

Application for Determination

Parish	Barton Turf	
Reference:	BA/2013/0208/FUL	Target date: 11.09.2013
Location:	Icehouse Dyke, The Shoal, Irstead	
Proposal:	Erection of holiday dwelling within curtilage of Icehouse Dyke to enable refurbishment of main dwelling	
Applicant:	Mr and Mrs Andrew Lodge	
Reason for referral:	Objections received and departure from policy	
Recommendation:	Approve with conditions and subject to s106	

1 Introduction

- 1.1 In July 2013 an application for the erection of a new holiday dwelling in the curtilage of an existing dwelling was submitted to the Authority for determination. A report was presented to Planning Committee on 8 November 2013, however, determination of the application was deferred pending the submission of further information regarding the financial circumstances of the application and the specific details of the proposed s106 agreement to secure the restoration of the existing dwelling at the site.
- 1.2 A copy of the original report to Planning Committee is included at Appendix 1
- 1.3 Additional information has now been received regarding the financial implications of the proposed restoration and accompanying enabling development; this is included at Appendix 2 of this report.
- 1.4 Furthermore, a draft s106 agreement has been prepared and there is agreement in principle from the applicant that the works specified are necessary, achievable and appropriate. The draft s106 sets out in specific detail what works must be carried out to the Ice House, sets a scheme of phasing for the development which dictates in what order the works to the Ice House and works to build the proposed new holiday dwelling must be carried out and sets a timescale for the completion of this phasing.

The works specified in the s106 are derived from the full structural survey

carried out by the applicant's Chartered Surveyor; a report which has been considered in detail by the Authority as part of the determination of this application.

1.5 A copy of the proposed s106 is attached at Appendix 3.

2 Updated Schedule of Consultation Responses

2.1 None

3 Amendments to Application

3.1 None

4 Assessment

4.1 The main issues to consider in the determination of this application are the principle of the development, the design of the proposed new unit of holiday accommodation, the impact of the proposed new unit on the historic environment, amenity and flood risk.

4.2 A full assessment can be found in the report at Appendix 1.

4.3 In respect of the newly submitted information, it is considered that the additional information relating to the financial commitment associated with the restoration of the Ice House demonstrates that a degree of enabling development is necessary at this site in order to address the Conservation Deficit and render the restoration a financially viable proposition, thereby securing the future of Ice House.

4.4 In addition, it is considered that the draft s106 represents a robust, realistic and enforceable agreement which would deliver the substantial restoration (and secure the long term future) of the Ice House before any works can commence on construction of the new build holiday let property and which, at the same time, gives the applicant certainty and an achievable timescale in which to complete the works.

4.5 Having regards to this additional information and considering the assessment contained in the original report to Committee (Appendix 1), the recommendation on this application remains for approval subject to conditions as set out in Appendix 1 and a s106 agreement as detailed at Appendix 3.

5 Recommendation

5.1 Approve subject to conditions and s106.

- (i) Time limit
- (ii) In accordance with approved plans
- (iii) Materials conditions

- (iv) Details of landscaping required
- (v) Replacement plants should any fail within 5 years of planting
- (vi) Landscaping carried out in accordance with approved plans and approved landscaping details
- (vii) Tree protection in accordance with details submitted
- (viii) Submit details of ecological enhancements
- (ix) Ecological enhancements carried out in accordance with approved plans
- (x) New build to provide short stay holiday accommodation only – no second home use nor use as main residence of occupier
- (xi) Highways conditions

Background papers: Application File BA/2013/0170/FUL

Author: Fergus Bootman

Date of Report: 10 February 2014

List of Appendices: APPENDIX 1 – Committee Report for Planning Committee 08/11/2013
APPENDIX 2 – Additional Financial Information
APPENDIX 3 – Draft Section 106

APPENDIX 1

**Broads Authority
Planning Committee**
8 November 2013

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1 Description of site and proposals

- 1.1 The application site is a residential plot situated in the hamlet of Irstead and a few hundred metres south of Barton Broad.
- 1.2 The plot is broadly rectangular in shape, measures 0.35 ha (approximately 71m long by 51m wide) and is sited between a private access road ('The Shoal') to the west and the River Ant to the east.
- 1.3 The site forms part of a loose line of development extending north from Irstead church, with the development in this area generally comprising large, detached houses set a short distance back from the water and sitting in good sized gardens.
- 1.4 At present the application site accommodates a single dwelling and associated gardens. The dwelling, 'Ice House', follows this loose pattern of development and is a large, two storey dwelling set at the eastern (river) side of the plot. The building is timber framed and sits beneath a thatched roof. The building incorporates a wet boatshed at ground floor level, accessed directly off the River Ant.
- 1.5 The house is not Listed and does not lie within a designated Conservation Area. The site lies outside of the development boundary.
- 1.6 The house is in a poor state of repair, with both structural and cosmetic

failings. This application seeks consent for refurbishment of the property together with the construction of a new, three bedroom, holiday home in the gardens of the main house. The proposed new holiday home would be located at the western (road) end of the plot, and would comprise a single storey dwelling with accommodation in the roof. Wall would be red brick with timber boarding to the gables and the roof would be a pitched, pin tiled roof. The holiday home would share the existing access to the Ice House and have a separate area of designated parking.

- 1.7 It is proposed by the applicant that this holiday home would be 'enabling development', with the revenue generated from the holiday home in the long term helping to offset the refurbishment costs associated with the main house; a project which the applicant considers to be economically unviable without this supplementary income.

2 Site History

- 2.1 None.

3 Consultation

Barton Turf and Irstead Parish Council – Object. The construction of a standalone dwelling in order to raise funds to refurbish the main dwelling is not sufficient to warrant departure from the development plan. The parish also raise concerns regarding the danger of setting a precedent and propose two alternative solutions:

- (1) Construction of an extension to the existing to accommodate a holiday annex; or
- (2) Demolition of the existing dwelling and rebuild with a replacement that matches/mirrors the existing.

District Councillor – No response received

Broad Society – We would normally be concerned about development within the curtilage of existing properties since this could create a precedent for unwelcome over-development of rural areas in the Broads. However, we note the special circumstances relating to this application. We would welcome the refurbishment of a building which is classed as a heritage asset and, if the proposed holiday dwelling provides a funding stream to enable restoration, then we would not oppose its erection. It is not our business to enquire about the financial plan underlying this proposal but we would strongly urge that, if approval is granted, it should be conditional on a carefully worded agreement to ensure that the object of restoration is achieved.

Highways – No objection subject to conditions.

4 Representations

- 4.1 1 letter of objection from neighbouring property raising concerns of precedent, amenity and impact of increased traffic on private roadway.

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

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 this report:

DP5 – Historic Environment
DP28 - Amenity
DP14 – Location of Sustainable Tourism and Recreation Development

- 5.3 Material Considerations
[NPPF](#)

6 Assessment

- 6.1 This application proposed the refurbishment of an existing dwelling and the construction of a new dwelling for the provision of holiday accommodation. It is the applicant's case that the holiday accommodation is necessary to make the refurbishing of the existing property a viable proposition.
- 6.2 The application site lies outside the development boundary and, with reference to the locational criteria set out in policy DP14 (which guides the location of new tourism development within the Broads), is not a location where new holiday accommodation such as that proposed would normally be permitted.
- 6.3 Consequently, if this application is to be approved it must be considered as a departure from adopted planning policy, with the departure justified on the grounds that the enabling development (i.e. the holiday accommodation) is necessary to secure the future of the existing dwelling.
- 6.4 In terms of the validity of such an approach, the NPPF identifies enabling development as an acceptable mechanism in principle for securing the long-term future of a heritage asset, advising that '*Local planning authorities should assess whether the benefits of a proposal for enabling development,*

which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies’.

- 6.5 It is noted that in this instance the main dwelling is not a ‘designated heritage asset’ as defined by the NPPF, in that it is neither nationally nor locally listed nor does it lie within a designated Conservation Area. However, the NPPF recognises that not all ‘heritage’ is formally acknowledged in terms of an official designation and requires that impacts on these ‘non-designated heritage assets’ must given weight when determining planning applications (para 135).
- 6.6 It is the case that the definition of ‘heritage’ within the NPPF is wider than that taken in the Authority’s adopted policy DP5, with the NPPF identifying the protection of both designated and non-designated heritage assets as being material when determining planning applications. It is this narrower definition of ‘heritage’ which explains the caution with which the Authority’s own heritage policy must be applied (see section 5 of this report).
- 6.7 It is this recognition of and protection afforded to non-designated heritage assets which explains the caution with which the Authority’s own heritage policy – DP5 – must be applied; with the broader definition of heritage worthy of protection within the NPPF being wider ranging than that in policy DP5, which is focussed more tightly on designated heritage assets.
- 6.8 Furthermore, it is the case that the NPPF does not suggest that the use of enabling development should be restricted to instances where the property in question is a designated asset. On this basis it is considered that the principle of enabling development to secure the future of a non-designated heritage asset is acceptable and in accordance with guidance within the NPPF.
- 6.9 Having established that the approach proposed by the applicant is, in principle, acceptable in planning terms, consideration must now be given to whether this principle is applicable to the particular circumstances of this site; specifically, is the non-designated heritage asset (the house) sufficiently significant and its long term future in sufficiently precarious a situation to justify considering departing from adopted planning policy?
- 6.10 Considering first the significance of the property, Ice House is considered to be a fine example of a traditional Broads riverside property. Thought to have been constructed in the early twentieth century the building is constructed in a cottage orneé style typical of the initial phase of riverside development as the Broads became a popular tourist destination. The building is timber framed and clad with waney edged Elm boarding, incorporates a wet boatshed at ground floor level, sits under a thatched roof and includes a number of oriel and bay windows. The property is largely original in form, with no unsympathetic additions or alterations detracting from its archetypal Broads appearance.

- 6.11 Waterside buildings of this era and this quality are characteristic of the Broads and, due to their design construction and history, are considered to make a significant contribution to the cultural heritage of the Broads. Regrettably, it is also a form of development which is particularly vulnerable to loss: the lightweight construction, use of natural materials and location next to (and often, as the case here, over) the water make the structures susceptible to rot and decay and this, combined with generally high plot values in the Broads and the typical form of a smaller building sitting within a good sized plot, have resulted in a large number of these buildings being demolished and redeveloped, often on a larger and/or grander scale
- 6.12 Finally, when considering the significance of this particular property regard must also be given to its location. The site lies on the River Ant, just a few hundred metres south of Barton Broad. This location puts it in a prominent location and visible to a large number of river users ranging from both one-time visitors to long term residents of the area. It is considered that the fact that the building in question occupies such a highly visible and well trafficked (in river terms) location adds further weight to the significance of the property.
- 6.13 Having regards to all of the above, it is considered that the Ice House is not simply a nice old house sited next to the river; rather, it is a fine example of a form of development which is absolutely characteristic of the Broads, which (for a variety of reasons) increasingly rare within the Broads and a building which is in a location which, in the context of the Broads, considered to be high profile.
- 6.14 Accordingly, when considering the significance of the non-designated heritage asset and the scale of harm to the character (including historic fabric) of the area its loss would cause, it is concluded that the Ice House is a significant building in terms of its contribution to the cultural heritage of the Broads.
- 6.15 Having established the significance of the building consideration must now be given to the long term prospects of the structure; in order for enabling development to be acceptable there must be a threat to the future conservation of the heritage asset, designated or non-designated, which requires the additional revenues generated by the proposed enabling development to resolve.
- 6.16 In this case the applicant has submitted a structural survey of the property and this survey identifies significant remedial structural work required in order to secure the long term future of the building. In addition, it is accepted that the long term future of the site can only truly be secured by ensuring the building offers an acceptable standard of accommodation to ensure that it will be lived in, used and maintained.
- 6.17 The applicant has submitted an indicative cost appraisal of the structural works required to secure the immediate future of the building and the additional works to render it habitable in the long term. It is recognised that the costs associated with securing the long term future of the building are

substantial and, crucially, are sufficiently high so as to render the refurbishment of the existing dwelling an economically unviable project.

- 6.18 To further support the application, and reflecting the difficulties associated with restoring the existing building, the applicant has provided information detailing that, subsequent to their recent purchase of the site, it was marketed without success for a period of three years.
- 6.19 Considering the above, it is concluded that the building is of sufficient quality and in a sufficiently precarious situation to justify considering departing from adopted planning policy; or put another way, the principle of enabling development is considered to be applicable to the circumstances of this particular site.
- 6.20 However, before further exploring the use of enabling development at this site there is merit in identifying what other controls the Authority has regarding the future of this building and establishing whether there are any other mechanisms which could be used to secure the future of this building.
- 6.21 Considering first other methods of control the Authority has, it is the case that as a building which lies outside of any designated Conservation Area and is not Listed the demolition of the existing building would not require the benefit of planning consent. Whilst there is a prior approval process applicable to demolition this enables the Authority to consider only the method of demolition and the subsequent restoration of the site; not the principle of demolition.
- 6.22 It is recognised that it would be rare for a developer to demolish an existing dwelling without first securing consent for a replacement on the site, for once the existing is demolished the site may be considered as an undeveloped site outside of the development boundary and, as such, not an appropriate location for new residential development. Whilst this may provide a degree of protection for the building, it is noted that relying on this approach would present a risk to the future of the building and could not be said to be a satisfactory method of securing the continued existence of this non-designated heritage asset, and will certainly not result in its renovation.
- 6.23 Another alternative would be to refuse applications such as this one which propose enabling development and hope that the value of the plot falls low enough to make the purchase and restoration of the building a viable economic prospect. Unfortunately, considering the current condition of the property and mindful of the attempts to sell it over a three year period, it is the case that demolition and new build will almost always represent a more financially viable option than taking the time and care to restore what is already on site. Furthermore, the longer the building lies empty the greater the chances of catastrophic structural failure and, in any event, the greater the investment required to restore the property.
- 6.24 Given the above it must be recognised that the Authority's options in mandating or even encouraging the restoration of this building are very

limited, and the longer the building lies empty and unrestored the greater the challenges (both financial and practical) associated with securing its long term future. Consequently, it is considered that the alternatives to the proposal put forward in this application – namely the provision of enabling development – are unattractive and unconvincing in terms of their effectiveness in securing the future of this building.

- 6.25 When determining applications for enabling development the NPPF advises that the benefits derived from securing the long term future of the heritage asset must outweigh the disbenefits associated with departing from adopted policies.
- 6.26 In this instance it is recognised that, to a large extent, the benefits directly associated with the proposal are conferred upon the applicant. However, it is also the case that securing the future of a significant non-designated heritage asset which intrinsically makes a contribution to the special character of the Broads area brings benefits, both tangible (in securing the future of a particularly notable building in a high profile area of the Broads and resulting from the preservation a scene enjoyed by a large number of Broads users every year) and intangible (in preserving a significant and threatened piece of the Broads history) to all those who have an interest in the protected landscape and special cultural heritage of the Broads.
- 6.27 In terms of disbenefits to weigh against these identified benefits, the starting point is to identify precisely which policies the proposal would be a departure from.
- 6.28 The policies which are applicable to the proposal to build a new holiday home relate to principle/location of the development (DP14), design (DP4), impact on the historic environment (DP5), amenity (DP28) and flood risk (DP30).
- 6.29 In terms of design and impact on the main dwelling, the proposed holiday home is considered to be acceptable. The proposal is for a three bedroom holiday home which, whilst not small, is not considered to represent an overdevelopment of the plot and remains visually subservient to the host dwelling.
- 6.30 The proposed location at the rear (western, roadside end) of the plot is considered appropriate, limiting the visual impact on the host dwelling, particularly when viewed from the public viewpoint of the river and not visually competing with the main dwelling.
- 6.31 In terms of detailed design, the simple design of the property and use of a palette of materials which complements, but does attempt to mimic, the host dwelling is acceptable, though it is noted that details of final proposed materials should be required by condition and that the quality of these materials is crucial to the acceptability of the proposal.
- 6.32 Similarly, whilst landscaping details have not been submitted details of hard and soft landscaping are considered essential to the acceptability of the

proposal in design terms and further details will be required by condition. Furthermore, in order to retain the dominant/subservient visual relationship between the two buildings and preserve the character of the host dwelling, it is considered necessary to remove permitted development rights associated with both existing and new dwelling, including the erection of fences between the two buildings.

- 6.33 Subject to the conditions outlined above, the design of the proposed holiday unit is considered acceptable and it is not considered that the application proposes development which conflicts with either Policy DP4 or DP5.
- 6.34 Considering amenity impacts, this is an issue which has been raised by the neighbouring property to the south of the application site and forms one of the grounds for the objection submitted by residents by this property.
- 6.35 In terms of impacts the proposed new holiday accommodation would be approximately 28m from the nearest neighbouring property (situated to the north) and some 43m from Honeysuckle Cottage (to the south). The application site is bounded to the south and west by a substantial (2m+ high) hedge and to the north by both a hedge and substantial tree growth (which would be retained). Given these distances and the substantial intervening screening it is not considered that the proposed development would result in any unacceptable impacts on any existing property. Consequently, the development is considered to be in accordance with Policy DP28.
- 6.36 With regards to the issue of flood risk, the application site lies within Flood Zone 1 and, as such, there is not considered to be any conflict with either national or local planning policy pertaining to flood risk.
- 6.37 Having regards to the above, it is clear that the proposal to create a new holiday home in this location conflicts with only one policy; Policy DP14 which is concerned with the location of new tourism development.
- 6.38 Policy DP14 seeks to direct new tourism development to sustainable locations; these being generally defined as being within or adjacent to existing development boundaries or in locations where there is already some associated tourism infrastructure (boatyards, existing tourism sites, sailing club etc).
- 6.39 The principle behind this approach is well established and is considered to be in full accordance with guidance within the NPPF, which seeks to promote sustainable development.
- 6.40 In this instance the direct disbenefits arising from the proposed departure from policy are considered to be relatively modest; the policy direction of directing new tourism development to sustainable locations seeks to minimise landscape impacts and reduce dependence on travel by car. Considering the single holiday unit proposed it is the case that traffic movements associated with the new dwelling would be relatively modest – fewer than if the dwelling were providing standard housing where there would

be a need to travel by car to schools, work and shops and the proposal is not considered to have any detrimental landscape impacts.

- 6.41 It is the case that the principle disbenefit would arise as an indirect result of approving the departure and relates the issue of precedence. This is a concern expressed by both the Parish Council and a neighbouring property to the application site and it is well established in planning that the issue of precedence can be a material consideration in planning, although clearly each application must be treated on its own merits
- 6.42 Put simply, the concern in this instance (and the potential disbenefit to be weighed against the benefit of securing the future of the Ice House) is whether permitting enabling development in this application would create a precedent which subsequently allows further new development in unsustainable (and therefore unsuitable) locations.
- 6.43 Whilst this concern is recognised, it is not considered that the approval of this application for enabling development would create a bad precedent which would result in further consents for unsustainable development; rather, an approval would make use of an established mechanism which is explicitly identified within the NNPPF (enabling development) as a means of securing the future of a property which is considered to be of substantial significance to the historic environment.
- 6.44 The circumstances of this application are not unique – a situation indicated by the very fact that the use of enabling development to secure the future of heritage assets is identified within the NPPF – but they are quite specific; this is a fine example of a quintessential Broads riverside building, the like of which are, for a variety of reasons, increasingly rare. Furthermore it is a building which requires significant structural works to secure its future, one which prior to the applicant buying had been marketed without success for a period of three years and one which is considered to be beyond viable economic repair.
- 6.45 This makes the building both very special, very vulnerable and these factors, whilst not unique, combine to represent a sufficiently precise set of circumstances so as to enable the consenting of development contrary to development plan policy without creating a precedent which would apply indiscriminately elsewhere.
- 6.46 Having regards to all of the above, and with reference to the test in the NPPF, it is considered that the benefits associated with the proposed enabling development are significant, whilst the disbenefits are considered to be modest. Consequently, it is concluded that departure from policy DP14 is acceptable having regards to the specific circumstances of this application and that approval of the application subject to conditions and a s106 legal agreement (discussed further below) would be in accordance with all other policies within the adopted DM DPD and guidance in the NPPF.
- 6.47 The final issue to consider is the content of the s106 legal agreement. It is

proposed that this agreement would restrict the use of the proposed new dwelling to provision of short stay holiday accommodation and prevent commencement of any works on the holiday accommodation before certain urgent structural works have been completed to the main dwelling. Details of specific timescales and a schedule of work would also be included. Furthermore the agreement would prevent any rental of the holiday unit until an agreed schedule of works to the main dwelling has been completed to the written satisfaction of the Broads Authority.

- 6.48 Given the complexity and detailed nature of this agreement the recommendation of this report is for members to delegate the negotiation of these final details, within the parameters set out above at para 6.47, to officers.

7 Conclusion

- 7.1 This application seeks consent for the refurbishment of an existing dwelling and the erection of a new holiday home in the garden of that dwelling. The site lies outside the development boundary and is not a location in which new tourism development would normally be considered appropriate.
- 7.2 It is the case, however, that the existing dwelling, whilst not being recognised as a designated heritage asset is considered to be a building of significance within the Broads area having regard to both its architecture and location and, accordingly, is identified as a non-designated heritage asset.
- 7.3 Following guidance in the NPPF it is the case that enabling development - where development which would not normally be acceptable in planning terms is proposed to part fund the restoration of a heritage asset which is at risk and whose repair would be otherwise economically unviable - is acceptable where the benefits occasioned by departing from adopted policy outweigh the disbenefits associated with the departure from policy.
- 7.4 In this instance, having regard to the architectural quality of the building, the contribution buildings of this type make to the special character of the Broads, the location of the building, the structural condition and cost of repair of the building and the history of attempts to sell the building in its current condition it is considered that the benefits associated with securing the future of the building are substantial.
- 7.5 Weighed against these benefits, the disbenefits associated with departure from the policy - a modest increase in traffic movements from an unsustainable site and the issue of precedence (discussed in detail at paras 6.39 - 6.46) - are considered to be limited and, on balance (and subject to conditions and a legal agreement), it is considered that the application passes the test set out in para 140 of the NPPF.
- 7.6 Consequently, the recommendation here is for approval subject to conditions and a s106 legal agreement, the detailed content of which to be delegated to officers to negotiate with the applicant subject to the parameters detailed in

section 6 above.

8 Recommendation

8.1 Approve subject to conditions and for members to delegate the negotiation of s106 within the parameters set out above at para 6.46 and 6.47, to officers:

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. Tree protection in accordance with details submitted
8. Submit details of ecological enhancements
9. Ecological enhancements carried out in accordance with approved plans
10. New build to provide short stay holiday accommodation only – no second home use nor use as main residence of occupier
11. Highways conditions

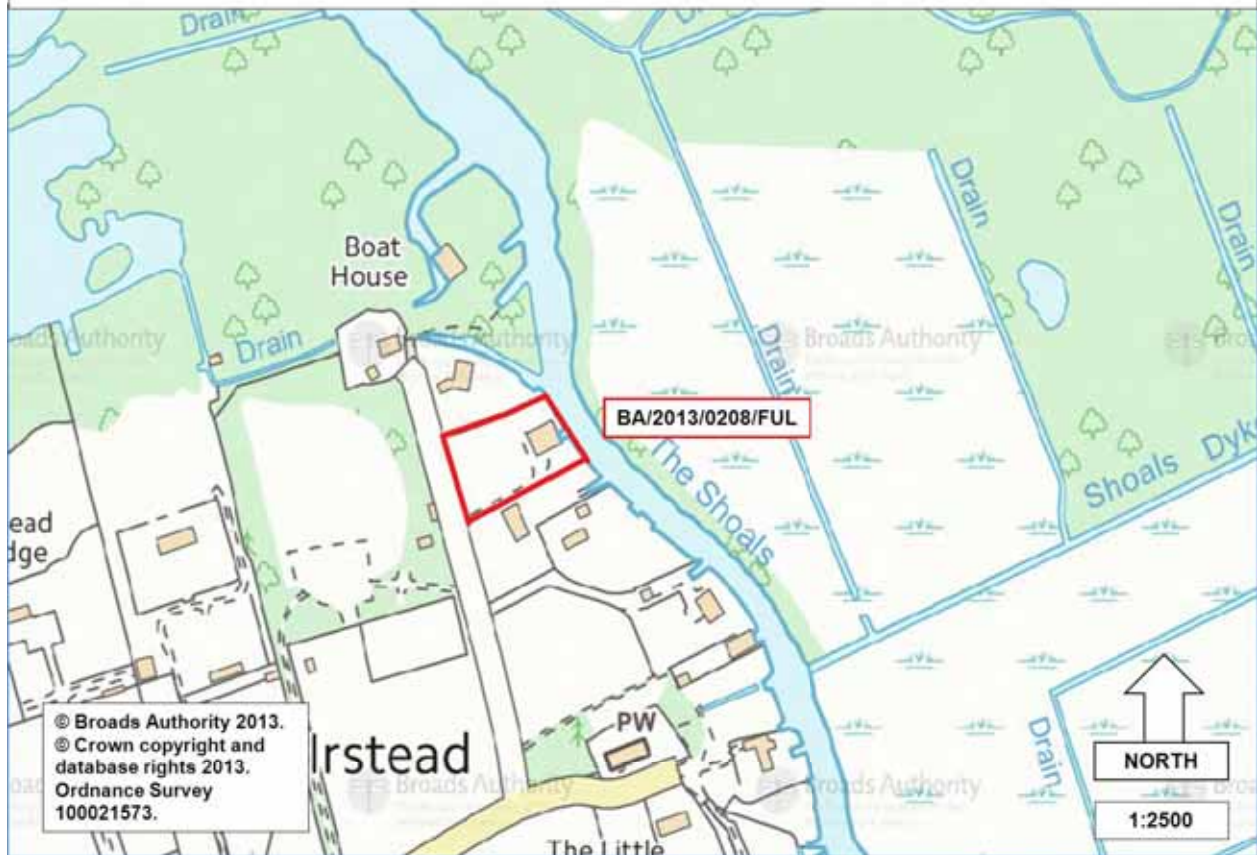
Background Papers: BA/2013/0208/FUL

Author: Fergus Bootman
Date: 24 October 2013

Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

BA/2013/0208/FUL – Icehouse Dyke, The Shoal, Irstead
Erection of holiday dwelling within curtilage of Icehouse Dyke to enable refurbishment of main dwelling



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Ref: 11.14

10th February 2014

Mr Fergus Bootman
Broads Authority
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Norwich
NR1 1RY

Dear Mr Bootman

Application BA/2013/0208/FUL – Icehouse Dyke The Shoal Irstead

I have been instructed by the applicants Mr and Mrs Andrew Lodge to consider the financial aspects of the proposed development and in particular the need for enabling development.

Background

I am a Chartered Surveyor with over 30 years wide experience of valuation, agency, planning and development including advising several local planning authorities on viability matters relating to development. In addition I have personal knowledge of the area surrounding the proposed development as a nearby property was once owned by my members of my family.

My clients acquired the property in April 2013 comprising a single dwelling on a plot extending to 0.35 ha fronting the River Ant a short distance from Barton Broad. The property had been on the market for over three years at an asking price of £725,000 and was acquired at a price of £475,000. There had been several abortive sales prior my client's acquisition.

Built around the 1930's the property is of timber framed construction under a thatched roof with wet boatshed at ground floor level and retaining many original features. Whilst not listed it is acknowledged that the Ice House is a fine example of a traditional Broads riverside property and regarded as a heritage asset. Unfortunately the structural condition of the property is such that it is considered

that the building is in such a precarious condition it is in risk of collapse without urgent repair.

The applicants have submitted a full structural report in support of the application which identifies the need for extensive remedial structural works to secure the stability of the existing structure. In addition full modernisation of the living accommodation is necessary to bring it up to modern habitable standards.

The planning application submitted provides for the erection of a holiday dwelling within the curtilage of the property by way of enabling development with the income generated required to fund the cost of works necessary to secure the long term future of the current dwelling.

Site Options

In simple terms the site offers three opportunities. The first option is that of redevelopment of the site with new single dwelling however, this will result in the loss of the existing non designated heritage asset although a development surplus of £50,000 is generated. The second and preferred option in planning terms would be the refurbishment and retention of the existing dwelling without any further development. However, as the valuation set out below shows this shows a substantial conservation deficit of £120,000 and so is regarded as unviable. The final option would be to allow enabling development and ensure the retention of the existing dwelling and whilst a development shortfall of £145,000 will be generated the income generated from the enabling development will offset this within a reasonable period of time so as to make it a viable proposition.

1. New build option

Purchase Price of the Property: £475,000
Purchase costs (Fees & SDLT): £20,000
Total Cost of property: £495,000
New build cost: £375,000
Total Cost: £ 850,000
Value on completion: £900,000
Development surplus: £50,000

The price paid for the property at £475,000 in April 2013 represents a substantial reduction on the original asking price of £725,000 and in effect reflects the plot value of a site in such a location. The property was on the market for a considerable period of time, more than three years, during which time its condition continued to deteriorate and at least three potential sales fell through due to the extent of structural repair and associated costs. The price paid is therefore considered to be reasonable in the circumstances. This is evidenced by the example of another nearby property, Orsteada, where a price of £890,000 was paid and the site subsequently redeveloped with a new dwelling.

The purchase price paid by the applicant is in my opinion a 'threshold price' below which one would not reasonably expect a seller to treat as it reflects the potential for redevelopment of the site. The principle of a threshold price is an accepted rule when considering the viability of development opportunities.

The assumed new build cost is on the basis that a substantial 'Executive Style' dwelling is built of c3000 sq ft (280m²) at a build cost of £125/ft² (£1345/m²). The build cost of traditional estate dwellings is currently in the region of £75-£85/ft² (£800-£900/m²) (BCIS Index) after allowing for associated fees, additional foundation costs and standard of construction the rates used are considered reasonable.

The valuation of £900,000 is based upon comparable evidence of sales in the area for example the sale of a five bedroom house with river frontage in Barton Turf in October 2012 for a price in excess of £750,000. The valuation of the completed development assumed is backed up by the opinion of local estate agents Abbotts Wroxham office who now the property and location well having acted in the marketing of the Ice House when originally on the market prior the applicants purchase.

2. Refurbishment with no enabling development

Cost of Property: £495,000 (as above)
Cost of repairs and modernisation: £350,000
Total cost: £845,000
Value on completion: £725,000
Conservation Deficit: £120,000

The cost of repairs and modernisation at £350,000 is based upon a costed schedule of works from the applicant's structural engineer David Townend & Company Ltd and opinion of the Architect for the scheme. Details have been submitted to the Authority in support of the application.

The valuation is based upon comparable evidence and consultation with local agents reflects and reflects the fact that the retained dwelling will be substantially smaller than the house assumed in the redevelopment option above.

The appraisal identifies that a conservation deficit of £120,000 is generated, that is, the costs of saving the heritage asset are greater than the resulting value. Therefore the number of parties willing to undertake such a project will be very limited and is a reason why the Ice House was on the market for so long (3 years) without finding a buyer and with several abortive transactions.

2. Refurbishment with enabling development

Cost of property: £495,000

Cost of repairs and modernisation: £350,000

Cost of construction of proposed holiday cottage: £175,000

Total costs £1,020,000

Value on completion: £875,000

Shortfall: £145,000

Net Income from holiday cottage: c £21,000 to £28,000 pa

Payback period of shortfall: 5.18 to 6.9 years

One way of overcoming the issue of a conservation deficit is to allow enabling development to generate additional value or income so that the deficit can be overcome sufficient to allow the conservation works to be carried out. Therefore saving the heritage asset and in this case also bringing it back into beneficial use.

The cost of constructing the proposed holiday cottage is based upon the advice an opinion of the client's structural engineer and architect and is therefore considered to be a fair assumption.

The net income generated of £21,000 to £28,000 a year is based upon an assumed occupancy rate of 40 weeks and an average weekly charge of £750 to £1000. This has been adjusted to take account of business rates, cleaning, maintenance, and insurance, letting and marketing costs. The weekly charge has been arrived at taking account of rates for similar holiday cottages in the Broads area sleeping 6 to 8 with low season in the region of £500 per week and the high season at £1500 + per week. By the nature of the development it will not be until it is completed and in full operation that one can be certain that the net income of £21,000 to £28,000 is correct however, it is considered a reasonable assumption at this stage.

The value of the completed development at £875,000 is based upon comparable evidence of similar properties as outlined above and reflecting the benefit of the income generation from the proposed holiday accommodation.

The conservation deficit in this case is £145,000 and whilst greater than that of the scenario with no enabling development (£125,000) the income generated from the proposed holiday accommodation will enable the shortfall to be 'funded'. The simple pay back period will be between 5 to 7 years or alternatively the income generated could be used to cover the cost of a longer term mortgage or loan for the cost of the enabling works and repair works to the Ice House.

The applicant is willing to undertake the majority of the necessary repairs to the existing house as required by the Authority as a condition of the consent being granted before the enabling development is carried out and brought into use. This restriction would potentially prevent other parties from undertaking the project and as is evidenced by the difficulties experienced in the sale of the property prior to

being acquired by the applicant those willing and able are few and far between. The repair works to the Ice House should be secured by way of a Section 106 Agreement to ensure that they are carried out in a timely and workmanlike manner.

Conclusion

It is accepted by the Broads Authority that the Ice House is a non-designated heritage asset which is at risk of being lost without substantial structural repairs, some of which are urgent, in addition extensive works are necessary to put the property into a modern habitable condition.

In my opinion the anticipated income generated from the enabling development of the holiday cottage and the associated return or pay pack period are the minimum reasonably necessary for a willing party to undertake the project in the context of the likely conservation deficit. Therefore the amount of enabling development proposed is the minimum reasonably required to meet the test as set down by English Heritage and so secure the future of the Ice House.

I trust this letter is sufficient in support of the application, however, should you require any further clarification of any points raised or detail on the financial aspects please do not hesitate to contact me.

Yours sincerely

Stuart Bizley

Stuart Bizley BSc MRICS

Section 106 agreement for Ice House, The Shoal, Irstead

Introduction

This schedule of works, secured by a s106 agreement sets out the detailed stages of work necessary to secure the long term future of the dwelling known as Ice House and dictates a timescale not only for the delivery of these works to be completed in a particular order, but also controls when works can be commenced on construction of a holiday cottage (identified hereafter as ‘the enabling development’), imposing both a timescale for delivery and the phasing of all the works (i.e. both restoration and enabling development) approved under planning consent reference BA/2013/0208/FUL.

The purpose of the agreement is to secure the delivery of a comprehensive schedule of restoration to the Ice House whilst at the same time, controlling the timing of delivery and status of occupation of the enabling development to ensure that the schedule of restoration works is economically viable and practically achievable.

Note on the Schedule of Restoration

It must be noted that this Schedule of Restoration essentially specifies what must be done and by when. Generally speaking, it does not specify how the works are to be achieved, except where this detail is considered to be essential to the acceptability of the planning application as a whole.

This approach reflects the fact that the detailed specification and method statement must respond to factors on the ground; Ice House is a historic building and whilst the Structural Engineers report identifies the majority of deficiencies with the structure and fabric of the building, it does also highlight the fact that, in buildings of this nature, new issues can arise in the course of solving identified problems. Any attempt to detail the precise method statement could not, by its very nature, include such ad-hoc issues and would, therefore, be less effective at delivering a sound and restored building than an agreement such as that which follows, which sets out where the applicant (or any successor in title) must get to in terms of restoration rather than how they must get there.

Furthermore, whilst the Authority is concerned with securing the future and integrity of the building, there are certain elements of the restoration which must necessarily be determined by the applicant (or any successor in title) responding to his/her own personal preferences. So whilst, for example, it is necessary to include in the Schedule of Restoration the removal and replacement of all rotten timbers from the external veranda, it is not considered either appropriate or necessary to specify the type of timber to be used, this being a decision best made by the applicant or successor in title.

To this end, where specific materials have been proposed in the Schedule of Restoration

Schedule of Restoration for Ice House, The Shoals, Irstead

Phase 1 – Prior to commencement of works on Enabling Development

The following works to be completed not later than month 36 following grant of planning consent:
These works to be completed prior to commencement of any works on the enabling development

Works to be completed not later than month 36 following grant of planning consent. No works on enabling development permitted prior to the completion of these

Foundations – Install mini piles in accordance with engineer’s design specifications. Construct concrete raft in accordance with engineer’s design. Ground floor to be installed at agreed level and to consist of 65mm reinforced c/s screed on 90mm Celetox GA4090 floor insulation on 1200g polythene DPM (with min 300mm overlaps sealed with tape) (or such other suitable appropriate alternative as may be accepted by Building Regulations requirements) linked with DPC in 150mm reinforced concrete raft on well compacted hardcore

Timber Studs and Soleplate – Engineer to inspect the exposed timbers to determine the extent of replacement required. Cut away lower studs and decayed soleplate around inside of building.

Brickwork Plinth – Construct plinth brickwork to finish 600mm above ground level. 100mm bricks. 100mm cavity insulated with 50mm Celotex CW4050 insulation batts (or such other suitable appropriate alternative as may be accepted by Building Regulations requirements). 100mm Celcon standard block inner leaf (or such other suitable appropriate alternative as may be accepted by Building Regulations requirements). Provide stainless steel wall ties to BS 1243: 1978 to be a max 450mm centres vertically and 900mm centres horizontally. Cavity to be closed at plinth. Thermabate insulating cavity closers are to be installed at door and window reveals / cills (or such other suitable appropriate alternative as may be accepted by Building Regulations requirements).

DPC – Polythene DPC min 150mm above ground level. Vertical DPC’s to be provided to external openings. DPC to comply with BS8102: 1990. Fill cavity with concrete up to ground level.

Sole Plate – Install new sole plate on hyload DPC and install new vertical studs as necessary between ground and first floor. Studs tennoned onto plate adjacent to original studs and fixed together to engineer’s details.

Strengthening to Boat House –Installation of semi-permanent ‘goal posts’

Outer cladding – Remove all outer cladding to walls in phased approach and set aside. Replace all rotten studwork like for like. Make frame water tight.

Veranda – Carefully take down elevated veranda and staircase and replace all rotten timbers and supports and reinstate in original position. Replace balustrades and handrail in accordance with original pattern.

Timber Supports to Projecting Section Over Boathouse Doors – Removal of existing inclined supports and replacement with permanent vertical posts down to pad bases.

Phase 2 – Prior to renting of Enabling Development

On completion of the works detailed at Phase 1, construction can commence on the Enabling Development, however there is to be no occupation of the Enabling Development by any party other than applicant and dependants, or successor in title, until completion of the following works. All works below to be completed by month 60 following the grant of planning consent:

Works to be completed not later than month 60 following grant of planning consent. No occupation of enabling development by any party other than applicant and dependants or any successor in title

Windows – replace all windows and doors with double glazed sealed units in high performance timber frames.

External Works – Lay 900mm paved hardstanding around building to fall away from house with yard gullies to drain to river.

Outer Cladding - Reattach outer cladding, replacing damaged boards with new like-for-like replacements as required. Code 5 lead flashing over windows dressed up beneath building paper.

Rain water goods – Reattach all rainwater goods, replacing with new like-for-like units as necessary

Phase 3 – Final obligations

Upon completion of the works detailed at Phase 1 and Phase 2 and within the timescales specified in those phases, the Enabling Development can be let as short term holiday accommodation. Subsequently, and no later than month 60 following the grant of planning consent the following works must be completed. Following completion of the works below all obligations arising under this s106 agreement have been discharged

Re-thatch building - Strip existing thatch from roof and dispose of off site. Re-thatch roof in Norfolk water reed laid to a nominal thickness of 300mm laid on a breathable membrane, if membrane required, secured to rafters using metal thatching irons. Form new Norfolk sedge ridge to thatch fixed with hazel broaches. Fix 12.5mm gauge galvanised steel netting over ridge only. Form nominal 75mm Lime mortar fillets to junction with chimney or provide code 5 stepped lead flashing dressed over main casework of thatch.