

## **Application for Determination**

<b>Parish</b>	Wroxham
<b>Reference</b>	BA/2015/0342/HOUSEH <b>Target date</b> 3 February 2016
<b>Location</b>	Ennerdale II, Beech Road, Wroxham
<b>Proposal</b>	Replacement boatdock, reinstatement works, and new quay heading.
<b>Applicant</b>	Mr and Mrs Chopra
<b>Recommendation</b>	Approve subject to conditions
<b>Reason for referral to Committee</b>	Objection received

### **1 Description of Site and Proposals**

- 1.1 Ennerdale II is a traditional Broads chalet located on the River Bure at Wroxham. The chalet is accessed via a narrow, cul-de-sac private road which leads off Beech Road, with additional access directly onto the River Bure from the river frontage of the site.
- 1.2 The area of the property upon which the chalet is located is broadly square, the chalet is of a modest size, with a footprint of approximately 12m by 5.5m. The building is of traditional Broads riverside construction, with a timber frame, a pitched thatched roof to the main section and a mineral felt, flat roofed extension to the rear (southern) elevation; this extension also wraps around the western gable end of the building. The property curtilage also includes an area on the opposite side of the cul-de-sac which is triangular in shape, measuring approximately 16m x 15m x 13m and bounded on the eastern side by a dyke. This area is partly utilised for parking with a surface matching that of the road, the remainder being an area of woodland which has a very low level of domestication.
- 1.3 The site is bordered to the east by a residential property, and to the west by a private mooring dyke, across which lies another residential property.
- 1.4 The site lies in the Wroxham Conservation Area.
- 1.5 The property benefits from a boatdock which is accessed via the private dyke. The previous owners secured rights to use the private dyke but this was for their benefit only and does not run with the land. The current owners do not

have the right to use the private dyke and therefore cannot access their boatdock which is to all intents and purposes redundant.

- 1.6 It is proposed to infill the existing redundant boatdock and excavate a replacement in the area opposite the chalet within the area of woodland; a boathouse would then be constructed over this. The boatdock would measure 6m x 4m, and the boathouse 6m x 3.9m high and it would be a simple, open structure with wooden posts at the corners and a shingle roof. The boatdock would be accessed via an existing dyke, which leads directly to Wroxham Broad.

## 2 Site History

BA/2000/4145/HISTAP - Replacement timber quay heading (to area fronting River Bure). Granted with conditions, June 2006.

BA/2002/3996/HISTAP - Quay heading part dyke embankment (to dyke leading to Wroxham Broad). Refused, April 2002.

BA/2014/0313/FUL - Proposed extensions to rear and side of property. The provision of new boat dock to front of property. Granted with conditions, November 2014.

BA/2015/0411/COND - Variation of condition 2 of pp BA/2014/0313/FUL to remove boat dock from approved plans, addition of external insulation, additional extension, sewerage treatment plant and alternative window positions. Currently under consideration.

## 3 Consultation

Wroxham Parish Council - No objection.

Broads Society - No objection.

BA Landscape Officer - No objection. The proposal for the new boat dyke is off main river and would involve the removal of some tree species. I consider that the proposals can be effectively integrated into the area and will not have any adverse significant, adverse landscape or visual impacts. The materials will be timber include the roof which will be cedar shingles. I would suggest the following however:

- a) It is not appropriate to use "telegraph poles". If these are recycled electricity poles they have high levels of toxic preservatives in them.
- b) Timber quayheading within the boat house should be avoided in order to provide a natural interface between the water and land.
- c) The tree and shrub planting should not include beech. I would suggest Guelder rose (*viburnum opulus*) in addition to the alder and wild cherry.
- d) Suggest nothing more formal than faggots to private dyke.

Environment Agency - No objection. Flood defence consent not required. Flood risk will not be increased elsewhere as a result of spoil disposal on site.

Navigation - No objection.

Ecology - Objection. The whole of this area is based on peat soils, including the location of the proposed new boat dock which is wet woodland, and therefore a Biodiversity Action Plan Habitat/ Section 41 habitat.

These are UK priority habitats of which there should be no net loss, only enhancement. Wet woodland is extremely important for biodiversity in the Broads, supporting a host of rare plants, invertebrates, birds and mammals.

We therefore object to the proposal given the loss of peat soils and BAP habitat.

In addition there is no information as to the proposed sediment source for the proposed infill of the existing dock.

#### **4 Representations**

One reply was received raising a number of issues. These have been discussed with the applicants and amendments to the plans agreed:

- The existing quayheading is misrepresented – amended to show correct existing situation.
- Proposed quayheading would impact on existing trees – proposed quayheading now limited to area of boatdock infill.

#### **5 Policies**

- 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. [NPPF](#)

Core Strategy (2007) [Core Strategy Adopted September 2007 pdf](#)

CS1 – Protection of Environmental and Cultural Assets

CS2 – Nature Conservation

CS3 – The Navigation

CS4 – Creation of New Resources

CS17 – Safe Recreational Access

CS20 – Development within the Environment Agency's flood risk zones

Development Management Plan DPD (2011)

[DEVELOPMENTPLANDOCUMENT](#)

DP1 – The Natural Environment

DP2 – Landscape and Trees

DP4 – Design  
DP11 – Access on Land  
DP29 – Development on Sites with a High Probability of Flooding

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

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

DP12 – Access on Water  
DP13 – Bank Protection

## **6 Assessment**

- 6.1 The proposal is for the infilling and reinstatement of the existing boatdock, and the digging of a replacement boatdock. The property known as Ennerdale II does have a boatdock adjacent to the dwellinghouse, however this can only be accessed via a private dyke not in the applicant's ownership. The previous owner of Ennerdale II had access rights but these were limited to the named owner not the land, as such when the current owners took possession of the property they did not benefit from access rights. They assert that they have been unable to secure access rights to the private dyke for the purpose of utilising their existing boatdock, a point which has not been contradicted by the owners of the private dyke. Part of the application submission bundle included a copy of the legal document detailing access rights and the Authority are satisfied that the situation as presented by the applicants is correct and true.
- 6.2 In seeking a replacement for the redundant boatdock the current owners sought to utilise the area fronting the River Bure and succeeded in securing planning permission for a boatdock. The current application is a result of the recognition that the curtilage of the property is limited, and the amenity space between the dwelling and riverbank is obviously constricted, therefore the loss of land to form a boatdock would represent a significant impact on the quality and functionality of the amenity space. As the curtilage of the site included an area to the southern side of the cul-de-sac road, an alternative siting for a boatdock presented itself which would ensure the retention of a reasonable level of amenity space between Ennerdale II and the River Bure.
- 6.3 In addition to the issue of amenity space, whilst mooring cuts are reasonably common along this stretch of the River Bure they are predominantly sited on properties where either the dwellinghouse is set well away from the riverbank, or where the width of the curtilage allows for a boatdock sited to the side of the dwellinghouse. This approach to development allows for the riverbank to remain generally uncluttered and with a reasonable degree of amenity space providing a suitable setting to the various types of dwellinghouse. Whilst the approved scheme was considered generally acceptable in planning terms, where a viable alternative location exists which would be less intrusive from a

landscape and river scene point of view it must be considered as the preferred location.

- 6.4 The proposed boatdock structure would be in the form of a timber roof pitched on all sides with a central line apex, supported on a 6 timber posts. The design is considered to be simple and understated and as such would not be a conspicuous presence. There are numerous developments on surrounding land, some of which present a more formalised domestication, the proposed structure is considered to represent a low level domestication broadly in keeping with its setting and the existing condition of the site, resulting in minimal intrusion of the surrounding woodland.
- 6.5 From a landscape point of view there are two main issues. Firstly the finish of the bank of the private dyke where the existing boatdock would be infilled. The initial proposal was for quayheading along the Ennerdale side of the dyke, but objections were raised by the Landscape Officer and neighbours, revisions were sought and consequently amended drawings were received which addressed the concerns. The proposed quayheading is limited to the proposed infill area only and would not adversely impact on the surrounding vegetation. The second issue is the appearance of the proposed boatdock area and the application proposes a minimum intervention in the existing landscape through the provision of a small, simple structure and the provision of replacement trees and planting. Overall it is considered that the proposal is acceptable in landscape terms.
- 6.6 The issue of contention in this application relates to the need to excavate in order to create the proposed new boatdock. This area is recorded as being carr woodland based on peat soils and as such is a Biodiversity Action Plan (BAP) habitat; on this basis the BA Ecologist has raised an objection. Such areas are given protection under Policies CS1 and CS2 of the Core Strategy, and Policy DP1 of the Development Plan Document which seek to limit development which would have an impact on such areas except in exceptional circumstances. In this specific instance the following matters require consideration. The scope of the diggings is of a small scale (ie 6m x 4m) and consequently any impact on the BAP habitat is limited. The arisings would be utilised on site to infill the unviable boatdock so the peat resource would not be lost to some extent. The applicants have planning permission for a boatdock which would have a greater impact on the landscape of the Broads as detailed above. The habitat is already moderately domesticated, therefore the area to be developed is not wholly natural and its outright protection at this specific site would be difficult to justify on a habitat basis alone.
- 6.7 Taking into account the reasoning behind this application, the benefits of the siting of the proposed boatdock over the previously approved scheme, the existing condition of the area to be developed, and the small scale nature of the proposal, it is considered that this provides sufficient justification to allow for the proposed development to be recommended for approval subject to conditions.

## **7 Conclusion**

- 7.1 The proposed boatdock, reinstatement works, and quayheading would not result in unacceptable impact on landscape character, protected habitats, and navigation, consequently the application is considered to be acceptable with regard to Policies CS1, CS2, CS3, and CS20 of the Core Strategy, and Policy DP1, DP2, DP4, and DP29 of the Development Plan Document.

## **8 Recommendation**

- 8.1 Approve, subject to conditions:
- (i) Standard time limit
  - (ii) In accordance with approved plan
  - (iii) In accordance with landscaping scheme

## **9 Reason for Recommendation**

- 9.1 The proposal is considered to be in accordance with Policies CS1, CS2, CS3, and CS20 of the Core Strategy (2007), Policies DP1, DP2, DP4, and DP29 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

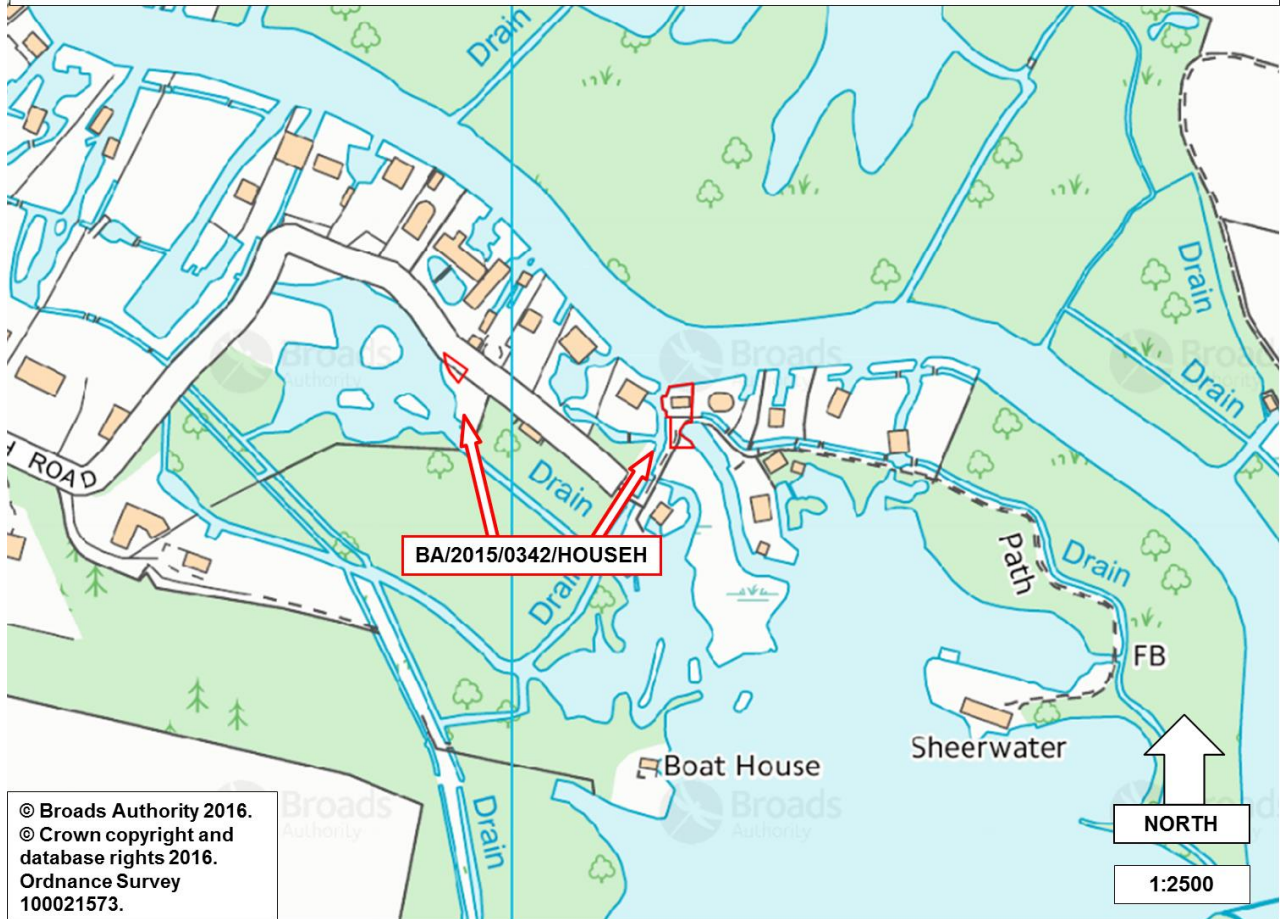
Background papers: Application File BA/2015/0342/HOUSEH

Author: Nigel Catherall  
Date of Report: 16 February 2016

List of Appendices: Location Plan

APPENDIX 1

BA/2015/0342/HOUSEH - Replacement boatdock, reinstatement works, and new quay heading.



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