

## **Application for Determination**

<b>Parish</b>	Gillingham		
<b>Reference</b>	BA/2014/0307/FUL	<b>Target date</b>	06/11/2014
<b>Location</b>	H E Hipperson Ltd, Gillingham, Beccles, NR34 0EB		
<b>Proposal</b>	Change of use of mooring from leisure to residential		
<b>Applicant</b>	Mr Simon Sparrow		
<b>Recommendation</b>	Approve subject to conditions		
<b>Reason referred to Committee</b>	Departure from Policy		

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

- 1.1 The application site is a working boatyard, H E Hippersons in Gillingham, a site which sits to the immediate west of Beccles quay. The boatyard business has been long established and provides a range of facilities such as mooring and storage for boats, five holiday boats, five day launches, boat repair facility, caravan park and a reception, over approximately 2 hectares (approximately 5 acres). The site is accessed via road to the south and by water from the River Waveney to the east and Beccles Quay beyond. Another boatyard, Derbys Quay, sits to the immediate east, as well as a number of dwellings, and agricultural land surrounds.
- 1.2 The proposal is for the change of use of one leisure mooring into a residential mooring in order for the new owners/managers to live on their barge which is on site. The mooring is approximately 17m long and sits to the far north west of the site which is quayheaded. The mooring sits off the main navigation, within a mooring basin which is used in association with the wider boatyard use.

### **2 Site History**

None

### **3 Consultation**

Broads Society- No objection

Parish Council- No response

District Member- No response

The Beccles Society- No response

The River Waveney Trust- No response

The Norfolk and Suffolk Boating Association- No objection

Environment Agency- No objection subject to conditions covering:

- The vessel shall be secured to the bank at all times and length of the mooring chains shall be of a length to allow the vessel to rise and lower with water levels
- Flood response and evacuation plan to be submitted

Highways Authority- No objection

Beccles Town Council- No response

The Navigation Committee were not consulted on this application as the site is in an off-river basin and the proposal does not affect the navigation.

#### **4 Representation**

None

#### **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- Landscape Protection and Enhancement

Development Management Plan 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:

Development Management Plan DPD (2011)  
DP20- Development on Waterside Sites in Commercial Use, inc Boatyards  
DP28- Amenity

- 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:

DP12- Access on Water  
DP25- New Residential Moorings

- 5.4 Material Planning Consideration

National Planning Policy Framework (2012) [NPPF](#)

National Planning Policy Guidance (2013)

<http://planningguidance.planningportal.gov.uk/>

## **6 Assessment**

- 6.1 The main issues to consider in the determination of this application are the principle of the proposal, landscape, access, biodiversity and neighbouring amenity and flood risk.
- 6.2 In terms of the principle, Policy DP25 allows for the change of use of moorings to create residential moorings subject to criteria (a) - (i). Criteria (a) will be discussed further below, so turning to criteria (b) – (i) first:
- 6.3 Criteria (b) outlines that the proposed residential mooring should not result in the loss of moorings available to visitors/short stay use moorings. The boatyard has one short stay mooring on their service pontoon. The mooring proposed does not interrupt the pontoon and there will therefore be no loss in visitor/short stay mooring. The proposal therefore satisfies criteria (b).
- 6.4 Criteria (c) outlines that the residential mooring shall not impede the use of the waterway. The mooring is set well off the main navigation and to the rear of the mooring basin. It is therefore considered that the residential mooring will not impede the use of the waterway. The Broads Authority Waterways Officers are satisfied that there will be no adverse impacts. The proposal therefore satisfies criteria (c).
- 6.5 Criteria (d) outlines that the residential mooring should not have an adverse impact on the character or appearance of the surrounding area, protected species, priority habitats and designated wildlife sites, the amenity of neighbouring occupiers or bank erosion. The bank can already be used to moor the barge, provided that it is used for non-residential purposes. The applicants do not propose any alteration to the existing bank or subdivision of the land adjacent to the bank. The residential use will be seen in connection with the wider and diverse use of the boatyard. It is therefore not considered

that the use of the mooring for residential purposes will have an adverse impact on the character or appearance of the surrounding area. Given the bank is already quayheaded and of limited habitat value and as the adjacent land is already managed as part of the boatyard it is not considered that there will be an adverse impact on protected species, priority habitats and designated wildlife sites. It is considered reasonable to append a condition which requests biodiversity enhancements to be agreed. The neighbouring site is a boatyard and neighbouring properties sit some 150m from the proposed residential mooring. In terms of impact on neighbouring amenity, the use is considered comparable to the wider character of the area and of a low impact given its location to the rear of the basin. No objections from neighbours were received. It is not considered that there would be an adverse impact on neighbouring amenity as a result of the proposal. It is not considered that the proposal will have an impact on bank erosion. The proposal therefore satisfies criteria (d).

- 6.6 Criteria (e) outlines that there shall be a safe access between the vessel and the land without interfering with or endangering those using walkways. There is an existing small hardstanding to allow for a flat and steady access point onto the vessel. There is an existing gravel path access to the mooring site which is proposed to be maintained. The barge does not impede on the pathway and the bank does not require alteration to allow for access onto the vessel. It is therefore considered that there is an adequate access point onto the vessel and that the existing access path will not be impeded by the residential use of the vessel. The proposal therefore satisfies criteria (e).
- 6.7 Criteria (f) outlines that there shall be adequate car parking and makes provision for safe access for services and emergency vehicles and pedestrians. There is an existing car park on site which caters for all the users of the site. It is considered that the existing car park can also cater for the possible increase in vehicles to service the residential mooring. The site can be accessed by road and therefore an emergency services vehicle can gain access. The Highways Authority have no objection. It is therefore considered that there is adequate car parking and safe access to the site. The proposal therefore satisfies criteria (f).
- 6.8 Criteria (g) outlines that the proposal should not prejudice either the current use or future uses of adjoining land and buildings. No alteration is required to the current land or buildings to facilities the use of the mooring for residential purposes. The previous use can therefore be resumed without any alteration. The boatyard operation is proposed to be maintained in conjunction with the proposed residential use. It is therefore not considered that the residential mooring will prejudice either the existing or future uses of the land or associated buildings. The proposal therefore satisfies criteria (g).
- 6.9 Criteria (h) outlines that there shall be adequate provision for waste, sewage disposal and the prevention of pollution. There is existing sewage and pump-out facilities which service the five holiday boats. The vessel has a holding tank for sewerage and can be emptied using the existing infrastructure on

site. Recycle bins and waste disposal already exists on site and can be used to service the residential mooring. It is therefore considered that there is adequate provision for waste, sewage disposal to ensure the prevention of pollution. The proposal therefore satisfies criteria (h).

- 6.10 Criteria (i) outlines that there should be the installation of pump-out facilities (where on a mains sewer) unless there are adequate facilities in the vicinity. As outlined above the site has a pump-out facility. The proposal therefore satisfies criteria (i).
- 6.11 It is therefore considered that this site can meet criteria (b) to (i) of policy DP25 of the Development Management Policies DPD (2011). However, criteria (a) outlines that the residential mooring should be within or adjacent to a development boundary. Criteria (a) seeks to locate new development in sustainable locations, close to all required facilities and services, and development boundaries have been defined which identify these areas. There is no development boundary at, or adjacent to, the application site so the proposal is in conflict with criteria (a) of policy DP25.
- 6.12 Members will be aware that the issue of development boundaries was considered in some detail as part of the Site Specifics Local Plan, with all development boundaries from the 1997 Local Plan reviewed. Previously, in the 1997 plan, a large number of settlements had development boundaries. However, as a result of changes in criteria for defining them, plus a greater emphasis on sustainability, as well as consideration of flood risk, the number of development boundaries was reduced from 20 to only 4. Beccles had previously had a development boundary but this was removed as the areas it covered were considered to be at a high risk of flooding and therefore not suitable for development.
- 6.13 It is considered that the site is situated within a sustainable location within walking distance of appropriate facilities and services and therefore complies with every other element of policy DP25 and the general policy support for encouraging residential moorings in suitable locations. This case is interesting as there is clearly a policy support for the introduction of residential moorings in sustainable locations as outlined within policy DP25, but there is a clear conflict between policy DP25 and the requirement for development boundaries to be outside of the higher flood risk areas, as residential moorings, by their very nature, will be over water and therefore within the zones of highest flood risk. The whole of the local plan is currently under review and this conflict in policies will be looked at within the review. In the meantime it is necessary to look at the objectives and overall intention of all aspects of the policy in coming to a conclusion over which aspect of DP25 should be given most weight i.e. criteria (a) or the overall thrust of the policy.
- 6.14 In terms of flood risk, the application site is within the highest flood risk zone, being directly on the water. However, the boat is able to rise and fall with water levels and can be moved under its own power to another site should flood events be suspected. There is a level and safe access from the boat and

the Environment Agency do not object to the application subject to the boat being securely chained to the bank and able to rise and fall with the tide, ensuring the boat remains upright in flood events. It is also considered reasonable to append a condition regarding the submission of an evacuation plan and notice to ensure the occupants are aware of the necessary steps to take should a flood occur. The proposal is therefore considered acceptable in flood risk terms.

- 6.15 In addition to the above, whilst a residential unit is not required for the running of the boatyard, it is clear that there will be benefits to the running of the business by having the managers on site and at hand at all times and this is a material planning consideration that can be given weight. The retention and support of the protection of the boatyards is clearly supported within development plan policies particularly policy DP20.
- 6.16 Given that the proposal complies with all other elements of policy DP25, and that the site is considered to be within a suitable and sustainable location, and that the reason that the development boundary was removed from Beccles was due to it being within a zone of high flood risk (which in itself is not considered to be an issue here due to the nature of the development proposed), it is considered that the conflict with criteria (a) of the policy is outweighed by the specific circumstances of this site and type of development and that the proposed application is acceptable despite the departure from policy.
- 6.17 It is also necessary to note that an approval here would not undermine the overall objectives of the development plan or compromise or prejudice the delivery of sustainable development.

## **7 Conclusion**

- 7.1 It is not considered that there would be an adverse impact on the use of the site as a boatyard, biodiversity, access, navigation safety, flood risk, neighbouring amenity or wider character of the area. Whilst the proposal does represent a departure from criteria (a) of policy DP25 it is considered that the conflict with criteria (a) of the policy is outweighed by the specific circumstances of this site and type of development and that the proposed application is acceptable despite the departure from policy.
- 7.2 It will be necessary to re-advertise the application as a departure from policy.

## **8 Recommendation**

Approve subject to the following conditions and subject to no additional adverse comments being received as a result of the re-consultation:

- Standard time limit
- In accordance with plans
- Biodiversity enhancements to be agreed

- Secured to bank and length of chains to allow rise and fall with water level
- Flood response and evacuation plan to be agreed

## 9 Reasons for Recommendation

In the opinion of the Local Planning Authority the development is acceptable in respect of Planning Policy and in particular in accordance with the NPPF and Policies CS1 of the Core Strategy (2007) and Policies DP11, DP12, DP20, and DP28 of the Development Management Policies DPD (2011). The proposal is considered to be contrary to criteria (a) of policy DP25 however it is considered that there are a particular set of circumstances which means a departure from criteria (a) is acceptable in this instance as a result of policy conflict.

List of Appendices: Appendix 1: Site Location Plan

Background papers: Application File BA/2014/0307/FUL

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Date of Report: 20 October 2014

### BA/2014/0307/FUL He Hipperson Ltd, Gillingham, Beccles

