in separate ownership) being completed first. On this basis it is considered that the marketing that has been carried out cannot be considered for the purposes of DM26 or DM28.
- 6.7. It is also considered that the price of the land as marketed was not realistic. The original parcel of land combining Halls Yard and Sanderson's was for sale at £450,000. The Halls Yard alone was then put up for sale at £455,000. Considering that this latest sales proposal was for a significantly smaller site, and without an established ongoing business (at the time of marketing), the increase in price is surprising.

- 6.8. In August 2021 changes were made to the Use Classes Order and this included the creation of a new Class E which covers employment uses. Adopted policy DM26 refers to the categories in the previous Use Classes Order in relation to employment uses, but it is considered appropriate to use the new Class E in any assessment as this better reflects the current position. The uses within the new Class E – which are wider than in the previous employment classes – should be reflected in the marketing for the site.
- 6.9. The above concerns about the marketing were raised with agent and in February 2022 he advised that the site was being re-marketed in accordance with the requirement of Policy DM26, with reference to the BA guide on marketing and viability assessment requirements. The modified marketing approach as proposed is considered acceptable.
- 6.10. It is also noted that the value of the site has been revised downwards from £455,000 to £285,000, however whilst the new price is considered to be more realistic, there are still concerns about how it was calculated. It is noted that no explanation for the revised value has been provided.
- 6.11. At the time of the previous application the site had been offered for sale at a price of £165,000. This price was considered by an independent chartered surveyor as part of the previous scheme who commented that *'the asking price for freehold of £165,000 for this part of the site is in our opinion too high'*. Given that this is now valued at £285,000 it could not be considered as representing a reasonable asking price. It may be that the value has been raised by the potential for residential development, however the 2020 planning permission related to the two sites together and as a result of the separate sale of Sanderson's, the subject site must now be considered on its own merits. As explained at 6.6 above, the site does not benefit from an independent planning permission and the implementation of the residential element of the planning permission for the two sites is now dependent on the actions of a third party. With that in mind, it is considered that the value of £285,000 is not reasonable. The LPA requested that an independent valuation be obtained, and the agent for the application was asked to cover the costs of this, however he declined to cover this cost and as such the valuation is not considered to have been reasonably tested.
- 6.12. The marketing of the site is considered to have commenced on 25th February 2022 and is required to continue for a minimum of 12 months. At the time of writing this report the marketing has been ongoing for less than 2 months. It is therefore considered that the subject site has not been demonstrated as being unviable considering the range of possible uses and the marketing of the site in a way that accurately portrays the existing situation.
- 6.13. The application proposes residential development on employment land, with the employment land being in a waterside location with a boatyard use. For this change of use to be considered acceptable it must be robustly demonstrated that the site is no longer viable for an employment use. These kinds of assessments are fundamental in ensuring that sufficient employment land is retained where there exists demand for employment. The accepted measure for this is through the adequate marketing of a

site at a reasonable price. Without such evidence it is not reasonable to permit the loss of land which is in limited supply, particularly with a water fronting location. The proposed change of use of the boatyard site to residential is therefore considered to be contrary to Policies SP11, DM26 and DM28 of the Local Plan for the Broads, with regard to the Broads Authority guide on marketing and viability assessment requirements.

Principle of residential development

- 6.14. Residential development within the Broads Authority area is assessed against Policy DM35 of the Local Plan for the Broads which states that '*new residential development will only be permitted within defined development boundaries.*' There is not a defined development boundary in Reedham and as such there would be an objection in principle to new residential development in Reedham.

Design, landscape, amenity of existing residential properties, and flood risk

- 6.15. With regard to the proposed 3 residential dwelling houses, these are of the same size, design, and siting as the scheme considered under extant permission BA/2018/0359/FUL. These dwellings were assessed against the current Local Plan and there have been no changes to policy which are relevant to this application, the design of the dwellings, the impact on landscape, the impact on the amenity of neighbouring residents, and flood risk were all considered to be acceptable and in accordance with policy. The acceptability in terms of size, design, and siting of the dwellings, and in terms of the character and appearance of the village and landscape, the amenity of neighbouring residential properties, and flood risk both on and off site therefore remains as previously stated.

Amenity of prospective residential properties

- 6.16. In assessing the previous application, the impact on existing residential amenity was considered acceptable as was the impact of the proposed development at the Sanderson's boatyard site on the proposed residential dwellings. However, whilst there are no changes to the design and siting of the proposed dwellings, and the boatyard business at the adjacent site is existing, the previous scheme afforded a measure of control over the quality of the replacement workshop building through the fact that the developments were linked and this would ensure that any impacts on residential amenity could be addressed.
- 6.17. The current proposal does not include the adjacent Sanderson's site, and therefore any potential impact on residential amenity cannot be reasonably controlled. The existing building is of lightweight construction, certainly not designed with residential neighbours in mind, and retains a reasonably sized outdoor area immediately adjacent to the subject site. Whilst arguments were put forward in the previous application that the building was in a poor state of repair and in need of replacement, there is nothing to ensure that a replacement would be forthcoming. A new site owner may simply choose to make do with the existing building, or provide a similar building without making improvements to how noise is controlled. The applicant has provided no information on the existing building so it is not possible to make a reasonable

assessment or to be satisfied that the proposed residential dwellings will not be adversely impacted by the existing boatyard in relation to noise from the operation of the boatyard, contrary to Policy DM21 of the Local Plan for the Broads and the NPPF.

Highways and public rights of way

- 6.18. The previous proposal, in incorporating both the Halls Yard and the Sanderson's site, was able to provide a footpath at the northern end of the sites which provided an improvement in terms of highway safety as this section of Riverside does not currently have a footpath. Norfolk County Council (NCC) as Highways Authority have accepted that the current proposal no longer includes the Sanderson's site and as such a full length of footpath can no longer be provided, and the link to the existing footpath adjacent to the river is lost.
- 6.19. The Highways Authority has commented that *'the original footway proposed fronting the development was isolated, such provision is not even proposed under this application which in its own right is considered a retrograde step; it would at least provide some refuge for pedestrians'*. This has been raised with the agent for the application and the provision of the footpath to the north of the subject site is being considered. It is noted that sufficient space exists for the provision of the footpath as the proposed dwellings are in the same location as in the approved scheme. The agent has agreed that the footpath will be provided across the top of the site to the same width as the previously approved scheme and this could be reasonably secured by planning condition.

Other issues

- 6.20. With regard to the change of use of the site from a boatyard use to a residential use the District Council's Pollution Control Officer has recommended that conditions are attached to a planning approval to require a site Contamination Survey and Assessment.
- 6.21. Reedham and the site is within the catchment for mains sewerage and the agent has confirmed that the development would be connected to the mains sewerage system. This overcomes the EA's concerns about this detail and is therefore in accordance with Policy DM2 (Foul Water and Drainage) of the Local Plan for the Broads.

7. Conclusion

- 7.1. The existing site has an employment use and in order for a change of use to be acceptable it is necessary to submit de a viability assessment. The marketing of the site has not been sufficiently robust or thorough as to satisfy the Local Planning Authority that there is no demand for the existing use, or an alternative industrial or commercial use and that the site is unviable. The proposal is therefore contrary to Policies SP11, DM26 and DM28 of the Local Plan for the Broads, with regard to the Broads Authority guide on marketing and viability assessment requirements.

- 7.2. The proposed development would provide residential housing adjacent to an existing boatyard site, but no assessment of the existing workshop building at that site has been provided and the application therefore fails to reasonably demonstrate that the proposed residential dwellings will not be adversely impacted by the existing boatyard in relation to noise from the operation of the boatyard, contrary to Policy DM21 of the Local Plan for the Broads and the NPPF.

8. Recommendation

- 8.1. That planning permission be refused.

9. Reason for recommendation

- 9.1. The proposal is considered to be contrary Policies SP11, DM21, DM26, and DM28 of the Local Plan for the Broads and the National Planning Policy Framework (2021) which is a material consideration in the determination of this application.

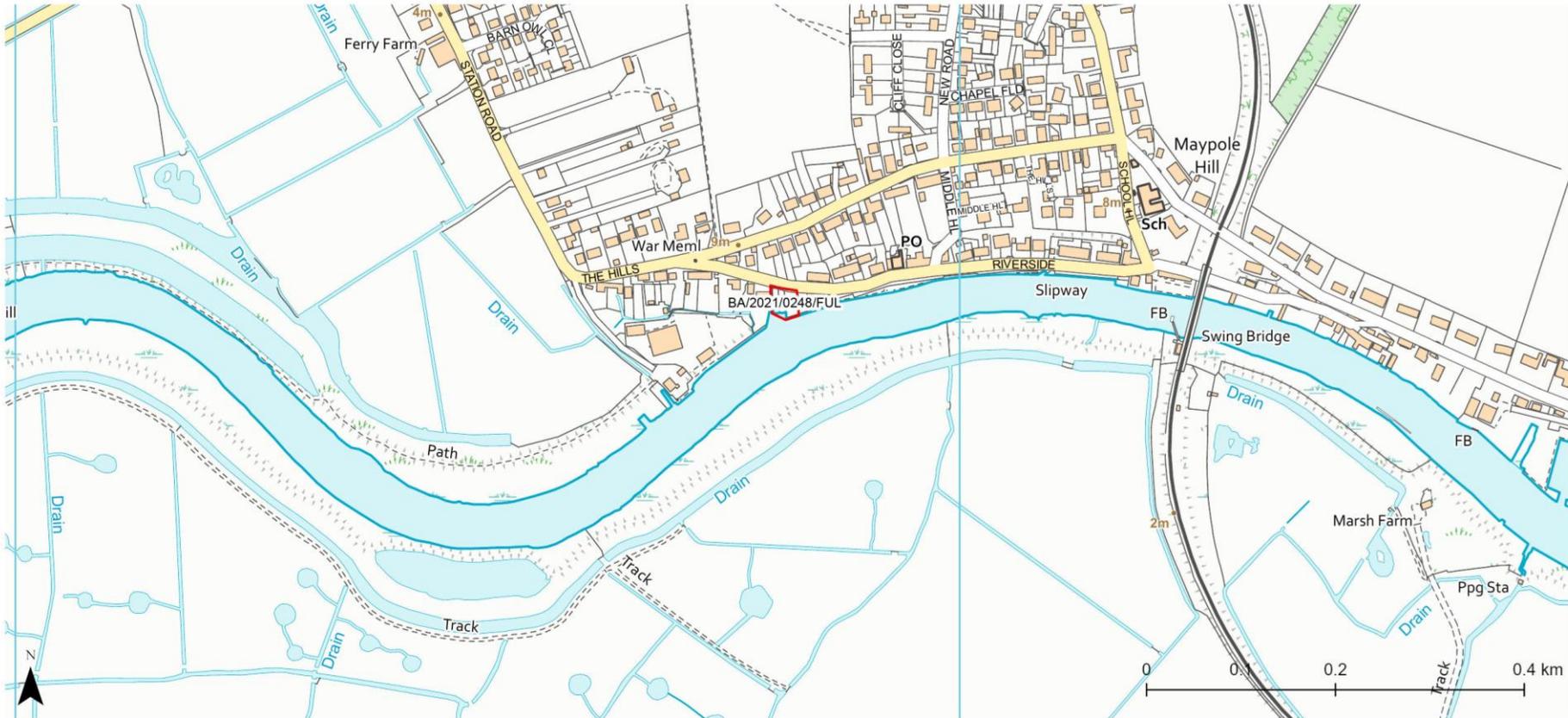
Author: Nigel Catherall

Date of report: 13 April 2022

Background papers: BA/2021/0248/FUL

Appendix 1 – Location map

Appendix 1 – Location map



© Crown copyright and database rights 2022 Ordnance Survey 100021573. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not

© Crown copyright and database rights 2020 Ordnance Survey 100021573. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.