

Application for Determination

Parish	Burgh St Peter/Wheatacre		
Reference	BA/2015/0251/FUL	Target date	5 October 2015
Location	Waveney Inn and River Centre, Staithe Road, Burgh St Peter		
Proposal	Change of use of marina from leisure to mixed leisure & residential, residential moorings not to exceed a total of 10.		
Applicant	Waveney River Centre (2003) Ltd.		
Recommendation	Refuse		
Reason for referral to Committee	Applicant is a Member of the Authority		

1 Description of Site and Proposals

- 1.1 Waveney Inn and River Centre is an established complex of visitor, recreation and boatyard facilities located in a relatively isolated position on the River Waveney at Burgh St Peter. Vehicular access is via largely single track roads off the A143 and the nearest villages of Burgh St Peter, Wheatacre and Aldeby are small settlements with no significant services. The whole area has a strong rural character.
- 1.2 The site is located on the shallow sloping valley side and extends down to the river's edge. The landscape surrounding the site is comprised mainly of traditionally managed grazing marsh, with the exception of land to the east, which is cultivated as arable farmland. There is a single residential property and the Parish Church to the north of the centre, a single residential property to the east and a cluster of dwellings to the south west. The site is outside a development boundary and isolated from the concentration of the settlement of Burgh St Peter to the west.
- 1.3 Facilities within the site include a public house, convenience shop, swimming pool, cafe, camping and touring caravan pitches, glamping pods, play area, launderette, self-catering apartments, lodges, workshop, and private and visitor moorings.
- 1.4 The approximately 130 moorings are located on the riverfront, within two basins and on a dyke. These are predominantly private moorings with some short- and long-stay visitor spaces.

- 1.5 The application proposes changing the use of the existing marina from wholly leisure to mixed leisure and residential with residential moorings not to exceed 10 number in total. It is not proposed to dedicate any particular area or individual berths for these residential moorings, but to scatter them amongst the existing moorings as capacity allows. The application has been amended from an initial proposal for 10% of all moorings to be residential (13 in number) to 10 in number. Three or four of these are existing and have no planning permission or formal lawful established use. No built development is proposed to facilitate the change of use.
- 1.6 The amended proposal is accompanied by a Technical Note on highways matters and this proposes providing signage to ten passing places along Burgh Road, the single track road that provides vehicular access to the site. Five of these passing places were provided as a condition of planning permission 07/06/0479, with the remaining five being provided by a third party.

2 Site History

07/06/0479 Extension of existing caravan site with 8no private units and new sewerage treatment plant - Approved subject to conditions and Section 106 agreement.

BA/2010/0392/FUL Proposed demolition of existing outbuildings and replacement with new build 5 unit bed and breakfast accommodation - Approved subject to conditions (not implemented and expired in March 2014).

BA/2013/0310/FUL Proposed six camping pods - Approved subject to conditions.

BA/2013/0329/FUL New entrances, external cladding and window alterations - Approved subject to conditions.

BA/2013/0405/CU Conversion of existing shop to luxury apartment with re-location of shop to unused part of pub - Approved subject to conditions.

BA/2015/0236/COND Variation of Condition 2 of BA/2013/0329/FUL to amend approved drawings - 'New entrances, external cladding and window alterations' - Approved subject to conditions.

BA/2015/0243/NONMAT Non Material Amendment to pp BA/2013/0405/CU for minor differences to the external appearance from that approved – Approved.

BA/2015/0360/FUL Restaurant extension – Pending consideration.

BA/2015/0371/FUL - Replace barn with administration centre – Pending consideration.

3 Consultation

Burgh St Peter/Wheatacre Parish Council - Whilst recognising the very important contribution the Waveney River Centre makes to the local economy and employment opportunities in this area, on this occasion Councillors unanimously voted to recommend refusal.

1. The application is contrary to Policy DP25 since the site is located outside a development boundary. The site is a facility to service river users and even though it has a convenience store, cafe, fresh water, sewerage treatment plant and boat repair yard it cannot be considered in any sense, a village or a settlement. An application to provide 13 land based dwellings on the site would almost certainly be refused due to the isolated location of the site on the perimeter of this picturesque National Park. It follows that boat based dwellings at this location should be refused. Councillors consider the site is totally unsuitable for any types of residential development as it is not a sustainable settlement and contrary to Policy DP25.
2. Environmental and Visual Impact. Residential boats are generally much larger than leisure vessels and it is difficult to see how the existing number of 130 mooring spaces could be maintained with the introduction of larger boats without an expansion of the mooring area. The boxy shape and large size of residential boats can often give the impression of a 'shanty town' which would give an air of urbanisation to the area and is not conducive with the countryside and may well be detrimental to the leisure side of the business.
3. Transport impact. In all previous development plans submitted the very poor road links have been of constant concern to local people. People visit private moorings maybe once a week or month. Whereas with residential moorings, people are going to generate multiple trips on a daily basis with commuting to and from work, travelling to local towns to access services not provided on the site and ferrying children to and from school. No public transport serves the site and the infrequent bus service is two miles away.
4. Precedence. To allow this application would set a precedence that would make refusing possible future applications to increase the percentage of residential moorings more difficult.
5. Councillors could see the merits of having a warden/harbour master living on site. If permission is granted a limit should be put on the number of residential moorings, which should be no greater than five.

Burgh St Peter/Wheatacre Parish Council have been re-consulted on the amended proposal and their response is awaited.

Carlton Colville Parish Council - No response.

Broads Society - No objections.

District Member - No response.

Environment Agency - No objection. Prior to deciding this application you should give due consideration to the Sequential Test, Exception Test, safety of people and the sustainability of the development.

Highways Authority initial response: Recommendation for refusal on the following grounds:

The road network serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment, restricted width, lack of passing provision and restricted visibility at adjacent road junctions. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety. Contrary to Development Plan Policies DP11.

The proposal is remote from local service centre provision conflicting with the aims of sustainable development, the need to minimise travel, and the ability to encourage walking, cycling, use of public transport and reduce the reliance on the private car as represented in national and local policy. Contrary to the National Planning Policy Framework and Policy 5 of Norfolk's 3rd Local Transport Plan, entitled Connecting Norfolk.

Highways Authority response to amended proposal: The applicant's consultant has produced a Highways Opinion Technical Note. Prepared to accept the traffic movements initially assessed (6 weekday vehicular movements per residential mooring) were high but fair in the absence of supporting information. I am prepared to accept that 3-4 traffic movements per unit per day is more realistic and therefore akin to a holiday unit.

This still equates to an increase in 52 traffic movements per day (13 moorings). It is now proposed to reduce the moorings to ten, fund formal signing of the passing bays along Burgh Road and not to implement a recent planning permission for a bed and breakfast unit (permission expired) and revert it to office accommodation.

The Highways Authority have duly considered these proposals and welcome the fact they will provide appropriate mitigation; it also accepts the principle of the proposed office unit. Whilst the HA would prefer to see less residential moorings, it is accepted the mitigation measures proposed are a positive approach to mitigating the proposed development and is therefore prepared to accept the mitigation measures and reluctantly a cap of ten residential moorings.

I consider the above to be appropriate mitigation to address my highway objection and that the positive benefits in highway terms outweigh any negative sustainability issues such that the HA is prepared to withdraw its objection subject to the conditions ensuring the B&B permission is not implemented and the use of the existing buildings is appropriately restricted, the number of residential moorings is capped at ten number only and the existing passing bays are signed with approved passing bay signs prior to the first use.

Norfolk and Suffolk Boating Association - No response.

It was not considered necessary to consult the Navigation Committee on this application as the proposal relates only to a change of use of existing moorings which are largely off the main river and therefore the proposal would not significantly 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.

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

CS1 - Landscape
CS16 - Access and Transportation

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

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 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.

CS18 - Rural Sustainability
CS20 - Rural Sustainability
DP25 - New Residential Moorings
DP28 - Amenity

6 Assessment

- 6.1 It is necessary to consider the principle of this proposal with regard to Policy DP25 and whether it is acceptable with regard to access, flood risk, landscape and amenity.
- 6.2 Policy DP25 allows for new residential moorings subject to criteria. For the purposes of this policy, a residential mooring is one where 'someone lives aboard a vessel (which is capable of navigation), that the vessel is used as the main residence and where that vessel is moored in one location for

more than 28 days in a year' (paragraph 5.49 of the Development Management Policies DPD).

- 6.3 With regard to location, criterion (a) requires that permanent residential moorings are located in a mooring basin, marina or boatyard, such as the application site. Criterion (a) also requires that such locations are within or adjacent to a defined development boundary and, if more than one mooring is proposed, the proposal must be commensurate with the scale of development proposed for that settlement. This policy is consistent with Policy CS18 of the Core Strategy and paragraph 55 of the National Planning Policy Framework which states "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities...".
- 6.4 The adopted Site Specifics Local Plan defines development boundaries and in identifying these took account of flood risk; consequently excluding mooring basins, marinas and boatyards. There are, however, additional Site Specific Policies which identify boatyards and marinas where Policy DP25 will apply as if the area were adjacent to a development boundary. These boatyards and marinas might not have the local facilities and high levels of accessibility (including public transport) necessary to be allocated a development boundary, but are in close enough proximity to be considered to have capacity to sustainably accommodate residential moorings. The application site is neither within or adjacent to a development boundary and there is no Site Specific Policy for this area. It should be noted the Site Specific Policies have been adopted relatively recently (July 2014) and there have been no substantial changes to the application site or local area in this time.
- 6.5 In order to meet the second strand of criterion (a) of Policy DP25, mooring basins, marinas and boatyards within or adjacent to development boundaries (or identified in the Site Specifics Local Plan as being treated as if they were) must also have either on-site provision of an adequate and appropriate range of services and ancillary facilities or adequate access to local facilities in the vicinity. The application site is relatively well served with facilities, having an on-site convenience store, pub with restaurant, cafe, laundrette, boat services and workshop. There are also potentially employment opportunities on site. It is, however, remote from other local services such as schools, larger shops and medical services and the nearest bus stop is over 3 km away. Whilst the site is relatively well served, it is a matter of fact that it is neither within nor adjacent to a development boundary and cannot comply with criterion (a) of Policy DP25.
- 6.6 It should also be noted that if the site were within or adjacent to a Development Boundary, the number of moorings would need to be commensurate with the scale of development proposed for that settlement. Clearly there are no development allocations for the Broads part of Burgh St Peter and the proposed ten residential moorings must be considered a significant scale of development. As noted by the Parish Council, although

the Waveney River Centre site is large and relatively well served, it cannot be considered a village or settlement in itself. Although the site cannot comply with criterion (a), an assessment of criteria (b) – (i) is also necessary.

- 6.7 Criterion (b) of Policy DP25 requires that there would be no loss of moorings available for visitor/short stay use. Although the applicant has indicated the residential moorings would be distributed amongst the existing private moorings, and this approach is considered acceptable, it is not proposed to dedicate specific moorings for residential boats. In order to protect visitor moorings, it would be necessary to ensure adequate provision is maintained by planning condition should permission be granted.
- 6.8 Criterion (c) seeks to ensure the use of the waterway is not impeded and as the majority of the moorings are off the river and those on the riverfront already accommodate boats, it is not considered the proposal would affect the use of the River Waveney.
- 6.9 Criterion (d) requires consideration of impacts on the character and appearance of the area, species and habitats, amenities of neighbouring occupiers and bank erosion. As there would be no physical changes to the site, it is not considered the character and appearance of the area or local landscape would be affected. The Parish Council's concerns regarding the size and appearance of residential boats are noted, however so long as a boat complies with the definition above at 5.2, these factors are beyond the control of the Local Planning Authority. Houseboats which are static vessels or purpose-built structures with no form of mechanical propulsion could not use a residential mooring granted under Policy DP25. Adverse visual impacts of residential moorings usually result from use of the adjacent land for ancillary purposes. The existing moorings are subject to terms and conditions which do not allow for use or occupation of the adjacent grass, walkways and pontoons and in accordance with Policy DP25 a management plan securing this for the residential moorings would be necessary should permission be granted.
- 6.10 As the moorings exist, it is not considered the proposed change of use would affect any protected species or habitats nor bank erosion. With regard to amenity, the proposal may result in more activity on site outside the main holiday season, however given the distance from the moorings to the neighbouring dwellings and the nature of the existing site, it is not considered the proposal would result in any significant additional impacts on amenity. The proposal can therefore be considered to comply with criterion (d) of Policy DP25 and Policies CS1 and DP28.
- 6.11 In accordance with criteria (e) and (f), the existing moorings have safe access and the site has a large car park and existing access arrangements for service and emergency vehicles. It is not considered the proposal would prejudice the current or future use of adjoining land or buildings and

the use of the moorings could easily revert to the existing uses, in accordance with criterion (g).

- 6.12 The site has existing waste disposal facilities and pump-out services for sewage disposal, linked to a sewage treatment plant with excess capacity. There is a dedicated quay for the fuelling of boats and pollution prevention measures are already in place. It is therefore considered the proposal complies with criteria (h) and (i) of Policy DP25.
- 6.13 The assessment against criterion (a) above that the site is relatively well served is supported by the compliance with criteria (b)-(i). In order to be considered acceptable and recommended for approval, any proposal for residential mooring(s) must comply with all the policy criteria and other development plan policies. The assessment against criterion (a) is a matter of fact, not evaluation or interpretation, and the proposal does not comply. Should it be proposed to approve this application despite the conflict with criterion (a) of Policy DP26, there must be other material considerations which weigh in favour of the proposal. It should also be considered what impact an approval contrary to the provisions of the plan would have on the objectives of that plan and a recommendation for approval would need to be advertised as a departure from the development plan and any further representations considered before any decision could be issued.
- 6.14 Vehicular access to the site is via largely single track roads over a distance of approximately six kilometres from the A143 at Haddiscoe. In their response to the original proposal (13 residential moorings and no highways mitigation), the Highways Authority noted this route has junctions with poor visibility and alignment and the only local public transport is from the bus stop over 3 kilometres from the application site, from which there are infrequent services. The Highways Authority initially considered residential moorings should be assessed in the same way as any other form of dwelling for the purposes of calculating the likely number of traffic movements using the established Trip Rate Computer Information System (TRICS). On this basis, it was calculated an average residential dwelling would generate six weekday vehicular movements and the proposal for 13 residential moorings would therefore generate an additional 78 vehicular movements per day. In light of further information, the Highways Authority have accepted a reduced figure of 3-4 movements per day and for the revised figure of ten moorings, this would result in a maximum of 40 additional vehicular movements per day.
- 6.15 Given the constraints of local public transport and distance to off-site services (the nearest school is approximately eight kilometres away) the Highways Authority consider the site to be poorly located in terms of transport sustainability. Whilst noting that opportunities to maximise sustainable transport may be limited in rural areas, the National Planning Policy Framework supports the need for "safe and suitable access... for all people" (paragraph 32) and this includes providing people with a choice about how they travel and reducing the reliance on motor vehicles. Furthermore, the Norfolk Transport Plan 'Connecting Norfolk' states "New

development should be well located and connected to existing facilities so as to minimise the need to travel and reduce reliance on the private car or need for new infrastructure". Having considered the reduced number of moorings and proposals for providing signage to the existing passing places to ensure their use is maximised, the Highways Authority are now satisfied the positive benefits in highway terms outweigh these negative sustainability issues.

- 6.16 The Highways Authority also make reference to a previous consent for demolition of existing buildings and erection of five units of bed and breakfast accommodation (BA/2010/0392/FUL). This would have generated additional traffic movements on top of the proposed residential moorings. This permission has, however, not been implemented and has expired. The site of the existing buildings is currently subject to an application for redevelopment for administration and storage buildings, relocating existing uses from other parts of the site (BA/2015/0371/FUL). The formal Highways Authority response to this new application is awaited but it is noted they accept the principle because this use would not generate additional traffic. Had the bed and breakfast permission been extant, this could have been formally revoked to mitigate some of the additional movements from the proposed moorings but as that is not the case, the Highways Authority have recommended the LPA determine an appropriate way to ensure the existing buildings/site thereof does not generate any additional movements. Permitted development rights for changes of use of the existing buildings could be removed and the current application for an administrative centre here could secure a new use that attracts no additional traffic, if approved when considered in due course.
- 6.17 Whilst this site is not well located with regard to sustainable access or in relation to more than basic services and facilities to support residential occupation, the Highways Authority have no objection subject to appropriate conditions and, on balance, the proposal can be considered to be in accordance with Policies CS16, DP11 and the National Planning Policy Framework in respect of access.
- 6.18 With regard to flood risk, the Environment Agency identify the site is in flood risk zone 3b, the functional floodplain. Fixed overnight accommodation would be considered unacceptable in such areas, however it is considered that residential moorings can be classified as a 'water compatible' use that is acceptable in flood risk zone 3b in accordance with the National Planning Policy Framework. The Framework requires that new development is sequentially appropriate, with the highest risk uses sited in the lowest risk areas. Within the site, levels rise to the west and there are areas of ground with a lower flood risk. However, residential moorings provide a unique form of accommodation and lifestyle opportunities and they must necessarily be in flood risk zone 3b. It is therefore considered the Sequential Test can be passed and that the residual risk of flooding can be satisfactorily managed by conditions requiring a flood evacuation plan and for boats to be securely moored to take account of changing water levels at all times.

7 Conclusion

- 7.1 Ten new residential moorings are proposed within an existing marina at an established tourist centre. Whilst there are considered to be some merits to this location given the provision of basic facilities on site, it is isolated in a rural area and the location is directly contrary to criterion (a) of Policy DP25.
- 7.2 Compliance with criteria (b)-(i) of Policy DP26 and acceptability in terms of amenity, landscape and flood risk do weigh in favour of the proposal. However, on balance, it is not considered that this outweighs the conflict with criterion (a) of Policy DP25 as the objective of the policy is to ensure compliance with all criteria and other relevant policies in order to secure sustainable development. The provision of some highways mitigation is welcomed and the withdrawal of the Highways Authority's initial objection is noted, however this mitigation is necessary to make the development acceptable in highways terms and does not provide any further significant enhancement.
- 7.3 There are not considered to be any other material considerations to outweigh the conflict with the development plan and the application must therefore be recommended for refusal.
- 7.4 If Members were to resolve to approve the application as a departure from the development plan it would be necessary to re-advertise the application and consider any further representations received prior to issuing a decision

8 Recommendation

- 8.1 Refuse for the following reason:

The application site is in an isolated, rural location outside any defined development boundary. It is remote from all but the basic services and facilities to support day-to-day living and any permanent residents would most likely rely on private car journeys to access other services, including schools, employment opportunities and medical facilities. The location is directly contrary to criterion (a) of Policy DP25 of the adopted Development Management Policies DPD (2011), Policy CS18 of the adopted Core Strategy (2007) and paragraph 55 of the National Planning Policy Framework (2012) and considered an unacceptable, unsustainable site for this development.

9 Reason for Recommendation

- 9.1 The proposal is considered contrary to Policy CS18 of the adopted Core Strategy (2007), Policy DP25 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012).

Background papers: Planning File BA/2015/0251/FUL

Author: Maria Hammond
Date of Report: 23 November 2015

List of Appendices: APPENDIX 1 – Site Plan

APPENDIX 1

BA/2015/0251/FUL - Waveney Inn And River Centre, Staithe Road, Burgh St Peter, NR34 0BT - Change of use of marina from leisure to mixed leisure & residential, residential moorings not to exceed a total of 10.

