

# Planning Committee

03 March 2023

Agenda item number 7.1

## BA/2021/0456/FUL Horning - Extension to mooring basin

Report by Planning Officer

---

### Proposal

Extend mooring basin, replace existing buildings with new reception, workshop & open-sided wetshed.

### Applicant

Horning Pleasurecraft Limited

### Recommendation

Approval subject to conditions

### Reason for referral to committee

Major application

### Application target date

02 March 2022

---

## Contents

1.	Description of site and proposals .....	2
2.	Site history .....	3
3.	Consultations received .....	3
4.	Representations .....	4
5.	Policies .....	9
6.	Assessment .....	10
7.	Conclusion .....	17
8.	Recommendation .....	17
9.	Reason for recommendation.....	18
	Appendix 1 – Location map .....	19

# 1. Description of site and proposals

- 1.1. The subject site comprises a boatyard and mooring basin located at the eastern end of the village of Horning, accessed by land via Ferry View Road, and by water from a narrow dyke leading northwards from the Rive Bure. It is a large site and covers approximately 4.25ha in area.
- 1.2. The site curtilage incorporates a mooring basin measuring approximately 110m x 45m, a derelict dwelling and its curtilage, two workshop buildings sited side-by-side, a car park, and large areas of hardstanding which at present are not utilised for any particular purpose.
- 1.3. The site also includes an area of fen habitat/carr woodland covering approximately 2.35ha in area. This extends broadly in line with the eastern bank of the access dyke as far north to a point in line with the boatsheds, before continuing northwards but set a further approximate 15 metres to the east. The adjacent area is hard surfaced and this follows the fen/woodland area including where the woodland boundary moves 15 metres to the east. It is noted that in aerial photographs from 1999, 2004, and 2010, the area covered by trees extends as far as the hard surfaced area. In the aerial photograph from 2014 it is clear that a sizeable area of trees has been removed, effectively along the line of the approximate 15 metre inset and as far south as the access dyke from the main river. The area in question now resembles carr fen.
- 1.4. This area is directly adjacent to Horning Marsh Farm SSSI, part of the Bure Broads and Marshes SSSI. The adjacent area is also part of the Broadland SPA and the Broads SAC which is located to the east of the subject site.
- 1.5. The derelict dwelling, formerly known as 'Broadmead' is sited at the southern end of the existing mooring basin, and to the west of the access dyke. The dwelling itself is located towards the south-eastern section of its site, close to the boundary with the adjacent dwelling to the south known as 'Ferry View'.
- 1.6. Approximately 14 metres north of the existing marina basin is a pair of workshop buildings sited side by side. These measure 26m x 14m with a maximum height of 5.4m and 53m x 19m with a maximum height of 8m, and are used as a base for boat hire and marine services, including boat repairs and the building of new craft to replace older boats. Between the buildings and the basin is the location of a travelling crane.
- 1.7. The site is not in a conservation area and there are no listed buildings.
- 1.8. The proposal is for an extension to the existing mooring basin at both its northern and southern ends. The northern extension is in essence the area of the two existing workshops and the hard surfaced area between the workshops and the existing basin. The southern extension is in essence the site curtilage of the derelict dwelling. The existing basin provides up to 48 mooring berths, the extension to the mooring basin

would provide an additional 30 moorings to the north and 23 further moorings to the south. The new moorings would be located off pontoons and finger jetties. A further 8 visitor moorings are proposed including 4 at the adjacent site to the west. The total additional mooring provision would be 61 berths.

- 1.9. The proposal includes the removal of the two workshop buildings (to facilitate part of the basin extension) and the provision of a new reception building measuring 13m x 10m with a maximum height of 5.8m, and a new workshop building measuring 18.3m x 18.3m with a maximum height of 7.1m, both of which would be sited north/north-east of the existing buildings. Between the new buildings would be a slipway, where the travelling crane will be re-sited. Adjoining the southern elevation of the new workshop is a proposed open-sided wetshed which is sited on the eastern side of the extended basin, and extends 51m from the side of the workshop and with a maximum height of 5.5m.

## 2. Site history

- 2.1. In 2016 planning permission was refused for a mooring basin extension (BA/2016/0174/FUL).

## 3. Consultations received

### Parish Council

- 3.1. Please note that the Parish Council supports this application.

### Norfolk County Council (NCC) Highways

- 3.2. Thank you for your recent consultation with respect to the above.

Whilst there are restrictions to the local highway network in terms of its varying width and lack of passing provision, the site is a large and well established marina development having a mix of private and public moorings and a hire fleet.

There is no information relating to traffic movements to and from the site, however, it is presumed this is primarily seasonal and that the predominant generator will be the hiring side of the business, and that attendance for private moorings will overall be less frequent.

Accordingly, whilst raising no objection, I would recommend the following condition be appended to any grant of permission your Authority is minded to make:

SHC 21 Prior to the first use of the development hereby permitted the proposed on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

## **BA Ecologist**

- 3.3. Following the submission and findings of the preliminary water vole survey 2022, the ecology team originally had an objection to the proposal at Horning Marina.

This was based on water vole signs being found extensively within the marina site, as well as along more traditional bank edge habitats in both the marina and receptor sites. The proposed scheme will result in both temporary and permanent impacts upon these protected species locally. Water vole, a priority species in England under Section 41 of the Natural Environment and Rural Communities Act (2006) (NERC Act (2006)) and a Norfolk priority (BAP) species, are afforded full legal protection under Section 9, Schedule 5, of the Wildlife and Countryside Act (1981) (hereafter “WCA 1981”), as amended.

Further detailed comments were provided on the preliminary ecological survey, including that a further survey should be carried out, a mitigation licence from Natural England would be required prior to any works being carried out and that this would require an overall conservation gain to be achieved in order for the development to be permitted. An update to the water vole survey has been submitted, along with a revised Preliminary Ecological Appraisal.

The final consultation response is awaited, this will be reported orally.

## **BA Landscape Architect**

- 3.4. The preliminary comments raised a number of issues including the absence of an arboricultural report, questions around how the excavated peat would be dealt with, including how its drying out would be prevented and whether its spreading would have an adverse visual impact. There was also a query about the disposal of the non-peat arisings.

Further information was provided and the final consultation response is awaited. This will be reported orally.

## **BA Tree Officer**

- 3.5. The majority of the works will have a limited detrimental effect on the existing vegetation to the east, however there are concerns about the loss of trees in the north west and south eastern corner of the site. Screening will be required to mitigate tree removal on the boundary with the properties to the north where the proposed parking abuts the boundary. The larger trees in the south western corner of the site should be retained and protected as part of any permitted development as whilst they are in varying condition they do have a high visual amenity on the boundary. A Tree Protection Plan in line with BS5837:2012 should be submitted, detailing how the retained trees on the site boundaries are to be protected during the proposed development and a landscaping scheme should be conditioned.

# **4. Representations**

- 4.1. Dr S Bramer- Horning House, Ferry View Estate

We have sent a letter to the planning authority setting out in full our concerns and comments regarding this planning proposal, as the comments box does not allow sufficient characters for us to do so here. We summarise our points below.

- We do not believe that the boundary should directly abut the roadway.
- We are concerned about the removal of trees and spreading of peat alongside the road will increase subsidence.
- We believe that insufficient bat surveys have been completed including missing out an important potential bat roost as the ruined house has not been surveyed.
- Due to several inconsistencies in the report we believe that the ecological impact assessment is incorrectly informed regarding the area and impacts of the development, potentially resulting in missing important ecological impacts.
- As water voles have been found in the area and otters are known to frequently use the site and are cited in the adjacent Special Area of Conservation we hope that impacts on these species will be fully considered.
- We have two specific requests, firstly that we are informed prior to the start of any works on the ruined house and adjacent woodpile so that we can ensure the safety of our cats who hunt there, and secondly that any lighting is low level and subdued to avoid light pollution.

Having looked over the planning documents for the proposed development (BA/2021/0456/FUL) at Horning Marina, Ferry View Estate, Horning, Norfolk, NR12 8PT we have the following comments and concerns for your consideration.

The proposed site plan (Document 8061-P03E) appears to show the boundary to be directly adjacent to the roadway. We would question this as there is an old fence line that diverges several metres from the road.

We are concerned that the plan (Document 8061-P03E) shows the remaining trees being removed from the edge of the road and replaced with a peat spoil heap. This is worrying as the owners of the houses have spent a great deal of money maintaining the road on this unstable land. The tree roots consolidate the land and the extra weight of peat would probably increase subsidence.

The small area of planned planting (Document 8061-P03E) is of course welcome; however, we would note that 'landscaping' on the last development area consisted of two patches of grass, not one single tree as shown on prior plans. Therefore, we request that considerable planting be enforced.

The development 'proposed site plan' (Document 8061-P03E) shows the area at the southern end of the development with the ruined house being dug out and turned into moorings, but the ecological impact assessment (EIA) shows the ruined house (Building 3 on Figure 4 of the Ecological Impact Assessment and Habitats Regulation Assessment) as not assessed for bats due to being "sufficiently distant from the proposed

development and not to be effected". As such we would question whether the bat surveys completed are sufficient to inform the ecological report and ensure that no wildlife crimes are committed. As the ruined house is an ideal potential roosting site, we would expect the bat survey to include this building.

Further to this, Figure 2 in the EIA seems to be incorrect. Based on these inconsistencies I must question whether the EIA has been incorrectly informed regarding the extent and impacts of the development. If so important ecological impacts on the protected species known to be present in the area may have been missed from the assessment, and as such there may be potential for wildlife crimes to be committed.

We note that as water voles have been identified in an area expected to be impacted by the development, that a water vole licence will be required. Also, as otters are included in the citation of the adjacent Special Area of Conservation (SAC), and are frequently seen utilising this site, we hope that thorough surveys have been completed, and that impacts on this species and the potential need for a licence has been carefully considered, in addition to other impacts on the SAC and SSSI, in consultation with Natural England as required.

Finally, we would make some requests:

For the safety of our cats, as these are their hunting grounds, we would like accurate notification of commencement of work both to demolish the ruined house and remove (preferably not burn) the large pile of logs that remains from when the wooded area was cleared prior to a previous planning application, so that we may lock them indoors.

That any lighting be low level and subdued, in line with guidelines as stated in "Guidance on Light Pollution" Paragraph: 003 Reference ID: 31-003-20191101 [<https://www.gov.uk/guidance/light-pollution#where-light-shines>].

We look forward to observing the progress of the planning permission and any future works on this site, and hope that every effort will be made to proceed in a manner sensitive to the needs both of wildlife and those of us who live in the area.

#### 4.2. Mrs And Mr H And S Means- Ferry View, Ferry View Estate

##### **Initial comments**

Thank you for discussing application BA/2021/0456/FUL with me this morning.

Title plans should not be scaled off as they are not exact documents, this is mentioned on the plan. It is known there was a rogue OS plan circulating in previous years, this has now been superseded and it's replacement is readily available.

As I outlined the existing & proposed site plans are plotted on the basis of an old OS plan, which has been superseded. I believe you have the most up to date OS version on your website which is clearly different. The plans submitted with the application show the suggested boundary line jutting around our garage. I attach a photo to show the area as it is and has been since the garage was built in 2006. There are also various

other photos and other plans submitted with the application which show the actual line.

The main concern regarding the inaccurate plans are that the proposed moorings would actually be much closer than indicated and I believe leave no room for the proposed screening which is most definitely required.

It would be most appreciated if the most up to date OS plan could be utilised and the proposal plotted on it so that we can fully appreciate the impact that the proposed development might have on us.

**Further comments.**

Firstly a point of clarification, we believe Land Registry plans are only "indicative" and Land Registry apply something called the principle of general boundaries. This means that the boundaries are not the red line on the title plan but the position of the boundary features on the ground.

Title plans should not be scaled off as they are not exact documents, this is mentioned on the plan. It is known there was a rogue OS plan circulating in previous years, this has now been superseded and it's replacement is readily available.

Points of objection are:-

- 1) Proximity of proposed basin extension to our boundary. It is difficult to establish how close it is at it's closest. We are presuming 2-3m which is too close.
- 2) Inaccurate and misleading documents which are causing distraction and muddying the waters. Please see point of clarification above. We have a telegraph pole (dated 1969), a mature willow (60 plus years old) and the remains of a 1960's fence all along our boundary line. May we suggest there is something not quite right with some recent digital documents? We tried to highlight this earlier in the process
- 3) Absence of a plan detailing any proposed structural landscaping. Is it even possible to plant anything meaningful in such narrow corridor?
- 4) The proposed basin extension is a residential area
- 5) Potential erosion of our property due to increased boat traffic down the dyke, there is no proposed quay heading to protect us
- 6) Loss of enjoyment of our property due to the close proximity of transient neighbours who will be extremely close.
- 7) Loss of neighbourhood amenity
- 8) Ecological impact. There will be unnecessary carbon release. If the site was used for its intended residential use this impact would not occur.
- 9) Even with recent clearing of the site, it is still home to protected species and could continue to be so if used for a sensitive residential use.

10) Trees - the site plan make reference to our existing trees. These should not be referred to reduce any "impact" on the proposed site.

### **Further comments**

We object to the proposed basin extension on the following basis:

- 1) The site is residential. We would be happy with a residential dwelling which is a like for like replacement and in keeping with its surrounding residential dwellings.
- 2) The submitted existing site plan and proposed plan have not used the current OS site map. Hence there are inaccuracies along the boundary line between our property and the applicant site. Please see a screenshot of the current OS drawing attached. This is the same as that on the Broads Authorities. Due to the inaccurate boundary the proposed development will be much closer to us than indicated on the submitted drawings with no room for the proposed structural planting and wildlife corridor.
- 3) The finger of land that sits between the western bank of the river access and our property does not have quay heading. Over time it has eroded the peat bank and is now impacting on our property. We would like to see the proposed quay heading extend continuously along this bank to avoid further erosion of the peat and causing subsidence to our property. This will be especially important due to the increased boat traffic to and from the moorings.
- 4) We would like to see a plan showing the proposed planting along our boundary as we do not believe there will be space due to the inaccurate site plans. One of the mature trees retained for screening is on our property and not the applicant's. This should not be considered as part of the structural planting and wildlife corridor.
- 5) Loss of enjoyment of our property due to the close proximity of transient neighbours who will be extremely close.
- 6) Whilst the applicant has submitted various documents to try and offset the ecological impact, it will have one. There will still be unnecessary carbon release. If the site was used for its intended residential use this impact would not occur.
- 7) Even with recent clearing of the site, it is still home to protected species and could continue to be so if used for a sensitive residential use.

#### 4.3. Mr Michael Neville- 112 Nottingham Road, Ravenshead

I own the property Cresta Cottage at the end of Ferry View Estate Road.

MY COMMENTS ALL RELATE TO THE WEST BOUNDARY OF THE PROPOSED SITE

Planning Docs

Figure 2 has boundary lines too far to the east

Figure 3 has site boundary too far west impinging on Ferry View road

Ecological Impact Assessment and Habitats Regulation Assessment

Appendix J Site layout Page 80

This drawing very faintly shows a border (dotted line) for the edge of Ferry View Road  
And the site line some 2 meters away from the edge of the road.

This 2 meter gap must be preserved as it contains the mains sewer pipe for all the  
properties on the estate.

NO ADDITIONAL MATERIAL SHOULD BE PLACED OVER THE MAIN SEWER AREA

Peat stratigraphy survey

Appendix 2 Page 40

Alterations and Proposed Facilities to Existing Boatyard Proposed site plan

Again has site boundary too far west impinging on Ferry View road

ALL EXISTING MAJOR TREES MUST BE MAINTAINED IN THIS SITE TO CONSERVE THE  
STABILITY OF SURROUNDING SOIL AND PEAT

I have been told that there was a capacity issue at the Knackers Wood waste water  
treatment plant which serves Horning, has this problem now been solved?

This process does not allow for PDF or JPG files to be attached

I wish to send a PDF file showing the east border of Ferry View Road and the site of the  
Main Sewer - please advice.

## 5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:
  - SP7 - Landscape Character
  - SP11 - Waterside sites
  - SP14 - Mooring Provision
  - DM5 - Development and Flood Risk
  - DM10 - Peat Soils
  - DM13 - Natural Environment
  - DM16 - Development and Landscape
  - DM21 - Amenity

- DM23 - Transport, highways and access
  - DM28 - Development on Waterside Sites
  - DM31 - Access to the Water
  - DM32 - Riverbank stabilisation
  - DM33 - Moorings, mooring basins and marinas.
  - DM43 – Design
- 5.3. The National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG) are material considerations.

## 6. Assessment

- 6.1. The application is for an extension to the existing mooring basin, the replacement of existing buildings with a reception, workshop, and open-sided wetshed.

### Background

- 6.2. The current application follows a previous proposal for a mooring basin at the Horning Marina site (BA/2016/0174/FUL) which was refused for the following reasons:
- The excavation of the proposed mooring basin would result in the loss of protected BAP Habitats and the peat soils resource.
  - The loss of the existing natural landscape, contributing to the erosion of the buffer to the adjacent Bure Broads and Marshes SSSI, Broadland SPA and Ramsar, and The Broads SAC, as well as introducing manmade obstructions into a previously unaltered landscape.
  - The proposal does not provide protected species surveys, ecological assessment, Habitats Regulations Assessment survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance.
  - The introduction of public moorings and associated access footpath would result in the unacceptable narrowing of the navigation channel, and the introduction of obtrusive features in a wholly natural section of the riverbank.
  - The proposed mooring basin would result in the ‘creep’ of the village of Horning into previously undeveloped land.
  - The proposed visitor moorings due to their siting in relation to nearby residential properties would result in the perception of loss of privacy and being overlooked.
- 6.3. The proposal under consideration has sought, through revisions to the scheme and submission of supporting information, to address the issues previously cited. The changes are centred around the re-siting of the basin extension to the north and south of the existing basin, not to the east as previously proposed. This maintains separation to the designated sites and provides landscape improvements over the previous

scheme. The proposal utilises previously developed areas so does not result in the loss of BAP Habitats. The proposed visitor moorings have been moved from river fronting to within an existing basin. Assessments in the form of ecological appraisal and Habitats Regulation Assessment, a water vole survey, and peat stratigraphy survey were submitted to support the current proposal.

- 6.4. There has been a number of delays with this application, primarily around the approach to the disposal of peat arisings. The applicant was required to submit a water vole survey for the receptor site, this found the presence of water voles, with no suitable land at the receptor site for translocation of the water voles. An amended proposal was received which looked at utilising land at the subject site, along with providing and managing fen habitat to the east of the proposed extended basin. A water vole survey of the site was submitted including proposals for the relocation of the water voles within the wider application site. Subsequent to this, amended documents were received updating the relevant documents which addressed the previous peat arisings strategy.

#### **Principle of development**

- 6.5. The principle of the proposed development is acceptable insofar as the enlarged basin will contribute to the network of facilities around the Broads system and would result in an improvement to the quality of the mooring provision. The mooring provision is existing and the improvement would increase the revenue stream which would help support the viability of the business at the site. In these respects, the proposal is considered to accord with the general thrust of Policy DM33 of the Local Plan for the Broads. This 'in principle' support, however, does not outweigh the site-specific landscape and ecological considerations and in order to be acceptable overall the proposals must demonstrate that there is no adverse impact on these elements, as well as being in accordance with all other policies in the development plan.

#### **Landscape character**

- 6.6. The previous application was refused on landscape grounds due to the loss of the existing natural landscape, which would contribute to the erosion of the buffer to the adjacent Bure Broads and Marshes SSSI, Broadland SPA and Ramsar, and The Broads SAC, as well as introducing manmade obstructions into a previously unaltered landscape.
- 6.7. The current application differs significantly in providing the extension to the south and north of the existing basin, whereas the previous application proposed an extension to the east of the existing basin into undeveloped land. The current proposal utilises previously developed land, in this case a derelict dwelling and its curtilage to the south of the existing basin, and the area of existing workshops and hard surfacing to the north of the existing basin.
- 6.8. The existing buffer between the basin and the designated sites to the east is 56.5 metres at its nearest point, and 60.5 metres at the main point of the basin. In the

previous application this buffer was reduced to 13.85 metres, whereas in the current application the reduction at the main point of the basin is by 2m to give a separation of 58.5 metres.

- 6.9. In addition to retaining the buffer to the designated sites, the area of the buffer allows for the natural landscape adjacent to the marina to be predominantly retained, thereby ensuring that the extended basin does not unacceptably encroach on the existing natural areas and the landscape appearance of the area is reasonably retained.
- 6.10. Of benefit to the buffer area is its proposed management, which is outlined in the application. This had previously been carr woodland, and was so at the time of the previous application. The majority of trees in this area were subsequently removed, and the land in part returned to fen habitat. The proposal includes the management of this area as fen habitat, this will provide landscape and habitat benefits and are considered to be beneficial to the buffer area and the wider landscape.
- 6.11. It is considered that the proposal overcomes the landscape reasons for refusal of the previous scheme and is considered to be acceptable in landscape terms with regard to Policy DM16 and criteria c) of Policy DM33 of the Local Plan for the Broads.

#### **Impact on ecology and protected sites**

- 6.12. As noted in the above landscape assessment, the current proposal is considered to maintain a suitable separation to the designated sites to the east which comprise the Bure Broads and Marshes SSSI, Broadland SPA and Ramsar, and The Broads SAC. The overall reduction in the buffer is approximately 2 metres which is minor in the context of the site and is considered to be acceptable.
- 6.13. Having carried out a water vole survey in the area of the site where the mooring basin extension would be provided, water vole populations were found and these would need to be moved in order to allow works in that area to take place. Initially it was proposed to translocate the water voles to an area of land downstream of the subject site, but this also was found to have water vole populations.
- 6.14. The current proposal is to provide fen habitat in the area of the buffer between the mooring basin and the designated sites. This is considered to be suitable water vole habitat and, subject to Natural England licencing approval, this would be where the water voles are moved to. In principle the BA Ecologist has raised no objection to the proposed habitat and water vole translocation.
- 6.15. It is considered that the proposal as revised has overcome the previous reasons for refusal in terms of impact on protected BAP Habitats, insufficient information and the loss of the existing natural landscape and is considered to be acceptable in ecology terms with regard to Policy DM13.

#### **Impact on peat**

- 6.16. The proposed excavation to the north of the mooring basin is an area where there are large workshop buildings and adjacent hardstanding. However, the proposed

excavation to the south of the mooring basin would predominantly be on soft landscaped areas, and requires consideration of the peat that would be excavated as part of the works.

- 6.17. Policy DM10 sets out a presumption in favour of the preservation of peat in-situ, with development proposals that will result in unavoidable harm to peat only being permitted subject to assessment against specific criteria, namely:
- i) There is not a less harmful viable option;
  - ii) The amount of harm has been reduced to the minimum possible;
  - iii) Satisfactory provision is made for the evaluation, recording and interpretation of the peat before commencement of development; and
  - iv) The peat is disposed of in a way that will limit carbon loss to the atmosphere.
- 6.18. Taking into account the nature of the application, which is to extend the mooring basin and therefore necessarily requires excavation, it is not possible to consider the preservation of peat in-situ. The applicants originally proposed utilising the extracted peat to make up areas of eroded land at a site downstream, and only abandoned this idea when water voles were found at each area where the peat was proposed to be deposited.
- 6.19. In considering how to address the suitable depositing of the excavated peat, a peat stratigraphy report was submitted, which noted that ‘the general condition of the peat resource within the area to be excavated is considered to be ‘Moderate’, reflecting the loss of a large proportion of the intact peat deposits on the site to turbarry, and substantial modification’. What this means is that the original peat was previously removed for fuel (turbarry is where land is used to dig for peat or turf for fuel) and the peat that is now present is of relatively recent creation.
- 6.20. The applicants have considered the issue of the peat extraction and have reduced the footprint of the basin to the minimum considered to be viable. Partly this has involved positioning the basin extension so that areas of made ground are utilised as much as possible to minimise peat removal and they also propose to use some of the excavated peat in reedbed restoration along the site frontage. However, despite considering and pursuing various alternative options, they have not managed to find a solution which will use the peat in such a way as to keep it wet and therefore propose using it to be spread on arable land. This does have some benefits, in that it will improve the quality of the receiving soil, and although it is not being disposed of in a way that will limit carbon loss to the atmosphere, it is considered on balance that this approach is not an unreasonable one given the constraints and the Local Planning Authority is satisfied that the policy requirements have been met.
- 6.21. It is further noted that the applicants have included as proposed mitigation measures that local geodiversity specialists would be invited to undertake recording and sampling of geological features uncovered during development work. In addition, a Construction

Environmental Management Plan (CEMP) will be prepared to provide reassurance that the peat extraction and re-use is being correctly managed.

- 6.22. It is noted that concerns were raised by the Authority's Landscape Architect regarding the treatment of the arisings, including the peat, and that their comments on the further information provided are awaited. Subject to the Landscape Architect being satisfied, these matters can be covered by planning condition. However, it is noted that the applicant has been thorough in the exploration of options and the LPA is broadly satisfied with the approach proposed.
- 6.23. In conclusion, the proposed mooring basin extension is considered on balance to have overcome the reason for refusal in respect of peat and is considered to be acceptable with regard to Policy DM10 and criteria f) of Policy DM33 of the Local Plan for the Broads.

### **New buildings**

- 6.24. The application proposes the removal of the two existing workshops, one of which includes a reception element, and their replacement with more modestly sized buildings to the north of the extended basin. The size and design of the proposed buildings are considered acceptable taking into account the commercial use and appearance of the site, along with similar development on adjacent sites to the west. The proposed open-sided wet shed would adjoin the southern elevation of the proposed workshop and effectively comprises a rear wall and cantilever roof, with an overall appearance which would complement the proposed workshop.
- 6.25. Views of the new buildings would be limited to from Ferry View Road and adjacent sites to its western side, and from the narrow dyke opening on the River Bure at the southern end of the site. The site is a well-established boatyard with existing workshop buildings, the new buildings would be sited to the north of the extended basin reflecting the existing site layout. There would be a reduction in scale of the buildings, and to the north of the proposed buildings is a tree lined boundary which provides a backdrop to the development. The proposed new buildings are therefore considered acceptable with regard to policies DM16 and DM43 of the Local Plan for the Broads.

### **Amenity of residential properties**

- 6.26. The proposed mooring basin extension would bring site activity closer to residential properties to the south-east and south of the existing basin. Currently the distance between the basin and the nearest residential dwelling to the south is 68m and to the nearest residential dwelling to the south-east is 66m and these distances would reduce to 28m and 19m respectively as a result of the proposal. There are existing trees on the western boundary of the site towards the southern end and between the enlarged basin area and the residential properties. In addition, there is an access road between the trees and the residential sites.
- 6.27. To the south, the access road becomes an individual private driveway and this reinforces the separation for the properties south of the driveway. The property served

by the section of private driveway is to the south of the proposed basin and adjacent to the existing basin entrance, their land abuts the red line site boundary. There is a narrow band of planting proposed in this area, 3.5m at its narrowest point, this would provide some level of amenity protection. The footway within the application site which passes the other side of the proposed planting area leads to 7 finger pontoons off a jetty which heads directly north from the footway. Whilst people would walk along here to access boats, the use of the footway would be transient in nature and taking into account the number of moorings in this area, the additional foot traffic generated as a result of the extended basin is not considered to be significant.

- 6.28. Whilst there would be some impact on residential amenity, taking into account the location of the properties in a prominent location on the River Bure and their proximity to an existing working boatyard site, it is not considered that any additional impact on residential amenity through an increase in activity is sufficient to justify a refusal of planning permission, particularly given that some mitigation can be achieved through conditions to ensure suitable planting and a maintenance of the planted areas. The proposed mooring basin extension is therefore considered acceptable with regard to Policy DM43 and criteria k) of Policy DM33 of the Local Plan for the Broads.
- 6.29. With regard to the new building, it is noted that this would bring the built form approximately 16.5m closer to the residential sites to the north of the subject site. Separation from the closest residential boundary is approximately 18m, and the separation to the closest dwelling is approximately 27.5m. There is a reasonable provision of trees along the boundary which provides good screening between the two sites. Whilst the new buildings would be closer to the residential boundaries to the north, the separation between the two elements is considered reasonable taking into account the existing situation and the reduction in building size. There are large doors facing the residential boundaries, but it is noted that these replicate the existing provision on site. It is therefore considered that the proposed buildings would not unduly impact on the amenity enjoyed by residential neighbours to the north of the subject site, with regard to policy DM21 of the Local Plan for the Broads.

### Trees

- 6.30. The Authority's Arboricultural consultant has visited the site and is satisfied with the proposal, subject to retention of the larger trees in the south western corner of the site should and screening being provided to the north west and south eastern corner of the site. This will need to include new tree planting to provide a green buffer between the residential plots and the marina. This can be covered by a landscaping scheme, which can be required by planning condition.
- 6.31. It is also recommended that a Tree Protection Plan in line with BS5837:2012 should be submitted, detailing how the retained trees on the site boundaries are to be protected during the proposed development and, again, this can be covered by planning condition.

6.32. The application is acceptable in terms of the way in which it deals with trees and meets the requirements of adopted Local Plan for the Broads (2019) policy DM16 of the Local Plan for the Broads.

### **Highways and public rights of way**

6.33. The Highways Authority have no objection to the application, noting that whilst the public road to the site is of varying width with limited passing opportunity, the site is well established. A condition is recommended and this can be applied.

### **Mooring policy**

6.34. Policy DM33 of the Local Plan for the Broads covers moorings, mooring basins, and marinas. Relevant to this specific planning proposal, and not covered in previous sections of this report, the following considerations are addressed.

6.35. The proposed moorings are sited within an off-river basin and do not encroach on the river channel thereby having no impact on navigation.

6.36. The existing basin would be enlarged to enable the mooring of an additional 53 boats, plus the provision for short stay moorings. Under policy DM33 proposed schemes are required to provide, manage, maintain and advertise new short stay moorings, which, for proposals of 30 or more new moorings, should amount to 15% of the new provision. In this case that would result in 8 short stay moorings. This number of moorings is shown on the proposed plan, 4 at the adjacent mooring basin to the west, and 4 within the enlarged basin. Their provision will be secured by planning condition.

6.37. In terms of services, boat servicing and maintenance is provided at the site along with a range of marine services. Other services such as pump-out, electric charging, and potable water are available at a number of sites in Horning including at the adjacent site.

### **Flood risk**

6.38. The proposed scheme has benefits from a flood risk point of view in terms of the expansion of the area of water and the reduction in the footprint of buildings. The Environment Agency have not commented on the proposal, as the proposal would increase flood water capacity at the site it is considered acceptable with regard to policy DM5 of the Local Plan for the Broads.

### **Other issues**

6.39. It is acknowledged that local residents have raised issues about the site boundary and land ownership, specifically the boundary along Ferry View Road and the boundary to the south adjacent to the property known as Ferry View. Land ownership matters are not a planning issue and cannot be taken into account in the assessment of this application. Where the resident of Ferry View has questioned whether there is sufficient space for planting between the moorings and their property, the responsibility would lie with the application site owner to ensure that the retained land for landscaping as shown on drawing no.P03 Rev.I is provided.

## 7. Conclusion

- 7.1. The proposed development would allow the applicants to expand the mooring provision at the Horning Marina site, and to consolidate the existing provision of workshop and reception services at the site. The proposed development would not have an adverse impact on either landscape character or appearance, and whilst there would be an impact on ecology through the presence of water voles in the works area and the extraction of peat, these are considered to have been acceptably considered and addressed. There would be no adverse impact on designated sites, and no undue impact on the amenity of neighbouring residents. The proposed replacement buildings are considered to be acceptable in terms of size, design, and siting. Consequently, the application is considered to be in accordance with Policies DM5, DM10, DM13, DM16, DM23, DM28, DM31, DM33, and DM43 of the Local Plan for the Broads, along with the National Planning Policy Framework.

## 8. Recommendation

- 8.1. Subject to no new issues raised by consultees, to approve with the following conditions:
- i. Standard time limit
  - ii. In accordance with approved plans
  - iii. Details of method statement for piling and dredging works
  - iv. Details of Construction Environmental Management Plan
  - v. Details of materials
  - vi. Details of tree protection
  - vii. Details of replacement trees
  - viii. Details of landscaping
  - ix. Details of ecological mitigation method statement, and an ecological management plan
  - x. Details of extracted peat use. Spoil to be deposited in flood zone 1
  - xi. Details of visitor mooring sign - position, size, and design
  - xii. Water vole re-survey prior to works
  - xiii. No residential mooring
  - xiv. Short stay moorings provided and retained in perpetuity
  - xv. No external lighting without agreement in writing
  - xvi. Reuse of peat within 7 days of extraction
  - xvii. Timber preservatives

xviii. Highways condition as recommended

## 9. Reason for recommendation

9.1. The proposal is considered to be in accordance with Policies DM5, DM10, DM13, DM16, DM23, DM28, DM31, DM33, and DM43 of the Local Plan for the Broads, along with the National Planning Policy Framework which is a material consideration in the determination of this application.

Author: Nigel Catherall

Date of report: 22 February 2023

Background papers: BA/2021/0456/FUL

Appendix 1 – Location map

## Appendix 1 – Location map

BA/2021/0456/FUL - Ferry Marina, Ferry View Estate, Horning, NR12 8PT



© Crown copyright and database rights 2023 Ordnance Survey 100021573. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not

© Crown copyright and database rights 2020 Ordnance Survey 100021573. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.