

Reference:

BA/2015/0393/FUL

Location

Ferry View Boatyard, Ferry View Estate, Horning

BA/2015/0393/FUL Ferry View Boatyard



Application for Determination
Report by Planning Officer (Compliance and Implementation)

Target Date	28.06.2018
Parish:	Horning Parish Council
Reference:	BA/2015/0393/FUL
Location:	Ferry View Boatyard, Ferry View Estate, Horning, NR12 8PT
Proposal:	Retrospective application for new toilet block
Applicant:	Richardson's Leisure Ltd
Recommendation:	Approve with conditions
Reason for referral to Committee:	Managing Director at Richardson's is a Member of the Authority

1 Description of Site and Proposals

- 1.1 The application site is a boatyard which is situated within the rural parish of Horning. The site contains one large, industrial sized boat shed, a site office/shop, carpark and moorings. The site is accessed from the north via Ferry View Road off Lower Street which runs along the river in Horning and via the river up a dyke off the River Bure to the south. Residential properties line the road at the junction to the north of Ferry View Road and boatyard/ marinas surround the application site. The land opens out to succeeded wood and drained marsh to the east. The site is situated within Horning Knackers Wood catchment which is the catchment for Horning's Water Recycling Centre.
- 1.2 The application seeks retrospective consent for the erection of a toilet block which also has shower facilities for use by its customers. The toilet block is 7.2m by 3m and 2.9m to the ridge. The building is of a porta cabin style

construction, clad in timber with a flat roof. The building contains 4 toilets, 2 showers and 4 sinks and is connected to the main sewer.

2 Site History

- 2.1 BA/1995/2351/HISTAP - Change of use of part existing boatyard for the mooring of 4 houseboats and standing of 3 portable buildings – Withdrawn
- 2.2 BA/2013/0397/FUL- Proposed new moorings - Approved with Conditions
- 2.3 BA/2013/0396/DEM - Proposed demolition of old boatshed – Prior Approval not required
- 2.4 BA/2016/0174/FUL - Additional moorings, quayheading, public moorings and slipway - Refused

3 Consultations

3.1 Consultations received

Parish Council- The Parish Council supports this application
In order to minimise light pollution, the Parish Council recommends that any outdoor lights associated with this proposed development should be:

1. fully shielded (enclosed in full glass cut-off fittings)
2. directed downwards (mounted horizontally to the ground and not tilted upwards)
3. switched on only when needed (no dusk to dawn lamps)
4. white light low energy lamps (Philips Cosmopolis or fluorescent) and not orange or pink sodium sources)

District Member- This application can be determined by the Head of Planning (delegated decision)

North Norfolk Environmental Health Department- I have noted the information submitted by the applicant and am of the opinion that until confirmation is received that Anglia Water Service's foul drainage works for Horning are adequate, the erection of a Toilet/Shower Block is an unacceptable level of development. As such, I refer you to the joint position statement (**Appendix 2**), which still stands and should inform you that this Department wishes to object to the application.

Updated response- In light of the fact that the toilet block has been in use since 2015 we retract our objection. However if this had been a new toilet/shower block then we would have objected. In view of the Joint Position Statement and if possible we would like to see the use of a "Grey Water" Recycling system which would reduce the outflow of Grey Water.

Environment Agency- Members to be updated verbally

Anglian Water- Members to be updated verbally

- 3.2 Representations received
None

4 Policies

- 4.1 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.

[NPPF](#)

Development Management Policies DPD

[Development-Plan-document](#)

DP3- Water Quality and Resources

DP4- Design

DP11- Access on Land

DP29- Development on Sites with a High Probability of Flooding

Site Specific Policies

http://www.broads-authority.gov.uk/_data/assets/pdf_file/0009/469620/Adopted-Site-Specific-Policies-Local-Plan-11-July-2014-with-front-cover.pdf

HOR 1- Development Boundary and Drainage

HOR 7- Horning - Boatyards, etc. at Ferry Rd. & Ferry View Rd

- 4.2. 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 Policies DPD

DP20- Development on Waterside Sites in Commercial Use, inc. Boatyards

DP28- Amenity

- 4.3 The National Planning Policy Framework is a material planning consideration.

5 Assessment

- 5.1 The main issues to consider in the determination of this application are the principle of the development, sewerage drainage, design, flood risk, access and amenity.

Principle

- 5.2 The provision of a toilet and shower facility helps improve the overall visitor offer at the boatyard. Although this type of development is not specifically mentioned in the development plan, adopted Policies DP20 and HOR7 of the Site Specifics DPD are supportive of the retention of boatyards and the

improvement of facilities and services at boatyards will help secure this. The policies states that 'within existing boatyards the development of... buildings to meet the operational requirements of the boatyard will be permitted'. It is considered that providing a toilet and shower facility at this location improves the services provided at the boatyard and the principle of the proposal is therefore considered acceptable and in accordance with policies DP20 of the Development Management Policies DPD and HOR7 of the Site Specifics DPD.

Impact on the Horning catchment water recycling centre

5.3 The site is situated within Horning Knackers Wood catchment which is the catchment for Horning's Water Recycling Centre. Policy HOR 1 and HOR7 of the Site Specific DPD restricts development which would result in an increase discharge into the main sewers due to significant concerns over capacity within the Horning Knackers Wood catchment and the possible impact on specially designated areas. For a full background to the issues the Joint Position Statement can be seen at **Appendix 2** of the report. Any proposals which would result in an increase in discharge into the system would therefore be likely to result in objections from the Environmental Health Department at North Norfolk District Council, Environment Agency and Anglia Water and be contrary to policy HOR1 of the Site Specific DPD.

5.4 There are, however, particular circumstances here and the agent advises:

'the toilets and showers are for boat owners. If they use them they are not using the toilets and showers in their boats which go to a holding tank. If they do us[e] the facilities in their boats then that gets pumped out into the system as well so there is no gain in the amount of use. There are also toilets in the big shed and the offices which are no longer used because the staff levels have dropped and there is no longer a booking office on site. The toilets are not available for use because the services to them have been turned off. The two or three people on site use the new toilets'

5.5 Given that the facilities associated with this retrospective application have replaced previous facilities on site and that the predominant users of the site are visitors who would otherwise use their own facilities which would in turn be pumped out, it is not considered that overall there would be a significant increase in the pressure on the Horning Knackers Wood foul water system. This notwithstanding, there is an argument that the provision of on-shore facilities could result in some increase in use so the opportunity should be taken to introduce a grey water recycling system and this can be covered by planning conditions. Members will be aware of a similar approach being required in respect of a holiday unit at Crabbetts Marsh as detailed elsewhere on this agenda. Subject to the above, the proposal is considered to accord with policies HOR1 and HOR7 of the Site Specifics DPD. The Environmental Health Department originally objected to the application but withdrew their objection when the above additional information was submitted by the agent. The Environment Agency and Anglia Water's responses are awaited and Members will be updated verbally.

Design

- 5.6 The toilet and shower block sits within an area adjacent to large boatshed building which is of an industrial character. It is considered that the building is discrete, positioned sympathetically and constructed of appropriate materials which ensure it is read well within the industrial context. The design is therefore considered acceptable in accordance with policy DP4 of the Development Management DPD.
- 5.7 In terms of the Parish Councils comments regarding lighting, only one small, low level light is attached to the building which is considered appropriate given the context.

Flood Risk

- 5.8 The site is situated within Flood Risk Zone 3b, however the floor levels have been set no lower than existing levels which is considered appropriate and the type of development is considered water compatible and therefore acceptable within this Flood Risk Zone. The development is therefore considered in accordance with policy DP29 of the Development Management Policies DPD.

Access

- 5.9 It is not considered that the provision of toilets/showers will significantly increase the use of the site beyond current levels and it is therefore considered that there will be no adverse impact on access as a result of the proposals. The development is therefore considered in accordance with policy DP11 of the Development Management Policies DPD.

Amenity

- 5.10 The toilets are situated adjacent to existing boatyard buildings, facing a mooring basin. Given the nature of the development and surrounding land-uses it is not considered that there will be any adverse impact on neighbouring amenity as a result of the proposals, in accordance with policy DP28 of the Development Management Policies DPD.

6 Conclusion

- 6.1 The development is considered acceptable in respect of impact of the principle of the development, sewerage drainage, design, flood risk, access and amenity.

7 Recommendation

Approve subject to conditions:

- Standard time limit
- In accordance with plans submitted

- Details of water management plan, including grey water management scheme

8 Reason for Recommendation

In the opinion of the Local Planning Authority, the development is considered acceptable and in accordance with the NPPF, Policies DP3, DP4, DP11, DP20, DP28 and DP29 of the Development Management Policies DPD and Policies HOR1 and HOR7 of the Site Specific Policies DPD.

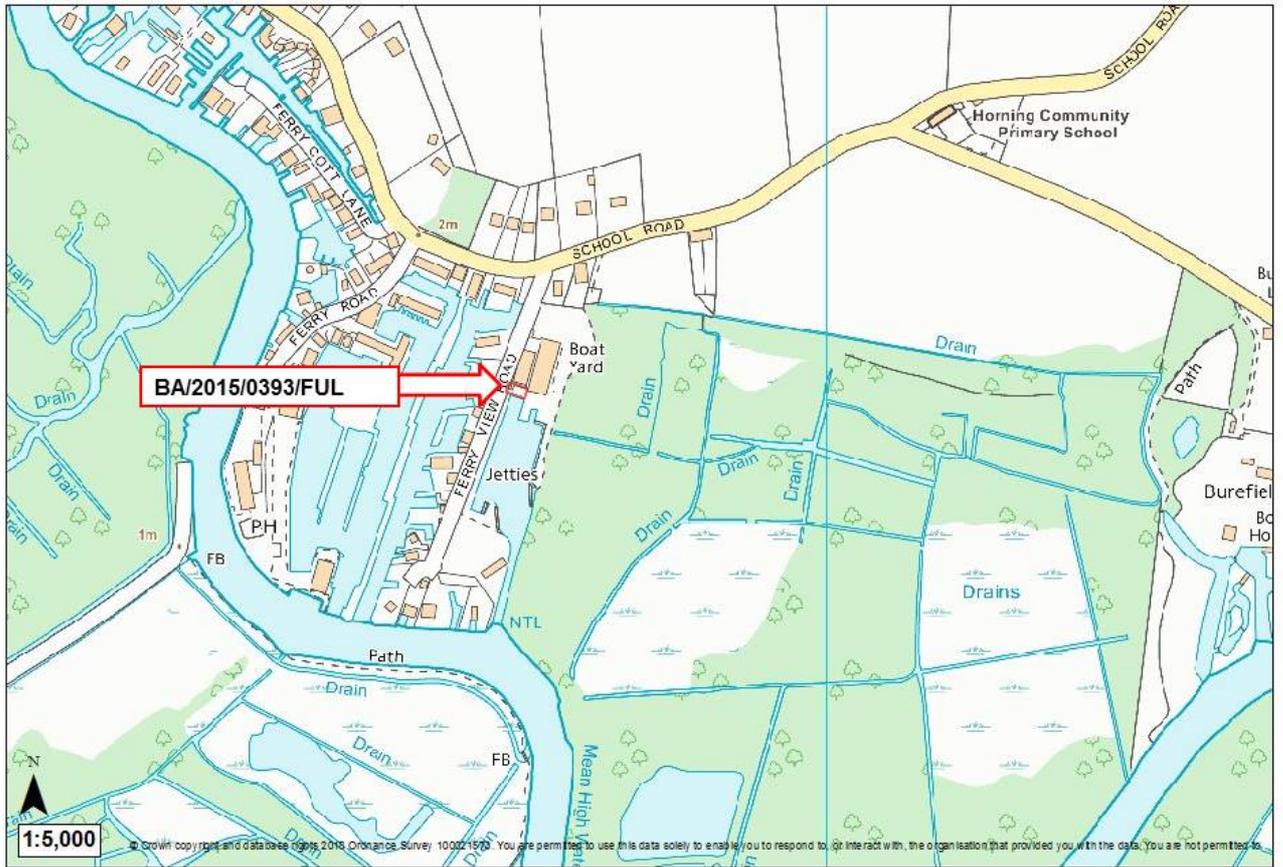
9 Note by Solicitor and Monitoring Officer

In accordance with the procedures set out in paragraph 2 of the Code of Conduct for Members on Planning Committee and Officers, I have been informed of this application. I have read the file and this draft report on 7th June 2018. I confirm that I consider that this matter has been dealt with in accordance with normal processes and procedures and the recommendation appears uncoloured by the relationship noted in this report. I have asked that this paragraph be inserted into the report

Background papers:	BA/2015/0393/FUL
Author:	Kayleigh Judson
Date of report:	7 June 2018
Appendices:	Appendix 1 – Map Appendix 2 – Joint Position Statement on Development in the Horning Water Recycling Centre Catchment

APPENDIX 1

BA/2015/0393/FUL Ferry View Boatyard



Joint Position Statement on Development in the Horning Water Recycling Centre Catchment

Prepared by Anglian Water Services and the Environment Agency.

This statement has been prepared to support Local Planning Authorities in their decision making on development in Horning, North Norfolk.

Background

Horning Knackers Wood Water Recycling Centre discharges to the River Bure. In doing so, this Water Recycling Centre (WRC) contributes nutrient loads to the downstream watercourses as well as to the Bure Broads and Marshes Site of Special Scientific Interest (SSSI), a component of the Broads Special Area of Conservation (SAC)/ Broadland Special Protection Area (SPA).

Concerns regarding development in the catchment of the WRC (see enclosed) relates to the potential impact of rising nutrient loads on the river and sensitive downstream receptors. At present, the main River Bure achieves 'high status' for water quality (very good quality), and the Bure Broads and Marshes SSSI predominantly meets the water quality thresholds. As a minimum, our objectives are to ensure that there is no deterioration in water quality in the river and that the water quality thresholds set out in the Conservation Objectives for the European protected site continue to be met. Further details on the needs of the European Site are available from Natural England.

A high quality water environment is an integral part of the natural environment, providing a good habitat for plants, animals and quality of life benefits for local people. Water resources and a high quality water environment underpin economic development, by providing water for households, industries, agriculture, recreation and tourism. The 'high status' water quality in the River Bure is atypical for East Anglian rivers, making this a particularly important catchment to safeguard. The 'high status' is due in part to the significant investment that the water company have made since the 1990s to reduce phosphorus concentrations in effluent to protect the Broads as well as ongoing work by the Environment Agency to identify and address poor water quality across the wider catchment. This investment, and the environmental and socio-economic benefits it has delivered, should not be jeopardised by development.

To ensure that there is no increased risk to water quality, there must be no increase in nutrient loading from the Horning WRC above that assessed by the Environment Agency under the 'Review of Consents' project which concluded in 2007. Any development that could increase foul water flows to the WRC could increase the loading from the Centre.

Policy Background

Policy HOR6 of the North Norfolk Site Allocations DPD (February 2011) states that development will be required to 'demonstrate that there is adequate capacity in sewage

treatment works and no adverse effect from water quality impacts on European Wildlife Sites.'

Policy HOR1 of the Broads Authority Site Specific Policies DPD adopted 2014 states that:

'To ensure the protection of designated sites, no new development requiring connection to the public foul drainage system within the Horning Catchment, should take place until it is confirmed capacity is available within the foul sewerage network and at the Water Recycling Centre to serve the proposed development.' Policies HOR2, 5 and 7 support or re-iterate this policy.

Local Authority Responsibilities

The legal framework for the protection, improvement and sustainable use of waters is provided by the Water Framework Directive (WFD) which was enacted into UK law in December 2003.

Under the UK Regulations, local authorities must have regard to the plans developed to deliver the Regulations in exercising their functions. This means that they need to reflect the priorities and objectives (as described above) in local planning policies, infrastructure delivery plans and in the determination of individual planning applications. With regards development in the Horning catchment, the main priorities and objectives are to ensure no deterioration in river water quality and to meet the Conservation Objectives for the Bure Broads and Marshes SSSI/ SAC/ SPA.

Local authorities and other public bodies are also required to provide information and "such assistance as the Environment Agency may reasonably seek in connection with its WFD functions."

Local authorities, along with other public bodies, have a general responsibility not to compromise the achievement of UK compliance with EU Directives, including the WFD. Non-compliance with EU Directives could potentially lead to the European Commission bringing legal proceedings and fines against the UK. The Localism Act 2011 includes a new power for UK Government to potentially require public authorities (including local authorities) to make payments in respect of EU financial sanctions for infraction of EU law if the authority has caused or contributed to that infraction. In theory, this power applies to infractions of WFD requirements, including deterioration of water body status, though in practice, Government and the Environment Agency would seek to work with a local authority to resolve the situation and avoid levying penalty payments.

The Localism Act also sets out the duty to cooperate, which requires local planning authorities to co-operate on cross-boundary planning issues, including, as stated in the National Planning Policy Framework, the provision of infrastructure for water supply and water quality, as well as climate change adaptation and conservation and enhancement of the natural environment.

Horning Water Recycling Centre

Both Anglian Water and the Environment Agency agree that the Horning Knackers Wood Water Recycling Centre (WRC) does not currently have capacity to accommodate further

foul flows. This means that measures need to be taken to reduce the flows the Centre receives from across the catchment. Some work has already been done, and further work is planned. These are detailed below. If the flows continue to rise there is a risk of increased nutrient loading to the river and therefore deterioration in water quality. There is also increased risk of sewer flooding.

Anglian Water Services (AWS) have undertaken investigations to identify why the WRC is receiving excessive flows. They found that due to its location and proximity to the Broads, the sewerage system in Horning has long had an issue with the ingress of water, either from groundwater infiltration, where water seeps into underground pipework, or from surface water from street drainage and similar, or from fluvial water, when the Broads over tops into the streets of Horning and subsequently floods via manholes into the sewerage system.

In an attempt to alleviate flows getting into the sewerage system, in 2014/15 Anglian Water carried out camera surveys of all of its owned sewers and any that had shown to have groundwater ingress have been replaced or relined.

Out of the entire network of 9.5km, a total of 1.5km has been repaired and six manholes have been rebuilt and/or sealed against infiltration. While this work was successful in reducing the groundwater ingress into the sewerage network, this has not totally resolved the flow issues.

The Highways Authority (Norfolk County Council) have been working with Anglian Water, and are progressing the removal of two surface water drainage gullies from the Anglian water sewerage system.

Anglian Water are progressing the building of a hydraulic model to better understand the flow and capacity within the system. This is due for completion at the end of the 2016-17 financial year.

This scheme is ongoing and will inform further remedial works upon the network. A subsequent period of 12 months of monitoring of flows to assess the efficacy of the scheme and whether there is capacity to accept additional flows will be required by the Environment Agency.

Implications for Development in Horning

Whilst flows to the Water Recycling Centre remain high, measures to reduce existing flows and prevent additional flows to the catchment need to be taken. Development that could increase the flows to the Water Recycling Centres therefore needs to be avoided. All opportunities to prevent and reduce clean surface, ground or fluvial water entering the sewage system also need to be taken.

New developments or changes to existing properties (commercial or domestic) that could increase foul water flows to the Horning WRC will not be looked upon favourably by the EA, Anglian Water or the undersigned until the excessive flows to the Centre have been addressed with confidence. It is considered that 12 months-worth of the continuously collected flow monitoring data from the WRC, will provide enough evidence to determine the effectiveness of each tranche of works upon the system, and allow review of the acceptability of development.

This means that there will be a presumption against developments that increase flows to the WRC in the short term. Similarly, there will be a presumption against developments that rely upon stand alone foul water treatment solutions as they too have the potential to adversely affect water quality.

This position statement will be reviewed after each tranche of works on the system, and again after the collection of 12 months post-works data.

The capacity that the infiltration scheme will free up at the WRC is difficult to predict and so the quantum of development that will be able to come forward in the future is currently unknown.

We are keen to ensure the water infrastructure is adequately considered upfront without unduly blocking development, whilst continuing to safeguard Habitats Directive sites, and meet the objectives of the Water Framework Directive. Developers will need to engage with relevant parties in order to identify and progress solutions, indeed AWS and EA actively encourage pre-application discussions. We are committed to work with all parties to progress solutions to enable development in Horning.



Hannah Wilson
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