

Application for Determination

Parish	Potter Heigham
Reference	BA/2015/0205/FUL Target date 26 August 2015
Location	Herbert Woods Boatyard, Broads Haven, Bridge Road, Potter Heigham,
Proposal	Reconfiguration of part of existing mooring basin measuring approximately 30m x 60m.
Applicant	Mr Michael Whitaker
Recommendation	Approve subject to conditions
Reason for referral to Committee	Applicant is Member of the Broads Authority

1 Description of Site and Proposals

- 1.1 The Herbert Woods site is a large boatyard situated at the heart of the Potter Heigham Staithe settlement, covering a site area of approximately 5.8 hectares. The site lies adjacent to the River Thurne and is situated to the west of the large surface car park owned and operated by Lathams (QD Stores).
- 1.2 The site incorporates a significant boat hire business, holiday cottages, a number of large boatsheds, and a boat sales business.
- 1.3 To the west of the site is an SSSI. Parts of the site and surrounding area are covered by the UK Biodiversity Action Plan, although it is noted that the application site is not covered by this.
- 1.4 This application concerns an area at the north of the site, this section of the mooring basin historically had three wet sheds, bisected by narrow spits of land. Having viewed historic aerial photographs the wet shed adjacent to the car park was demolished prior to 2010, this area is shown on the plans as being 'Boat Brokerage Moorings'.
- 1.5 The remaining two wet sheds have been demolished in the last 12 months, currently this section of the site comprises two smaller sections of the mooring basin, separated by a narrow spit of land which is overgrown and in a generally poor state.

- 1.6 It is proposed to carry out excavation works involving the removal of the narrow spit of land between the two sections to create a single area for mooring, along with the removal of a section of the spit of land between the development area and the Boat Brokerage Moorings, with six new finger jetties on either side of the enlarged basin, and replacement quay heading and staging.

2 **Site History**

There are numerous applications for this site, the relevant ones being: In 1994 planning permission was granted for the relocation of a wet boatshed and demolition of two others (planning ref BA/1994/2421/HISTAP) although these works were not carried out under this permission.

In 1994 planning permission was refused for the demolition and removal of 3 wet boatsheds and erection of 20 holiday units (planning ref BA/1994/2395/HISTAP).

3 **Consultation**

Potter Heigham Parish Council - No objection.

NSBA - No objection.

Historic England - No objection in terms of impact on Grade II* Listed and designated scheduled monument Potter Heigham Bridge. Concern raised in relation to quality of excavated material, following information provided by planning agent and BA Ecology officer it is considered that a Planning Condition relating to archaeological finds is acceptable in this case.

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. The usual provisions about agreeing specifications and need for a navigation works licence will apply.

Ecology - No objection. The area of development and the surrounding bankside is heavily dominated by quay heading. Therefore it is extremely unlikely that water voles will be present behind the broken quay heading due to the lack of bankside vegetation required for feeding. The proposed land section to be removed from the mooring basin does not appear to be peat soil. The overlying vegetation is dominated by rough grassland.

Navigation Committee – This application has not been referred to the Navigation Committee as it is not considered to meet the criteria for referral in that it lies outside of the main navigation area and would not affect the use or enjoyment of the navigation area.

4 Representations

None received.

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.

Core Strategy (2007)

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

CS1 - Protection of Environmental and Cultural Assets

CS3 - The Navigation

CS4 - Creation of New Resources

CS17 - Safe Recreational Access

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

CS23 - Waterside Employment Sites and Services

Development Management (2011)

[DEVELOPMENTPLANDOCUMENT](#)

DP1 - The Natural Environment

DP2 - Landscape and Trees

DP4 - Design

DP11 - Access on Land

DP27 - Visitor and Community Facilities and Services

DP29 - Development on Sites with a High Probability of Flooding

- 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.

Development Management Plan DPD (2011)

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

- 5.3 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)

DP12 - Access on Water

DP13 - Bank Protection

DP16 - Moorings

6 Assessment

6.1 The proposal is for the removal of a narrow spit of land between two existing mooring basin elements, the principle of such a development is considered acceptable by virtue of its location within a large and well established commercial boatyard, the historic and continuing use of this section of site, and the existence of the two existing basin elements. The removal of the spit of land in essence makes for a more practical use of this section of the boatyard basin providing an increased functionality of the existing moorings. It is noted that the proposed reconfiguration would not result in any increase in moorings.

6.2 Policy DP16 of the Development Plan Document stipulates requirements for reconfigured mooring basins, each element of which will be considered in turn:

6.3 Criterion (a) requires that they would be located where they would not have a negative impact on navigation (for example in an off-river basin or within a boatyard).

It is the case that the reconfigured basin is within an established boatyard and therefore would not impact on navigation;

6.4 Criterion (b) requires that the proposed development would not have an adverse effect on landscape character or protected habitats or species and would meet the requirements of the Water Framework Directive.

It is the case that the existing landscape in this area is flat and there would be no perceptible change to this when viewed from the surrounding area. Given the limited scope of the works there will be no impact on protected species or habitats and no objection was raised by the BA Ecologist.

6.5 Criterion (c) requires that there is provision for an adequate and appropriate range of services and ancillary facilities, or adequate access to local facilities in the vicinity.

It is the case that the development site is within an existing boatyard providing adequate and appropriate range of services.

5.6 Criterion (d) requires that the proposed development would not prejudice the current or future use of adjoining land or buildings; and Criterion (e) requires that the proposed development would not adversely affect the amenity of adjoining residents.

It is the case that the siting of the development area within an established boatyard, and the limited scope of the works would ensure there would be no impact on adjoining land or buildings, or the amenity of residents.

- 6.7 Criterion (f) requires that the proposed development should not result in the loss of moorings available for visitor/short stay use.

It is the case that there would be no loss of existing moorings.

- 6.8 Criterion (g) requires that the proposed development should not have an adverse effect on European habitats or species and meet the requirements of the Water Framework Directive.

It is the case that there is sufficient distance between the SSSI and development site, and no objection has been raised by the BA Ecologist in relation to protected habitats or species.

- 6.9 Criterion (h) requires provision of new visitor (short stay) moorings at not less than 10% of total new moorings provided with a minimum provision of two.

It is the case that there is no increase from the existing provision of moorings and as such it is not considered suitable to require provision for visitor moorings above that which exists on site at present.

- 6.10 Criterion (i) requires that adequate provision is made for car parking, waste and sewage disposal and the prevention of pollution.

It is the case that there is no increase in mooring berths, and current parking provision is for approximately 200 vehicles which is considered adequate for the site. The existing on site waste and sewerage facilities would adequately provide for the additional moorings.

- 6.11 Criterion (j) requires that Provide for the installation of pump-out facilities (where on mains sewer) unless there are adequate alternative facilities in the vicinity; and Criterion (k) requires that Provide an appropriate range of services and ancillary features, unless there is access to local facilities within walking distance.

It is the case that, as outlined under criterion (c) above, the mooring basin sits within a large established boatyard, as well as being within walking distance of Potter Heigham, it is therefore considered that there is an adequate and appropriate range of services and ancillary facilities within the area.

- 6.12 The material to be excavated is described within the planning statement as 'comprised chiefly of made ground built up from dredgings'. Further to this the BA Ecologist stated that 'The proposed land section to be removed from the mooring basin does not appear to be peat soil'. Following discussions with Historic England a planning condition to ensure historical artefacts would be recorded and where appropriate maintained was agreed as the most fitting means of ensuring that any potential finds of archaeological are dealt with appropriately. It is therefore considered that the proposed development would not be detrimental in terms of heritage assets with archaeological interest.

- 6.13 The excavated material will be dried on site prior to being spread on land within the curtilage of the boatyard and within the applicant's ownership, the areas for this being detailed in the submitted Flood Risk Assessment. Having reviewed these areas the proposed disposal is considered acceptable in terms of the appearance of the site, and the EA have raised no objection in terms of flood risk.
- 6.14 The proposed quay heading is predominantly replacement of existing elements, the new elements, along with the finger jetties and staging are considered to be in keeping with the overall appearance of the boatyard and would not be detrimental to the appearance of the surrounding area.

7 Conclusion

- 7.1 The proposed excavation works and provision of finger jetties, quay heading, and staging would not result in unacceptable impact on landscape character, protected habitats or species, and navigation, consequently the application is considered to be acceptable with regard to Policies CS1, CS3, and CS20 of the Core Strategy, and Policy DP1, DP2, DP16, 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) Archaeology

9 Reason for recommendation

- 9.1 The proposal is considered to be in accordance with Policies CS1, CS3, and CS20 of the Core Strategy (2007), Policies DP1, DP2, DP16 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/2015/0205/FUL

Author: Nigel Catherall
Date of Report: 5 August 2015

List of Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

BA/2015/0205/FUL - Broads Haven, Bridge Road, Potter Heigham, NR29 5JD - Reconfiguration of part of existing mooring basin measuring approximately 30m x 60m.

