

Application for Determination

Parish	Stalham	
Reference:	BA/2013/0170/FUL	Target date: 21 August 2013
Location:	Broads Edge Marina, Mill Road, Stalham	
Proposal:	Provision of twelve camping pitches and the demolition of existing and erection of replacement toilet and shower building	
Applicant:	David Phillip Investments	
Reason for referral:	Objections received from third parties	
Recommendation:	Approve with conditions	

1 Description of site and proposals

- 1.1 The application site is a large marina development situated to the west of Stalham Staithe with river access via Stalham Dyke and road access via Mill Road to the east and Chapel Field Road to the west.
- 1.2 The marina site comprises two large mooring dykes and 3 mooring basins set off these dykes. In total the site accommodates approximately 300 moorings, a small reception building, a small toilet block and a workshop building and associated shed.
- 1.3 Access to the marina site is either from the west, via Chapel Field Road or from the east, via Mill Road. Both Chapel Field and Mill Roads are minor roads which lead on to the A149 Stalham to Potter Heigham Road.
- 1.4 This application seeks consent for the demolition of the existing toilet block and the timber shed associated with the existing workshop building, and the introduction of a new washroom building which would measure 10.5m by 15m and 7.2m to the ridge and be clad in timber boarding and sit under a pitched pantiled roof. The new washroom building would serve the existing moorings and a proposed new, twelve pitch campsite which also forms part of this application and which would be located on amenity land at the eastern edge of the marina site.

- 1.5 This proposed new campsite would require little in the way of operational development but would constitute a change of use of the land. In terms of development proposed, the campsite would utilise an existing access (which would require hard surfacing and the removal of approximately 7m of established hedgerow to achieve the required visibility splays) and proposes the laying of a new trackway and turning head to access the pitches. The entrance to the public highway would be finished with a bound gravel surface and the internal trackway would be finished in a geogrid type material which would be back filled with fine grade shingle.
- 1.6 It is proposed that each of the twelve pitches would be serviced with electric hook up, and this will require the installation of 12 hook up points and the laying of interconnected cable. The campsite would be limited to the provision of tent camping pitches (no caravans).
- 1.7 The application site lies outside the development boundary, outside the Stalham Staithe Conservation Area and entirely within Flood Zone 1 (land identified as being at low risk of flooding).

2 Site History

- 2.1 The application site has a complex planning history and it is the case that there has been a substantial amount of development permitted at this site in the past. A number of these consents have been implemented, but the development consented under them is not fully completed; consequently, in determining this application, it is necessary to be mindful of these 'live' but currently not completed consents.
- 2.2 In 1995 consent was granted for 30 holiday cruiser moorings; erection of buildings for maintenance of boats, 12 day boat moorings, 22 overnight moorings and a further 2 private residential moorings (BA/1995/2336/HISTAP).
- 2.3 In 1996 consent was granted on appeal for the demolition of the existing clubhouse, reception and toilet blocks and erection of replacement clubhouse and demolition of 12 existing chalets and replacement with 12 new with permitted occupancy for 11 months per year (BA/1996/2277/HISTAP). Whilst neither the chalets nor the clubhouse has been developed the applicant has indicated that this consent has been implemented, with the original clubhouse demolished and drainage installed for the approved new clubhouse.
- 2.4 In 2000 consent was granted for the erection of workshop at the south western edge of the marina. This has not been constructed. (BA/2000/1810/HISTAP)
- 2.5 In 2001 consent was granted for the variation of condition 2 of planning permission BA/1996/2277/HISTAP. This variation permitted the demolition of the existing Clubhouse prior to the erection of the new,

approved clubhouse (but prohibited use of the new before the old has been demolished).

- 2.6 The site has an established use for 52 residential moorings, although the applicant has not submitted details of how many moorings at the site currently accommodate residential moorings.

3 Consultation

Stalham Town Council – No objection. Stalham Town Council would support the application whilst requesting the Planning Authority consider the comments from the Highways Officer, the height of the proposed replacement toilet block and requires the retention of as many trees as possible.

District Councillor – No response received.

Broad Society – No response received.

Highways – No objection. The Highways Authority has been involved in the detail of revisions to the scheme.

Environment Agency – No response received.

North Norfolk Environmental Health Officer – No response received.

Anglian Water Planning Liaison – Anglian Water is aware of historical flooding issues downstream of the proposed application. Having assessed the gravity flows expected to be generated from the amenity block and with the removal of the flows from the existing block, we can confirm that the sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

4 Representations

Eight letters of objection raising concerns regarding impact on highways, amenity, design, impact on waste water treatment and the impact the proposal would have on the character of the Conservation Area.

5 Policy

- 5.1 The following policies have been assessed for consistency with the NPPF and have found to be fully consistent with the direction of the NPPF and can therefore be afforded full weight in the determination of this application:

Adopted Broads Development Management DPD (2011)
[DMP DPD - Adoption version.pdf](#)

DP2 – Landscape
DP4 – Design
DP11 – Access on land

- 5.2 The following policies have been assessed for consistency with the NPPF and have found to be mostly consistent with the direction of the NPPF; any divergence from the NPPF is considered within section 6 of this report:

DP14 – General Location of Sustainable Tourism and Recreation Development
DP28 - Amenity

- 5.3 *Material Considerations*
National Planning Policy Framework (NPPF)
[NPPF](#)

6 Assessment

- 6.1 When determining this application it is necessary first to consider the principle of the development, namely whether or not the application site is an acceptable location for a new campsite and the related development, before proceeding to consider whether or not the details of this proposal and the circumstances of the application site result in an acceptable form of development, having regards to the relevant planning policies and material considerations raised by the application. These factors shall be considered in turn below:

Principle of Development

- 6.2 Considering the general location of the proposal, Policy DP14 of the adopted DM DPD states that new tourism and recreational development (such as the campsite proposed in this application) will be permitted where it is proposed '*within or adjacent to a defined development boundary.., or is closely associated with an existing tourism site, group of holiday dwellings, boatyard or established sailing or similar club*'.
- 6.3 In this instance the application site is, as identified by several objectors to the application, neither within nor adjacent to any development boundary. However, the site is within an existing marina and boatyard and therefore meets the criteria of DP14. It is also noted that it is a few minutes' walk from the popular tourist centre of Stalham Staithe which houses the Museum of the Broads, a restaurant and Richardsons, one of the largest boat hire yards on the Broads. Consequently, it is considered to be an appropriate location for new tourism development under the criteria identified in Policy DP14, namely "an existing tourism

site,...”.

- 6.4 It is further noted that where tourism development is proposed in the open countryside, Policy DP14 requires that there is a '*clear and demonstrable need*' for the countryside location, and this is an issue identified by objectors to the application.
- 6.5 It is the case, however, that for the purposes of Policy DP14 the application is not considered to be in the open countryside but, rather, is located within an established boatyard/marina site and, as such, is considered to be an acceptable site in principle for new tourism development such as the campsite and washroom proposed.
- 6.6 Nevertheless, the subsequent criteria (relating to amount of development, landscape and ecological impacts) within Policy DP14 regarding new development in the open countryside can also serve as a useful framework against which to assess the impacts of this application, and are considered in turn below.

Amount of Built Development and Design

- 6.7 Whilst the application site is not considered to be in the 'open countryside' for the purposes of Policy DP14, it does lie in an undeveloped part of the marina site and, due to the level of previously consented (though not necessarily constructed) development at this site, it is considered that the area for the proposed campsite represents an area within the marina where significant amounts of additional built form would not be considered appropriate.
- 6.8 This is an issue raised by some objectors to the application, who state that the application site in its current, undeveloped state (being amenity space laid to lawn and interspersed with trees) provides an important undeveloped visual buffer between the marina site and the neighbouring residential dwellings to the west.
- 6.9 It is the case, however, that the built form proposed is relatively modest in the context of the site, the most significant element being the proposed replacement washroom building. This building would have a footprint of 10.5m by 15m and would measure 7.2m to the ridge.
- 6.10 It is noted that the proposed new washroom building is substantially larger than the existing washrooms, and would have a footprint some three times larger than the combined footprint of the buildings which would be replaced as part of the proposal (washroom and shed). However this is a very large site (in excess of 11ha) and the proposed washroom, which would serve the wider marina as well as the 12 pitch campsite, is not considered to represent an overdevelopment of the site or an unacceptable amount of built form.

- 6.11 The ridge height of the proposed washroom is an issue raised both by objectors to the development and the Town Council, and it is self-evident that a ridge height of 7.2m is significantly higher than the height of the existing building (which stands at approximately 2.6m). However the existing washroom is a poor quality, flat roofed building finished in painted brick and roofing felt. The proposed replacement building would be clad in timber boarding and would sit under a pitched pantiled roof. The design and materials of the proposed replacement building is considered to be a significant improvement over that of the existing washroom block and would better reflect a type of building characteristic to the Broads landscape. In addition, it is material to note that the proposal would result in significantly improved facilities at the boatyard/marina site and an increase in the scale of the building is an inevitable result of improving the currently inadequate site facilities.
- 6.12 Consequently, whilst larger than the existing buildings it would replace, the proposed new washroom block is considered to be a substantial improvement on the existing built development at this site.

Landscape Impacts

- 6.13 The proposed campsite and washrooms are situated approximately 250m from the nearest public view point (from the water on Stalham Dyke) and from this aspect would be viewed in the context of the very large marina in the foreground. From this viewpoint the proposed washroom would be seen as one of a cluster of buildings including the existing workshop and reception and, as such, is not considered to have any detrimental impact on the landscape of the Broads.
- 6.14 Views into the proposed campsite from the water would be almost entirely screened by the substantial hedge which runs around the perimeter of the application site and, as such, the landscape impacts from this vantage point are not considered to be sufficient to be significant.
- 6.15 Concern has been expressed by residents of properties which lie to the east of the application site that the use of the field would result in a fundamental change in the landscape character of the area and that, on this basis, the application should be considered contrary to policy DP2 of the DM DPD.
- 6.16 At present the application site comprises a large area of grassed lawn enclosed to the north and south by a high (2m+) hedge and which accommodates six trees of note. The appearance of the site is of an amenity area with a domestic character and whilst it is recognised that the proposed use of the field (together with the associated development of an access track and electric points) will result in some change (most notably through the introduction of the internal access track, upgrading the access to the site from the public highway and the loss hedgerow), it is not considered that these changes would result in any

unacceptable landscape impacts - all trees would be retained and protected through the duration of any enabling works (for example the digging of the trench for the electric cable), the access track would have the appearance of a grass track and the retained hedging would be supplemented with the creation of a realigned hedgeline and a new area of tree and shrub planting, which would also provide additional screening between the site and the neighbouring properties to the east.

- 6.17 Further details of this tree protection and additional planting are required, however it is considered that this can be appropriately secured by planning condition and, having regards to the above, it is not considered that the development would have any detrimental landscape impacts. It is also noted that the impacts are likely to be broadly seasonal, with the greatest level of use – and hence impact – in the summer when screening is provided by the surrounding trees and shrubs.
- 6.18 Concerns have also been expressed regarding the provision of outdoor lighting at the site and the potential this has to change the character of this predominantly rural area. These concerns are noted and, whilst it is not considered that planning consent could be refused on the basis of potential light pollution, it is considered appropriate and necessary to require details of all external lighting prior to the commencement of works; this can be secured by condition.

Amenity

- 6.19 There are two residential properties located within a few metres of the application site; Nightingale Cottage lies to the north of the site, across Mill Road, and Mill House lies immediately to the east of the site.
- 6.20 Views from the north into the site are restricted by a substantial mature hedge approximately 2-3m in height and, accordingly, it is not considered that there is any potential for overlooking from the site into the property to the north.
- 6.21 Considering the property to the immediate east, whilst it is recognised that the application site and Mill House enjoy a close relationship – indeed the application site forms part of the paddocks which were formerly in the ownership of Mill House – it is the case that there is a substantial boundary hedge separating the two properties and views between the sites are limited to those available at the entrance to the application site and the entrance to Mill House (the entrances being adjacent to one another).
- 6.22 Given that this aspect of the property is the one presented to the public highway (and therefore open for all using the highway to see into), it is not considered that the fact that people using the campsite will be able to see into this part of the curtilage of Mill House gives rise to any significant loss of amenity.

- 6.23 Considering views from within the proposed campsite itself, the applicant has reduced views out of the site and into the driveway of Mill House through orientation and location of pitches and, additionally, proposes a new area of planting to further screen views down the narrow corridor of visibility which would exist out of the site when looking out of the site entrance.
- 6.24 Having regards to the above it is not considered that the proposal would result in any unacceptable loss of privacy for either of the neighbouring properties to the application site.
- 6.25 With regards to concerns of noise, odour and litter which have been raised by some objectors to the application, these concerns are recognised. However, there is no evidence that a modest campsite such as that proposed would give rise to any unacceptable impact on these grounds and it is clear that the operator of the site has a financial and reputational incentive to ensure that the site is run and maintained in an orderly manner.
- 6.26 Finally, given the substantial amount of development already at the Broads Edge Marina site, and having regard to that which could be developed under current consents, there exists a degree of noise and activity arising from these already consented activities and the scale of the proposal in this application is not sufficient to suggest that either the existing or potential situation would be materially affected by the proposed development.
- 6.27 Accordingly, it is not considered that the implementation of this proposal would have any unacceptable impact on neighbouring occupiers' amenity.

Ecology

- 6.28 In terms of ecological impacts, the application site is currently a managed amenity grassland area and, as such, is considered to be of limited ecological value. In this context, it is not considered that the introduction of 12 camping pitches and a new washroom building would have any detrimental impact on the ecology or biodiversity of the Broads.
- 6.29 It is the case, however, that Policy DP1 requires that all new development maximises opportunities for enhancement of natural habitats and it is recognised that the proposal would result in the loss of 14m of hedgerow (7m of young hedgerow to accommodate the proposed new washroom and approximately 7m of mature hedgerow to accommodate the revised access to the public highway).
- 6.30 Whilst the loss of hedgerow is regrettable, it is the case that the 7m of hedgerow which would be lost within the marina site itself is a relatively

immature and can be replaced relatively easily. The remainder of the hedge which would be lost is a high quality, mixed, native species hedge which marks the boundary to the application and marina site. The loss of some of this hedge is particularly regrettable, however, it is essential to achieve the required visibility splays. The proposed mitigation comprises a new hedge to realign the existing hedgerow, plus an area of proposed new mixed native species planting (extending to an area some 30m long and 5m wide) and a proposal to erect 5 bird boxes around the site and it is considered that this results in a scheme which has no detrimental impact on the ecology of the Broads and which, on balance, would improve the ecological offer at this site (principally through the introduction of new areas of planting).

Highways

- 6.31 Access to the site is either via Mill Road (to the east) or Chapel Field Road (to the west). Both of these roads are narrow, single track country lanes bounded by hedges and with little scope for widening or the provision of parking spaces.
- 6.32 The issue of access to the site is raised in a number of the objections to the application, with residents citing the narrow lanes and poor visibility as significant constraints sufficient to warrant refusal of the application.
- 6.33 Whilst the limited width of the lanes is noted, the Highways Authority raises no objection to the proposal, stating that any increase in traffic movements associated with the proposed new 12 pitch campsite is not likely to be material in the context of the site as a whole. The Highways Authority also highlights the proximity of the site to local services, access to public transport and tourist attractions, all of which may contribute to minimising additional traffic generated by the site.
- 6.34 In addition to concerns regarding the volume of traffic generated, representations have expressed concerns regarding visibility from the proposed new entrance to the site. The Highways Authority has considered the proposed scheme and recommended minor changes to improve visibility from the proposed new entrance and to better distinguish the proposed campsite entrance from the neighbouring entrance to Mill House. A revised scheme drawn up in accordance with this request has been submitted by the applicant and the Highways Authority have confirmed that this revised scheme achieves the necessary standard.
- 6.35 The Highways Authority further recommends provision of signage to direct users of the campsite east along Mill Road rather than west along Chapel Field Road; this is considered sensible (in that it would direct traffic down the more suitable of the access roads) and, according, is proposed as a condition to be attached to any consent granted.

- 6.36 Finally, it is noted that the Highways Authority further recommends a planning condition making the consent personal to the applicant (so that the consent can only be operated by the applicant and no other party, including any successor in title – known as a ‘personal permission’) and making the consent temporary for a period of two years.
- 6.37 Planning Circular 11/95 offers guidance on the use of conditions and makes it clear that personal permissions should be used only ‘exceptionally’ and, further, advises that a permission cannot be personal to a company as shares can be transferred to other persons without affecting the legal personality of the company. It also states that ‘this condition will scarcely ever be justified in the case of permission for the erection of a permanent building’. The Circular provides examples of where a personal permission might be appropriate, for example where it is proposed exceptionally to grant consent for something which would not normally be allowed simply because there are strong compassionate or personal grounds for doing so.
- 6.38 In this instance the application is made by a company (David Phillip (Investments) Ltd), seeks consent for the erection of a permanent building (the washroom) and does not appear to be in accordance with the guidance on use of personal consents set out in the Circular, in that the development is acceptable in its own right and is not proposed to be granted exceptionally.
- 6.39 Having regards to the above it is not considered that a personal consent is appropriate in this instance.
- 6.40 With regards to the recommendation that the consent is granted for a temporary period of two years, it is not clear how this could be justified in planning terms. Whilst temporary consents to enable ‘trial periods’ to enable an assessment of the impacts of a development can be used in planning, the guidance in Circular 11/95 is clear in stating that such temporary consent will ‘rarely be necessary to give a temporary consent to an applicant who wishes to carry out development which conforms with the provisions of the development plan’ and also requires a consideration of the impact on viability of the proposal resulting from making a consent temporary.
- 6.41 In this instance the proposed development is in accordance with the development plan and the relevant technical specialist (the Highways Authority) has not objected to the proposal. Consequently, it is not clear why it is suggested that the consent be a temporary consent. Additionally, in discussions with the agent it has been indicated that the effect of a temporary consent may be to render the development unviable; with the cost of the infrastructure, landscaping and washrooms not being able to be recouped in a two year period by a modest, 12 pitch campsite which, due to providing pitches for tents

only, is likely to be highly seasonal in nature.

- 6.42 Consequently, it is not considered that restricting the consent to a two year temporary consent is necessary nor justifiable in planning terms.

Cumulative Impacts

- 6.43 The final consideration in the determination of this application is the cumulative impact of the proposed new campsite and the other already consented but not yet built development. It is the case that there is an extant planning consent for a significant amount of new development at this site (permitting the construction of a new clubhouse and 12 holiday cottages) and regard must be had to these extant consents when considering the cumulative impacts of the proposed new campsite.
- 6.44 In landscape terms the clubhouse and chalets would be located at the southern end of the site and would be far more visible when viewed from Stalham Dyke than either the washroom or campsite proposed in this application. It is not considered that the addition of a single washroom or a modest campsite such as that proposed would result in any significantly detrimental cumulative landscape impact when viewed from either this vantage point or from any neighbouring property.
- 6.45 With regards to the cumulative traffic impacts of both the already consented development and that proposed in this application, the Highways Authority is aware of the planning history of the site and has submitted its comments in the context of the already consented development. Consequently, it is not considered that the application could be refused on the grounds of cumulative traffic impacts.

7 Conclusion

- 7.1 This application seeks consent for the erection of a replacement washroom and the use of an existing grass paddock as a twelve pitch campsite.
- 7.2 It is not considered that the proposal would result in any unacceptable impact on neighbouring occupiers, any unacceptable impacts on the ecology or wildlife of the Broads, the safe functioning of the highway network and no detrimental impact on the landscape of the Broads. Consequently, the application is considered to be in accordance with policies DP1, DP2, DP4, DP11, DP14 and DP28 of the adopted DM DPD.

8 Recommendation

- 8.1 Approve subject to the following conditions:
1. Time limit
 2. In accordance with approved plans

3. Materials conditions
4. Details of landscaping required
5. Replacement plants should any fail within 5 years of planting
6. Landscaping carried out in accordance with approved plans and approved landscaping details
7. Ecological enhancements carried out in accordance with submitted detail
8. No external lights to be erected without prior consent of planning authority
9. Details of route of electricity cable runs and trackway in relation to root protection zones of trees, and scheme to ensure protection of trees through the works, to be submitted to authority
10. Erection of signage to direct traffic along Mill Road
11. Visibility spays created and maintained in accordance with approved plans
12. Access to be 4.5m wide or at least the first 10m of the internal road's junction with the highway and finished in bound gravel for the first 10m from the highway and gate retained in position shown on approved plan
13. Camping for tents only – no caravans

Background Papers: Application Files BA/2013/0170/FUL

Author: Fergus Bootman
Date of Report: 27 September 2013

Appendices: APPENDIX 1 - Location Plan

BA/2013/0170/FUL - Broads Edge Marina, Mill Road, Stalham
Provision of twelve camping pitches and the demolition of existing and erection of replacement toilet and shower building

