

Application for Determination

Parish:	Lowestoft		
Reference:	BA/2012/0271/FUL	Target date:	20 February 2013
Location:	Pegasus Marine, Caldecott Road, Oulton Broad		
Proposal:	Re-development of former Pegasus Boatyard to provide 76 dwellings, new boatyard buildings, office, moorings and new access road.		
Applicant:	Badger Building (E Anglia) Ltd		
Recommendation:	Approve subject to Conditions and S106 Agreement		
Reason for Referral to Committee:	Major application and representations received		

1 Description of Site and Proposals

- 1.1 The site is situated at the north eastern end of Oulton Broad and comprises the former Pegasus Yacht factory and Hampton's Boatyard site. It covers an area of 1.6ha.
- 1.2 The southern and eastern boundary of the site front Oulton Broad. Caldecott Road and the Norwich to Lowestoft railway line run along the northern boundary of the site and Pegasus Mews, a small residential development of detached and semi detached properties, adjoins the site to the west. The south west corner of the site adjoins Topcraft, a former boat hire yard. To the east of the site lies a short expanse of open water fronting Caldecott Road. Vehicular access into the site is currently achieved via three entrances taken off Caldecott Road.
- 1.3 The site has been predominantly cleared of buildings with only the former two storey Pegasus Yacht factory office and boatshed building remaining in the south western corner of the site and the Hampton's boatyard building and two adjacent block work stores remaining in the north eastern corner of the site. The majority of the surface of the site is concrete or other hard surface construction. The interface between the Broad and the site is currently a hard engineered edge defined by deteriorating steel piled headings. There are a number of jetties and pontoons supported on large timber piles, together with a number of other structures, in the Broad adjacent to the site, which would have provided moorings for approximately 50 boats. There are currently two slipways in the south western corner of the site and a single slipway in the north eastern corner of the site.

- 1.4 The site is situated within the Oulton Broad Development Boundary.
- 1.5 The site is positioned within Flood Zones 1, 2, 3a and 3b as defined on the Environment Agency's Flood Risk Maps.
- 1.6 The site is adjacent to the Oulton Broad Conservation Area.
- 1.7 The scheme proposes the redevelopment of the site to provide 76 residential units, a boatyard and associated facilities, approximately 50 moorings and an office building.
- 1.8 The overall layout of the site and the positioning of the residential element, the boatyard and the office have been dictated to a large extent by the site levels and the fact that certain areas of the site are situated within high risk flood zones. The residential element of this development would cover the majority of the site. It would extend from the existing entrance into the Hampton's Boatyard to the western site boundary and would stretch between Caldecott Road and the frontage of the Broad. This area of the site would be accessed via a single entrance off Caldecott Road. The accommodation would comprise a mixture of 3 and 4 bed houses and 1, 2 and 3 bed apartments. The majority of the buildings would be two and three storeys in height. Three apartment blocks would be positioned in a slightly elevated position on the edge of the Broad, set behind a new reedbed. Whilst these blocks would be 4 storeys high the design incorporates the fourth storey into the curved roof structure resulting in the buildings being no taller than a more conventionally designed 3 storey building.
- 1.9 The design of the residential element is broadly contemporary in styling although elements of it clearly make design references to existing buildings in the locality in particular the maltings buildings. The palette of materials that would be used on the residential units is a mixture of weathered zinc, red brick and weatherboard cladding on the walls and a combination of slate and pantile roofing.
- 1.10 All the family properties would have enclosed rear gardens and off street parking with opportunities for secure cycle and bin storage. Elsewhere on the site, communal areas of parking would be provided and communal cycle parking and bin storage would be provided in purpose built structures, which match the appearance of the garaging.
- 1.11 The scheme proposed includes the construction of a new two storey office building on the frontage of the Broad in the south eastern corner of the site, which would be accessed off the end of the residential access road. The office building would be piled to a height comparable to the ground level of the housing land and the associated car parking area would also be stilted to the same height. The office element of the scheme is also contemporary in design and has been detailed to reflect its waterside location and also to take architectural references from the residential element of the scheme. The office has been designed with a glazed elevation to the Broad, with red brick and

weatherboard cladding being used on the other elevations. The roof has been design as a living roof.

- 1.12 The boatyard facility would cover approximately 13% of the site area and would be situated in the north eastern corner of the site in the same position as the former Hampton's boatyard. It would be accessed off a separate access point off Caldecott Road, utilising the easternmost existing site access. This would be the lower lying area of the site. Two boatyard buildings would be provided, constructed of weatherboard cladding on a red brick plinth with steel roofs. A large area of car parking would also be provided in this area to be used in association with the boatyard buildings, the moorings to be created and the use of the slipway. This car parking would double up for winter boat storage. Pump out facilities would also be provided for mooring users. The existing slipway in this area would be widened and reused by the new boatyard operator and as a public slipway providing public access to the Broad. Pontoon based moorings for a maximum of 50 boats would be created around the south-eastern and southern edge of the Broad beyond the reedbed. The pontoons would be attached to piles driven into the solid bed of the Broad.
- 1.13 The site is to be extensively landscaped and a detailed scheme, incorporating suitable plant species is currently being drawn up. The scheme also includes the softening of the Broads frontage. Approximately 70m of steel sheet quay heading would be replaced along the eastern frontage of the site in the vicinity of the boatyard. The remaining steel quay heading and timber capping along the southern site frontage would be removed. An offshore bund would be created along the rear of the mooring pontoons. At present it is proposed to create this bund using gabion baskets although the developer is investigating whether a suitable structure could be created using baled car tyres covered with geotextile matting. The land behind the bund up to the shore line would be filled with dredged material and a reed bed would be established. All existing mooring structures and piling within the Broad in the vicinity of the new moorings would either be removed completely or cut off below the dredging line.
- 1.14 Using the up to date trip rates from the Trip Rate Information Computer System (TRICS), which is a computerised database and trip rate analysis package used for transport planning, all the activities proposed for this site, would generate a daily total of 470 two way vehicle movements for the site.

2 Site History

- 2.1 Originally the entire site was in boatyard use, with the Pegasus Boatyard on the southern frontage and central area of the site and Hampton's yard to the rear and the north eastern corner. During the 1980's and 1990's a number of planning consents were granted for the change of use of the warehouse buildings in the centre of the site to general industrial and wholesale trade uses. These planning permissions are still extant. In recent years a number of small and temporary commercial uses operated from the boatshed buildings in the centre of the site, whilst land to the south of these buildings, between

them and the waterfront was retained in boatyard use, being used for boat storage and maintenance. The Hampton's yard was, until recently, occupied by the RNLI with the frontage being used for mooring. The site has been vacant since 2007.

- 2.2 The current applicant has been in discussions with the Broad Authority and Waveney District Council regarding the possible redevelopment of this site since 2005. In 2006 they submitted a planning application to Waveney District Council for development of 151 dwellings, provision of moorings, boat repair facilities, offices and parking. This application was subsequently withdrawn as the proposal was considered to be inappropriate for this site for a number of reasons (W3368/24BA).
- 2.3 In 2007, in response to interest expressed to redevelop the site, the Broads Authority prepared a Development Brief for the site which established principles to guide and inform redevelopment proposals. This document established that the redevelopment of the site for housing is acceptable on those parts of the site which have consent for general industrial use but that the retention of boatyard facilities on the site is of overriding importance to maintain the cultural and economic vitality of the area.
- 2.4 Since the production of the Development Brief a number of schemes have been discussed, which have all been dismissed as unsatisfactory.

3 Consultation

3.1 Oulton Parish Council

Oulton Parish Council does not agree with the estimated 2% increase in the volume of traffic over the 9 years since the 2003 Traffic Assessment was carried out. We request that a further traffic survey be carried out to prove the figure is too low.

Commodore Road is not suitable for the volume of traffic which will be using it. Pedestrians will be in danger of being hit by vehicles. We request that the problems experienced here are looked into before an accident occurs. We request traffic calming measures are put in place for Prospect road and Borrow Road to deter motorists from using them on a regular basis. Will the general public be able to use the new road to gain access to the waterfront?

3.2 Waveney District Council

It is recommended that the Committee advises the Broads Authority to:

- (i) negotiate a further revised scheme and/or rationale for the choices made to overcome the observations made by officers in the email of 7.12.12;
- (ii) ensure that an overage clause in the S106 Agreement will recover any 'Excess profits' beyond those established in the open book accounts submitted;

- (iii) impose conditions to require that where piling is to be employed, the quietest appropriate method shall be employed and piling works shall be restricted to the following times: 9am to 5pm Mon - Sat and at no time on Sundays or Public Holidays; and
- (iv) note members concerns regarding the quantum of development and impact on the local highway system given the restricted points of access to the wider highway system, namely Borrow Rd to the west and Commodore Rd to the SE for access and the foregoing with the additional one way router to the railway level crossing to the east for egress.

The main points made in the email dated 7.12.12 referred to in point (i) can be summarised as follows:

- Objection received about traffic generation both in use and during construction
- Information regarding phasing of development is requested and timescale for phasing to address objectors concerns regarding traffic disturbance
- We recommend that a condition regulating the timing of hours of piling operations is applied
- Whilst objection received about traffic generation the site is well positioned to make use of public transport and the provision for onsite parking seems reasonable. Developer should look at whether additional secure cycle and powered two wheeler accommodation should be provided
- Various comments re layout - Lack of onsite public open space. Office car park accessed through residential area may cause harm to residential amenity. Office building on prime waterfront site would be better to use this area for public access and viewing of the Broad. Parking area to west of site is accessed highly circuitously. Parking area set behind garage will be poorly overlooked and likely to be underused
- Some concerns regarding scale of various elements of scheme not being appropriate for location
- Detailed design comments including a suggestion that Broad frontage apartment blocks should be more conventional in design and that the development closest to the Broad should be a more continuous gently curving block
- Flood risk statement appears to cover most issues. Does displacement affect railway embankment, are Network Rail a consultee?
- Concern re housing supply figures and whether the Broads Authority is relying on the applicant's figures regarding Waveney District Council's 5 year housing supply figure. Waveney District Council asserts that the Council does have a five year supply. Any reporting should explicitly state whether the Broads Authority gave credence to the argument sent out by the applicant or whether in this case it was not considered relevant or necessary in the determination of the Authority

3.3 Broads Society

The Broads Society is somewhat surprised and disappointed to note that much of the Development Brief appears to have been ignored in the planning

application submitted and we therefore wish to lodge an objection to the proposals as they stand. Our main concerns are:

- The proposed boatyard is too small and it is unlikely that a boatyard operator would be found to occupy it
- Proposed residential density is too great and the main blocks are very large and higher than the Development Brief specification
- The number of parking spaces is inadequate
- We are seriously concerned about flood risk
- We believe the traffic impact assessment is flawed. Traffic volume will markedly increase leading to congestion and disruption to everyone living and working in the area
- We would prefer to see another scheme proposed for this important site

3.4 Highway Authority

Calculations provided to demonstrate that a baseline figure of 500 Two Way Movements per Day (TWMD) seems reasonable.

From the Transport Statement submitted, the totals from the data derived from the TRICS database are acceptable to this Authority.

A sum of £5,000 is required by this Authority to fund a Traffic Regulation Order for the amendment of waiting restrictions on Caldecott Road.

The layout plan submitted is acceptable to this Authority. The repositioning of the bin store from Pegasus Mews onto Caldecott Road is acceptable. The parking available over the proposed development is acceptable.

The Highway Authority recommends that any permission that may be granted should include Conditions requiring:

- submission and approval of details of estate roads and footpaths
- no dwellings to be occupied until carriageways and footpaths have been constructed
- formation of residential and boatyard accesses off Caldecott Road including visibility splays
- formation of onsite loading, unloading, manoeuvring and parking areas and retention of these areas
- inclusion of various advice notes

3.5 Environmental Health

The application is supported by a Preliminary Site Investigation Report which recommends that a ground water risk assessment is carried out and I would concur with this conclusion. In addition I would advise that the site should be subjected to further soil sampling and analysis, in accordance with BS 10175:2011, to ensure that the contamination is adequately characterised and a suitable remediation method statement can be developed. The works required can be secured with the imposition of the various recommended conditions.

3.6 Suffolk County Council – Archaeological Service

The proposed development lies within an area of archaeological interest recorded in the County Historic Environment Record, on the edge of the medieval turbary (HER no. LWT153). There is high potential for encountering archaeological, and palaeoenvironmental deposits, in this area. Any groundworks associated with the development have the potential to cause significant damage or destruction to any archaeological deposits that exist.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with Paragraph 141 of the National Planning Policy Framework, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

In this case, the following two-stage condition would be appropriate (summarised):

1. No development shall take place within the whole site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of investigation which has been submitted to and approved in writing by the LPA.
2. No building shall be occupied until the site investigation and post investigation assessment as been completed, submitted to and approved in writing by the LPA.

3.7 Environment Agency
Flood Risk

Part of the site falls within Flood Zone 3b. The proposals include a slight realignment of Flood Zone 3b with the aim of making it relate better to the Broad and also to allow the site to be redeveloped in a sustainable and economic manner. The realignment will mean that certain areas of the site, further from the Broad, will be raised to the 1 in 1000 year flood level which will be in continuity with the remainder of the site. This area of Flood Zone 1 is proposed to be developed for residential development. In compensation, other areas closer to the Broad will be lowered with the aim of creating Flood Zone 3b in a more appropriate location.

The Flood Risk Assessment demonstrates that the proposals will result in a net loss of functional floodplain area (925m²); however this is to be mitigated through the provision of functional floodplain volume. Indeed, the FRA Addendum confirms that the proposals will lead to a slight gain in functional floodplain volume (42m³). The proposals will not therefore lead to an increase in flood risk directly from the realignment of Flood Zone 3b. We understand that a reedbed is to be included on the southern portion of the site with the aim of providing ecological improvements over the existing situation. We have reviewed this information and have no objection to the proposals subject to conditions being appended to any approval granted.

Groundwater and Contamination

Given the potential contamination issues associated with the site's redevelopment, and the limited investigation undertaken thus far, to ensure it is subject to adequate investigation, assessment and remediation as may be necessary for the protection of controlled waters various conditions are recommended.

Pollution Prevention and Water Quality

Various conditions recommended to ensure that there is no water pollution.

Water Framework Directive

We have reviewed the document and consider that there are a number of deficiencies in the assessment, for example, information is lacking on the waterbody itself and specific elements that may be impacted. However, in this case, given the nature and location of the development, we are satisfied that the development will not cause a detrimental impact in terms of WFD and do not wish to raise any further concerns.

We would highlight that the desilt should take place outside of the fish spawning season and the remaining warmer months (March to August).

Flooding of Caldecott Road

The section of Caldecott Road to the east of the site towards Commodore Road is in Flood Risk Zone 3. The area of Flood Zone 3 extends west along Caldecott Road to about half way along the site's northern boundary and includes the road to the north of the proposed boatsheds as well as the proposed boatshed development itself. The section of Caldecott Road adjacent to the entranceway of the proposed residential development is outside of the flood zone. The section of Caldecott Road adjacent to the residential development access road and the rest of Caldecott Road to the west is above the extreme 1 in 1000 annual probability flood level so should remain dry in the event of a flood from Oulton Broad and/or Lake Lothing. As there is a dry exit route from Caldecott Road to the west of the residential development which is entirely above the flood levels and outside of the flood zones then we consider that there is sufficient and safe access and egress provision for the residents in the new development in the event of a flood that floods Caldecott Road to the east. The Flood Risk Assessment has modelled the impacts of the development on resulting flood levels in the area and has shown that there will be no adverse impact.

Ecology

No objection to the proposals on ecological grounds.

Foul Water Drainage

We are not aware of any major constraints relating to the disposal of foul water.

3.8 Suffolk Fire and Rescue

Provision for access to buildings for fire appliances and firefighters must meet relevant requirements. Specification provided for hardstanding requirements for Suffolk Fire and Rescue Service appliances.

If the Planning Authority is minded to grant approval, the Fire Authority will request that adequate provision is made for fire hydrants, by the imposition of a suitable planning condition. Fire hydrant provision will be agreed upon when the water authorities submit water plans to the Water Officer for Suffolk Fire and Rescue Service.

3.9 Suffolk Wildlife Trust

We have read the Ecology Survey Report (Aurum Ecology Jan 2012) and we are satisfied with the findings of the consultant.

We request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted.

3.10 Essex and Suffolk Water

We would advise that our existing apparatus does not appear to be affected by the proposed development. We give consent to this development on the condition that a new water connection is made onto our Company network for each new dwelling for revenue purposes.

With regard to the new boatyard building and office, we have no objection to the proposed development, but we are the enforcement agents for The Water Supply (Water Fittings) Regulations 1999 within our area of supply, on behalf of the DEFRA.

3.11 Norfolk and Suffolk Boating Association

The NSBA has studied the planning application from the perspective of the interests of its members as boaters. In doing so, it has noted that significant elements of the Development Brief appear not to have been complied with.

Navigation - The Development Brief acknowledges that there are public rights of navigation in Oulton Broad and therefore the NSBA is surprised to read there will be a system of floating, pontoon based moorings.

Building Height - The Development Brief states that "Generally the development should not extend to two / two and a half storeys although a higher element may be acceptable towards the Eastern part of the site". With isolated exceptions, most residential blocks have 3 or 4 storeys and this is liable to cause wind shadow for sailors.

Boatyard - Although welcoming the boatyard proposals, the NSBA regrets to say that it feels the boatyard is too small to accommodate the combined needs for onshore storage of craft, for lifting or slipping them and moving them to the boatsheds and customer/staff parking.

There is also no space for a service quay for fuel, pumpouts, water and other services.

The boatsheds are too small.

The proposed boatyard would be unlikely to attract an occupier and if the business would be unlikely to succeed. Therefore finds the boatyard proposals unacceptable.

However the NSBA welcomes the acceptable development of the site as it is currently an eyesore.

3.12 District Member – Oulton Broad

In view of the concerns raised about the previous application it is important this revised application is dealt with by the committee. This revised application in my view is much improved on previous. It continues the theme from the Maltings and will therefore be more pleasing on the eye.

3.13 District Member – Oulton Broad

I have been lobbied but continue to remain uncommitted to proposals one way or the other.

3.14 The East Anglian Waterways Association Ltd

In 2007 the EAWA objected to certain aspects of the original application to redevelop the site as we were concerned over height of the new buildings then being proposed and the much reduced area being set aside for the boatyard. And as you will be well aware your authority subsequently prepared a Development Brief for the site that seemed to us to provide a reasonable compromise.

Hence we are somewhat disappointed to find that some of the provisions specified on the Development Brief have not been included in the latest proposals. As a result we wish to register an objection to these latest proposals.

Some aspects of the new plans do seem to have improved from the originals in that the height of the new buildings has been reduced but not to the extent we would have hoped to see following the Development Brief - i.e. to be not more than 2 or 2.5 stories in height. Likewise the area set aside for the boatyard is still far too small for it to be priority use for the site and to have any hope of being a viable operation.

This is an important site and its redevelopment should be in keeping with the area.

3.15 Oulton Broad Community Enterprise

The committee is of the view that this revised submission is much better, the only concern we have been advised of is whether the proposed boatyard has sufficient storage area big enough for owners who are wishing to "winterise" their vessels or work on them in spring months.

They particularly liked the improved street scene and the blending in with other maltings structures.

Please be advised these views are not those of the entire population of Oulton Broad but are only those of the OBCE Executive Committee. Contrary views are likely from various other members of the community.

3.16 Inland Waterways Association

We object to the development as proposed on the following basis:

- (i) The indicated size being left for a boatyard is totally insufficient as, in particular, it does not allow any provision for hard standing which is required for winter storage.
- (ii) This therefore does not meet the Planning Development Brief.
- (iii) It also does not meet the need for 'provision of sufficient space to provide a viable and efficient business'
- (iv) The National Planning Policy Framework is committed to Employment protection and creation therefore this limitation created by the indicated size runs counter to the NPPF.

3.17 Waveney Norse – Operations Manager (Refuse and Cleansing Services)

I am happy with the locations of the bin stores at the Pegasus site, and I do not have any issues regarding the collection of domestic waste from the development.

3.18 Suffolk County Council - Planning Obligations

The following are the infrastructure requirements associated with a scheme for 76 dwellings on the site:

- Education - Primary school places = £133,991
- Pre – school provision = £48,728
- Play space provision - Consideration will need to be given to adequate play space provision.
- Transport issues – will be dealt with by the Highway Authority section.
- Libraries = £16,200
- Waste Minimisation and Recycling = £7,275
- Supported Housing provision should be considered as part of any affordable housing provision
- Sustainable Drainage Systems – SuDs should be used where possible.
- Suffolk Constabulary – assessment of likely impact of development proposals on Suffolk Constabulary infrastructure facilities will be required.
- NHS Great Yarmouth and Waveney – An assessment of the likely impact of the development proposals on the Great Yarmouth and Waveney PCT infrastructure, facilities and infrastructure will be required.
- Fire Service – Fire hydrants can be covered by condition.
- High speed broadband – Would recommend that all development is equipped with high speed broadband.
- Legal costs

4 **Representations**

4.1 Two letters of support for the proposal and fifty five objections to the proposal have been received. The matters raised can be summarised as follows:

4.2 Support

- Proposals are tasteful and in keeping with the area
- Clean up and improvement of derelict 'brownfield site'
- Transformation of waterfront site

- Understand concerns regarding extra cars but hope that the Highways Agency will have some input
- Will provide much needed additional housing
- A new boatyard will potentially attract jobs
- S106 contributions will benefit area

4.3 Opposition

- Concerns about functioning and size of proposed boatsheds and boatyard
- The proposal will impinge on navigation in this area of Oulton Broad
- Querying whether 500 vehicle movements per day is correct and what the basis is for this calculation
- Caldecott Road floods and then traffic has to use an alternative route via Prospect Road
- Surrounding road network cannot cope with anticipated vehicle numbers which will lead to congestion on Bridge Road and Commodore Road
- The width of the pavement on Commodore Road is unsatisfactory and there are concerns regarding pedestrian safety given anticipated increase in traffic; Commodore Road could be either a shared surface road with 20mph speed limit and speed humps or made into a one-way road from The Wherry Hotel and the pavement widened
- Parking ratio on site is insufficient for actual number of cars generated by the scheme
- Concern that large vehicles will be using the roads during the construction phase of the development
- Prospect Road, Borrow Road and Caldecott Road are already used as a 'rat run' from existing established residential areas
- Existing issue with residents, train passengers and fishermen parking on Caldecott Road
- Should not be building on land liable to flooding
- Insufficient capacity in local schools to accommodate additional children
- Local Dr's Surgeries have insufficient capacity to accommodate increase in population in the area
- Question whether services in the area are adequate for this scale of development
- The height of the proposed buildings exceed what was stated in the Development Brief and will be even higher if the land is made up to avoid flooding
- Some respondents welcome the larger scale apartment blocks on the Broads edge and consider them to be an improvement on the previous scheme, however they do not like the roof design and would prefer a more traditional pitch roof
- The development proposes too many houses on the site and will result in an unacceptable density on this site, the scheme would be better if fewer houses were proposed
- Some respondents have no objection in principle to the redevelopment of the site but do not like the scale of the proposal

- Loss of views of the Broad from existing houses in the vicinity of the site
- Large apartment buildings on the Broads frontage will block sunlight from surrounding houses
- Inappropriate use of a site bordering the Broad – it should be an attractive area of openspace for visitors
- The existing trees opposite Pegasus Mews should be retained
- Objection to bin store opposite Pegasus Mews
- Legal access exists for some of the residents of Pegasus Mews to cross the site to use the existing slipway into the Broad and this has not been taken into account in the proposed development

5 Policy

- 5.1 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.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Adopted Core Strategy 2007- 2021

[Core Strategy \(Adopted Sept 2007\).pdf](#)

CS1 – Landscape Protection and Enhancement
 CS3 – The Navigation
 CS4 – Creation of New Resources
 CS6 – Historic and Cultural Environments
 CS8 – Response to Climate Change
 CS10 – Gateways to the Broads
 CS14 – Water Space Management
 CS15 – Water Space Management
 CS17 – Access and Transportation
 CS22 – Economy
 CS23 – Waterside Sites
 CS24 – Residential Development and the Local Community

Adopted Broads Development Management Plan DPD (2011)

[DMP DPD - Adoption version.pdf](#)

DP1 – Natural Environment
 DP2 – Landscape and Trees
 DP3 – Water Quality and Resources
 DP4 – Design DP11 - Access on Land
 DP12 – Access to Water
 DP13 – Bank Protection
 DP16 – Moorings
 DP29 – Development on Sites with a High Probability of Flooding
 DP30 – Developer Contributions

- 5.2 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.

Adopted Core Strategy 2007- 2021

[Core Strategy \(Adopted Sept 2007\).pdf](#)

CS7 – Environmental Protection

CS20 – Flood Risk

CS21 – Developer Contributions

Adopted Broads Development Management Plan DPD (2011)

[DMP DPD - Adoption version.pdf](#)

DP7 - Energy Conservation and Efficiency

DP18 - Protecting General Employment

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

DP22 - Residential Development within Defined Development Boundaries

DP28 - Amenity

- 5.3 The following Policies have been assessed as being in conflict with the NPPF or there is a gap in Policy advice and therefore no weight can be given to these Policies in the consideration and determination of this application.

Adopted Broads Development Management Plan DPD (2011)

[DMP DPD - Adoption version.pdf](#)

DP23 - Affordable Housing

5.4 Material Considerations

National Planning Policy Framework (NPPF)

Development Brief – Former Pegasus and Hamptons Boatyards Site at Oulton Broad, Suffolk [developmentbrief](#)

Emerging Site Specific Policies DPD – Policy PP/OUL 3 [SSPP](#)

- 5.5 The proposal is also considered to be fully in accordance with the National Planning Policy Framework and with other material considerations including the Development Brief - Former Pegasus and Hamptons Boatyards Site at Oulton Broad, Suffolk and Emerging Site Specific Policies DPD – Policy PP/OUL 3.

6 Assessment

- 6.1 In determining this application the main issues requiring assessment are: the principle of development; the layout of the site; the design of the various elements of the scheme; the boatyard provision and the provision of the associated moorings; impact on the Broads landscape; ecology;

contamination; flood risk; traffic generation and highway safety; residential amenity; affordable housing and other S106 contributions.

6.2 Principle of the Development

- 6.2.1 Policies DP20 and DP22 of the Development Management Policies DPD are particularly relevant to this proposal. Both Policies have been assessed for consistency with the NPPF and have been found to lack full consistency with the NPPF. However this lack of consistency does not result from any conflict between these Policies and the NPPF but arises because the NPPF is silent on the matters considered by these Policies. Therefore weight can still be afforded these Policies however it is also necessary to establish the NPPF's position on the development proposed.
- 6.2.2 Policy DP20 permits the development of commercial sites in waterside locations provided that a commercial element is retained on at least part of the site and that the scheme is designed so that all the elements of the development, both commercial and non-commercial, are able to function on the site without conflict. Where the existing commercial use is a boatyard, consideration must be given, in any development proposals, to the retention of a boatyard activity on at least part of the site. The development proposed comprises a boatyard, to replace the boatyards that existed previously on the site, a two storey office building as well as 76 residential units. The development proposed would therefore result in a mixed use development of the site with the site being laid out to ensure that all these activities can be carried out on site without conflicting with each other. It is therefore considered that this proposal is broadly in accordance with Policy DP 20 of the Development Management Policies DPD.
- 6.2.3 Policy DP22 of the Development Management Policies DPD permits new residential development on sites within Development Boundaries, normally limited to individual dwellings or groups of no more than five dwellings. Exceptionally developments of more than five dwellings may be acceptable where the settlement is of a scale and character that could accommodate larger development without adverse impacts or where substantial environmental enhancement will result, particularly when the site is previously developed. In this case the site is situated within the settlement of Oulton Broad which is a substantial, well serviced, urban area within the Broads Authority's Executive Area into which the proposed development could be assimilated without any adverse impact. Furthermore the site is a previously developed site which is currently an eyesore in this area of Oulton Broad. Its redevelopment in the manner proposed would result in a significant environmental enhancement to the area. It is therefore considered that the proposed development is in accordance with Policy DP22 of the Development Policies DPD.
- 6.2.4 In assessing the proposed development against the NPPF it is significant that the subject site is a previously developed 'brownfield' site situated within the Oulton Broad Development Boundary. It must therefore be considered as a sustainable site for residential development. The emphasis in the

NPPF is on achieving sustainable development and balancing the need for development, particularly housing development, with the protection of the environment, including the landscape of the Broads. With respect to housing, the NPPF takes a positive approach to delivery, but does this primarily through a focus on the need for LPAs to allocate housing through the plan-making process; it is relatively silent on unallocated sites such as this. It does, however, identify that in making allocations and decisions on planning applications that LPAs should:

“encourage the effective use of land by re-using land that has been previously developed, providing that it is not of high environment value” (paragraph 111).

- 6.2.5 With regard to the issue of the protection of landscapes such as the Broads, however, it states at paragraph 116 that:

“Planning permission should be refused for major development in designated areas such as these [the Broads] except in exceptional circumstances and where it can be demonstrated that they are in the public interest...”

with one of the tests against which any such application should be assessed being:

“any detrimental effect on the environment, landscape and recreational opportunities, and the extent to which this can be moderated...”

In this case whilst the application site is not allocated for housing and is within the protected landscape of the Broads, it is a substantial primarily brownfield site, which is not of high environmental value and which is in a sustainable location. Furthermore, as a consequence of its current poor condition there are public interest benefits which would accrue from its redevelopment. On this basis, the principle of the proposal is considered to be in accordance with the NPPF and this is a significant material consideration.

- 6.2.6 A further material consideration is the emerging policies which are being developed through the Site Specifics Policies DPD. The NPPF advises at para 216 that weight may be given to emerging policies, with the level of weight depending on the stage of preparation, the extent to which there are unresolved objections and the degree of consistency of those policies with the NPPF. The LPA is currently preparing its Site Specifics Policies DPD and undertook consultation on the Submission Version of the Site Specific Policies DPD from 1 November to 13 December 2012. The proposed draft policy for this site is PP/OUL 3 which states:

“Oulton Broad - Former Pegasus/Hamptons Site
Inset Map 11

POLICY:

This site is allocated for

- (a) a boatyard use; and
- (b) (optionally) housing, recreation, entertainment, or employment use (or uses) where compatible with the boatyard use, road access, neighbouring uses and flood risk.

Development of the site will be required to demonstrate

- (i) high standards of design; and
- (ii) a full assessment of the impact of the development on the surrounding road network and demonstration of adequate capacity to meet the likely traffic demands; and
- (iii) incorporation of appropriate measures to manage any risk of water pollution arising from the development; and
- (iv) incorporation of appropriate measures to mitigate or remedy any ground contamination; and
- (v) evidence, including a site flood risk assessment, to confirm that any development will be consistent with national and local policy in terms of both on-site and off-site flood risks.”

6.2.7 Two responses were received in respect of this draft policy. Neither response objected to the Policy as proposed but required any development proposed for the site to take account of the flood risk on the site and also required any effect that development of this site might have on the wildlife sites in the area to be monitored. This document is at the pre-submission stage and considerable weight can be given to it in the determination of this planning application, particularly given the lack of objection and conformity with the NPPF. As will be demonstrated in the following sections of this report this proposal is considered to be fully in accordance with this emerging Policy.

6.2.8 It is worth noting that whilst a number of objections to the proposed scheme have been received many of the objectors accept the principle of the redevelopment of site as it is a brownfield site, which is currently an eyesore, however they do not like the details of the scheme proposed.

6.2.9 In terms of servicing the site, the application is supported by a Servicing Report confirming that the site can be adequately serviced and none of the utility providers have raised any objection to the site being developed in the manner proposed.

6.3 Layout of the Site

- 6.3.1 The layout of the site has been driven to a large extent by the locational needs of the various proposed uses for the site and also the site levels and the need to minimise flood risk. The proposed boatyard has been positioned on the site in the same location as the former Hamptons Boatyard where it has easy access to the Broad, the enlarged slipway and the public and private moorings which are to be created. This area of the site is the lowest lying area of the site, which is at greatest risk of flooding. The boatyard use is classified as a 'Water Compatible Use' and is therefore an appropriate use for this area of the site. The office building and associated car parking are also to be located in the eastern area of the site to consolidate the commercial element of the development, although both the office building and associated parking will be constructed on piles to minimise flood risk. The residential element of the development occupies the middle and western third of the site to utilise the higher land, which is at least risk of flooding. The layout proposes to utilise two points of vehicular access. The existing access into Hamptons Boatyard will be used to provide access to the new boatyard while the other two existing site accesses will be rationalised into one central access serving the residential development and the office.
- 6.3.2 In terms of the layout, the proposal seeks to take maximum advantage of the Broadside location whilst creating a varied pattern of development with visual breaks between the apartment blocks allowing numerous views into the site and successfully avoiding the overdevelopment of the waterside. The lower density on the site, in particular the building footprint to site ratio, has allowed some of the buildings on the site to be similar in height to the existing malting buildings in the vicinity of the site, whilst others are of the more domestic scale of the immediate neighbours and those across the bay to the East. This mix of height and mass allows the proposal to more readily assimilate into the varied development pattern of this part of Oulton Broad in a more successful way than a solely higher density, lower rise pattern or a solely lower density, higher rise development would achieve. Whilst some of the higher buildings currently proposed exceed the recommendations of the Design Brief, the overall impact of the development when viewed holistically is of an appropriate form, mass and scale which replicates the existing development pattern and relates directly to specific elements of it – namely the Maltings, the Wherry Hotel and the smaller scale domestic development found in the North East corner of the Broad.
- 6.3.3 The layout of the residential element also picks up on the existing pattern of development - the units to the West of the site have been laid out in a continuation of the mainly gable-on development seen along the North side of the Broad with the blocks running mainly South to North. This creates long views or gaps between the blocks of buildings when viewed from the water and also down to the water from Caldecott Road. East of the main access road this gable-on pattern is continued but due to the inlet in the Broad the principle elevations of these blocks in the main face the water. This subtle change in orientation mirrors the orientation of development on

the East side of the inlet further assimilating the new build into the existing pattern and grain of the surrounding area. Facing Caldecott Road the bold, loosely Maltings style buildings create an active frontage which positively addresses Caldecott Road rather than facing the Broad. The development is, in terms of its layout, essentially triple aspect, each of the open frontages being positively addressed. On the West side the layout relates to and follows more the pattern of development on Pegasus Mews.

- 6.3.4 In terms of the siting of the office and boatyard elements, both elements have been sited waterside of the development. Whether this is for aesthetic, commercial or operational reasons the result is again a balanced form of development along the waterside of the Broad, very much in keeping with the mix of uses and the vibrant and active shoreline at the east end of the Broad, both North and South side.
- 6.3.5 In conclusion the proposed layout is considered to be acceptable and in accordance with Policy DP4 Design of the Development Management Policies DPD.
- 6.3.6 The Development Brief requires any development proposed for the site to make provision for public access to the Broad. Also The Broads Local Access Forum has indicated previously that public pedestrian access to a viewpoint would be beneficial on the site and the draft Integrated Access Strategy for the Broads identifies that provision of access to viewpoints is a priority. The layout of the site includes a public viewing area, incorporating a bench and interpretation board, at the Broads edge, accessed via the residential access road. The development also includes a widened slipway, within the proposed boatyard, which will be managed by the boatyard but will be available for public use. This arrangement will satisfy the legal requirement for the residents of Pegasus Mews to be able to get access to the water via a slipway within the site as well as facilitating wider public access, both of which are welcomed.
- 6.3.7 It is considered that overall the layout of the site meets all the requirements of the Development Brief, the relevant Development Management Policies and the other relevant Broads Authority objectives.

6.4 Design

- 6.4.1 The detailed design can be broken down into three distinctive yet related elements -The residential element, the office element and the boatyard element.
- 6.4.2 The residential element of the scheme comprises three predominant character types. There are the modern apartment buildings on the Broads edge, the feature buildings at nodal points within the site and the more conventional family sized dwelling houses spread throughout the centre of the site. The design and assessment of each of the residential character types is set out in detail in the following paragraphs of this report.

- 6..4.3 The design of the dwelling units is broadly contemporary in styling although certain elements clearly make design references to existing buildings in the locality, in particular the malting buildings. The waterside apartments are more overtly contemporary in design whilst the smaller residential units to the West side are slightly more traditional in terms of form and mass. All the residential units are however visually unified through the use of a palette of materials, examples of which appear on each of the slightly differing style of units. This has the effect of very successfully visually integrating the development into the existing pattern of development in terms of form and mass and scale and to a certain extent style, whilst at the same time producing a uniform and coherent character throughout the site itself. Given the mixed pattern of existing development along the Broad side this is considered an entirely appropriate and successful solution in terms of design which adds to and reinforces the character of the area in a positive way. The variation in style further breaks the scale of development within the residential element of the site in the same way that the main three elements or uses on the site do for the site as a whole.
- 6..4.4 The architectural detailing of the units varies. Those to the North take from the Maltings buildings in terms of roof form and mass and at the same time giving a feel of a gateway or entrance into the site. The units facing Pegasus Mews are much more domestic in scale and character relating to the adjacent existing development on the other side of the Mews. The units fronting the main route through the development and the Broad to the East of the development are more overtly contemporary in terms of their architectural style in, particular the use of large elements of glazing and the projection of these in bay forms. The form and mass however retains a more familiar industrial feel which provides a subtle and clever transition between the more traditional treatment along Caldecott Road and the wholly contemporary styling of the apartment blocks facing South onto the Broad. The treatment of these apartments is uncompromisingly contemporary and relies on the palette of materials common to all blocks to provide a degree of visual continuity over the site. Given the waterside location and the prominence of the site the introduction of a relatively small number of units which are both orientated and designed to take full advantage of the views over the Broad and also make an architectural statement in terms of the interface of the water and the development is considered an entirely appropriate approach. The orientation of these apartments and the gaps left between them, the articulation of the facades and contemporary detailing, in particular the curved roof form, will provide interest and variety when viewed from the water and Nicholas Everitt Park, as well as allowing long views up through the site. The curved roofs have allowed a higher building without the resulting traditional roof form increasing the height further still and the setbacks and the curves themselves help to break the mass of these buildings and at the same time create a more horizontal emphasis beginning to pick up on the form of the office building. The adoption of this roof form has allowed additional accommodation but at the same time deliberately broken this important waterside frontage. This is very much in response to the need not to have a continuous block facing South

over the Broad effectively cutting the remainder of the development off from it visually and physically. They are units which have been deliberately designed to draw the eye to the site and the development itself rather than to attempt to screen it in order to allow a less appropriate architectural style or inappropriate density of development behind. The elements of the housing and indeed the scheme have been designed to be seen and are consequently of a high design quality and visual appearance which will make a positive visual contribution to the character of Oulton Broad generally, the adjacent Conservation Area and the wider Broads landscape.

- 6.4.5 A number of objections to the scheme have cited the height of some of the residential units as a reason for objecting to the scheme, on the basis that they exceed the maximum two or two and a half storeys recommended in the Design Brief. The recommendations set out in the Design Brief have been taken into account in the overall assessment of this proposal. However it is considered appropriate for the Broadside apartment buildings and the maltings- style buildings to be three storeys in height as they provide focal points within the development and create variety in the roofscape when the development is viewed in its entirety. Furthermore given the height and scale of some of the existing development in the vicinity of the site this increase in height is considered reasonable. The location of the taller elements of the scheme within the site layout has been carefully considered to ensure they do not overly dominate existing residential development around the site, predominantly in Pegasus Mews, and that they do not result in a loss of residential amenity as a result of overlooking or overshadowing.
- 6.4.6 The design of the office element is contemporary. It has been detailed to reflect its waterside location and also take architectural references from the residential element of the scheme. The provision of office accommodation is part of the mixed use development for the site. Although there is commercial development around the Broads edge including the Rush Company, the Commodore Public House and the Wherry Hotel as well as the commercial, mainly leisure uses, opposite in Nicholas Everitt Park, there is no office use immediately on the waterside. The contemporary design of the building contrasts to, but complements, the residential units and provides a visual attractor and focal point on the waterside and provides a visual transition in terms of form, mass, scale and detailing between the residential units and the boatyard element of the site. Yet again this reinforces the visual cohesiveness of the site as a whole.
- 6.4.7 The boatyard element of the scheme is the most traditional. It consists of two buildings of a familiar form, scale and style utilising typical boatyard materials and architectural detailing. The design of the buildings is entirely appropriate and acceptable. It is these buildings however that really illustrate the cohesiveness of the scheme as a whole and accentuate the success of the overall design of the scheme. The Brief called for a comprehensive and mixed use redevelopment of the site. This is not easy to achieve given the comparative compactness of the site and constraints such as flood risk, the need to maintain a boatyard use, the aspiration to create office accommodation and achieve residential development of the highest quality.

This has, however, been achieved successfully by producing an architecturally holistic design which provides the boatyard accommodation in an almost entirely traditional form in combination with the complementary but overtly contemporary designs for the office and Southerly residential blocks and the blend of traditional form and contemporary detailing for the remainder of the residential units. The transition between the simplest form of the boatyard buildings and the more contemporary design on the site has been achieved through the use of a palette of materials and subtle variation of form, mass and detailing. Not only has this cohesiveness been achieved within the confines of the site boundary itself; the design also relates to, adds to, integrates with and reinforces the existing pattern and grain of development along the Broad side. At the same time the scheme has produced high quality contemporary design and a positive visual impact on the water's edge. It is therefore concluded that this scheme is in full accordance not only with Policy DP4 of the Development Management Policies DPD but also emerging Policy PP/OUL 3 of the draft Site Specific Policies DPD.

- 6.4.8 In accordance with Policy DP7 of the Development Management Policies DPD and Chapter 10 of the National Planning Policy Framework the residential element of the scheme will be designed to achieve Code Level 3 of the Code for Sustainable Homes. Energy savings of at least 10% of the expected energy demand will also be achieved through careful design of the fabric of the dwelling units and the installation of approximately 60m² of photovoltaic tiles on the south facing roof of apartment Block 6.

6.5 Boatyard Provision and the Provision of the Associated Moorings

- 6.5.1 Whilst the scheme includes the provision of a boatyard, an enlarged slipway, associated car parking and a large curtilage, in accordance with the requirements of both Policy DP 20 of the Development Management Policies DPD and the Development Brief for the site a number of objections to the scheme have been received on the basis that the boatyard provision is inadequate and therefore it will be difficult to attract a boatyard operator to occupy the site.
- 6.5.2 The development of this aspect of the scheme has been taken forward in consultation with a local commercial boatyard operator. This local commercial boatyard operator may or may not take on the site. This scheme has been amended to take account of issues raised by the commercial boatyard operator by, for example, positioning the boatyard buildings so that they are in direct alignment with the enlarged slipway and set back from the slipway to allow manoeuvring of the cradle and boats between the slipway and the buildings. These recommendations have been incorporated in the scheme as shown on Site Layout Plan 1000-113 Rev I. The Boatyard Operator also queried what cradle and pumpout provision had been made on the site. The applicant has stated that a mobile crane and pumpout provision will be included on the site. Given the location of the site within the floodplain it is not possible for these facilities to be built into the site. The curtilage of the site is considered to be of a sufficient size to provide car

parking for the boatyard and users of the moorings, parking for trailers and winter storage of boats. On the basis of these details the Boatyard Operator confirmed that this boatyard would meet all of its operational requirements. Whilst the Operator who has been involved in the development of the boatyard may ultimately decide not to take on the yard, the fact that he is confident that the boatyard would meet his functional requirements should mean that it would also be suitable for a number of other boatyard operators. It is therefore considered that the boatyard element of the scheme is acceptable and in accordance with Policy DP20 of the Development Management Policies DPD and the Development Brief. This element of the scheme will need to be included in any S106 Agreement drawn up for the site. The support of the Navigation Committee for the scheme is noted.

- 6.5.3 The scheme also includes the creation of between 40 and 50 moorings around the South and South-western frontages of the site. The moorings would be provided by a system of jetties and pontoons. In order to create these moorings it will be necessary to remove all the existing mooring structures in this area. This would be achieved, where possible, with the complete removal of the structure from the bed of the Broad. However where this is not possible the structures would be cut off below the dredging specification depth. It is recommended that details for the method of piling removal, construction of the new moorings and the provision of safety and security measures all be required to be submitted and approved by the Broads Authority, by Condition.
- 6.5.4 The Development Brief and Policy DP16 of the Development Management Policies DPD require 10% of the moorings created to be public moorings with access to pump out facilities and associated car parking. This scheme proposes to provide 10 moorings for public use and to provide the required mobile pump out facility and car parking. It is likely that these moorings will be run and managed by the boatyard operator but this arrangement is still under discussion. This matter can be dealt with within the S106 Agreement.
- 6.5.5 Concerns have been voiced by a number of objectors and statutory consultees that the proposed moorings would encroach into the navigable area of the Broad and therefore have a detrimental effect on navigation in this area. However the Site Layout Plan 1000-113Rev I demonstrates that the new moorings would not extend any further into the Broad than the current structures and that the development would in fact result in a mooring layout that relates better to the edge of the Broad than currently. The Broads Authority's Navigation Committee has reviewed this plan and confirmed that it is satisfied that there will be no adverse effect on the navigation of this area of Oulton Broad as a result of this development.

6.6 Impact on the Broads Landscape

- 6.6.1 The steps that have been taken within the design of the scheme to ensure that the built elements of the development can be effectively assimilated into the Broads landscape have already been set out in the Layout and Design

sections of this report. In addition to the built elements of the proposal a Landscaping Scheme for the development has been submitted. Whilst in principle the Scheme is acceptable, it is considered that a number of improvements to the Scheme are still required in terms of species identified and the volume of actual planting specified to ensure the Scheme will substantially enhance the development, make a positive contribution to the wider Broad's landscape and that the species are appropriate to the site's location and will enhance the ecological value of the site.

- 6.6.2 Concern has been raised by a number of residents in Pegasus Mews that the Development Brief requires the existing trees along the western boundary of the site to be retained as part of any development proposals and that the current scheme shows these trees as being removed. Whilst the current Landscaping Scheme does show some replacement planting along the western boundary it is considered that the volume and type of planting currently shown is not acceptable. It is considered that, if the size of plants and the volume of planting specified along this boundary within the Landscaping Scheme is significantly improved, in line with the Broads Authority's Officer's requirements, that Pegasus Mews will be more effectively screened from the development than if the existing trees are retained in isolation, although it is recognised that any new planting will take time to establish. It may be that some of the existing trees on this boundary are retained as part of the Landscaping Scheme for this boundary.
- 6.6.3 A significant element of the landscaping proposed for this site is the softening of the southern half of the Broad edge of site, with the replacement of the hard piling and quay heading with a new reedbed. The details of how the reedbed will be constructed and the exact mix of plants to be used in this area would be conditioned if consent is granted. However the principle of establishing a reedbed along this frontage of the site is welcomed as it will create an attractive area of native planting in this area of the Broad and create a softer interface between the edge of the development and the environment of the Broad.
- 6.6.4 Whilst some additional work is still required to ensure that a satisfactory Landscaping Scheme is delivered as an integral part of the development of this site, this matter can be satisfactorily dealt with by way of conditions imposed on any consent that may be granted. It is also recommended that a condition be imposed requiring the submission and approval of a Management Plan for the maintenance of the landscaping on site, including the reedbed, and that the S106 Agreement is used to ensure its ongoing implementation. In conclusion it is considered that with the imposition of the recommended conditions this scheme satisfies Policies CS1 of the Core Strategy and Policy DP2 of the Development Management Policies DPD.

6.7 Flood Risk

- 6.7.1 As has been mentioned previously this site falls within Flood Risk Zones 1, 2, 3a and 3b of the Environment Agency's Flood Risk Zones. The NPPF in para 100 states that

‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.’

In para 103 the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where evidence has been submitted to demonstrate that within the site the most vulnerable development is located in areas of lowest flood risk and that development is appropriately flood resilient and resistant, including safe access and escape routes where required and that any residual risk can be safely managed.

- 6.7.2 Policy CS20 of the Core Strategy and Policy DP 29 of the Development Management Policies DPD whilst having been assessed as not being wholly consistent with the NPPF do carry some weight in the determination of this application.
- 6.7.3 The development proposed and in particular the complex issue of the flood risk on the site and the realignment of site levels have been the subject of lengthy discussions between the applicant, the Broads Authority and the Environment Agency. The application is also supported by a detailed Flood Risk Assessment and Addendum which has been carefully scrutinised by the Environment Agency.
- 6.7.4 The development proposed for this site includes a slight realignment of Flood Risk Zone 3b with the aim of making it relate better to the Broad and also to allow the site to be developed in a sustainable and economic manner. The realignment will mean that certain areas of the site, away from the Broad, will be raised to the 1 in 1000 year flood level (Flood Risk Zone 1) which will be in continuity with the remainder of the site. In compensation, other areas closer to the Broad will be lowered with the aim of creating Flood Risk Zone 3b in a more appropriate location. The result of this realignment is an increase in volume of functional floodplain, Flood Risk Zone 3b of 42m³. The proposals will not therefore lead to an increase in flood risk directly from the realignment of Flood Risk Zone 3b. As a result of the proposed development on land in Flood Risk Zone 3a (1 in 100 year flood level including climate change) the net volume of floodplain storage lost is 277m³. Calculations show that 277m³ of displaced floodwater spread over Oulton Broad will result in an increase in flood level of 0.8mm. This is considered to be insignificant.
- 6.7.5 In accordance with NPPF guidance the various elements of the development have been located on the site to take account of the differing Flood Risk Zones within the site. The residential element is to be located within Flood Risk Zone 1 on land raised to 0.3m above the 1 in 1000 year flood level including climate change – thereby ensuring that the residential development and the access route should remain dry and safe in the event

of an extreme flood. The office, walkway and associated car parking, whilst being located in an area of the site which technically falls into Flood Risk Zones 3a and 3b, will be constructed on piles to achieve development levels equivalent to the site levels for the residential development without removing this land from the floodplain. The boatyard is classed as a 'Water Compatible Use' and is therefore appropriate to be located within Flood Risk Zone 3b. The boatyard buildings have been designed to flood, although the associated car parking will be 0.3m higher than the boatyard. The application is also accompanied by a Flood Response Plan for the commercial as well as the residential elements of this scheme.

- 6.7.6 The Environment Agency have confirmed that on the basis of the above details they have no objection to the scheme in terms of flood risk providing the conditions they have recommended are included on any consent that is granted.
- 6.7.8 A number of submissions to this proposal have objected to the scheme on the basis that Caldecott Road currently floods. However the Environment Agency have considered this objection and have confirmed that given the levels of Caldecott Road they are satisfied that the entrance to the residential element of this development will not be effected by this flooding and that residents of the development have a safe means of access by leaving the site along Caldecott Road to the west. Furthermore the development as proposed will not exacerbate the existing flooding on Caldecott Road. The Environment Agency therefore has no objection to the scheme on this basis.
- 6.7.9 In conclusion the proposal, although complex in terms of managing flood risk, is considered to be in accordance with the NPPF and Policy CS20 of the Core Strategy and Policy DP 29 of the Development Management Policies DPD.

6.8 Ecology

- 6.8.1 The application has been supported by a Biodiversity and European Protected Species Survey Report which concludes that there is no evidence of protected species on the site. The Report recommends that the following measures are incorporated into the scheme as biodiversity enhancements:
- A fringing reedbed
 - Waterfowl resting/loafing spots which would also be suitable for haul-out by other species such as Otters
 - Duck nesting baskets and bird boxes
 - A Tern nesting pod in the Broad
 - A bat box

This Report is considered to be acceptable and accurate. The inclusion of the reedbed in the scheme, as suggested, is welcomed. The other enhancements recommended by the Project Ecologist are also welcomed and it is recommended that conditions are included on any consent that may

be granted requiring the delivery of these enhancements. In addition a condition is required regarding any external lighting to be installed on the site to ensure there is no light pollution which would have an adverse effect on the bat population in the vicinity of the site. As mentioned previously it is also considered that the landscape planting to be carried out on the site has the potential to significantly enhance the biodiversity value of the site, providing the correct species are planted. As explained previously in this report this is to be the subject of a condition. Overall the proposal is considered to be in accordance with Policy DP1 of the Development Management Policies DPD.

6.9 Contamination

- 6.9.1 As would be expected on a previously developed site, there is a degree of soil contamination on this site, however both the Environment Agency and Waveney District Council have confirmed that they have no objection to the development proposed providing certain recommended conditions are included on any consent that may be granted ensuring that the required level of information is obtained to be able to firmly quantify any risk, prior to any development commencing on site, and that a suitable remediation scheme is devised and adhered to.

6.10 Traffic Generation and Highway Safety

- 6.10.1 The volume of additional traffic that will be generated by this scheme and the capacity of the surrounding network to accommodate this additional traffic without compromising the safety of road users and pedestrians is the most commonly cited reason for objecting to this scheme.
- 6.10.2 Suffolk County Council, as the Highway Authority has confirmed that the extant planning permissions on the site would generate a Two Way Movement per Day (TWMD) figure of 500 vehicles. They consider that this is therefore a reasonable baseline figure to use in considering any impact the proposed development may have in terms of traffic generation. It is recognised that the site does not currently, and has not recently, generated a level of traffic of this magnitude, but it is important to appreciate that it is the level of traffic movement that could legitimately be generated by activities carried out in accordance with extant planning consents on this site. The application has been supported by a Transport Statement, which, together with the proposed site layout and onsite parking provision, has been reviewed by the Highway Authority. The Transport Statement confirms that the TWMD figure generated by the proposed development will be 470 which will be less than the current agreed permitted movements to and from the site. The figures and calculations in the Transport Statement have been accepted by the Highway Authority.
- 6.10.3 The overall site layout and the provision of onsite parking spaces have also been approved by the Highway Authority as being acceptable to service this development.

6.10.4 Therefore whilst the strength of public feeling against the proposed development, on the basis of the perceived increase in traffic volume that a scheme of this size would generate over and above what could exist currently, is acknowledged there is no basis on highway safety grounds to refuse consent for this development. The Highway Authority has no objection to the scheme and is entirely satisfied that the surrounding road network has sufficient capacity to accommodate the expected traffic numbers that would be generated by this scheme. The conditions recommended by the Highway Authority relating to the construction of the site accesses, site roads and onsite parking and manoeuvring areas will be included on any consent that may be granted.

6.11 Residential Amenity

6.11.1 Policy DP28 of the Development Management Policies DPD seeks to ensure that all development achieves a satisfactory level of residential amenity both for residents within a new development but also for existing residents surrounding development sites. This Policy has been assessed for consistency with the NPPF and has been found to lack full consistency with the NPPF. However this lack of consistency does not result from any conflict between this Policy and the NPPF but arises because the NPPF does not reflect the level of detail contained within this Policy. Therefore weight can still be afforded this Policy.

6.11.2 The commercial element of this scheme has been consolidated within the eastern third of the site. The boatyard area of the site will also be situated at a lower level than the residential area of the site. Given the scale of the proposed boatyard activity and the separation between this activity and any residential properties on the site it is not considered that the boatyard will have an adverse effect on the new residential properties.

6.11.3 The layout and design of the residential units has taken into account the need to achieve a satisfactory level of residential amenity in each of the properties and it is considered that the proposed layout achieves this.

6.11.4 The existing residential properties closest to the proposed residential development are those situated in Pegasus Mews to the West of the site. However it is not considered that the proposed development will have any adverse effect on the residential amenity of the existing properties in Pegasus Mews in terms of overshadowing or overlooking. The two areas are separated by the road and the subject site will be 0.8m below the road level which will have the effect of reducing the height of the units to be constructed in the northwest corner of the site in relation to the two storey dwellings on Pegasus Mews. Furthermore the landscape planting to be agreed along the western boundary of the site will provide an effective green screen between the properties on Pegasus Mews and the new dwellings.

6.11.5 Some residents have objected to the scheme on the basis that the proposed dwelling units, in particular the apartment buildings at the southern edge of the site will reduce the amount of sunlight they enjoy and will also result in

the loss of their views of the Broad. However it is considered that the apartments, given their position, will not adversely affect any existing properties in terms of loss of sunlight and in any case there is no right to a view in planning legislation.

6.11.6 One of the residents in Pegasus Mews strongly objected to the siting of one of the communal bin stores in the North West corner of the site, to be emptied from Pegasus Mews, as this was directly opposite his house. To address his concern this bin store has been relocated adjacent to the northern boundary of the site to be emptied from Caldecott Road.

6.11.7 The proposed development is considered to be in full accordance with Policy DP28 of the Development Management Policies DPD.

6.11.8 Affordable Housing and Other S106 Contributions.
Policy DP30 of the Development Management Policies DPD states that the Authority will seek appropriate contributions from developers in order to serve the development and its occupants. It also states that reduced contributions, where necessary will be negotiated on an 'open-book' basis based on the financial viability of the scheme.

6.11.9 Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Paragraph 205 states that where obligations are being sought, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

6.11.10 The applicant has provided a full financial 'open-book' appraisal for the proposed development which indicates that the level of profit that will be realised as a result of this development is significantly less than would normally be expected to be delivered. One of the reasons for this is that the provision of the boatyard impacts significantly on the overall viability and therefore the profitability of the scheme in that it is a 'cost' to the development. On this basis the applicant is not proposing to provide any affordable housing on site and is seeking a substantial reduction in the S106 contributions that would usually be required as part of this scheme. This financial appraisal has been robustly and thoroughly scrutinised by a Consultant acting on behalf of the Broads Authority who has concluded that:

"The information submitted in support of the viability is comprehensive with a detailed analysis of all elements provided both of the sales income and development costs.....based upon the information submitted, assumptions made and the complexity of the proposed development it is considered to be a fair indication of the likely outcome."

- 6.11.11 In light of this financial situation the applicant has offered a one-off payment of £140,000 as the financial contribution for the scheme which they would like to be used for an improvement to the cycle link between Oulton Broad High Street and Lowestoft. However they accept that it will be the Members' decision how this money is ultimately spent.
- 6.11.12 Suffolk County Council and Waveney District Council have been consulted on this matter, as Parties to any S106 Agreement. Both Authorities have accepted the conclusions reached by the expert Consultant acting on behalf of the Broads Authority regarding the financial situation for this development. Both Authorities have also accepted that the provision of the boatyard on the site is a requirement of the Broads Authority and will be a benefit to the area and therefore should be taken into consideration as part of the overall S106 Agreement package. They have identified their priorities for any money that may be available, which in Suffolk County Council's case is education (primary school places) and in Waveney District Council's case is affordable housing and improvement to open space facilities. Suffolk County Council, as Highway Authority, also requires a contribution of £5,000 for a Traffic Regulation Order for the amendment of waiting restrictions on Caldecott Road. It has also been agreed by the various Authorities, based on the shortfall of S106 monies available in the current market situation, that in order to safeguard against a substantially better financial outcome than is currently forecast, should the development generate more profit a review process should be put in place to enable the 'clawback' of additional financial contributions which would be directed to Waveney District Council as a Commuted Sum for affordable housing and/ or the provision of open space improvements.
- 6.11.13 The applicant has agreed in principle to all of the above Heads of Terms and has also agreed to pay up to £5,000 as a highway contribution in addition to paying the £140,000 initially offered.
- 6.11.14 As a result of these discussions it is recommended that the following list is taken forward as the Heads of Terms for the S106 Agreement, the details of which will subsequently be agreed following detailed discussions with all Parties:
- Provision of boatyard and 10 public moorings;
 - Provision of equipped public viewing area;
 - £133,991 for primary school places within the local catchment schools;
 - £6,009 commuted sum towards the upgrade of openspace facilities in the area (probably additional play equipment within Nicholas Everitt Park);
 - £5,000 for the Traffic Regulation Order;
 - Clawback provision of additional financial contributions, the exact wording and trigger points to be agreed by all Parties;
 - Preparation of Landscape Management Strategy.

7 Conclusion

- 7.1 It is concluded that this scheme will result in the removal of a long standing eyesore on the Broads landscape and will see the culmination of many years of discussion and negotiation realised in the development of this site. The development proposed will deliver a high quality scheme which will enhance this area of Oulton Broad and which meets the requirements of all relevant Development Plan Policies as well as the relevant requirements of the NPPF.
- 7.2 The site is a very complex site to develop and it is concluded that the proposed scheme satisfactorily addresses all the constraints imposed by the site. It is acknowledged and accepted that given the complexities of the site it is a very expensive site to develop and this coupled with the economic situation that currently exists means that the financial viability of the whole scheme is marginal. It is therefore accepted that the scheme will not be able to deliver the usual package of S106 contributions that would normally have been sought in more favourable market conditions. However the overall package of improvements and contributions is considered to be satisfactory and will meet the prioritised needs directly associated with this development.
- 7.3 On this basis it is recommended that this scheme is approved subject to conditions and a satisfactory S106 Agreement.

8 Recommendation

- 8.1 It is recommended that this scheme be approved subject to the following Conditions and a S106 Agreement:
- Standard time condition
 - In accordance with approved plans and documents
 - Approval of materials and details, photovoltaic tiles
 - Code Level 3 Conditions
 - Flood resilient construction for boatyard buildings
 - Flood risk Conditions
 - Landscaping Conditions, cross section details, hard and soft landscaping, boundary and internal fencing, species, trees, management scheme
 - External lighting details
 - Contamination Conditions
 - Hours of operation for piling, construction, site deliveries etc
 - Highways Conditions
 - Utilities Conditions
 - Submission of details of Anglian Water pumping station and enclosure
 - Drainage Conditions
 - Prevention of pollution conditions
 - Clearance and demolition outside bird breeding season
 - Ecological enhancement Conditions
 - Construction of moorings details, including pontoons, water safety provisions, slipway, quayheading etc

- Site security
- Restriction on size of vessels using mooring pontoons
- Detailed method statement for removal of existing mooring structures
- Provision of mobile cradle and pumpout facilities
- Reedbed construction details, including gabion basket details
- Management plan for reedbed
- Control on dredging timeframe
- Provision of fire hydrants; possibly automatic fire sprinkler system
- Archaeological Conditions
- Site Management Plan for communal areas

9 Reasons for Recommendation

- 9.1 The proposed scheme is considered to be fully in accordance with all the relevant Development Plan Policies which have been found to be fully consistent with the National Planning Policy Framework including Policies CS1 – Landscape Protection and Enhancement; CS3 – The Navigation; CS4 – Creation of New Resources; CS6 – Historic and Cultural Environments; CS8 – Response to Climate Change; CS10 – Gateways to the Broads; CS14 – Water Space Management; CS15 – Water Space Management; CS17 – Access and Transportation; CS22 – Economy; CS23 – Waterside Sites; and CS24 – Residential Development and the Local Community of the Adopted Core Strategy 2007- 2021 and Policies DP1 - Natural Environment; DP2 - Landscape and Trees; DP3 - Water Quality and Resources; DP4 – Design; DP11 - Access on Land; DP12 - Access to Water; DP13 - Bank Protection; DP16 - Moorings; DP29 - Development on Sites with a High Probability of Flooding; and DP30 - Developer Contributions of the Adopted Broads Development Management Plan DPD (2011).
- 9.2 Development Plan Policies, which whilst found to be not wholly consistent with the National Planning Policy Framework do still have some weight in the determination of this application including Policies CS7 – Environmental Protection; CS20 – Flood Risk; and CS21 – Developer Contributions of the Adopted Core Strategy 2007- 2021 and Policies DP7 - Energy Conservation and Efficiency; DP18 - Protecting General Employment; DP20 - Development on Waterside Sites in Commercial Use, including Boatyards; DP22 - Residential Development within Defined Development Boundaries; and DP28 – Amenity of the Adopted Broads Development Management Plan DPD (2011).
- 9.3 The proposal is also considered to be fully in accordance with the National Planning Policy Framework and with other material considerations including the Development Brief - Former Pegasus and Hamptons Boatyards Site at Oulton Broad, Suffolk and Emerging Site Specific Policies DPD – Policy PP/OUL 3.

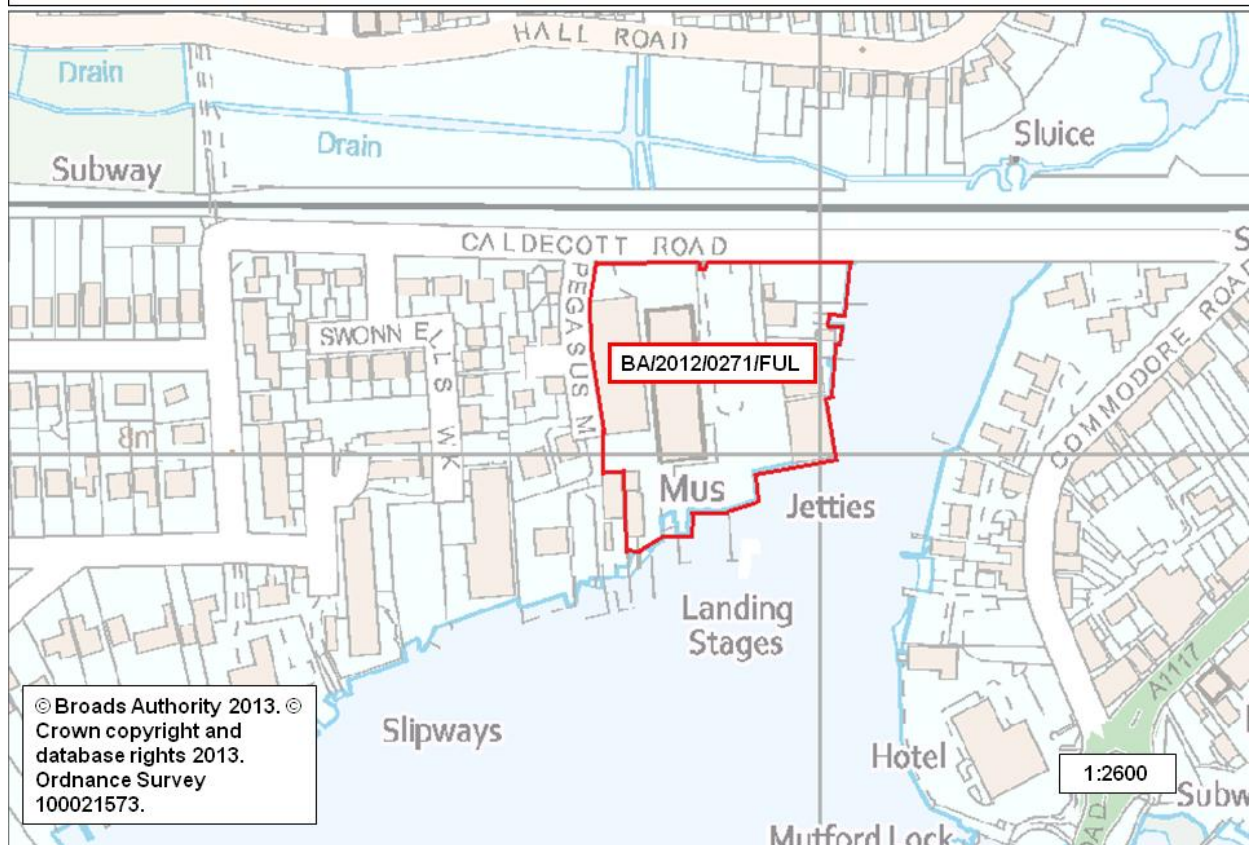
Background papers: Application File BA/2012/0127/FUL

Author: Alison Macnab
Date of Report: 11 April 2013

Appendices: APPENDIX 1 - Location Plan
APPENDIX 2: Note of Site Visit 11 April 2013

APPENDIX 1

BA/2012/0271/FUL - Pegasus Marine, Caldecott Road, Lowestoft
Re-development of former Pegasus Boatyard to provide 76 dwellings, new boatyard buildings, office, moorings and new access road.



PLANNING COMMITTEE

26 April 2013

Note of site visit held on Friday 26 April 2013

BA/2012/0271/FUL Pegasus Marine, Caldecott Road, Oulton Broad, Lowestoft

Redevelopment to provide 76 dwellings, new boatyard buildings, office, moorings and new access road.

Applicant: Badger Building (East Anglia) Ltd

Present:

Dr J M Gray – in the Chair

Mr M Barnard* (*also
local WDC member*)

Dr J S Johnson

Mr A Mallett

Mrs S Blane

Mr P Rice

Prof J Burgess

Mr C Gould

In attendance:

Ms N Beal – Planning Policy Officer

Mrs S A Beckett – Administrative Officer

Mr B Hogg – Historic Environment Manager

Ms A Long – Director of Planning and Resources

Ms A Macnab – Planning Officer

Ms C Smith – Head of Development Management

Mr P Collecott – Waveney District Councillor/ Oulton Parish Council

Mr J Grist – Oulton Parish Council

Mr C Swann – Oulton Parish Council and Member of Broads Forum

Mr C Groves – Broads Society

Mr Stephen George – Applicant, Managing Director Badger Building (East Anglia) Ltd.

Mr E Gilder – Applicant, Land Manager Badger Building (East Anglia) Ltd

Apologies for absence were received from: Mrs J Brociek-Coulton and Mr P Ollier.

Introduction

The Chairman welcomed everyone to the site inspection emphasising its fact-finding nature and the need to have a thorough appreciation of the site and the issues involved, particularly as it was a major development within the Broads Area. No decision would be made at this visit but the matter would be considered in detail at the Planning Committee on 26 April 2013. The Managing Director of Badger

Building, also welcomed everyone and provided a briefing for all attendees on the safety aspects before anyone entered the site.

The Committee had come to gain an appreciation of the proposed development in the context of the whole site and to examine the three main elements of the application. These included the layout, the issues of traffic movements and neighbour amenity. The Chairman invited everyone to introduce themselves.

The meeting convened at the current access entrance in the north eastern corner of the site off Caldecott Road before walking around the site itself, viewing the proposed development from within the site and from the edge of the Broad as well as from the neighbouring properties within Pegasus Mews to the west of the site. Members also took the opportunity to view the site from the water with the aid of the Harbour Master's vessel.

The Proposal

The Planning Officer introduced and gave a description of the application that covered an area of 1.6ha and was seeking permission for the redevelopment of a former boatyard to provide 76 dwellings, new boatyard buildings, an office, which would be the new headquarters for Badger Buildings (East Anglia)Ltd, moorings, and new access road.

Members were able to view the proposed plans in the context of the site. They noted the differing levels on the site and that the area where they had convened was in Flood Risk Zone 3 where development was restricted and limited to water compatible development. This would form the boatyard parking area. They walked into the site and viewed the location of the proposed boatyard buildings and as water compatible development, were designed to function in association with flooding. The former Hampton's boatyard building and two adjacent block work stores remaining in this north eastern corner of the site would be demolished. The existing slipway to be enlarged and re-aligned was noted.

Members also viewed the site of the proposed office building which was to be built on stilts with access to its own car parking area. Oil drums had been used to outline the proposed new hard edge of the site. The area beyond would be broken up and dug out to increase the water area and eventually form a reed bed. This would be bordered by mooring pontoons.

Members noted the positioning of the residential elements of the proposals which would be on the higher levels than the water compatible development and noted that they covered a large part of the site. The Planning Officer explained the design of the buildings and elevations on the site as well as the gardens and parking areas. Members noted that the accommodation would comprise a mixture of 3 and 4 bed-roomed houses and 1, 2 and 3 bed-roomed apartments with the majority of the buildings being two and three storeys high. They noted the nodal buildings picking up the scale and form of The Maltings on the adjacent site. The Planning Officer pointed out the site of the three apartment blocks on the edge of the Broad behind the new reed bed and explained that these would be four storeys high although the

design incorporated the fourth storey into the roof structure so as they would be no taller than more conventionally designed three storey buildings.

Members walked up to the proposed new main access to the site noting the positioning of the Bin Stores and the Anglian Water pumping station which would remain although would be updated.

With regard to the Bin storage areas for the whole site, it was noted that for the apartment blocks these would be housed in a double garage like structure and the houses would have conventional wheelie bins. The arrangements for these had been discussed with those responsible for the refuse and waste disposal Waveney Norse – Operations Manager (Refuse and Cleansing Services) who were satisfied with the proposed design.

It was noted that the accommodation on the western boundary of the site would have the secondary windows (including bedroom windows) facing on to Pegasus Mews with the main windows facing into the site. The height and positioning of the apartments and the houses took into account the positioning of the houses on Pegasus Mews in order to minimise their impact, take account of overlooking and enable views into the site.

The Planning Officer explained that negotiations were still required concerning the details on the landscaping scheme on the western boundary of the site in order to provide suitably sized trees that would establish quickly and also increase the ecological value of the site. She explained that where possible the existing mature trees would be retained in the new landscaping scheme. In addition, the plans indicated green areas which would be the gardens of the houses and/or the grassed areas. This would form part of the complete landscaping scheme and be the subject of a management strategy for the whole of the site.

It was confirmed that there would be no access into the site from Pegasus Mews. The only access would be from the new access off Caldecott Road. In accordance with comments from the Broads Forum and Broads Integrated Access Strategy, the development included an area for public access and visitors near to the Broad which would also include interpretation panels giving an outline of the history of the site.

Members viewed the site from Pegasus Mews itself, noting the 0.8m differences in level from there compared to the development site and the effect this would have on the relative ridge heights. The boundary of the site was likely to have timber close-boarded fencing.

Members were able to embark on the Harbour Master's boat and view the site from the Broad. They were taken westwards beyond the existing Maltings complex and then back to view the site from the South and its eastern end. The Historic Environment Manager was able to point out the mass, scale and design style of the built form which exists within the area and the proposals in relation to the other development in Oulton Broad.

In view of the fact that some of the main concerns expressed by local residents related to Highways matters and the vehicle movements to be generated, members walked along Caldecott Road and into Commodore Road as far as the roundabout

adjacent to the Wherry Hotel to consider these. It was confirmed that there was extant planning permission on the site for retail and commercial premises operating 500 two way vehicle movements per day and this was used by Suffolk County Council as Highways Authority as the base line figure by which to consider the current application. The new proposals were expected to generate 470 two way vehicle movements per day for the site which was within the limits already allowed for. A full response from the Highways Authority, including an explanation of the use of the Trip Rate Information Computer System (TRICS) a computerised data base and analysis package used in transport planning, would be provided at the Planning Committee when the proposal was to be discussed. Members requested that the Highways Officer from Suffolk County Council be available for the Planning Committee meeting.

In answer to a question concerning possible contamination, given the previous activities on the site, the Planning Officer confirmed that the Environment Agency and Environmental Health had been consulted and had had discussions with the applicant. A full contamination report was required and conditions would be imposed on any permission which would require a full investigative process and mitigation strategy to be carried out before any works were carried out.

Conclusion

The Chairman thanked everyone for attending the site inspection. The application would be considered by the Planning Committee at its meeting on 26 April 2013 and members of the public would be welcome to attend and observe the deliberations.

The Chairman declared the meeting closed at 11.45 am.