

**Enforcement of Planning Control: Enforcement Item for Consideration
Wherry Hotel, Bridge Road, Oulton Broad**
Report by Planning Officer (Compliance and Implementation)

Summary:	This report concerns the unauthorised installation of a refrigeration unit at the rear of the Hotel.
Recommendation:	That authorisation is granted for the serving of an Enforcement Notice seeking removal of the refrigeration unit and for prosecution (in consultation with the solicitor) in the event that the enforcement notice is not complied with.

Location: Wherry Hotel, Bridge Road, Oulton Broad

Breach of Planning Control: Construction of structures comprising refrigerated unit without planning permission.

1 Description of Site and Background

- 1.1 The site of the Wherry Hotel covers an area of 0.6ha and is situated on the eastern bank of Oulton Broad. The site rises upwards towards the north and east from the edge of the Broad. The site is cut into the slope and the land adjoining the site to the east and north is therefore approximately 3-4m above the level of the site. The western boundary of the site is delineated by the edge of the Broad where there is a quay heading and mooring facilities. To the south of the site is Mutford Lock leading into Lake Lothing. In this area there is an existing landscaped bed which has a number of mature shrubs and coppiced tree stumps within it. The A1117 runs along the rear of the site and there is a small roundabout providing vehicular access off this road into the site. The northern and eastern boundaries of the site are created by a tree covered bank approximately 3-4m in height.
- 1.2 The hotel building is a predominantly three storey Edwardian building constructed of red clay brick work with a blue/black slate roof. There is an existing single storey, glazed extension to the north of the main hotel building, which houses the existing function room, and a collection of single and two storey extensions to the rear of the building. The building itself is situated in the centre of the site and is surrounded by asphalted, delineated car parking.
- 1.3 Planning permission was granted in July 2011 for redevelopment of the site, comprising two single storey extensions and an additional storey on top of an existing single story extension under BA/2011/0135/FUL. The planning permission was not implemented and permission has now expired.

- 1.4 A refrigerated unit measuring approximately 7m x 5m x 2.5m high is located at the rear of the building in the North West corner of the site behind the single storey glazed extension to the north of the main hotel building. Originally the unit was a temporary structure to provide additional refrigeration space until the new kitchen and refrigeration provision was constructed as part of the planning approval. It has been in situ since January 2011. It is not visible from the Broad but is prominent from the road aspect.

2 Site History

- 2.1 In 2009 a former Tree Preservation Order which covered three trees on this site was updated to cover just the Sycamore tree in the middle of the site as the other two trees were no longer on the site (BA/2009/0047/TPO).
- 2.2 In 2010 a planning application for a proposed new two storey extension with single storey extension to rear of the hotel with internal and external alterations was submitted and subsequently withdrawn (BA/2010/0436/FUL).
- 2.3 In 2011 a planning application for a proposed two single storey extensions and an additional storey above an existing single storey extension was granted but has subsequently expired without being implemented (BA/2011/0135/FUL).

3 The Planning Breach

- 3.1 The Hotel itself is an attractive building in a prominent location which enjoys two aspects to the road and to the Broad. The refrigerated unit is located immediately adjacent to the main entrance to the hotel and is in a prominent location.
- 3.2 The refrigeration unit itself is coloured white and is single storey with flat roof – a refrigerated box - and in planning terms the structure is not appropriate for such a prominent location. The materials, design and style of the structure make it unacceptable visually given the character, style and prominence of the Wherry Hotel within the Oulton Broad environs.
- 3.3 The refrigerated unit was originally located as a temporary measure whilst the planning permission BA/2011/0135/FUL was in the process of being implemented. Now this permission has expired action needs to be taken to remove this unauthorised unit, particularly as, if it is not removed, it will acquire immunity from enforcement action.

4 Action Proposed

- 4.1 It is considered that the development is inappropriate and contrary to both National and Local Planning Policy, particularly Policies CS5 (Historic and Cultural Environments) of the adopted Core Strategy Policy and Policy DP4 (Design) of the adopted Development Management Policies DPD and is unlikely to gain retrospective planning permission.

- 4.2 It is proposed to serve an Enforcement Notice in consultation with the solicitor requiring the removal of the refrigerated unit. It is proposed that a compliance period of three months is given. Authority is also sought to prosecute the owner in the event that the enforcement notice is not complied with.

5 Other Matters

- 5.1 Under planning permission BA/2011/0135/FUL the sycamore tree protected by a TPO was to be removed, with mitigating landscaping. Although the planning permission was not implemented the tree was removed. Officers are currently looking into how best to address this specific matter and Members will be updated orally.

6 Financial Implications

- 6.1 There may be legal costs associated with this course of action.

7 Conclusion

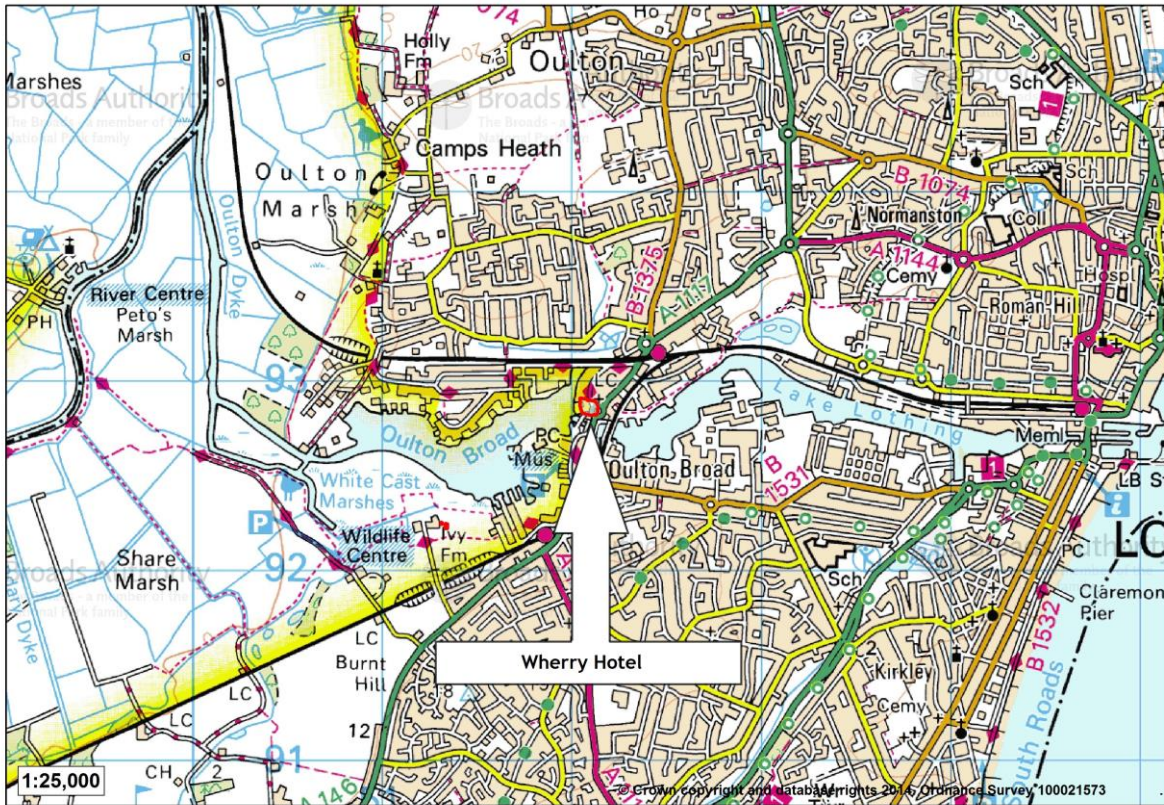
- 7.1 This report is intended to make committee members aware of the situation and to gain their support for enforcement action and prosecution if compliance is not achieved.

Background papers: Enforcement File BA/2014/0017/BOCP4 and Planning application BA/2011/0135/FUL

Author: Tony Risebrow
Date of report: 24 September 2014

Appendices: APPENDIX 1 – Location Plan

Wherry Hotel, Bridge Road, Oulton Broad – unauthorised installation of refrigeration unit



Wherry Hotel, Bridge Road, Oulton Broad - unauthorised installation of refrigeration unit

