

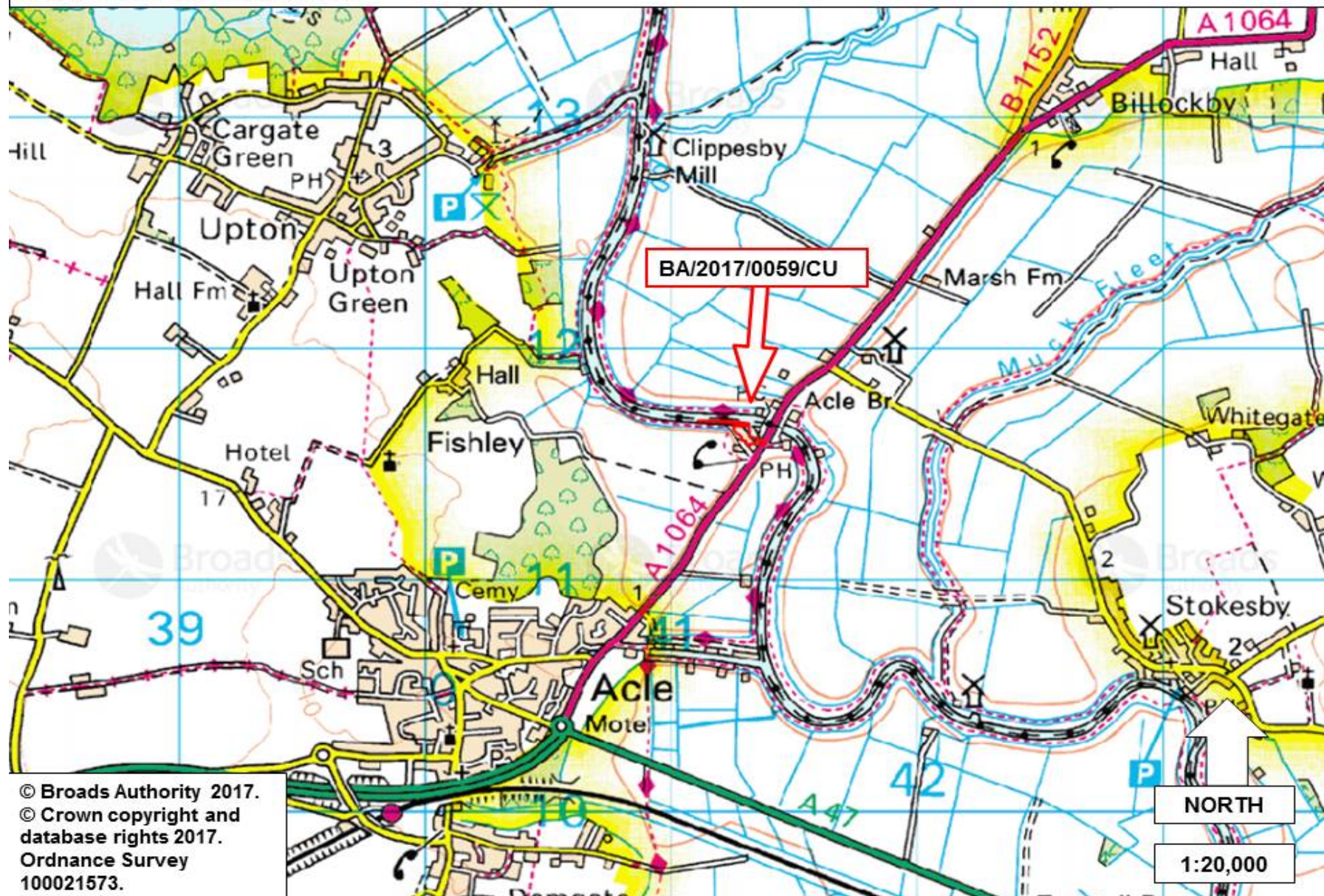
Reference:

BA/2017/0059/CU

Location

Horizon Craft, Old Road Acle

BA/2017/0059/CU - Horizon Craft



Application for Determination

Parish	Upton with Fishley		
Reference	BA/2017/0059/CU	Target date	25 April 2017
Location	Horizon Craft, Old Road, Acle		
Proposal	Part change of use of boat shed and workshops to a bar and restaurant (Class A3). Installation of 8 shore power posts and extension of gravel walkway.		
Applicant	Mr Ryan Mabbott		
Recommendation	Approve subject to conditions		
Reason for referral to Committee	Chief Executive of site owners is a Broads Authority Member		

1 Description of Site and Proposals

- 1.1 The Horizon Craft site is situated immediately to the west of Acle Bridge which allows the Old Road (A1064) to cross the River Bure. The boatyard offers holiday and day boat hire, mooring facilities including a section of riverbank on the southern bank of the river and part of a small mooring basin, a large car park, and a functioning workshop. The business forms part of a cluster of tourist and marine related businesses on either side of the river and either side of the bridge. These include Bridgecraft on the immediately adjacent site, The Bridge Inn public house, a small shop/cafe and a public toilet and car park.
- 1.2 The application relates to two elements of the site. The first element is a change of use of the northern half of the existing workshop building to a restaurant (Use Class B2 to Use Class A3) resulting in a mixed used building. The second element is the extension of the gravel footpath which runs adjacent to the riverbank providing access to the riverbank mooring, and the installation of 8 shore power posts providing an electrical hook-up for moored boats.
- 1.3 The application site is known as Horizon Craft and is owned by Richardsons. The site has been leased to a company operating as The Broads Boating Company who are the applicants in this case.

2 Site History

- 2.1 In 2012 planning permission was granted for a replacement dwelling on the footprint of existing (BA/2012/0331/FUL).

3 Consultation

Economic Development Team at Broadland District Council - I would wish to support the application which represents a positive diversification of the boatyard. This will attract not only the existing users of the boatyard but a wider tourist catchment. In turn, this will lead to local employment opportunities and benefit the local economy in the area.

NCC Highways - Objection to the proposal. Conclusion: The proposal would lead to an intensification in the use of an access onto the A1064 Old Road which is a main distributor route and would cause undue interference with the safe and free flow of traffic on this important traffic route. Contrary to Development Plan Policy DP11.

Members will be updated verbally should any further responses be received.

Representations

No responses received as of the date of this report. Members will be updated verbally should any responses be received.

4 Policies

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

[NPPF](#)

[Core Strategy \(2007\)](#)

[Core Strategy Adopted September 2007 pdf](#)

CS1 - Protection of Environmental and Cultural Assets

[Development Management Plan DPD \(2011\)](#)

[DEVELOPMENTPLANDOCUMENT](#)

DP2 - Landscape and Trees

DP4 - Design

DP11 - Access on Land

DP29 - Development on Sites with a High Probability of Flooding

- 4.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects

of the NPPF may need to be given some weight in the consideration and determination of this application.

Development Management Plan DPD (2011)

DP14 - General Location of Sustainable Tourism and Recreation

Development

DP20 - Development on Waterside Sites in Commercial Use, including Boatyards

DP28 - Amenity

- 4.3 The following Policies have been assessed for consistency with the NPPF which has been found to be silent on these matters. Paragraph 14 of the NPPF requires that planning permission be granted unless the adverse effects would outweigh the benefits.

Development Management Plan DPD (2011)

DP12 - Access on Water

4.4 Other Material Considerations

Acle Neighbourhood Plan (2015) [AcleNeighbourhoodPlan2015](#)

National Planning Policy Framework (NPPF) [NPPF](#)

National Planning Policy Guidance (NPPG)

<http://planningguidance.planningportal.gov.uk/>

5 **Assessment**

- 5.1 The company who have taken over the Horizon Craft site are seeking to diversify activities at the site in order to make the business viable. Prior to taking over the site they engaged in informal discussions with the Broads Authority to outline their plans for the site.
- 5.2 Considering the change of use of part of the existing workshop to a restaurant use, the subject site is in an area with a broad mix of boating and leisure/tourism related uses, therefore the siting of a restaurant at this location is considered acceptable in principle as it would be in keeping with the uses in this location and complementary to the greater extent.
- 5.3 The Acle Neighbourhood Plan, under Policy 1: Acle Bridge area improvements, seeks to safeguard leisure and tourism uses, including food and drink premises, but it is noted that the area highlighted on the Policy 1 plan does not include the application site. The highlighted area is the only part of the land surrounding Acle Bridge within Acle Parish, but it does provide a useful indication of local attitudes towards development at Acle Bridge.
- 5.4 Policy DP20 considers diversification of waterside sites in commercial use, stating that proposals will be permitted where:

- a) The proposed use is an employment or commercial use that is complementary in scale and kind with existing waterside commercial uses;
- (b) The proposed use would not prejudice a return to boatyard use; and
- (c) The proposals form part of a comprehensive scheme for the site that retains the site as a unified management unit.

In this case the proposal is a commercial use which would more than double the existing level of employment on site. The proposed use would complement the existing use of the site as it provides support facilities for boaters utilising the moorings at the site, the boatyard use is retained but the works to convert one half of the existing workshop to a restaurant would not prejudice a return to sole workshop use, and the site is being operated by a sole company who are seeking to provide facilities which complement each other and operated therefore retaining the site as a unified management unit. The proposal is therefore considered acceptable in relation to Policy DP20. In addition it is noted that the proposed restaurant is within an established boatyard site and therefore is consistent with Policy DP14.

- 5.5 Taking into account the existing uses on site and on surrounding sites, as well as the location adjacent to a main road, there will be no unacceptable impact on neighbour amenity. There is no proposed extension to the workshop building and therefore no increase in flood risk either at the site, or up or down stream, and it is noted that the vulnerability classification for restaurants is the same as for general industry and as such the use is considered compatible. The proposal is therefore considered acceptable in relation to Policies DP28 and DP29.
- 5.6 The final point of consideration for the change of use is in relation to highway safety. Norfolk County Council as Highways Authority has raised an objection stating the following key points:
- The A1064 is classed as a main distributor road.
 - The speed limit applicable to the section of road is 60mph.
 - Given that the proposal is to cater for 80 covers, and that it is intended to be operational all year, the proposal will attract a wider catchment than boat users alone and in this respect there will be an increase in vehicle movements to and from the site through the existing access with the A1064.
 - Site access is opposite the access to the Bridge Inn public house.
 - North of the access is Acle Bridge which has a blind summit. There is an advisory speed limit of 30mph and a warning of vehicles turning. It is evident from observation that vehicles are travelling in excess of the advisory speed limit.
 - The desirable minimum visibility/stopping sight distance required to/from the point of access is 215m.
 - In terms of the present access onto the A1064 the measured the visibility from a set back of 2.4m is 70m to the south west and 90m to the north east, equating to 32% and 42% of the required visibility/stopping sight distance.

- In terms of forward visibility over the Bridge when travelling in a south westerly direction, the present 90m accords with the requirements for vehicles travelling at or below 30mph.
- The forward stopping sight distance is inadequate to see a vehicle waiting turn right into the access and take any appropriate action.
- Records indicate that in the last five years there have been two recorded accidents resulting in injury in the vicinity of the access. It is accepted that these relate vehicles who have been involved in rear end collisions whilst waiting for vehicle to turn right into the Bridge Inn (ie travelling northeast).
- Whilst accepting the current use of existing facilities in the area, any increase in vehicle turning movements increases the risk of accidents occurring.
- Whilst Paragraph 32 of the *NPPF* states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. It also states that decisions should take account of whether safe and suitable access to the site can be achieved for all people, which in this case it would not be.
- Furthermore considering that vehicle speeds are high and visibility is below the desirable minimum and, it is considered that the intensification of use resulting from the development if approved will give rise to a detrimental impact to highway safety in relation to the slowing down and turning of vehicles.

5.7 Policy DP11 requires that development proposals that need to be accessed by land shall be assessed in terms of their impact upon the highway network in respect of traffic capacity, highway safety and environmental impact of generated traffic. The NCC Highways response highlights the issues with a proposal which would increase traffic movements to and from the application site and has the potential to impact on highway safety.

5.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless there are other material considerations which indicate otherwise. This proposal is, in terms of potential to impact on highway safety, contrary to Development Management Policy DP11. Whilst there is a policy presumption against the development on the basis of the consultation response it should be considered what the impacts of allowing this specific proposal would be on those objectives, whether the proposal is otherwise acceptable and what material considerations may weigh in its favour.

5.9 The proposed use as a restaurant would be for a maximum of 80 covers which is a moderate level of potential use. The restaurant would form a part of the overall commercial use of the site and its siting and link to the other business functions of the site would result in indelible links between the functions. Those boats that make use of the 50 moorings available would have little reasonable access to places beyond the site and its immediate surroundings and would therefore be inclined to make use of the facilities available, which would mean that a sizeable portion of customers are likely to arrive by boat. Indeed at maximum capacity there are more potential customers on site than there are available covers. There are also numerous

moorings at site on the opposite side of the river and to the eastern side of Acle Bridge, all of which would have access on foot to the subject site. In addition there is the day boat hire service which would draw people in by car, and their use of the facilities at the site would not result in additional car journeys being made by virtue of the existence of the restaurant. The numbers of boaters utilising the site and its facilities would be especially high in the summer months when visitors to the Broads are at their peak and mooring facilities with supporting business functions such as a restaurant would be a particular draw for water borne visitors. It is therefore considered that the number of cars attending the site solely for the use of the restaurant would not represent a significant increase in road vehicle numbers.

- 5.10 The site was previously run by Richardsons who have a successful, well established, and well known boat hire service and moorings. However, despite running a portion of the business in this location and to capacity, they took the decision to close the site and put it up for sale. This would seem to provide a clear picture of the viability of the site. The overall site has a mixed use but the workshop is predominantly in use class B2 (general industrial), this means that other uses within that class or within B1 (businesses such as offices, laboratories, studios, and light industry) and B8 (storage and distribution) could take over the part of the site without requiring planning permission and as such potential uses would result in a more intensive use with associated increase in vehicle movements could not be controlled. The proposed use seeks to provide a complementary use to the boat hire and mooring functions at the site, by tying the functions together this allows for a level of confidence in the way the site would operate.
- 5.11 Attention should also be given to the likelihood that without diversification of the existing functions the site would close and this would result in the loss of a boatyard and hire facility. The diversification is strongly supported by policy and this in itself is a material consideration. Whilst the continued presence of the business at this site is desirable, and other potential uses may themselves cause highway safety issues that could not be controlled, the loss of a commercial use at this site would be undesirable and would be detrimental to the range of facilities on offer within the Broads, as well as resulting in a site in a reasonably prominent location falling to ruin.
- 5.12 It is noted that the NPPF under paragraph 32 that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe, as noted in the NCC Highways response, no objection is raised on this point. The response goes on to point out that the NPPF also states that decisions should take account of whether safe and suitable access to the site can be achieved for all people, which NCC Highways argue that in this case it would not be. The requirement for 'safe and suitable access to the site can be achieved for all people' is in relation to accessibility, not in relation to road safety. The site can be accessed by boat, by car, and by bicycle, in addition there is a bus stop on the northern side of Acle Bridge, and there are public footpaths crossing adjacent to the site, most notably the Weavers Way. It is therefore considered that the proposal is in

accordance with the NPPF which is a material consideration in the assessment of any planning application.

- 5.13 Any alteration to function and facilities at the site to support and bolster the existing business will result in an increase in vehicle numbers, an increase in vehicle numbers has been assessed to be a concern in terms of highway safety and therefore such proposals would be contrary to Policy DP11. The site as it functions and its existing access must be considered, along with the potential increase in vehicle movements by virtue of the restaurant element alone. Taking into account the function of the site and the opportunities for the functions to rely on and support each other, the opportunity for control that the use being subject to planning permission allows, whilst being aware of the potential intensification of use that would be outside of any control, it is considered that there would not be a significant increase in vehicle movements, and the proposed use has the potential to make a telling contribution to the continued use of the site in its present function, therefore in principle the proposal would not significantly harm the objectives of Policy DP11 and it is reasoned that there is a case for considering this proposal as a departure from the development plan.
- 5.14 In all other respects the proposed change of use of part of the existing workshop to a restaurant use is acceptable, specifically the diversification of the existing business and the retention of the existing functions of that business, impact on residential amenity, and flood risk, and is therefore in accordance with Policies DP14, DP20, DP28 and DP29 of the Development Management Policies DPD.
- 5.15 Considering the proposed extension of the existing gravel footpath, the river bank is quayheaded for at least 300m from the mooring basin sited to the front of the workshop building, heading westwards. The initial 110m section of adjacent riverbank has a gravel footpath with a width of 1.8m, it is proposed to extend this footpath by a distance of 140m whilst maintaining the 1.8m width. The footpath allows for improved access to and from moored vessels which increases safety and therefore would be in accordance with Policy DP12. The footpath is marginally below the level of the quayheading and the adjacent grassed area, and its width is reasonable, it is therefore considered that the proposed footpath extension, taking into account its location and siting adjacent to a quayheaded riverbank would not be unacceptable in landscape terms and therefore is in accordance with Policy DP2.
- 5.16 Considering the installation of 8 power posts, on the section of riverbank in question there is signage and equipment/services which would be expected at moorings and at a boatyard, these increase in frequency the closer one gets to Acle Bridge, with the adjacent sites bringing the built form noticeably closer to the water's edge. The installation of 8 power posts at a height of 1.0m, regularly spaced at gaps of between 12 and 15 metres, taking into account the existing development on site and at surrounding sites, and having regard to the desirability for mooring sites to offer a range of services, are considered to not be unacceptable in landscape terms and therefore is in accordance with Policy DP2.

6. Conclusion

- 6.1 Development Management Policy DP11 under criterion (a) seeks to ensure highway safety. The proposed development would result in an increase in traffic movements at the site and as assessed by NCC Highways is in conflict with the wording of Policy DP11 by being causing interference with the safe and free flow of traffic on the adjacent highway.
- 6.2 At paragraph 5.7 above, the circumstances in which proposals that conflict with the development plan can be considered for approval are outlined and three tests are set out: does the proposal harm the objectives of the policy and plan; does it comply with other development plan policies; and, are there any other materials considerations that weigh in favour of the proposal.
- 6.3 As assessed above, it is considered the proposal would not result in a significant increase in traffic movements to and from the site, any impact on highway safety would therefore be modest. Therefore it is concluded there would be no significant harm to objectives of the policy or wider plan were the proposal to be permitted. The proposal has been found to be in accordance with the NPPF. The proposal has also been found to be in compliance with the other relevant policies. Furthermore, the proposal allows for the viability of the site to be enhanced which results in the continuation of the existing functions at the site which contribute to a network of tourism and leisure facilities within the Broads network.
- 6.4 Whilst the primacy of the development plan is appreciated, on balance it is considered that the objectives of the plan would not be significantly harmed by allowing this development as a departure from the development plan nor would any undesirable precedent be created.
- 6.5 Were Members to resolve to approve the application as a departure, it would be necessary to re-advertise the application and consider any further representations received prior to issuing a decision.

7 Recommendation

Approve, subject to conditions:

1. Standard time limit.
2. In accordance with approved plans

8 Reason for recommendation

The application is considered acceptable as a departure from Development Management Policy DP11 (2011) but is in accordance with Policies DP2, DP14, DP20, DP28 and DP29. It is also considered to be in accordance with Policy CS1 of the Core Strategy (2007), and the National Planning Policy Framework (2012).

List of Appendices: Location Plan

Background papers: Application File BA/2017/0059/CU

Author: Nigel Catherall
Date of Report: 16 March 2017

BA/2017/0059/CU - Horizon Craft

