

Reference:

BA/2018/0208/COND

Location

Barnes Brinkcraft, Riverside Road, Hoveton

BA/2018/0208/COND Barnes Brinkcraft, Hoveton 20000



Application for Determination

Parish	Hoveton
Reference	BA/2018/0208/COND Target date 06 August 2018
Location	Barnes Brinkcraft, Riverside Road, Hoveton
Proposal	Variation of approved plans, Condition 2, of permission BA/2017/0155/FUL.
Applicant	Barnes Brinkcraft Ltd
Recommendation	Approve subject to conditions
Reason for referral to Committee	Objections received

1 Description of the Site and Proposals

- 1.1 The application site is a large mooring basin at Riverside Marina, Riverside Road, Hoveton. The basin, which measures approximately 30 metres by 65 metres, lies on the eastern bank of the River Bure, approximately 130 metres downstream of Wroxham Bridge. Access from the river is via an opening towards the northwest corner of the basin and access by road is via Riverside Road which borders the site to the east. Between the road and the basin, parking bays are provided for marina customers. To the north lies a terrace of six dwellings and to the east across Riverside Road there is a mix of marine based commercial development and holiday accommodation.
- 1.2 In terms of background to this application, in July 2017 planning permission was granted under delegated powers at the Barnes Brinkcraft site for works described as 'Replacement of 158m of quay heading, removal of 280 square metres of land, installation of pontoons, widening of access track and removal of storage shed' (planning reference BA/2017/0155/FUL). The works relevant to this application involved the removal of a peninsula of land which ran parallel to the river and enclosed the large mooring basin, the effect of which was to turn the mooring basin enclosed on four sides into a mooring bay enclosed on three sides. It was then proposed to bisect this new bay with a pontoon positioned parallel to the river which would facilitate moorings either side via finger pontoons, which would increase the capacity of the site.
- 1.3 The drawings submitted with the application showed the proposed arrangement, including the location of the new pontoon and the mooring

layout and it was clear that this would not result in vessels encroaching further into the river than they had done previously. A barge had been moored on the riverfront here for a number of years and the outer extent of this (i.e. the river side) was taken as the furthest extent of encroachment into the river.

- 1.4 The works to implement the planning permission commenced in September 2017, initially with the clearance of the basin, the removal of the peninsula of land and the renewal of the quay heading. The works were not, however, completed in accordance with the planning permission as follows:
- (a) A spit of land (peninsular) downstream of the basin, which runs perpendicular to the river and separates this mooring basin from another mooring basin to the south, has been extended out into the river by approximately 1.2 metres; and
 - (b) The new pontoon has been located approximately 4.2 metres closer to the river than proposed on the approved drawing; and
 - (c) The configuration of the moorings on the new pontoon is not as shown on the approved drawing.
- 1.5 The operator has earlier explained in respect of (a) that the spit of land has been restored to a previously existing extent, the former land having been removed at some point in the past by a previous owner. In respect of the pontoon at (b), it should be noted that it is 0.5m narrower than permitted and that the approved drawing shows the guide piles located to the front (riverside) of the pontoon, whilst on site they are located to the rear. The pontoon is therefore approximately 3.7 metres further forward of the approved position, taking account of its reduced width.
- 1.6 The application proposes a variation of condition 2 of planning permission BA/2017/0155/FUL which required that the proposal be carried out in accordance with the approved plans. The plans submitted with the current application show the development as built which includes the extension to the spit of land and the pontoon and finger jetties closer to the river. The proposal seeks to retain the development as built but proposes to limit the length of vessels utilising the moorings to a maximum of 9.5 metres for the two moorings immediately north of the spit of land and a maximum of 8.2 metres for the four adjacent moorings, with the mooring to the north of these to be for a single side on mooring only.

3 Site History

BA/2017/0023/INFENF - Extends further into the River Bure than the one that has been replaced.

BA/2017/0155/FUL - Replace 158m quayheading, removal of 280 square metres of land, installation of pontoon, widening of access track and removal of storage shed. Approved with conditions, July 2017.

BA/2013/0241/FUL - Retrospective application for repair of existing and installation of new quayheading and walkway together with four finger pontoons. Approved with conditions, September 2013.

4 Consultation

Parish Council - Objection on the basis of concerns that the proposed variation of conditions will result in an obstruction of the navigation.

BA Waterways and Recreation - No objection. We would request that conditions are imposed ensuring any moored vessels (be they moored stern or side on) do not encroach into the river more than the previously moored vessel (shown on the Aerial plan submitted with the application). We would also request that permission is only granted on a temporary basis (of 12 months) to enable a review of the mooring arrangement and any impact it may have had on navigation.

BA Head of Ranger Services - No objection. The restrictions on length mean vessels do not encroach into the channel more than would have been previously permitted. I would request that conditions are imposed to ensure this arrangement is adhered to (with maximum lengths stated as part of this) and also that the permission be granted on a temporary basis (6 - 12 months) to allow us to monitor the management of this mooring arrangement and the impact on the navigation.

Representations

Four objections were received which are summarised as follows:

- Compliance with vessel size restrictions is doubtful.
- There has been, and will continue to be, obstruction caused to the navigation.
- The principal impact is the narrowing of the width of the river by 1.2 metres (4 feet), by the extension of the access pier (peninsular).
- The effective width of the river is reduced by 5%, by the unauthorised extension.
- Whilst the boats on the pontoon could be moved to allow a wider passage the 1.2 metre extension to the peninsular could not.
- Significant Ranger resources have been expended on attempts to mitigate the problem and the proposed installation of signage will be unlikely to have much impact, particularly in respect of "out of hours" transgressions.
- Regardless of whether offending boats are moved on, they still represent a danger for the time they are moored up.
- The new pontoon remaining in place is impractical and unworkable, this will inevitably result in the right of safe navigation being compromised.
- There is continued misuse of the mooring pontoon.

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.

[NPPF](#)

[Development-Management-DPD2011](#)

Development Management Policies DPD (adopted 2011)

DP4 - Design

DP29 - Development on Sites with a High Probability of Flooding

- 5.2 The following Policies have been assessed for consistency with the NPPF and has 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 (adopted 2011)

DP12 - Access on Water

DP13 - Bank Protection

DP28 - Amenity

Neighbourhood Plans

- 5.3 There is no Neighbourhood Plan in force in this area.

6 Assessment

- 6.1 The application seeks to retain the extension to the spit of land (peninsular), the location of the pontoon closer to the river, and the siting of finger jetties. The proposal includes the restriction of vessel length to the river side of the pontoon, and the provision of signs warning of the restrictions.

- 6.2 The approved application (BA/2017/0155/FUL) was considered acceptable as a barge had been moored on the river side of the previous peninsular which established a clear projection into the river at this location, and the proposed scheme did not result in encroachment into the river beyond that projection. Whilst the scheme as constructed includes the extension to the spit of land and the siting of the pontoon closer to the river, the current application seeks through the control of vessel lengths to avoid any impacts on navigation by ensuring that the projection into the river is no further than the outer extent of the barge.

- 6.3 The spit of land has a projection into the river of approximately 1.2 metres; taking a line from the western edge of this directly north it would still be within the line of the outer extent of the barge and therefore would not project further into the river than the previously existing situation.

- 6.4 The siting of the mooring pontoon to the river side of the guide piles results in the pontoon being located approximately 3.7 metres further forward of the approved position, taking account of its reduced width. The previous approval did not seek to restrict the length of vessels utilising the moorings. In order to address concerns regarding reduction of the river width at this location the application proposes limiting the length of vessels using the moorings to two moorings for vessels up to 9.5 metres in length and four moorings for vessels up to 8.2 metres in length, with a mooring to the north of these to be for a single side on mooring only. It is noted that signs have already been put in place to advise potential moorers of the restrictions at these moorings. The limits to vessel length would ensure that any projection into the river would still be within the line of the outer extent of the previously existing barge, this has been assessed by both the Broads Authority's Waterways and Recreation Officer and the Broads Authority's Head of Ranger Services who consider that the restrictions proposed are acceptable.
- 6.5 It is noted that representations were received which were sceptical of the proposed restriction of vessel lengths suggesting it is unworkable and impractical. As noted above, the signs are already in place (having been installed in July) and there have subsequently been no known transgressions and no reports received of any issues with regard to use of these moorings. The use of these moorings has been carefully monitored by the Ranger team.
- 6.6 It is further noted that it has been recommended that a temporary permission only is granted in order to monitor the management of the moorings. This application is only to vary condition 2 of the planning permission under ref BA/2017/0155/FUL and it is only possible to consider whether variation of that condition is acceptable, it is not possible under this application to add new conditions. However, should transgressions occur there are mechanisms for addressing this which would begin with a planning enforcement investigation. The use of a temporary consent would only be appropriate if the issue were whether the projection into the river is acceptable, but if the proposed restrictions are considered acceptable, the only reasonable course of action would be to approve the current application and to monitor compliance with the approved plans as the Authority would with all other planning permissions.
- 6.7 With regard to the above assessment it is considered that the retention of the addition to the spit of land (peninsula), mooring pontoon and finger jetties would not result in a projection into the river beyond the previously existing barge in this location, and that subject to restrictions on the length of vessels using the moorings and retention of the existing signs advising users of the restrictions, the proposal is considered acceptable with regard to Policy DP12 of the Development Management Policies DPD.

7. Conclusion

- 7.1 The proposed retention of the addition to the spit of land (peninsula), mooring pontoon and finger jetties would not be hazardous to navigation or result in a narrowing of the river taking into account the situation prior to the recent works being carried out, under planning ref BA/2017/0155/FUL although not in

accordance with those plans. Restrictions on vessel length and the requirement for one side-on mooring would also ensure there is no hazard to navigation or result in a narrowing of the river.

8. Recommendation

Approve subject to conditions as follows

- i. Standard time limit;
- ii. In accordance with submitted plans and signage details;

9. Reason for Recommendation

The proposal is considered to be in accordance with DP4, DP12, DP13, DP28 and DP29 of the Development Management Policies DPD (2011), and the National Planning Policy Framework (2018) which is a material consideration in the determination of this application.

List of Appendices: Location Plan

Background papers: Application File BA/2018/0208/COND

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Date of Report: 30 August 2018

