

## **Application for Determination**

<b>Parish</b>	Ashby with Oby
<b>Reference</b>	BA/2016/0095/COND <b>Target date</b> 24 May 2016
<b>Location</b>	Boundary Farm, Boundary Road, Ashby With Oby
<b>Proposal</b>	Variation of conditions 2, 3, 6, 7, 8 of permission BA/2013/0138/FUL to allow a change of structure on south, east and west sides of new mooring dyke from timber jetty/decking to timber piling/capping and grassed earth surfacing. Also change location of 2 car parking spaces to be located at the junction of Ashby with Oby Footpath 7 and Ashby with Oby Bridleway 3 on existing concrete pad.
<b>Applicant</b>	Mr Donny Cooke
<b>Recommendation</b>	Approve subject to conditions and Section 106 Agreement
<b>Reason for referral to Committee</b>	Recommendation contrary to internal consultee advice

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

- 1.1 The subject site is a linear borrow pit situated immediately south of an existing mooring dyke at Boundary Farm, in the dispersed settlement of Oby. The site lies in a relatively remote location in terms of access by land, with access via a series of minor public roads leading west from the B1152 and, for the last 500m, down a private access road. Access via water is more direct, with the site lying immediately east of the confluence of the rivers Bure and Thurne, on one of the busiest stretches of river in the northern Broads system.
- 1.2 The village of Thurne, some 1.2km north of the site, is accessible by a public footpath which runs through the Boundary Farm site along the eastern bank of the Bure and there is a substantial length of river bank immediately west of the application site which was formerly used to provide popular Broads Authority 24 hour moorings.
- 1.3 Boundary Farm, in addition to being a working farm incorporating grazing marshes, arable fields and small pockets of woodland, operates the Bureside Holiday Park and an existing mooring dyke sited immediately north of the subject dyke. The existing mooring dyke measures approximately 240m long and 16m wide and accommodates approximately 52 moorings. The dyke runs in an easterly direction, perpendicular to the River Bure and at its western end opens directly onto the river. There is a small slipway and area

of hardstanding located at the eastern end of the dyke, with the hardstanding being used as an area of boat storage during the winter months.

- 1.4 In 2013 planning permission was granted for the borrow pit (which was dug to provide material for local flood defences) to be changed to a mooring dyke. This included the removal of 20m x 15m section of land to open an access between the western end of the proposed mooring dyke and the existing mooring dyke, the quayheading of this newly created gap and the construction of timber staging to the northern side and both ends of the dyke with quay heading to the southern side to facilitate access to boats.
- 1.5 The applicant is proposing to install quay heading to all sides of the approved dyke in order to allow for a more functional use of the dyke in keeping with the existing dyke.
- 1.6 The subject mooring dyke would be sited in the same location as the previously approved scheme, with a matching length and width, the only alteration to the dyke being the installation of quay heading in place of timber jetty. It is noted that by virtue of the difference in construction the distance between the timber structures lining the sides of the dyke would increase by 0.2m.
- 1.7 The existing boat dyke accommodates approximately 52 moorings and the subject boat dyke would allow for an additional 35 to 55 new moorings, dependent on vessel length.
- 1.8 In addition to the alterations to the approved dyke it is also proposed to re-site a small parking area provided to facilitate access to countryside footpaths. The approved parking area is located within the Bureside Holiday Park site, the current proposal would site the parking outside the holiday park site and adjacent to the Weavers Way footpath on an existing demarcated area.
- 1.9 Finally, the previously approved application included a s106 agreement transferring to the Broads Authority a 40m section of river frontage on the eastern bank of the River Bure, a short distance south of the existing dyke opening and immediately north of the former Broads Authority 24 hour moorings. The current application proposes that the 40m section of river frontage to be transferred to the Broads Authority would be immediately south of the former 24 hour moorings.

## **2 Site History**

- 2.1 In 2013 consent was granted for the new boat dyke including quay heading, boardwalks, mooring posts and associated landscape enhancements (BA/2013/0138/FUL). This consent is the one which the current application seeks to vary.
- 2.2 In 2010 consent was granted for the erection of a new washroom building (BA/2010/0174/FUL).

- 2.3 In 2008 consent was granted for flood defence work, including creating of a linear borrow pit, relocation of flood bank and permanent diversion of a public footpath (BA/2008/0089/FUL).

### 3 Consultation

Broads Society - No objection.

Navigation Committee – At their meeting on 21 April 2016 the Navigation Committee supported the proposal. The draft Minute records the following:

*“A planning application (BA/2016/0095/COND) had been submitted to the Broads Authority in respect of a variation of an existing permission relating to a new boat dyke. The approved plans showed quay heading along one side of the dyke, with the remaining three sides comprising a timber jetty. The current proposal was for quay heading to all sides of the dyke.*

*It was made clear that the policy requirement for 10% of the moorings to be made available for public mooring was included in this application but the additional moorings would be provided on the river frontage and not in the dyke as the landowner didn't feel comfortable with unexperienced navigators using the very narrow dyke.*

*The Planning Officer clarified that the landowner's intention was to provide the visitor mooring by transferring title of 40 metres of the downstream end of the previous Boundary Farm moorings to the Broads Authority. The remainder of the Boundary Farm mooring would then be leased to the Authority plus an additional 40 metres beyond the upstream end of the previous mooring. The Senior Waterways and Recreation Officer confirmed that depending on the lease being successfully concluded the Authority would gain an additional 40 metres of mooring space at the southern end.*

*It was further clarified that the S106 was for mooring access only and that access from the highway was only permitted for maintenance of the moorings.*

*Members supported the application.”*

Landscape - Objection. I am not happy with the proposal to change the construction for dyke edging from boardwalk to timber quayheading. The dyke edges need to be constructed in accordance with approved plan N10623-04.

The design on the approved drawing was an agreed compromise in relation to the original planning application. The landscape effects of the original development were significant and the ecologist and I agreed that to help mitigate against the impacts, detailing for the dyke edges should encourage a more natural edge to the dyke and a better interface for nature conservation purposes. This would be in contrast to the more manicured style of landscape management achieved in on the rest of the site.

In relation to the relocation of 2 spaces for car parking in principle fine but I would want to see further details of how these are going to be accommodated and advertised to the general public.

Ecology - Objection. I support the comments provided by the Landscape Office in relation to the proposed change. Both officers agreed at the time that quay heading would not be appropriate in this location. I do not support the proposed change from boardwalk to timber quay heading due to impacts on ecology.

#### **4 Representations**

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

CS1 - Landscape Protection and Enhancement  
CS9 - Supporting, Widening and Protecting the Tourism Base  
CS14 - Visitor Moorings  
CS17 - Recreational Access to Land and Water

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

DP1 - The Natural Environment  
DP2 - Landscape and Trees  
DP4 - Design  
DP11 - Access on Land

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

Development Management Plan DPD (2011)

DP16 - Moorings

## 6 Assessment

- 6.1 The application is for two proposals, the introduction of quay heading to all sides of the approved mooring dyke, and the relocation of two public parking spaces; these elements can be considered separately.
- 6.2 The mooring dyke was approved under planning ref BA/2013/0138/FUL and was assessed against current planning policy, namely the Core Strategy, Development Plan Document, and the NPPF. As such the assessment of this proposal can only consider the change to the three sides of the mooring dyke which were approved as timber staging, with the remaining side approved as quay heading. The key areas of consideration are impact on landscape and ecology.
- 6.3 In the original assessment positive aspects in relation to landscape were drawn out in relation to the utilisation of an already dug area, the siting of the new dyke in close proximity to the existing mooring dyke, the proposed schedule of landscape improvements which included screening of the car parking/winter boat store and static caravan area when the site is viewed from the river or the extensive public footpath network in the area, in addition to other landscape improvements across the site. The proposed scheme was noted as representing a substantial package of landscape improvements. A detailed landscape management plan was submitted for the site incorporating an ecological management plan which set out management regimes for new areas of habitat creation (including reed bed, hedgerow, pond, woodland and herb fen habitats), bird and bat boxes across the site to secure ecological enhancements.
- 6.4 The assessment did include consideration of the staging rather than quay heading to the sides of the dyke noting that this allowed the natural banks to remain and, to a certain extent, regenerate to soften the appearance of the staging proposed around the perimeter of the dyke, in addition to representing ecologically sensitive development. Whilst it is acknowledged that the dyke treatment as originally agreed would provide additional landscape and ecology benefits, this part of the proposed scheme is considered to be nominal when considered against the other benefits to be provided by the proposal, and being a relatively low key element of the landscape and ecological enhancements is not an element upon which the scheme as a whole could have been considered as unacceptable. Indeed the inclusion of quay heading to all sides of the approved mooring dyke would not have a significant detrimental impact on the broader landscape character or the character of the Broads area, and at busier times, notably in times of warm weather, the dyke would be busy with boats, and any visual benefit gained by staging would be lost when considered in relation to the activity on site and the wider landscape. It is further noted that the existing mooring dyke has quay heading on all sides which would allow for the existing and new mooring dykes to have a reasonable level of conformity which is of benefit from an appearance point of view given their proximity.

- 6.5 The final point of note relates to the soke dyke which exists a short distance to the south of the approved mooring dyke and runs adjacent to the eastern bank of the river as far as South Oby Dyke. This is an extensive area of dyke in relation to the subject mooring dyke, and provides sufficient ecological benefit in an area which is within the same ownership curtilage as the subject site and would therefore to some extent mitigate any potential impact on the ecological value of the areas of the mooring dyke which would be quay headed. It is further noted that the soke dyke would not be subject to boat movement and therefore subject to less manmade impacts.
- 6.6 Taking the above points into account against a consideration of the landscape and ecology impacts, on balance it is considered that the variation to the approved development as proposed would result in a neutral landscape impact, and any impact on ecological benefits would be minor and not at a level which would warrant refusal of the scheme on this basis alone. The proposed use of quay heading in place of timber staging to three sides of the approved mooring dyke is therefore considered acceptable having regard to Policy DP16 of the Development Plan Document.
- 6.7 Policy DP16 also requires under criterion 'h' that all new commercial moorings allocate not less than 10% of the new moorings created as visitor moorings, for use as short stay moorings on a casual basis. Under the approved scheme it was accepted that this provision could be in the form of the transfer of ownership of a 40m strip of river frontage to the Broads Authority on which it could provide 24 hour visitor moorings, this being secured through a Section 106 agreement detailing the transfer of land, and clarifying issue such as access arrangements to the land for the Authority. The location of the 40m length of moorings was to the northern end of the run 24 hour moorings on this section of the River Bure. Under the current proposal the applicant proposes moving the location of the 40m length of moorings from the northern end to the southern end of the run of 24 hour moorings (although it is noted that these are not currently in use as 24 hour moorings as the lease has expired). The siting of the 40m length of moorings in this alternative location is considered acceptable as it would still be sited in an area recognised as providing 24 hour moorings, and should the lease for the run of established 24 hour moorings be renewed, the additional 40m provision would run consecutive to the established area. The resiting of the visitor moorings is therefore considered acceptable with regard to Policy CS14 of the Core Strategy and Policy DP16 of the Development Plan Document. The requirement for the provision of the 40m for moorings would be covered in a Section 106 Agreement.
- 6.8 The other element of this application is the relocation of 2 public parking spaces. Under the approved scheme these spaces were to be provided within the Bureside Holiday Park site. The current proposal is for the 2 public parking spaces to be sited outside the Bureside Holiday Park site on an area of hardstanding approximately 200m to the east of the site entrance and adjacent to the Weavers Way footpath. As the intention of the parking area was for the utilisation of the public footpaths which pass the subject site it makes sense for the parking to be provided in closer proximity to the footpaths, and also in an area which would not be confused with the Holiday

Park site itself thus encouraging effective use of the parking area. In landscape terms the siting of a parking area outside the Bureside Holiday Park site is considered acceptable as the parking use will be intermittent, and there are pockets of isolated development in the area so that the siting of two vehicles within the landscape would not be prominent or detrimental to the overall appearance of the landscape, with regard to Policy CS1 of the Core Strategy and Policy DP2 of the Development Plan Document.

## **7 Conclusion**

- 7.1 The proposed change of structure on south, east and west sides of the approved mooring dyke from timber staging to quay heading, and relocation of 2 car parking spaces, would not result in unacceptable impact on landscape character and protected habitats or species, consequently the application is considered to be acceptable with regard to Policies CS1 and CS14 of the Core Strategy, and Policies DP2 and DP16 of the Development Plan Document.

## **8 Recommendation**

- 8.1 Approve, subject to conditions:

- (i) Time limit
- (ii) In accordance with approved plans
- (iii) Landscaping carried out in accordance with approved plans and approved landscaping details
- (iv) Landscaping and subsequent site management carried out in accordance with submitted landscape and ecological management plan
- (v) Ecological enhancements carried out in accordance with submitted detail
- (vi) All works carried out in accordance with submitted ecological appraisal
- (vii) Prior to commencement of works additional otter surveys carried out to supplement those submitted. Subsequently, all works hereby approved to be carried out in accordance with the recommendations made in the submitted surveys
- (viii) Parking to be provided as detailed on submitted plans
- (ix) Moorings permitted shall not be used as residential moorings
- (x) Prior to commencement of works details of spoil disposal arising from works hereby permitted to be submitted to and approved in arising by the Local Planning Authority. Thereafter all works to be carried out in accordance with that approved scheme

The permission would also be subject to a Section 106 Agreement covering the 40m provided for moorings.

## 9 Reason for Recommendation

- 9.1 The proposal is considered to be in accordance with Policies CS1 and CS14 of the Core Strategy (2007), Policies DP2 and DP16 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/2013/0138/FUL and BA/2016/0095/COND

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Date of Report: 11 May 2016

Appendices: APPENDIX 1 - Location Plan

BA/2016/0095/COND - Variation of conditions 2, 3, 6, 7, 8 of permission BA/2013/0138/FUL to allow a change of structure on south, east and west sides of new mooring dyke from timber jetty/decking to timber piling/capping and grassed earth surfacing. Also change location of 2 car parking spaces to be located at the junction of Ashby with Oby Footpath 7 and Ashby with Oby Bridleway 3 on existing concrete pad.

