

## **Application for Determination**

<b>Parish</b>	Brundall	
<b>Reference:</b>	BA/2014/0166/FUL	<b>Target:</b> 09/07/2014
<b>Location:</b>	Brundall Gardens Marina, Postwick Lane, Brundall	
<b>Proposal:</b>	Temporary soil storage area, formation of bund to footpath and wet woodland and formation of North car park access track.	
<b>Applicant:</b>	Mr Samel Dacre	
<b>Reason for referral:</b>	Objection received	
<b>Recommendation:</b>	Approve with conditions	

### **1 Background**

- 1.1 In 2013 planning consent was granted for the enlargement of an existing mooring basin at Brundall Gardens Marina (BA/2012/0121/FUL). The application proposed that the arisings from digging out the basin would be stored in an identified location on site, left to dry out and then transported off site.
- 1.2 Accordingly, condition 12 of the consent required that all spoil arising from the development must only be stored in the approved temporary spoil storage location and that, once suitably de-watered, no material shall be stored either temporarily or permanently anywhere on the application site (as defined by the red line boundary on the approved Location Plan). The reasons for this condition were twofold; firstly, a large part of the site within the red line boundary lies within Flood Zone 3 (land at high risk of flooding) and, as such, deposition of arisings on this land was not considered appropriate in terms of potential detrimental flood risk impacts; secondly, it was not considered that there was sufficient land within the red line area to accommodate the relatively large volume of material generated by the extended basin without there being detrimental landscape impacts.
- 1.3 This application seeks consent for an additional temporary storage area and for the permanent disposal of a proportion of the arisings from the new basin in a series of bunds on land outside of the previously approved red line boundary, but within the wider Brundall Gardens Marina site.

## **2 Description of Site and Proposals**

- 2.1 The application site is a marina situated on the western edge of the village of Brundall. The marina is located between the River Yare to the south and the Norwich to Great Yarmouth railway line to the north.
- 2.2 Brundall Gardens Marina currently offers approximately 122 moorings, most of which are accommodated within a single, off river basin. The basin is divided by lines of floating pontoons and a small wooded islet. The marina site includes a large wet boatshed, a car park and a facilities building offering washrooms, showers and laundry to users of the moorings.
- 2.3 The landscape surrounding the application site is predominantly undeveloped and characterised by large tracts of wet woodland leading up to the river's edge.
- 2.4 The application site forms part of a small cluster of development which punctuates this area of wet woodland. This cluster comprises Brundall Gardens Marina, the neighbouring site of Brundall West Marina and two detached residential properties, with both marinas and one of the dwellings being in the ownership of the applicant.
- 2.5 Access to the site is via a private road which leads south from Postwick Lane, passes beneath the railway line, runs parallel to the river and leads into the marina site. This access road is shared by the two marinas and the two residential properties.
- 2.6 This application seeks retrospective consent for the creation of two soil bunds at the site and the use of land as a temporary storage area for spoil arising from the digging of a new basin.
- 2.7 The first soil bund is located immediately north of the access road as it runs through the Brundall Gardens Marina site. The soil bund has been created on the roadside verge, a strip of land approximately 2m wide which separates the road from a drainage ditch. To the north of the ditch is a block of wet woodland habitat. The bund measures approximately 135m long and stands approximately 400mm high measured from the road side and 700mm high measured from the foot of the ditch.
- 2.8 The second bund measures approximately 150m long and is located to the east of a private driveway leading off the main marina access road and down to a private dwelling. Again the bund is located on a roadside verge and separates a private roadway from a drainage ditch which borders a block of wet woodland. The second bund stands approximately 500mm high measured from the road, 900 high measured from the bottom of the ditch.
- 2.9 The bunds have been created from the peaty soil dug up to form the basin extension approved in 2013 (BA/2012/0121/FUL). The spoil from this basin has been dewatered and relocated to form the bunds.

- 2.10 The additional soil storage area for which temporary consent is now sought comprises the south-eastern corner of an agricultural field; an area extending to circa 0.5ha. Arisings from the basin extension have been stored in this location for a period of approximately 6 months, with the spoil heap varying in size from a maximum height of approximately 2.5m high down to previous ground level. This application proposes retention of the soil store until 1<sup>st</sup> September 2014; the applicant asserts that this timescale will give sufficient time for the de-watering and removal off site of the remaining material. Following removal of the soil the temporary storage site will be levelled.
- 2.11 As part of a landscaping scheme for the wider Brundall Gardens Marina site (and in addition to the detailed landscaping scheme secured by planning condition for land around the new basin extension) the applicant proposes seeding the agricultural field with a pasture mix grass seed, seeding the verges and bunds with a pollen rich wildflower mix (the specific type of which will depend on the shade conditions), and planting of a new hedge line, tree and shrub planting in the field and a new hedge line along the first bund. In addition, the applicant proposes the creation of a new concessionary footpath to run along the northern boundary of the field, immediately south of the railway line. It is proposed that this new footpath be screened by the new hedge and tree planting along the northern boundary of the field.
- 2.12 In addition to the two bunds (which have been constructed) the applicant has used some material resulting from the digging of the new basin to raise land levels along roadside verges leading into the site and spread some material on a former agricultural field (currently being used as the unauthorised temporary soil store). Whilst this has led to a change in the appearance of the verges (with the formerly grassed verges now approximately 150mm higher than before), it is not considered that the works are sufficient to constitute 'development' (i.e. land raising) in this case and, consequently, consent is not sought for these elements as part of this application. This notwithstanding, the landscaping scheme submitted as part of the application includes planting proposals for these areas as part of a comprehensive scheme for the site.

### **3 Consultation**

Broads Society – No objections.

Environment Agency – Updated comments awaited.

Broadland District Council Pollution Control Officer – No comment.

District Member Cllr Andrew Proctor – Due to concerns regarding impact on trees and environmental impacts I would like the matter to be referred to the Broads Authority Planning Committee if officer recommendation is for approval of the application.

Railtrack – No objection subject to comments below:

Drainage - Storm/surface water and effluent must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property.

Landscaping - Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing.

#### **4 Representations**

One letter of objection from a local resident expressing concern regarding ecological impacts and impact on trees.

#### **5 Policy**

- 5.1 The following policies have been assessed for consistency with the NPPF and has been found to be fully consistent with the direction of the NPPF

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

CS1 – Landscape Protection and Enhancement

Adopted Broads Development Management DPD (2011)  
[DEVELOPMENTPLANDOCUMENT](#)

- 5.2 The following policies have been assessed for consistency with the NPPF and have found to be fully consistent with the direction of the NPPF [NPPF](#)

DP1 – Natural Environment

DP2 – Landscape

DP29 – Development at sites with a High Probability of Flooding

- 5.3 *Material Considerations*  
[NPPF](#)

#### **6 Assessment**

- 6.1 This application seeks retrospective consent for the construction of two soil bunds and for the temporary use of part of an agricultural field as a soil storage site until September 2014.

- 6.2 There are no objections to the principle of the development and the key issues are considered to relate to impact on the landscape (including impact on trees) and impact on the ecology of the site.

- 6.3 Considering first the landscape impacts of the proposal, the application site is well screened from public vantage points from the south, east and west, and open to views from the north via the railway line and proposed permissive path, both of which run along the northern boundary of the Brundall Gardens Marina site.
- 6.4 In terms of immediate visible landscape impacts, only the proposed temporary soil storage site is of a sufficient scale to be visible from this public vantage point; the two lengths of bunding, whilst sizeable in terms of length, are sufficiently modest in scale and located away from any public vantage point so as not to be visible from outside the site.
- 6.5 Considering the landscape impacts of the soil storage area, this is not a location where such an activity would be considered acceptable on a permanent basis, however for the proposed temporary time period (with removal of soil from the site by September 2014) it is not considered that the proposal raises any significant landscape issues which would warrant the refusal of this application.
- 6.6 With regards to the bunds, it is noted that the protected landscape of the Broads has intrinsic value and the simple fact that the bunds would not be visible for outside the site does not mean that they are acceptable in landscape terms.
- 6.7 However, the bunds are modest in height (max 500mm high measured from the adjacent roadway) and, viewed in the context of the private roadways to which they are aligned, are not a form of development which appears incongruous in this rural boatyard setting. Given this, it is not considered that the retention of the bunds would have any detrimental effect on the landscape of the Broads.
- 6.8 The above notwithstanding, when considering the landscape impacts of retaining the bunds regard must be given to both the direct and indirect landscape impacts; in this case this means the visual and physical landscape impacts of the bunds being on site, and also the impacts the bunds may have on trees immediately adjacent to the bunds.
- 6.9 The two lengths of bunds each run adjacent to large blocks of wet woodland and, prior to the siting of the material to form the bunds, the land was a woodland margin habitat, separated from the main block of woodland by drainage dykes.
- 6.10 Whilst no substantial trees have been affected by the bunds this woodland margin habitat (comprising a strip of grass, scrub and shrubs) has been damaged. This damage is regrettable however the applicant proposes the reseedling and replanting of the bund with a mixture of pollen rich wildflower mix and native species shrub and, as such, it is not considered that any damage is irreversible and there is potential for the landscaping scheme to result in an improved verge in both ecological and landscape terms.

Consequently, subject to securing this planting scheme and an appropriate aftercare regime by condition, there are no objections to the proposal.

- 6.11 It is the case that soil has been spread on other parts of the Brundall Gardens Marina site and whilst the ground raising in this area is not considered sufficient in scale to be considered 'development', in certain locations soil was placed in such a way whereby it could cause harm to a number of significant trees. The Authority has worked with the applicant to address these concerns, reducing the spoil levels in some areas and pulling material back from the wet woodland margins in others. It is considered that any further work to remove material from around the base of the trees could potentially be of more detriment than benefit to the long term health of the trees and, whilst it is regrettable that the work was carried out without first consulting the Broads Authority, it is considered that the remediation work together with the proposed landscaping scheme will result in a visually and ecologically acceptable scheme.
- 6.12 Considering the ecological impacts associated with the proposed bunds, whilst it is recognised that there has been a loss of woodland margin habitat it is the case that the proposed planting will result in a similarly diverse habitat along the bunds and there is potential for the bunds to offer some benefits in terms of retaining water within the wet woodland blocks.
- 6.13 Concerns have been raised regarding the ecological impacts associated with the temporary soil store however the use has been ongoing for a period of less than 7 months and at the end of this period (i.e. September 2014) the land will be levelled and returned to pasture. Given this temporary use, and mindful of the fact that as an agricultural field the land could have been commercially cultivated at any time without planning consent, it is not considered that the temporary soil store has resulted in any unacceptable ecological impacts.
- 6.14 The final matter to consider is the impact retaining the bunds would have on flood risk as the site. In response to consultation the Environment Agency highlight the fact that the site lies within Flood Zone 3 and note that raised bunds are not normally considered appropriate within Flood Zone 3 as they reduce flood storage capacity.
- 6.15 To address these concerns the applicant has emphasised that the material has been extracted from the Brundall Gardens Marina site (in the course of digging out of the new mooring basin) and that given that the material used in the bunds represents a modest proportion of the total volume of material extracted (the remainder being removed from the site), the net impact on flood storage capacity over the two most recent planning application (i.e. this application and BA/2012/012/FUL) is positive, with the works resulting in a significant increase in flood storage capacity.
- 6.16 This point is noted and, having regards to the net increase in flood storage capacity on the Brundall Gardens Martina site, it is not considered that the application could be refused on the grounds of flood risk. It is further noted

that the Environment Agency did not object to the development and that they are yet to respond on the issue of flood storage capacity as identified by the agent; members will be updated on any additional comments at Planning Committee.

## **7 Conclusion**

- 7.1 This application seeks consent for the retention of two soil bunds at Brundall Gardens Marina and, additionally, the temporary use of an agricultural field for the storage of soil until 1 September 2014.
- 7.2 The application is retrospective in nature and this is disappointing, however the development proposed is considered to be modest in scale and does not have any unacceptable impacts on the landscape, ecology of flood risk situation within the Broads.
- 7.3 Consequently, the recommendation is for approval subject to conditions.

## **8 Recommendation**

- 8.1 Approve subject to conditions:
1. Time limit
  2. In accordance with approved plans
  3. All imported spoil to be removed from the approved 'soil store' location (as detailed on approved plan) and land to be restored in accordance with details on the approved plans
  4. All landscaping (as detailed on approved plan) to be carried out in the next available planting season
  5. Any plant which dies within 5 years of planting to be replaced

Background Papers: Application BA/2014/0166/FUL

Author: Fergus Bootman

Date: 3 July 2014

Appendices: APPENDIX 1 – Location Plan

BA/2014/0166/FUL Brundall Gardens Marina, Postwick Lane, Brundall  
Temporary soil storage area, formation of bund to footpath and wet woodland and formation of North car park access track.

