

Application for Determination

Parish	Trowse With Newton	
Reference:	BA/2014/0055/FUL	Target date: 02.05.2014
Location:	River bank opposite The Ferry, 3 Bungalow Lane, Thorpe St Andrew	
Proposal:	Re-establishment of ferry crossing to include landing stage improvement with steps and slipway	
Applicant:	Mr Stephen Ellingham	
Reason for referral:	Objections received	
Recommendation:	Approve with conditions	

1 Description of Site and Proposals

- 1.1 The application site comprises an existing concrete staithe located on the south bank of the River Yare. The staithe, known locally as 'Sugarbeet Staithe', measures approximately 7.2m x 2.5m and is accessed via a permissive path which runs the length of the south bank of the River Yare as it passes through Whitlingham Country Park and, additionally, a track running north from the public highway at Whitlingham Lane which forms part of a lease for the Staithe issued to the applicants by the landowner (Norwich City Council).
- 1.2 At present the staithe is in a serviceable but dilapidated condition.
- 1.3 An Ordnance Survey map of 1967 submitted by the applicant shows a pedestrian ferry operating close to the application site, however it is not known when this ferry ceased to operate
- 1.4 The physical development proposed in this application is relatively modest: the proposal would see the existing staithe repaired and the introduction of a new set of concrete steps and steel handrail to give safe access off the staithe onto a boat. In addition, it is proposed to install a new concrete slipway on the eastern side of the existing staithe. The slipway would measure 2.2m wide and would not extend into the river any further than the existing staithe.
- 1.5 It is proposed that the ferry service would operate 7 days per week during the summer season and by prior booking only outside of this period (i.e.

from October – February). The ferry would operate on an ‘on demand’ basis. The ferry would be moored on the north bank of the river and would traverse to the south bank as and when passengers arrived. It is proposed that the ferry would collect passengers from the public right of way situated at the end of Bungalow Lane on the north bank of the river and deposit them on the south bank (or vice versa). The distance between the public right of way on the north bank and the existing staithe on the south bank is approximately 75m and the applicant has indicated that the crossing would take around 4 minutes to complete. The ferry would provide crossings for pedestrians and cyclists only and the applicant advises that it would not be the intention to attract car-borne visitors to the facility.

- 1.6 The public right of way on the north bank is a registered public right of way and appears on the Norfolk Definitive Map. The footpath runs the length of Bungalow Lane and where Bungalow Lane turns sharply to the east, the footpath continues straight on, crossing the domestic curtilage of the property known as ‘The Ferry’, terminating at the river bank.
- 1.7 The ferry landing point on the north bank (ie at Bungalow Lane) is situated immediately upstream of the former Kingfisher boatyard, which is now operated by the applicant and is used as the base for the Freedom Boats hire fleet.

2 Site History

None

3 Consultation

Broads Society – No objections.

Thorpe St Andrew Town Council – Comments to be reported to Committee verbally.

District Member Councillor S Thompson - The proposal appears to be outside the area of the Country Park and there do not seem to be any details provided of how the crossing will link up with either public or private rights of way. So while the principle of a new crossing of the River Yare is to be welcomed we need much more information on:

- how the ferry will be accessed by foot, bicycle and car
- how the crossing will be managed in relation to other craft navigating the River Yare
- relevant health and safety and insurance provision.

Environment Agency – No response received.

Navigation Committee – Comments to be reported verbally to Planning Committee.

4 Representations

3 objections received:

Mr Max Heron (Broads Authority Member) - Objection to application making the following points:

- Proposed ferry is in a location which is already width-limited due to stern-on moorings on the north bank
- It is unclear from the application when the ferry will be operational (weekends only, on demand, or a mixture of both?)
- The proposed slipway would allow boats to be launched straight into the path of oncoming vessels, creating a new hazard

Mr Nick Francis (Chair of Norwich Rowing Club) – Objection making the following points:

- The ferry would represent an additional and unacceptable hazard to rowers
- The application site lies on a very busy section of the river

Mrs E. Buxton, owner of 'The Ferry', 3 Bungalow Lane, Thorpe St Andrew – objection making the following points:

- Introduction of a ferry crossing in this location would increase number of people using the public right of way and, in doing so, adversely impact on the amenity of residents of 'The Ferry'.
- The southern part of Bungalow Lane is a private road over which runs a public right of way (footpath). Whilst certain identified parties (residents of properties at the southern end of Bungalow Lane and their bona fide guests and visitors) having vehicular access rights over this private section of road, there is no such public right and, this notwithstanding, the road is not suitable for increased traffic.
- Re-opening of the Ferry will increase use of the footpath along Bungalow Lane and this will have concomitant maintenance implications for the private section of the road.

5 Policy

5.1 The following policies have been assessed for consistency with the NPPF and has been found to be fully consistent with the direction of the NPPF

Adopted Broads Core Strategy (2007)

[Corestrategy2007](#)

CS17 – Safe Recreational Access to the Water

5.2 The following policies have been assessed for consistency with the NPPF and have found to be fully consistent with the direction of the NPPF.

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

DP2 – Landscape
DP4 – Design

- 5.3 The following policies have been assessed for consistency with the NPPF and have found to be mostly consistent with the direction of the NPPF; any divergence from the NPPF is due to the content of the policy being largely Broads-specific and therefore not being reflected in the document. The policy below is not considered to conflict with the NPPF:

DP12 – Access to the Water

- 5.4 Material Considerations
NPPF [NPPF](#)

6 Assessment

- 6.1 This application seeks consent for minor works to an existing staithe in order to facilitate the reintroduction of a passenger ferry crossing between Whitlingham Country Park and Thorpe St Andrews.
- 6.2 In terms of assessment, whilst it is acknowledged that the actual physical development proposed in this application is limited, it is the case that the physical development is necessary in order to enable the operation of a new passenger ferry crossing. Recognising this, it is considered necessary when determining this application to give consideration to the impacts directly associated with the proposed operational development (the installation of a new slipway, steps and hand rail), and also to the impacts associated with the new ferry service facilitated by the development.
- 6.3 Considering first the principle of the development; there is no objection to the principle of a ferry crossing across the River Yare. Policies within both the Broads Core Strategy and the Broad Development Management DPD seek to promote access to and interaction with the water and recognise the importance of infrastructure such as ferry crossings in terms of connecting communities and the tourism and wider economic benefits of river crossings.
- 6.4 Specifically, Core Strategy policy CS17 and DM DPD policy DP12 seek to promote use of the waterways and are supportive in principle of the new crossings such as that which would be facilitated by the development proposed in this application.
- 6.5 Consequently, the principle of a ferry crossing is acceptable.
- 6.6 Having regards to the acceptability of the specific development proposed in this application, it is considered that the most significant issue relates to the navigation impacts associated with the ferry which would be facilitated by the

proposed development.

- 6.7 Considering these impacts and the standard against which this application for planning consent must be assessed, Policy DP12 states that development that supports and encourages the use of waterways will be permitted provided (*inter alia*) that they would not result in hazardous boat movements.
- 6.8 In this instance the ferry would be crossing a busy stretch of river and one which is particularly well-used by rowers; with two active rowing clubs being located very close to the application site.
- 6.9 Members of both these clubs have objected to the proposed development on the basis that the ferry associated with the proposal would be operating on a busy stretch of river and in a location which is already regarded as a 'pinch point' due to the existing staithe and the row of stern-on moorings operated by the boatyard on the north bank of river, immediately opposite the staithe.
- 6.10 The view of the two objectors is that the operation of a passenger ferry in this location would have a detrimental impact on the safe navigation of the river, with one submission stating that the ferry could possibly prevent the use of the river for the hosting of competitive rowing events.
- 6.11 In response to these concerns, it is accepted that the re-introduction of a ferry crossing in this location would require both the operator of the ferry and other river users to be conscious of river traffic and, to this end, the proposal would undoubtedly have some impact on how the river is used at present.
- 6.12 However, at the point of the application site the river channel is approximately 38m wide. The channel is relatively straight in this location and visibility up and down stream is considered to be very good.
- 6.13 It is recognised that the river channel is restricted by the stern on moorings. However, the largest boat currently operated by Freedom Boats (the company operating out of the boatyard on the north bank) is 13m long. This leaves a navigable width of around 25m. This navigable width would not be reduced by the development proposed in this application (with the proposed steps and slipway being located on the eastern and western sides of the existing staithe) so the only impingement of navigation caused by the proposal would be the movement of the ferry itself across the river.
- 6.14 Considering the width of the river, and having regard to the limited time of exposure (it is estimated that the ferry crossing would take approximately 4 minutes to complete) and the very good visibility in this location, it is not considered that the proposed development would necessarily lead to hazardous boat movements.
- 6.15 In coming to this conclusion it must also be recognised that both the ferry and any other craft on the river (be it a rowing scull or a tourist boat) must adhere to the Broads Authority's navigation bylaws and that there is a generally applicable duty on all navigators to take due care and attention when using

the waterspace.

- 6.16 The above notwithstanding, it is recognised that the operation of a ferry in this location will potentially require other river users to adapt their course and, to ensure that all can do so in good time, it is considered necessary to require signage to be erected on land to the east and land to the west of the application site informing river users of the ferry. It is proposed to require details of location and style of signage by condition attached to any consent granted.
- 6.17 Subject to the above condition, there are no objections to the proposal on the grounds of navigation impacts.
- 6.18 With regards to other impacts associated with the proposed development, it is considered that impacts would be limited due to the very small scale nature of the works proposed. There would, for example, be no impact on landscape, no design issue and no impact on any protected species.
- 6.19 The concerns expressed by the owner of 'The Ferry' regarding impacts on amenity (with an increase in use of the footpath which runs through the curtilage of the property resulting in noise and loss of privacy) are noted; however the footpath is existing and, as such, there is already a right for the general public to pass through the site on this public right of way. The property lies some 14m from the line of the footpath and it is not considered that the proposed ferry would generate such a level of pedestrian traffic along this route to have any unacceptable impact on the amenity of the occupants of the dwelling house and, as such, it is not considered that the application could be refused on this ground.
- 6.20 The issue regarding vehicular access to the proposed ferry embarkation point on the north bank is noted. Bungalow Lane is, at the northern end, a public highway but has poor visibility on the exit to Yarmouth Road (A1242) and crosses a railway line by means of level crossing halfway down its length. There is no parking at the point at which the road becomes a private road and the owner of 'The Ferry' (who also owns the private sections of Bungalow Lane) has indicated that there is no right associated with the public right of way for any vehicle to pass down the private road.
- 6.21 Given the poor access, lack of parking and apparent absence of a legal right to pass over the southern section of the road, it is not considered desirable that the ferry service enabled by this application results in an increase in the number of vehicles using the public highway (and connected private road). Consequently, it is considered necessary for any consent to include a condition which requires details of signage to be erected at the top of the public highway indicating that there is no vehicular access to the ferry site. Details of this signage are to be required by planning condition and may require the applicant to negotiate with Norfolk County Council Highways to identify an appropriate location for the signage as well as with the appropriate landowner to secure consent for any such sign.

7 Conclusion

- 7.1 This application seeks consent for minor works to an existing staithe to enable the reintroduction of a ferry service between Thorpe St Andrew and Whitlingham Country Park.
- 7.2 Given the small scale of the works proposed the principle concerns with this application relate not to the operational development but to the ferry service facilitated by the works.
- 7.3 In considering these concerns, it is recognised that the proposed ferry would be located on a well-used stretch of river and that there is potential for conflict with existing river users.
- 7.4 However, having regards to the modest scale of the proposal, the relatively short distance travels by the ferry and limited time this journey would take and taking into account the very good visibility on this stretch of the river, it is not considered that the proposal would result in hazardous boat movements and, consequently, the application is considered to be in accordance with Policy DP12.

8 Recommendation

- 8.1 Approve subject to conditions:
- (i) Time limit
 - (ii) In accordance with approved plans
 - (iii) Details of river signage
 - (iv) Detail of highways signage

9 Reason for Recommendation

- 9.1 The application is considered to be in accordance with Policy DP12 of the Development Management Policies DPD (2011).

Background papers: Application File: BA/2014/0055/FUL

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Date: 7 April 2014

Appendices: APPENDEX 1 - Location Plan

APPENDIX 1

BA/2014/0055/FUL - The Ferry, 3 Bungalow Lane, Thorpe St Andrew
Re-establishment of ferry crossing to include landing stage improvement with steps and slipway

