

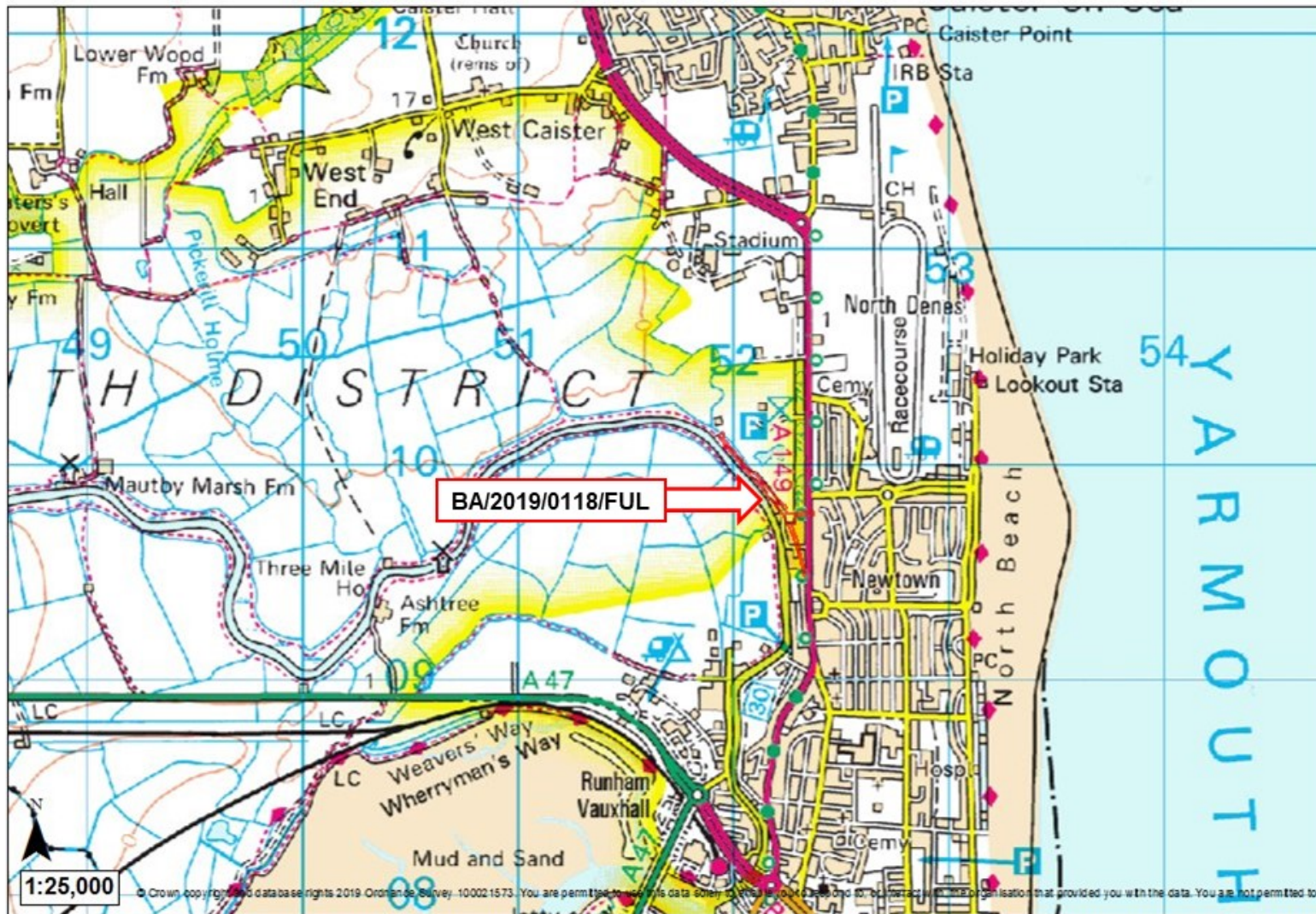
**Reference:**

**BA/2019/0118/FUL**

**Location**

Marina Quays, Port of Yarmouth Marina,  
Caister Road, Great Yarmouth

BA/2019/0118/FUL Marina Quays



**Application for Determination**  
Report by Head of Planning

<b>Target Date</b>	1 July 2019
<b>Parish:</b>	None
<b>Reference:</b>	BA/2019/0118/FUL
<b>Location:</b>	Port of Yarmouth Marina, Caister Road, Great Yarmouth, NR30 4DL
<b>Proposal:</b>	Erection of 7 residential dwellings, 12 permanent residential moorings, 9 resident moorings, 10 visitor moorings, 1 mooring for Broads Authority, the redevelopment of the Marina building as offices & storage with associated landscaping & parking
<b>Applicant:</b>	Mr Ian Newman
<b>Recommendation:</b>	Approve subject to conditions
<b>Reason for referral to Committee:</b>	Major development

**1. Description of Site and Proposal**

- 1.1. Marina Quays is situated in the Port of Great Yarmouth, to the north west of the town on the west side of Caister Road. The River Bure runs to the west and to the east is River Walk, a residential road comprising a small estate of detached properties which are accessed off Caister Road.
- 1.2. There is a single track tarmaced road, which is a Norfolk County Council (NCC) adopted highway, which runs north from the bollards at the end of River Walk to the barrier and stile at the north of the site where it meets Bure Park. Known as Marl Heap Road, this is a Public Right of Way (PROW) and is recorded as footpath 10. It is also subject to a Traffic Regulation Order (TRO) which prevents vehicles using it. To the west of this are flood defences in the form of a concrete flood wall which runs parallel to the River Bure beyond. There is also a footpath used by pedestrians to access the water frontage as, in some areas, there is a path on the river side of the flood defences. This path does not currently have any formal status.

- 1.3. The application site area is approximately 1.36 hectares in area. The site is linear, extending to around 770 metres along the river bank and including an area of land of 900m<sup>2</sup> to the west which is currently occupied by a derelict former toilet block. There is an old marina building located central to the site adjacent to the river bank which is also in a very poor state of repair, and there is a further small dilapidated kiosk building on the river frontage. Within the river bank area there are some mature trees and the flood defence wall running the length of the site. This starts on the river bank side and crosses Marl Heap Road to run alongside the boundary with Bure Park.
- 1.4. Access to the application site is shown off Caister Road to the north of the Bure Business Park (a small office building), the former public house and the petrol filling station which is immediately adjacent to the site. This utilises an existing access which currently only serves the business park.
- 1.5. To the east is Bure Park, a well-used public area of open space which has parking and is accessed off Caister Road. There are three points of pedestrian access from the site to the park, comprising a path opposite the marina building, steps over the flood wall to the north where the residential moorings are proposed and a slope at the far northern point of the site which goes through the application site and links to the PROW footpath 10.
- 1.6. This application is for the installation of 12 new permanent residential moorings, 10 visitor moorings and seven residential units with nine associated moorings. This proposes three x two-storey houses adjacent to River Walk and four x houses along the riverside, two of which are two-storey, and two are single storey.
- 1.7. The residential units are located within the central area of the application site where the vehicular access enters the site. Plots 1, 2 and 3 are sited in the area of the former toilet block, which is set back inline with the existing properties on River Walk. Plots 4 and 5 are sited to the immediate south of the marina building, whilst plots 6 and 7 are beyond these further to the south.
- 1.8. Plots 1, 2 and 3 are three bed houses with rear gardens and built in a style to reflect the existing adjacent houses on River Walk with traditional construction, but also timber cladding to tie in to the more modern construction of the four houses closer to the river frontage. Plots 4 and 5 are two storey units which have been designed to reflect the waterside marina building, with a first-floor decking area each with a square footprint and monopitch roof. Plots 6 and 7 are of similar construction but are single storey one-bed units with decking overlooking the river.
- 1.9. Each dwelling has two parking spaces allocated. Plots 1, 2 and 3 have parking immediately adjacent to each, with the parking for the other four units being on an existing tarmaced area just to the north and includes two visitor spaces. The residential moorings each have one parking space located at the closest point possible.

- 1.10. The 12 new residential moorings would extend to the north of the site from the old marina building and would each be 33m in length. The dedicated Broads Authority mooring would be at the northern most location and would be 35m in length. The application shows one car parking space provided for each of these moorings, with a hammerhead for vehicle turning adjacent to the Broads Authority mooring to the north of the site.
- 1.11. To the south, the next moorings are close to the seven proposed residential units. These are shown as private, being allocated one for each dwelling with two private visitor moorings. They are smaller at 12m in length.
- 1.12. The 10 visitor moorings would be to the south of the access, extending along the frontage closest to the existing dwellings on River Walk. The length is 200m, allowing 20m per mooring.
- 1.13. The derelict marina building is proposed to be restored for use as a manager's office and storage space for the 12 residential moorings. This is to ensure that the river banks are kept clear of domestic paraphernalia and clutter. There is also an enclosed bin store close to this building for the use of the residential moorings.
- 1.14. There is hard-standing where the former boat pump-out was located. This is proposed to be re-used to provide a pump-out for the site. Following the applicant's discussion with local residents, the size has been reduced and it is to be enclosed in order to screen it from River Walk. The amended size of the wooden enclosure is 1.5m x 1.5m x 1.7m.

## **2. Site History**

- 2.1. Following complaints about the poor condition of the site, on 31 March 2017 the Planning Committee authorised the service of a Section 215 Notice requiring significant improvements to the appearance of the site and buildings. The works were subsequently completed on a voluntary basis by the landowner.
- 2.2. In August 2018 an application was submitted for "The erection of 8 residential dwellings, 1 mooring for Broads Authority use, 12 residential moorings, moorings allocated to dwellings, visitor moorings, the refurbishment of the marina building and associated car parking and landscaping" (BA/2018/0312/FUL). The application was withdrawn on 29 October 2018.

## **3. Consultations**

- 3.1. The following consultation responses have been received:

### Environment Agency:

- 3.2. No objection in principle, subject to conditions covering finished floor levels of the dwellings and arrangements for the residential vessels to rise above the flood level.

- 3.3. Concerns around impact of works on structural integrity of flood defence structures, but content to cover through pre-commencement condition.

Great Yarmouth Borough Council:

- 3.4. Planning: Broadly supports proposals to update and upgrade the site. Would wish to see general management of mooring, adequate car parking and access improvements and the possibility for biodiversity improvements to be considered. Requirement for affordable housing identified and site should be treated as 'major' for purposes of NPPF calculation of numbers.
- 3.5. Environmental Health, Waste and Cleansing: comments on the suitability of the access and surfacing in order to accommodate refuse vehicles.
- 3.6. Estates: No objection. Issue around riverside path is a particular concern to residents and I would hope the path is considered as part of any approval.

Broads Authority as Navigation Authority:

- 3.7. River Engineer: No impact on navigation channel, 40m width at this point. No Works Licence required.
- 3.8. Head of Ranger Services: Channel width 40 – 44.3m. No objection, subject to compliance with Byelaw 63. Recommends conditions covering beam restriction, double mooring restriction, additional port markers and details of mooring infrastructure and safety provision. Discussion around use of identified 'Broads Authority mooring' underway.

Norfolk County Council

- 3.9. Highway Authority: No objection to proposed vehicular access. In terms of layout, stopping up of Marl Heap Road will address previous concerns. Recommends conditions covering access, visibility splays and parking.
- 3.10. Rights of Way Officer: To be update orally.
- 3.11. Historic Environment and Archaeology: No significant impact and no objections.

Norfolk and Suffolk Boating Association:

- 3.12. No objection subject to conditions covering width restriction, single along side mooring only, no stern-on mooring. Comments that visitor moorings should be available and dredging done prior to occupation of units and facilities including storage, pump out, waste provision, electricity and lighting should be available to residential moorings. Long-term arrangements for dredging to maintain the visitor and BA moorings to be determined prior to commencement.

Natural England:

- 3.13. No response to current application; advised on previous application that the LPA should ensure that sufficient information was provided and satisfy itself that the scheme was acceptable.

Navigation Committee:

- 3.14. At their 6 September 2018 meeting, no in principle objections to the original application but raised details around sediment management, dredging, and safety of the visitor moorings.
- 3.15. On 11 April 2019 details of the revised application were circulated to the members, noting there were no amendments to the scheme in respect of the use of the water and that, consequently, it was not proposed to formally consult the Navigation Committee as they had previously made comments in respect of the earlier application. There were no comments made in respect of this or the application more generally.

County Councillor for Yarmouth North and Central Division, Mick Castle:

- 3.16. Supports. The site has been blighted over a period of two decades, become unattractive and unkempt making the Bure entrance to the town somewhat unappealing. Local people like myself value access to the walk along and through to Bure Park and I would urge the Committee to add suitable conditions to ensure people retain the right to walk that walk. This regeneration will transform the way Yarmouth is perceived as a gateway to the Broads, good for tourism and help secure new investment in our other riverside area. For residents attractive developments in this neglected area should add to 'quality of life' and make the walk along the Bure significantly more pleasing to the eye.

Broads Society:

- 3.17. The Broads Society favours a reinvigoration of this important facility, we appreciate that, in order to provide the necessary funding, some development of housing is necessary. We agree that the decision to limit this to downstream of the old marina office building is appropriate and support a design which uses two styles of architecture, one to imitate the existing dwellings and the other to imitate the Marina building. We note that the EA have asked for a re-design to demonstrate that flood protection is satisfactory. In that event, we would like to recommend that the marina style buildings are kept to no higher than the existing structure.
- 3.18. The application states that there is no commercial waste anticipated from the site. Strictly speaking, the County Council regard boat waste, especially from hire boats, as "commercial" and the applicants need to be aware of that.
- 3.19. We note that some objections relate to possible disturbance from residential moorings and also that the Inspector recently advised the Local Plan should

include a fuller explanation of the rules and so forth to be expected of residential moorings. This would be a good place to start, as the current standard document supplied by the applicants doesn't really address this issue in any detail. For example, what requirements will be insisted upon for dealing with foul sewage and/or grey water? The sentence describing the amount of time residents may live aboard doesn't make sense.

- 3.20. We appreciate that this is a popular place to go for a walk and trust that suitable conditions ensuring that that may continue will be implemented.

Ramblers Association:

- 3.21. No objection, but draws attention to the application which has been submitted to Norfolk County Council for an order to add a restricted byway to the definitive map and statement. The Ramblers supports this application. Observation of the path would show that its various sections are used by people at least several times every day.

- 3.22. Representations received:

- 3.23. 14 letters of representation have been received from local residents. The issues raised can be summarised as follows:

- This would spoil the entire environment/the naturally tranquil setting and will disturb the wildlife in Bure Park
- Will cause problems for dog walkers
- Previous moorings caused problems with Police being called out, these will again cause disturbance to residents
- Overdevelopment/inappropriate development for the area. Dwellings should not be allowed on the river frontage, too important for flood defences and vistas
- Houses next to River Walk will block the view from 20 River Walk because new dwellings are as high as a standard house
- The houses will look completely out of place, the height of the four on the river's edge are grossly oversized for a small footprint. Their scale will be an eye sore.
- Concern about the closeness of visitor moorings to the houses on River Walk – noise and loss of privacy
- Highway concerns, additional traffic and parking causing congestion in River Walk. Also concern about it becoming a private road and whether it will be maintained
- The path should remain open for ever
- Concern about trouble with residential moorings
- Tides can be high here and the boats will be too high out of the water
- Concern that there will be untidy land and excessive external storage in relation to the residential moorings. More pollution & rubbish and noise. Need restrictions to prevent this, can this be a Condition if approved, how will it be enforced?



- Can the refurbishment of the Marina Building be done prior to properties being completed?
- Pumping station, at 8ft high, will restrict views across the river
- Inadequate drainage/sewage system and flooding has occurred
- Pleased that the status of the public footpath has been recognised and will remain for walkers etc
- When it is redeveloped it will look better
- This is a real improvement, previous major concerns have been addressed and I don't object to the houses

#### 4. Policies

- 4.1. The adopted development plan policies for the area are set out in the Local Plan for the Broads, which was adopted at the Full Authority meeting on 17th May 2019. The following policies are relevant to the determination of this application:

##### [Local-Plan-for-the-Broads](#)

<u>Strategic Policies</u>	
SP1 – Sustainable Development	SP2 – Strategic Flood Risk
SP6 – Biodiversity	SP7 – Landscape Character
SP8 – Transport	SP9 – Recreational Access
SP10 – Prosperous Local Economy	SP11 – Waterside Sites
SP12 – Sustainable Tourism	SP13 – Navigable Water Space
SP14 – Mooring Provision	SP15 – Residential Development

<u>Development Management Policies</u>	
DM1 – Major Development	DM2 - Water Quality and Foul Drainage
DM4 – Water Efficiency	DM5 – Development and Flood Risk
DM6 – Surface Water Run-off	DM8 – Green Infrastructure
DM11 – Heritage Assets (Archaeology)	DM13 – Natural Environment

DM16 – Development and Landscape	DM20 – Settlement Fringe
DM21 – Amenity	DM22 – Light Pollution
DM23 – Transport, highways and access	DM28 – Development on Waterside Sites
DM29 – Sustainable Tourism and recreation development	DM31 – Access to Water
DM33 – Moorings, moorings basins and marinas	DM35 – Development Boundaries
DM37 – New Residential Moorings	DM43 – Design

4.2. The following are material considerations:

[National Planning Policy Framework \(NPPF\)](#)  
[National Planning Policy Guidance \(NPPG\)](#)

### **Neighbourhood plans**

4.3. There is no neighbourhood plan in force in this area.

## **5. Assessment**

5.1. A planning application was submitted in August 2018 for a slightly different scheme (as detailed at 2.2 above), but was subsequently withdrawn in order to address the concerns raised. This has been done and a revised application submitted which is the subject of this report for consideration.

5.2. The application is accompanied by a Design and Access Statement which outlines the proposal, an Arboricultural Impact Assessment, a Habitats Regulation Assessment Screening document, Ecology Reports, Highway Statement, Flood Risk Assessment, a Landscape and Visual Impact Assessment, and a Landscaping Strategy. It includes a public access plan and plans and elevations to illustrate the proposal. It also includes an example of a contract which would relate to the residential moorings.

5.3. The key issues in the determination of this application are the principle of the development, the provision of affordable housing, location and design, visual appearance in terms of the wider landscape, impact on neighbour amenity, impact on the Public Right of Way and highway safety,, flood risk, impact on navigation and effect on ecology and/or designated sites.

### The principle of the development

- 5.4. The site is allocated in the adopted local plan for redevelopment under Policy GTY1: Marina Quays. This policy supports the reuse and enhancement of facilities for river and other leisure users on this site where it is compatible with the flood risk to the site. It states that careful consideration will be given to design as well as the potential impacts on nearby residents and the natural environment of Halvergate Marshes and Bure Park. The site also has a role as a landscape buffer between the urban and rural areas and any redevelopment should consider this function.
- 5.5. The site was formerly used as a marina and for mooring, with the last use for this purpose by Hoseasons at least 15 years ago. Subsequently it has fallen into disuse and during this period it has been subject to regular vandalism of the derelict marina building, the toilets and former shop leaving the whole site in a poor state of repair. In this prominent location on the entrance into Great Yarmouth on the River Bure the site in its current condition presents something of an eyesore to visitors and river traffic and there is a strong incentive for redevelopment to make better use of what is potentially an attractive site.
- 5.6. Policy DM37 covers the issues of new residential moorings and advises that these will be permitted, subject to a number of criteria. The initial criterion is a locational one and seeks to ensure that residential moorings are sustainably sited with good access to facilities. Criterion (a) states that any new residential mooring should be:
- “... in a mooring basin, marina or boatyard that is within or adjacent to a defined development boundary or 800m/10 minutes walking distance to three or more key services ...”
- 5.7. The application site is close to the boundary with Great Yarmouth Borough Council's area, which is formed to the east by Caister Road and to the south by housing on Caister Road and the southern boundary of the application site. All of the adjacent land within the Borough Council's area is identified in their Local Plan as within the Main Urban Area and Village Development Limits. Due to the shared boundary with the application site it is considered that the first part of criterion (a) is met. In terms of access to key services, there is a peak-time bus service along Caister Road, a small provisions shop at the Jet garage at the junction with the new access road and a Primary School at North Denes approximately 800m to the east. It is considered that the second part of criterion (a) is also met and the proposal is in principle in accordance with policy DM37.
- 5.8. It is considered that the proposal overall is in line with the type of use promoted by the site specific policy GY1 and the policy on new residential moorings and is therefore acceptable in principle.

#### Provision of affordable housing

- 5.9 Policy DM34a of the adopted Local Plan requires that all development of 10 or more dwellings provide a level of affordable housing in accordance with the

requirements of the relevant District Council, with the number calculated on a site by site basis. This approach is based on the 2019 NPPF<sup>1</sup> which sets a threshold of 10 dwellings or more as a trigger for affordable housing. The majority of sites in the Broads are small and do not meet this threshold, so the second part of DM34a requires that for developments of 6 – 9 dwellings a contribution is required in the form of a commuted sum towards the provision of affordable housing off-site. The purpose of this was to seek to achieve some contribution towards affordable housing from the larger of the small sites in the Broads.

- 5.10 It should be noted that not only does the 2019 NPPF set a threshold of 10 dwellings for the provision of affordable housing, but also sets a site area of over 0.5 hectare. This site, at 1.36 ha, exceeds this threshold, however policy DM34 applies only the numerical threshold rather than both. On this basis, it is the second part of DM34 which will apply.
- 5.11 The application proposes the development of 12 x residential moorings and seven residential units. The residential moorings are covered under policy DM37, which sets the criteria which must be met, however there is no requirement in this policy for any of the residential mooring to be provided as 'affordable' residential moorings. On this basis, the requirement for the provision of affordable housing applies only to the seven dwellings, which fall within the ambit of the 6 – 9 units set out in DM34.
- 5.12 The LPA is in negotiation with the developer and Great Yarmouth Borough Council (as the Housing Authority) over the precise amount of the commuted sum and how this will be provided. It is important to note that the land was originally owned by Great Yarmouth Borough Council. There is a claw back provision set out in a Deed of Covenant between the parties (land owner and Council). This requires the developer to pay 50% of the increase in the value of the land resulting from the grant of planning permission for any more than two dwellings (or other trigger event) to the Council. The requirement for a commuted sum for affordable housing will affect the land value, and hence the amount to be paid as clawback, and this could potentially affect viability.
- 5.13 These discussions are on-going and members will be updated verbally at the meeting.

#### Location and design

- 5.14 The site's location on the edge of Great Yarmouth is a prominent and important one, broadly marking the transition between the undeveloped countryside to the north and the built form of the town which starts to the east of the site and then develops rapidly to the immediate south. Whilst the managed character of Bure Park to the north provides a sense of the impending change, the site will constitute the first built development and will therefore be effectively a gateway into the town from the Broads. It is

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<sup>1</sup> Please note that the Local Plan for the Broads was assessed under the 2012 NPPF, but also considered the requirements of the 2019 NPPF in order to future proof policies.

particularly important, therefore, that the development is of an appropriate layout, form design and scale for the location.

- 5.15 The site is a largely linear one, stretching 770m from north to south, and the arrangement of the proposed development reflects this. The moorings, 32 in total, would be located along the river frontage in a single line, with four of the new dwellings in a row on the landward site beyond the former marina building, which would be renovated. This building, which is familiar in the landscape, would continue to be the first building to be seen when approaching from the north (i.e. downstream towards Great Yarmouth) and beyond this would be two x two storey dwellings designed to tie in with it by the use of a square footprint, monopitch roof and a first floor decking area. There would be two x single storey dwellings of a similar construction beyond this to the south. The overall linear orientation would reflect and reinforce the riverside character.
- 5.16 The further three dwellings would be located to the rear of the site and have been designed and orientated to relate to the established properties at River Walk. They would be viewed as behind the southern-most of the new riverside dwellings, although the incorporation of the timber cladding used in the four riverside plots would provide a visual link. With the Bure Business Park building to the rear (east) and the access drive to the north they would represent an infill on the corner.
- 5.17 In terms of design, the new build development can be broken down into three elements as follows:
- Plots 1, 2 and 3 would be two storey, three bed houses with rear gardens and built in a traditional style. They would measure 8m x 10m, plus a 3m patio to the front and have a ridge level of 7.95m. The materials proposed are brick with cedar boarding, slate tiles and aluminium windows.
  - Plots 4 and 5 would be two storey, two bed units located on the river front with no private curtilage, but with a first floor decked area. They would measure 9m x 5.5m with a monopitch roof with a ridge height at the front of 7.28m and to the rear of 6.6m. The materials would be as for plots 1 – 3.
  - Plots 6 and 7 would be single storey one-bed units located on the river front, with decking overlooking the river. They would measure 10m x 4m, plus a decked area of 5.43m x 1.5m. The roof would be a monopitch measuring 5.22m to the front and 4.17m to the rear. The material would be as for plots 1 – 3.
- 5.18 Considering first plots 1 – 3, it is considered that these provide a successful visual transition between the more traditional style dwellings on River Walk and the more contemporary dwellings proposed to the riverside as part of the scheme. This is achieved by combining the more traditional form of the River Walk dwellings with the use of more contemporary fenestration, detailing and materials which complement those proposed on the riverside dwellings.

- 5.19 Considering next plots 4 and 5, these are more “riverside” in character and reference the form of the retained, refurbished former marina building. The simple form contrasts with the more traditional form of plots 1-3, but is considered more appropriate to the riverside and the raised ground floor level of the units. The detailing and materials provide a visual continuity between these units and the other proposed new dwellings.
- 5.20 Considering finally plots 6 and 7, these are similar in form to 4 and 5 to the north, but differ in scale, particularly height, which allows plots 1 – 3 behind to be seen from and to enjoy a sense of the riverside. The materials again are the linking visual element between the three distinct house types and the refurbished existing building.
- 5.21 In conclusion, overall it is considered that the layout and orientation of the site is well judged, whilst in terms of its design the proposal is considered a successful response to a constrained site. It addresses the riverside in a positive way visually and also succeeds in achieving the visual transition from the more traditional style dwellings along Riverside Walk to the overall more contemporary feel of the new build. The use of materials and the fenestration pattern on the three different forms provides the visual cohesion to the whole and also successfully integrates the refurbished building into the scheme.
- 5.22 Finally, considering the proposed new access, driveways and footpaths, the application proposes that the surfacing used is tarmac. There are concerns about the visual impact of a relatively low quality material over a considerable surface area. It would be preferable for surfacing to have a natural coloured gravel/aggregate finish or similar and details of this can be required by condition.
- 5.23 Overall, it is considered that the proposal will make a positive architectural contribution to the riverside and wider Broads landscape whilst positively marking the entry into Great Yarmouth from the River Bure.
- 5.24 Looking at the design of the proposed moorings, the quayheading is existing, constructed of concrete and is of a standard functional appearance. It is proposed that standard mooring posts would be installed for the use of residents and visitors. Concern has been raised by third parties about the potential appearance of the boats which might moor at the site, particularly the residential vessels, however this is not something that can be controlled through planning.

#### Landscape

- 5.25 This is a prominent site which is run down and currently represents a poor quality transition between the Broads and the urban area. Whilst the redevelopment offers an opportunity to transform the site, it will also result in a significant change to the landscape on both the river and the land and this needs careful consideration.

- 5.26 The reintroduction of mooring along the river front would result in a change to the appearance of the area, however this would not be new use, but rather a resumption of an historic one. The vessels (residential, private and visitor) would be seen in the context of the hard concrete quayheading on this side of the river, which extends beyond the site to the south and gives the area a strongly commercial appearance. The provision of moorings infrastructure and accumulation of domestic paraphernalia can be managed by planning condition to prevent unsightly clutter, which can also cause hazard in a flood event. It is the case that there is no engineered edge on the opposite bank (western), where the reedbed extends to the channel, however the intensification of the use on the western side would not significantly alter this and overall the change is not unacceptable.
- 5.27 The provision of car parking for the use of residents has the potential to impact on the landscape. One space per berth is provided for the 12 x residential moorings, set individually or in small groups along the length of the site and accessed from Marl Heap Road. The northernmost seven of these spaces are close to the river's edge, separated only by the access road, whilst the remaining five, plus the marina parking (three spaces) and the parking for the riverside dwellings (four residents plus two visitors) are set further back and screened by buildings or planting. The seven northernmost spaces will be visible, and the absence of planting is regrettable, however the impact will be seen in the context of moored boats and a concrete flood wall and is not unacceptable, particularly given the overall improvement to the appearance of the site.
- 5.28 The refurbishment of the former marina building, demolition of the existing disused buildings and general upgrading of the site would have a positive effect on the local landscape.
- 5.29 The creation of the new 5.5m wide access road into the site will open up views to the east into the site from Caister Road, Bure Park and the Bure Business Centre. This will be exacerbated by the loss of 11 mature trees which are located on the alignment of the new route. It would be preferable for a hedge or other screening to be provided either side of the road to mitigate this, however there is insufficient space available to achieve this and nor can the road be narrowed as the proposed width is required to meet the standards of the Highways Authority.
- 5.30 In terms of the principle of the loss, whilst the removal of these large trees will have a significant impact on the existing visual amenity of the site, in the majority of cases the trees are in poor condition with a limited safe useful life expectancy. The proposal offers an opportunity to replace the existing declining tree population with a new selection of trees that will provide the future tree cover on the site and make a positive contribution to the long-term visual amenity of the site and surrounding area. The details of the replacement planting can be covered by planning condition, with the numbers based on a ratio which adequately compensates for the loss of biomass and for visual effects.

- 5.31 Subject to the provision of a detailed landscaping and maintenance scheme the proposals are acceptable overall in landscape terms; the required scheme can be covered by planning condition.

Impact on neighbour amenity

- 5.32 A large number of responses were received to the original application submitted in August 2018, raising issues including impact on their amenity as a result of the location and scale of the proposed new dwellings. That application was withdrawn and revisions made for the subsequent application (the current one) to take account of these concerns.
- 5.33 The most significant alteration was to remove the riverside dwelling which was located directly in front of 20 River Walk, which is the closest property to the proposed dwellings and sits to the south-east. There is now no unit directly in front of it and the number of units has been reduced to seven from eight.
- 5.34 In addition, the ridge heights of the three properties on plots 1 – 3 were reduced to 7.5m to ensure that they were lower than 20 River Walk, which is 8.1m high. During the course of this application, however, the Environment Agency altered its requirement regarding finished floor levels. This would have resulted in an increase of the ridge height to 8.5m, but a minor redesign brought this back to 7.95m. Whilst there remains local objection to the scheme, the new dwellings on plots 1 – 3 will be to the north-west of 20 River Walk and it is considered that the location and layout of the dwellings will not have a significant adverse effect on this or any other property and are acceptable.
- 5.35 The 12 proposed residential moorings are located beyond the existing houses in River Walk. Concerns have been raised by local residents that additional buildings associated with the use, such as sheds, will have a negative effect on the area. It is agreed that the visual impact of domestication of the river's edge should be minimised and for this reason it is considered necessary to attach a condition to prevent buildings and storage as this would detract from this transitional area. A storage unit will be provided for each mooring in the refurbished marina building. The applicant's intention is to carry out the works to this building first so that it is available before the moorings are brought into use and given the comments of local residents this should also be a condition if approval is granted.
- 5.36 Concern has also been raised about the management of the moorings and the risk of anti-social behaviour, either from the residential or the visitor moorings. The application details that the moorings will be managed from the refurbished marina building, with an office and on-site presence. An example contract for the residential berths has been submitted for information with the application, a management plan will be required by planning condition and there are no justified grounds to conclude that these moorings will be run in such a manner as to have an adverse local impact. The visitor moorings will also be operated from the marina office and the Authority's experience at the



Great Yarmouth Yacht Station indicates that the majority of users are well behaved and do not cause problems. The site has in any case been the subject of persistent and significant vandalism and anti-social behaviour over recent years and its redevelopment will resolve these issues.

### Public Right of Way

- 5.37 One of the key issues in the previous application, and which the applicants have sought to address in the resubmission, was concern over the loss of pedestrian access through the site. As explained at 1.1 above, there is a formal PROW along Marl Heap Road, however historically the public have also walked along the river's edge at the north of the site and this route, albeit unauthorised, is cherished locally. In response to the previous application, local residents submitted an application to Norfolk County Council to have the riverside route added to the definitive PROW map on the basis of the longstanding and continuous use and the status this conferred. This application is being processed by Norfolk County Council.
- 5.38 In the resubmitted planning application, the applicant has accepted that there is a history of use of this route by the public and the application has been amended to ensure the development does not encroach on the path. The application proposes to retain it and the process to have it formally designated under Section 25 of the Highways Act 1980 is underway. Members will be updated verbally on the progress of this, however, following legal advice and in consultation with Norfolk County Council, it is the case that this is not a reason for refusal or delaying a decision being made as planning permission may be granted with the PROW decision and/or designation pending.
- 5.39 It is worth noting that the Local Planning Authority (LPA) welcomes the positive approach the local residents and the applicant have taken in resolving this issue. It is also worth noting that Norfolk County Council are currently undertaking works in the Borough for quiet cycle lanes and footpaths and this route is being developed to link Bure Park along the river and onto Tar Works Road to the south and to the town centre beyond. This dedication will tie in with this and is welcomed.

### Highways and access

- 5.40 The application proposes that the development be accessed via the existing private access onto the Caister Road (A149), which serves the neighbouring Bure Park Business Centre. It is understood that the applicant proposes this route because it would avoid additional traffic on River Walk and minimise disturbance to the residents there. To accommodate the additional traffic movements a scheme of improvement including widening and improved surfacing is proposed.
- 5.41 Norfolk County Council as Highways Authority does not object to the proposed access or the works, although it is noted that their preference is for access to be achieved through River Walk, which is the existing highway junction serving residential development of this nature.

- 5.42 The application would also result in changes to the status of Marl Heap Road. This runs through the site and whilst it is recorded as 'a publicly maintainable highway for mechanically propelled vehicles' it is the subject of a TRO which currently prevents vehicles using it. The application proposes that this be permanently stopped up as a publicly maintained highway and that it becomes a private road with retained use on foot and by bicycle. It would be maintainable by the site owner and private vehicular access rights for the owners of any part of the development would be agreed. The process for the stopping up would be by way of an Order under Section 116 of the Highways Act 1980 and this would need to be submitted to and dealt with by the Highway Authority. A condition should be attached to require this as it is necessary for the development to proceed.
- 5.43 The above would not necessitate any changes to River Walk, which would remain as it is with bollards to prevent any access to or from the site.

#### Flood risk

- 5.44 The application site is located in Flood Risk Zones 3a and 3b, with the Environment Agency's flood defence wall running parallel to the river and hence along the length of the site. The moorings are necessarily within the river and are in Flood Risk Zone 3b, whilst the refurbished marina building and the dwellings are in Flood Risk Zone 3a.
- 5.45 The application has been developed in close consultation with the Environment Agency (EA), both in terms of design and management of residual risks. The EA initially raised an objection with regard to flood risk, however, following discussions they are satisfied that subject to specified minimum finished floor levels (which can be covered by planning condition) the dwellings are acceptable in terms of flood risk. There will be a requirement for a Flood Evacuation Plan, which has been provided, to be implemented and again this can be covered by planning condition. The residential mooring are located with the river channel, which is inevitably in an area of flood risk, and measures are required to manage the associated risks.
- 5.46 There is a requirement under the NPPF for the LPA to apply the sequential and exception tests prior to determination in order to satisfy itself that the development is appropriate in terms of flood risk. The NPPF seeks a position where inappropriate development in areas at risk of flooding should be avoided by instead directing development away from areas at highest risk. Where development, however, is necessary, the LPA should ensure that it can be made safe without increasing flood risk elsewhere. It goes on to state that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- 5.47 The application site is adjacent to established residential development in Great Yarmouth and a defined development boundary, with a range of facilities available locally. It is a sustainable location in planning terms, which

makes it relatively unusual in the Broads. Given the policy requirement for new residential development to be sustainably located and the functional need for residential and other moorings to be located at a waterside location, it is considered that there are no reasonably available alternative sites appropriate for this type of development so, with this in mind, it is considered that the proposed development passes the sequential test.

- 5.48 In terms of the exceptions test, a development must provide sustainability benefits to the community, and be safe for its lifetime without increasing flood elsewhere, and, where possible, reduce flood risk overall. The proposal would provide new residential development both on and off the water, contribute to the local economy and provide significant visual and environmental improvements to the immediate surrounding area, which is considered to be of benefit to the sustainability of Great Yarmouth. Overall, the benefits are such that it is considered that the proposed development can pass the exception test.

#### Impact on navigation

- 5.49 The main issues in relation to navigation arise from resumption of the site's use for mooring. It is proposed that approximately 400m at the northern end would be used for residential moorings (12 x 33m), approximately 100m of the middle section for private moorings associated with the new dwellings (9 x 12m) and the southern 200m managed for casual visitor moorings (average 10m per berth). Of these, it is anticipated that both the northern and middle sections will be occupied by permanently moored craft. It is understood that the applicant intends to offer the residential moorings to barges, but this would be a commercial decision and is not a matter for the Local Planning Authority.
- 5.50 The concerns relate to the need to maintain sufficient channel width at all states of the tide. The Authority's ranger team have measured the width of the navigable channel at low water and advised that it is 40m at the narrowest point (roughly mid-point of the development) and 44.3m at the widest point at the upstream end of the development. The general approach of the Broads Authority as a Navigation Authority is to require that no mooring results in a reduction in the channel width by more than one quarter, or 10m, whichever is the lesser, and this derives from Byelaw 63 (Vessels Mooring Abreast) which states:

*'...the master of a vessel shall not moor alongside another vessel if by doing so any part of his vessel extends more than 10 metres into the channel or extends into the channel more than one quarter of the width, whichever is less'.*

- 5.51 On this basis, subject to a maximum beam restriction of 10m (which can be covered by planning condition) the proposed development would meet this requirement. This restriction of 10m maximum width will also apply to double moored vessels, where it would be the cumulative beam, and, again, a planning condition can cover this.

- 5.52 The biggest impact on the reduction of width will be on vessels wishing to sail along this stretch, particularly when tacking into the wind. This could be mitigated by increasing the number of port channel markers on the opposite bank so all vessels are able to accurately judge the navigable width on this side of the river as this will be more important if the channel is narrowed. This can be required by planning condition.
- 5.53 The application states that the final upstream mooring, a length of 29m, would be offered to the Broads Authority for its use. Officers are currently in discussion around the terms on which this would be offered and the management and maintenance commitment and Members will be updated verbally. It is the case that this could be a useful location for a demasting mooring, particularly given the issues raised at 5.42 above, but its attractiveness will depend, in part, on the terms. It is also noted that the Authority has recently installed a demasting mooring approximately 2km upstream at Scare Gap. Should the Authority decide not to accept the offered mooring the operator could use it for his own purposes or incorporate it into the development.
- 5.54 Finally, it is noted that any dredging required to support the use of the moorings, particularly the residential moorings, will be a matter for the operator.

### Ecology

- 5.55 Whilst this site has been disused and derelict for a number of years, it does represent a useful habitat (partly as a result of the lack of disturbance) and this together with the proximity to the Special Protection Area (SPA) means that there would potentially be impacts from the development on protected species.
- 5.56 The submitted surveys have indicated the presence of newts, reptiles and water voles so measures need to be taken to mitigate any impact. The Authority's ecologist has recommended conditions which would provide the required protection.

## **6 Conclusion**

- 6.1 The details of the revised proposal are considered to be a significant improvement on the originally submitted scheme and it takes account of all the concerns raised previously. It is considered that the application is in compliance with the policies set out in the Local Plan

## **7 Recommendation**

- 7.1 That subject to satisfactory conclusion of the discussions around the affordable housing provision requirement, this planning application be approved subject to the following conditions:

1. Standard time limit conditions

2. In accordance with the submitted plans and documents
3. Affordable housing requirement
4. Finished floor levels for dwellings
5. Investigation of impact on flood defences prior to commencement
6. Materials to be agreed
7. Materials for road surface, driveways and footpath
8. Landscaping scheme to be submitted
9. Removal of permitted development rights for extensions, fences and outbuildings
10. Restriction of width of boats moored to 10m
11. Additional port channel marker
12. Details of moorings/safety equipment
13. Details of arrangements for the residential vessels to rise above the flood level
14. Management plan for marina and residential moorings
15. Marina office restricted to association with marina only
16. Working hours
17. External lighting
18. Mitigation and Monitoring Measures
19. Timing of works (avoid bird breeding season)
20. Acoustic fence to protect protected species
21. Reptile mitigation
22. Ecological enhancement
23. Highways - no obstruction to access for 20m
24. Highways - access widened
25. Highways - visibility splays provided
26. Highways - provision of parking
27. Stopping Up Order

7.2 The following informatives be specified on the decision notice:

- Highway works
- Ecology advice
- External lighting

Background papers: BA/2018/0312/FUL & BA/2019/0118/FUL

Author: Cally Smith

Date of report: 10 July 2019

Appendices: Appendix 1 MAP

BA/2019/0118/FUL Marina Quays

