

Application for Determination

Parish	Loddon		
Reference	BA/2013/0163/FUL	Target date	17/10/2013
Location	Mill Farm, Pyes Mill Road, Loddon		
Proposal	A full planning application for the construction of timber walkways, a new gravel car park and approval for 2no. public moorings and 7no. private moorings		
Applicant	Mr Paul Mattocks		
Recommendation	Approve subject to conditions and Section 106 Agreement		
Reason referred to Committee	Departure from Policy and Third Party Objections		

1 Description of Site and Proposals

- 1.1 The application site is within a small farm, Pyes Mill Farm which is approximately 2ha in area. The site itself is situated on the south bank of the River Chet, downstream from the centre of Loddon. A public staithe is located to the immediate west of the site and the land then opens up to countryside to the west, where the banks become natural in profile. A number of different types of moorings can be seen lining the banks up to Loddon, including the Broads Authority 24 hour moorings, individual private and boatyard moorings. There is a mix of both stern and side on moorings along this stretch of the Chet. The site itself sits on a transitional point of the river which separates the more developed character of the western end of the Chet and the more natural and open character out to the east and beyond.
- 1.2 In terms of neighbouring properties, a barn which has planning permission to be converted to two holiday units and a large agricultural barn, sits to the immediate south, within the same ownership of the applicant. A small number of properties line Pyes Mill Road which forms the vehicular access up to the application site.
- 1.3 A small mooring basin approximately 10m x 15.5m, which could hold approximately two boats, exists on the river, but has become overgrown. It is proposed to extend the existing basin by approximately 30m long and 15.5m wide resulting in a mooring basin 40m long by 15.5m wide. The excavation of the basin itself is proposed to be excavated as part of a material sourcing exercise undertaken by BESL (BA/2013/0264/FUL) to help build up a flood

bank adjacent to the site and there is a report on this application elsewhere on this agenda.

- 1.4 Following excavation of the new basin, this application proposes the use of the basin to provide 7 private moorings and 2 visitor moorings and the installation of the timber walkways/jetties, access, and car park. Unlike the existing staithe moorings, the moorings are proposed to be stern on, facing the river to the north. The 2 visitor moorings are proposed to be provided at the eastern end of the basin and the 7 private moorings, to the west (i.e the Loddon end).

2 Site History

BA/2013/0061/FUL Flood defence improvement works including floodbank rollback, soke dyke excavation for material sourcing and associated engineering works. Approved May2013.

BA/2013/0264/FUL Material sourcing required for a 70m length of setback floodbank. To be determined.

3 Consultation

Broads Society - No objection.

Parish Council - We consider the application should be approved- A gate should be installed to secure the car park. No caravans or motorhomes should be permitted on car park.

District Member - Response awaited.

Environment Agency - No objection as water compatible development. The LPA should consider the appropriateness of:

- Flood response plan
- Enhancements for fish
- Holts for Otters
- Angling Platforms

Norfolk and Suffolk Boating Association - Support the principle of providing moorings but cannot as the application stands dues to concerns over:

- navigational grounds; and
- depth of water to be provided at the proposed moorings

Broadland Environmental Services Limited - Response awaited.

Historic Environment Services - Response awaited.

The Highways Authority - No objection subject to conditions.

Natural England - An appropriate assessment is not required. It is considered that there will be no adverse impact on the SSSI. Thought should be given to impact on Protected Species, Landscape Character Assessment. Biodiversity enhancements should be agreed and secured.

Navigation Committee - The Navigation Committee considered this proposal and mooring basin proposed at its meeting on 5 September 2013. At this meeting the (draft) minute states:

'Members received a report concerning two planning applications that had been submitted in respect of the excavation of a basin to use as a material source and the use of a basin to provide seven private moorings and two visitor moorings at Pyes Mill Farm on the River Chet in Loddon.

Members noted that the proposed site was situated on a bend in the River Chet on a fairly narrow point in the navigation, with the river being approximately 15m in width at this location. The intended BESL flood bank construction might also limit visibility between the basin and the channel. Members noted that the landowner would be responsible for the maintenance and dredging of the basin.

*The potential for further moorings in the system was welcomed, though there was concern over the length of boats that should be permitted to moor at this location given the width of the river and potential visibility issues. The Committee therefore **supported the application** on the condition that a restriction was placed on the length of boats permitted to use the moorings; limiting this to a maximum of 10m'.*

4 Representation

4.1 1x email of objection on grounds of:

- Inadequate access - Mill Road and Pyes Mill Road are single track roads with no footpath. The extra volume of traffic this development will generate will make these roads even more dangerous for the many pedestrians and cyclists en route to the picnic area at Pyes Mill. With the absence of a safe passing place, vehicles are already damaging the verges and hedges and there have been quite a few near misses already on Mill Road where one or the other cars have to reverse back to allow passage. There is also the problem of constantly flooding at the junction.
- If this application is approved, the Council impose some sort of provision, similar to the bar on the gate of the picnic area to prevent overnight parking of caravans and motor homes.

5 Policies

5.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent

and can therefore be afforded full weight in the consideration and determination of this application.

Core Strategy (CS) (2007)

[Core Strategy \(Adopted Sept 2007\).pdf](#)

CS1- Protection of Environmental and Cultural Assets
CS3- The Navigation
CS4- Creation of New Resources
CS17- Safe Recreational Access
CS23- Waterside Employment Sites and Services

Development Management Plan DPD (DMP) (2011)

[DMP DPD - Adoption version.pdf](#)

DP1- The Natural Environment
DP2- Landscape and Trees
DP4- Design
DP11- Access on Land
DP27- Visitor and Community Facilities and Services
DP29- Development on Sites with a High Probability of Flooding

- 5.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

Core Strategy (CS) (2007)

CS21- Developer Contributions

Development Management Plan DPD (DMP DPD) (2011)

DP28- Amenity

- 5.3 The following Policies have been assessed for consistency with the NPPF which has been found to be silent on these matters. Paragraph 14 of the NPPF requires that planning permission be granted unless the adverse effects would outweigh the benefits.

Development Management Plan DPD (DMP DPD) (2011)

DP12- Access on Water
DP13- Bank Protection
DP16- Moorings

- 5.4 Material Planning Consideration
National Planning Policy Framework (NPPF) (2012)
[NPPF](#)

6 Assessment

- 6.1 The main issues to consider in the determination of this application are the principle of the development, impact on landscape, navigation, highways,

neighbouring amenity, biodiversity and trees. It is important to note that this application is for the material change of use of the basin to mooring only, so this assessment will not cover the impact of the proposed excavation as this will be assessed under application BA/2013/0264/FUL.

Principle

- 6.2 In terms of the principle of the development, there is policy support, within the Core Strategy and Development Management Policies DPD, for the provision of a variety of types of moorings which help contribute to the network of waterside infrastructure on the Broads. This is to help promote access and use of the Broads to a variety of users, locals and tourist alike. There is also support for sustainable development within rural areas as outlined within the NPPF to encourage a prosperous rural economy. It is therefore considered that there is clear policy support for the principle of this proposal.

Landscape

- 6.3 One of the key issues will be the impact on the landscape. The local landscape here is open and rural in character. The Landscape Character Assessment advises that:

'This area comprises the Chet valley, a tributary valley of the river Yare which is particularly notable for Hardley Flood, a large area of washland to the north of the river. It also includes a series of small grazing areas, some heathy common land, blocks of carr woodland and boatyards and moorings located on the edge of the settlement at Loddon/Chedgrave. The valley is quite small scale with isolated dwellings dotted along the valley sides and the arable upland frequently visible. The lower reaches of the river towards the Yare have been included in adjacent C.A.s'. Landscape Character Assessment (2007.1).

- 6.4 The site sits on a transitional point of the river which separates the more developed character of the western end of the Chet (i.e towards Loddon) and the more natural and open character out to the east and beyond. Moorings do exist to the west of the application site including the Broads Authority 24 hour moorings but these tend to be visitor moorings, transient and seasonal in use, whilst more permanent private moorings can be seen beyond this, towards the centre of Loddon, where the landscape character changes significantly and boatyards become a characteristic feature. As the majority of the proposed moorings in this application are to be private it is likely that these boats will be moored all year round resulting in a more permanent landscape impact. The moorings are proposed to be stern on rather than side on which will increase their visual prominence by creating a block of boats within the bank rather than a line adjacent to it. It is also noted that a number of structures are proposed, such as the jetties and car park, which will introduce a level of built development and impact upon the tranquil and open nature of the less developed riverbank downstream of the existing public moorings. The car park will also take away a small section of grazing marsh. Cumulatively, the combination of the use and the built

development will have an adverse impact on the more tranquil and open nature of the landscape character at this location.

- 6.5 Both the Core Strategy and Development Management Policies DPD contain policies which place emphasis on the importance of landscape protection. The NPPF also specifically highlights the importance of nationally designated landscapes like the Broads, stating that significant weight must be given to their protection. It will therefore be necessary to balance the two conflicting issues in reaching a decision on this application.
- 6.6 In this case therefore, the adverse impact on landscape character and appearance will need to be weighed against the benefits of the proposals. There is clear policy support within the NPPF for sustainable development that helps support a prosperous rural economy. There is also support for the provision of community and visitor facilities and services within the Core Strategy and Development Management Policies DPD, the Broads Mooring Strategy (2009), and specifically the need to provide a number of different types of moorings to help improve access and enjoyment of the Broads. By providing a number of private moorings, for the community and public moorings, for the visitor, it is considered that this proposal meets these objectives.
- 6.7 The site is situated adjacent to a number of existing moorings and is within walking distance of the centre of Loddon, approximately 800m by road. It is therefore considered that the moorings would be sustainably located, within easy access of an appropriate range of services, and ancillary facilities, which is considered appropriate. There are also pump out and waste disposal facilities available at the neighbouring boatyards and public staithe respectively. The proposed car park is to sit behind and adjacent to the existing public car park and behind tall natural screening, and will therefore not be very visible from the river and will be seen as an extension to an existing use rather than a new use in its own right.
- 6.8 In terms of the moorings themselves, whilst it is acknowledged that they will interrupt the open nature of the specific location, the site is located immediately adjacent to a more developed bank which provides moorings and the new moorings would be read visually as an extension to these rather than as a new use in its own right. In addition, there are a number of different types of moorings further west of the application site, towards Loddon, which are of a similar type and character to the proposed moorings at Pyes Mill. It is therefore considered that the addition of the moorings here would not be an unexpected sight at this location or out of character of the wider area. It is also considered that additional landscaping would help soften the proposed development.
- 6.9 It is therefore considered that the moorings are proposed within a sustainable location situated close to Loddon which has the appropriate facilities and services. Whilst it is acknowledged that the proposal will change the open and tranquil nature of this end of the public moorings it is

considered that the development is in character with the wider area and mixed types of moorings that line the Chet up to Loddon. On this basis and taking specific circumstances of this site into account, on balance it is concluded that the adverse impact on landscape is not significant as to justify a refusal to this application. On balance the proposal is therefore considered acceptable, although it is noted that it represents a departure from development plan policy.

Impact on Navigation

- 6.10 In terms of impact on navigation, the Navigation Committee outlined the need for the basin to be as deep as the River Chet to ensure the boats are not grounded at low tide and to ensure material does not slump into the main channel, currently the drawings show the basin to be shallower, amended drawings regarding the excavation are awaited regarding this. Additionally, the application site is on a narrow section of the river, being 12-15m wide, and is situated on a slight bend. The boats are however proposed to be moored off the main navigation channel and within the basin rather than on the river itself. The Navigation Committee advised the restriction of the boat length of 10m to ensure enough room for visibility and movability. It is also considered reasonable to condition the inclusion of small awareness signs to improve navigation safety. Subject to the above it is considered that there will be no adverse impact on navigational safety.

Impact on Highway

- 6.11 In terms of the impact on the highway, Pyes Mill Road is minor and rural in nature and the concerns of the neighbours are acknowledged. However, the accessing and use of private moorings tends not to be concentrated on particular days and times as it might be, for example, at a commercial hire basin where it coincides with changeover day, but is spread out over the time they are used. Given this likely ad-hoc pattern of use it is considered the road can accommodate a small increase in traffic particularly given the likely sporadic use of the car park. The Highways Authority have no objection to the application subject to recommended conditions.
- 6.12 Likewise, due to the sporadic nature the car park is likely to be used it is not considered that there will be an adverse impact on neighbouring amenity from highways movements as a result of the proposal. The concerns regarding the overnight stationing of caravans and motorhomes are acknowledged and a barrier/gate is recommended to be agreed by condition. Given the moorings themselves are a significant distance to neighbouring dwellings, over 160m, it is not considered the use will impact on neighbouring amenity.

Impact on Ecology

- 6.13 In terms of impact on ecology the major impact will be a result of the excavation itself which will be assessed under application BA/2013/0264/FUL. In terms of this application, the proposal will result in a loss of a small area, approximately 300m², of grazing marsh. This particular area is well worked grass, being located next to an existing access into the field, and is not considered to be of high ecological value. However, grazing marsh is a Biodiversity Action Plan habitat of which there should be no net loss. When a

loss like this is proposed to occur it is appropriate to consider how this can be mitigated or offset. It is considered that the loss can be offset by biodiversity enhancements, the details of which could be secured by condition. Discussions continue in this regard and members will be updated verbally. In terms of the moorings themselves timber jetties are proposed which do allow for a profiled bank behind rather than a hard engineered bank which is considered appropriate. Subject to the above it is considered that there will be no adverse impact on ecology.

Impact on trees

- 6.14 In terms of impact on trees, the main impact will take place during the excavation works which will be assessed under application BA/2013/0264/FUL. An ash tree is proposed to be removed to facilitate the installation of the car park but this is in poor health and there are therefore no objections to its removal. A Hawthorne hedge is proposed to be installed around the car park to offer screening and it is considered additional larger planting could improve the proposal, as secured via condition. It is therefore considered that there will be no unacceptable impact on trees as a result of the proposal.

Provision of Visitor Moorings

- 6.15 Finally there is the issue of the provision of visitor moorings. Policy DP16 requires that that new commercial basins should provide at least 10% short stay visitor moorings, with a minimum provision of two. The applicant is proposing to provide two short stay visitor moorings as part of this proposal and the application therefore satisfies this criteria. Discussions are taking place, however, over whether this is the most suitable location to provide these visitor moorings given the close proximity of a number of other visitor moorings, including the Broads Authority 24 hour moorings immediately upstream. It may be more appropriate for the applicant to make an in lieu payment which could be used to secure visitor mooring at an alternative. Negotiations are underway in this regard and Members will be updated verbally. Wherever the location proposed, however, the mooring provision will need to be secured by a Section 106 Agreement.

7 Conclusion

- 7.1 This is an application for a change of use to provide new moorings and there is policy support in principle for the proposed use. There would not be any adverse impact on navigational safety, highways safety, neighbouring amenity, biodiversity or trees. There would be, however, an adverse impact on the local landscape and this must be weighed against the benefits of the proposal.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for development are determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, it is considered that there are material considerations, as listed at 6.6 to 6.9 above, which support the proposal. Furthermore, due to the limited nature of the development and the specific circumstances of this case, it is not

considered that approval of the application would prejudice or undermine the objectives or integrity of the development plan.

- 7.3 In conclusion, therefore, it is not considered that the application as a whole is unacceptable and it is recommended for approval. It will, however need to be re-advertised as a Departure.

8 Recommendation

- 8.1 Delegate to officers the authority to approve subject to the following conditions and Section 106 Agreement regarding the public mooring element, subject to no new issues arising as a result of the re-advertisement:

- Standard time limit
- In accordance with plans
- Timber to be pressure treated only with non-toxic chemicals
- Car parking to be installed prior to use
- Visibility splay to be provided prior to use
- Upgraded vehicular access to be agreed and provided prior to use- including surface water interception
- Gate details to be agreed and hung inwards and set back from highway
- Navigation awareness signs to be agreed
- Stern on moorings only
- Length of craft to be restricted to no longer than 10m
- Tree protection to be agreed
- Full hard and soft landscaping scheme to be submitted and agreed
- Replanting if trees/shrubs die within 5 years
- Biodiversity enhancements to be submitted and agreed

8.2 Additional Informative Notes Required

- Flood Defence Consent would be required for the proposed works as under the terms of the Water Resources Act 1991 and Anglian Region Land Drainage Byelaws, the prior written Flood Defence Consent from the Environment Agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of the nearby main river, the River Chet. The application forms can be downloaded from the Environment Agency website at <http://www.environment-agency.gov.uk/business/topics/143737.aspx>.
- This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group. Please contact Stuart French on 0344 800 8020.

If required, street furniture will need to be repositioned at the Applicants own expense. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

Background papers: BA/2013/0067/FUL and BA/2013/0163/FUL

Author: Kayleigh Wood
Date of Report: 27 September 2013

List of Appendices: APPENDIX 1: Site Location Plan

APPENDIX 1

