

Application for Determination

Parish	Ashby with Oby	
Reference:	BA/2013/0138/FUL	21 August 2013
Location:	Bureside Holiday Park, Boundary Farm, Oby	
Proposal:	New boat dyke including quay heading, boardwalks, mooring posts and associated landscape enhancements	
Applicant:	Mr Donny Cooke	
Reason for referral:	Small scale major application	
Recommendation:	Approve with conditions.	

1 Description of site and proposals

- 1.1 The application site is a linear borrow pit situated immediately south of an existing mooring dyke at Boundary Farm, in the dispersed settlement of Oby.
- 1.2 The site lies in a relatively remote location in terms of access by land, with access via a series of minor public roads leading west from the B1152 and, for the last 500m, down a private access road. Access via water is more direct, with the site lying immediately east of the confluence of the rivers Bure and Thurne, on one of the busiest stretches of river in the northern Broads system.
- 1.3 The village of Thurne, some 1.2km north of the site, is accessible by a public footpath which runs through the Boundary Farm site along the eastern bank of the Thurne and there is a substantial length of river bank immediately west of the application site which is used to provide Broads Authority 24 hour moorings.
- 1.4 In addition to being a working farm incorporating grazing marshes, arable fields and small pockets of woodland, Boundary Farm operates the Bureside Holiday Park and an existing mooring dyke.
- 1.5 The Bureside Holiday Park offers 170 camping pitches spread over two fields totalling circa 8 acres, has two areas of static caravans accommodating 45 static units and also includes a reception, shop and open air swimming pool.

- 1.6 The existing mooring dyke measures approximately 240m long and 16m wide and accommodates approximately 52 moorings. The dyke runs in an easterly direction, perpendicular to the River Thurne and at its western end opens directly onto the river. There is a small slipway and area of hardstanding located at the eastern end of the dyke, with the hardstanding being used as an area of boat storage during the winter months.
- 1.7 The application site lies immediately south of the existing dyke and comprises a linear borrow pit created during the recently completed BESL Flood Defence works. These works realigned the flood defence bank (necessitating the creating of the borrow pit) and re-routed the public footpath to run along the top of this newly created flood bank rather than alongside the existing mooring dyke, the previous route of the path.
- 1.8 This application seeks consent for alterations and additions to the existing borrow pit to enable its use as a mooring dyke. The principal works proposed are the removal of 20m x 15m section of land to open an access between the western end of the borrow pit and the existing mooring dyke, the quayheading of this newly created gap and the construction of timber staging around the perimeter of the dyke to facilitate access to boats.
- 1.9 The proposed new mooring dyke would provide between 35 and 55 new moorings, dependent on vessel length.

2 Site History

In 2010 consent was granted for the erection of a new washroom building (BA/2010/0174/FUL).

In 2008 consent was granted for flood defence work, including creating of a linear borrow pit, relocation of flood bank and permanent diversion of a public footpath (BA/2008/0089/FUL).

3 Consultation

Ashby with Oby Parish Council – No objection – but please note the following comments: We have no major objection to the application however:

- (i) a number of parishioners have expressed concern over size and numbers of large boats being transported down narrow roads to access the site; and
- (ii) we feel it is a shame that the area may become over-commercialised.

District Councillor – No response received.

Broad Society – No objection.

Highways – No objection.

Environment Agency – No response received.

Natural England – The proposed works are not likely to have a significant effect on the interest features for which the Broadland Special Protection Area (SPA) and Ramsar site are classified. The submitted otter surveys are out of date and should be updated prior to the commencement of works to ascertain whether otters, a qualifying feature of the Special Area of Conservation (SAC), may be significantly affected by these works.

The Shallam Dyke Marshes SSSI and Upton Broads and Marshes SSSI lie close to the application site but having regard to the mitigation proposed, the SSSI is not considered to represent a constraint in determining this application.

We welcome the recommendations for habitat enhancement and creation associated with this application.

Norfolk County Council Countryside Access Development Officer – No response received.

Norfolk & Suffolk Boating Association - There is a dearth of private moorings on the Lower Bure and therefore in principle the NSBA would support an application to provide additional private moorings and the associated short stay moorings. The grant of planning permission would be consistent with LDF policy DP16 and Core Strategy Policy CS3.

There is one proviso to this statement and this is that the application does not confirm that the short stay moorings would amount to not less than 10% of the total new moorings provided as required by DP126. This point should be confirmed before planning permission is granted.

Note: The application proposal is for a private dyke off of the main navigation and so it does not significantly affect the use or enjoyment of the whole or any part of the navigation area. It is assessed as being in accordance with development plan policies, does not materially conflicts with any policy, plan, strategy or procedure of the Authority. It has not, therefore, been referred to the Navigation Committee.

4 Representations

None.

5 Policy

- 5.1 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 Core Strategy Policy (2007)

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

CS1 – Landscape Protection and Enhancement

CS9 – Supporting, Widening and Protecting the Tourism Base

CS14 – Visitor Moorings

CS17 – Recreational Access to Land and Water

- 5.2 The following policy has been assessed for consistency with the NPPF and has been found to be fully consistent with the direction of the NPPF

Adopted Broads Development Management DPD (2011)

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

DP11 – Access on Land

- 5.3 The following policy has been assessed for consistency with the NPPF and has found to be partially consistent with the direction of the NPPF. The policy is not considered to conflict with the NPPF and the reason is it has been identified as not being fully compliant with the NPPF is simply because the NPPF is silent on the issue of moorings.

DP16 - Moorings

- 5.4 **Material Considerations**
[NPPF](#)

6 Assessment

- 6.1 The principle policy against which this application must be assessed is Policy DP16, a policy concerned specifically with proposals for new moorings such as those proposed in this application.
- 6.2 In the assessment of Broads adopted policies against the NPPF Policy DP16 is identified as being broadly compliant with the policy direction set out in the NPPF, but it is noted that due to the specific nature of DP16 (which is concerned solely with applications for new moorings), the content of policy is largely not reflected in the NPPF itself.
- 6.3 However, this notwithstanding, it is considered that the principles of Policy DP16, which is essentially a permissive policy which seeks to promote appropriately located new moorings subject to consideration of landscape and ecological impacts, are in accordance with the direction

set out in the NPPF. Accordingly, it is considered that full weight can be applied to Policy DP16 in the determination of this application.

- 6.4 Policy DP16 permits new moorings subject to the satisfaction of certain defined criteria 'a' – 'e', with additional criteria relevant only to commercial moorings (such as those proposed) 'f' – 'k'.
- 6.5 Having regards to criteria 'a' – 'e', it is the case that the proposed new moorings would be located in an off-river basin and would have no detrimental impact on navigation (criterion 'a'); would not prejudice the current or future use of any adjoining land or buildings ('d'); and, due the relatively remote location of the site, would not adversely affect the amenity of any neighbouring occupiers ('e').
- 6.6 The principle concerns regarding this application relate to landscape and ecological impacts ('b') and, to a lesser extent, the provision for an adequate range of facilities and services at the site ('c').
- 6.7 Considering first the issue of landscape; the application site lies within a landscape characterised by expanses of grazing marsh, an absence of prominent vertical structures (excluding occasional historic mills) and a sense of tranquillity for which certain areas of the Broads are noted.
- 6.8 However, it is also the case that the length of river to the immediate west of the application site is one of the busiest in the Broads network and the existing boat dyke and adjoining Broads Authority 24 hour moorings are very popular facilities which, in the busy summer months, are rarely empty.
- 6.9 The landscape impacts directly attributable to the proposed development are, in fact, relatively modest; to a large extent the mooring dyke already exists in the form of a long, linear borrow pit and much of the supporting infrastructure (in terms of access roads, hardstanding for parking, toilet blocks etc) is already present at the site.
- 6.10 However, it is the case that use of the borrow pit as a mooring dyke would represent a significant intensification of the use of the site, with the number of boats based at Boundary Farm increasing from around 52 to, potentially (dependant on vessel size) 107. In addition to the visual landscape impacts associated with the proposal (increasing the spread of development within a landscape characterised for its natural, largely undeveloped nature), the proposal would increase activity on both water and land in an area where tranquillity has been identified as one of the defining landscape characteristics. This is a concern raised by the Parish Council who, whilst not objecting to the development, do note that *'it is a shame that the area may become over-commercialised'*.
- 6.11 A factor which further exacerbates the potential landscape impacts of the proposal is the existing appearance of the Boundary Farm site,

especially when viewed from the water. The tourism business at the farm site has developed over a number of years in what appears to be piecemeal and rather ad-hoc manner. The static caravans are clearly visible from the river, as are areas of hardstanding used for car parking and boat storage.

- 6.12 In recognition of the overall landscape impacts of the Bureside Holiday Park/Boundary Farm site and the potential for this development proposal to generate additional activity and landscape impacts the application proposes a comprehensive scheme of landscape mitigation and enhancements. These include planting 120m of new native species hedging; new tree planting along site boundaries; new areas of woodland to the immediate south of the application site; removal of non-native trees from within the site and replacement with native species; creation of a new oak avenue at the entrance to the site; creation of a new pond/wildlife scrape; and new shrub and tree planting to screen the existing static caravan area when viewed from the river.
- 6.13 These proposals are drawn together in an Ecological and Landscape site management plan which sets a timetable for the delivery of the proposed landscape and ecological enhancements and identifies appropriate management techniques to be employed on a rolling ten year cycle.
- 6.14 In considering the landscape impacts of the proposal the first issue to address is whether this is an acceptable site in principle for development of this nature or whether the landscape is considered so sensitive and so susceptible to harm by development that a proposal of this scale, irrespective of the mitigation proposed, is simply unacceptable in landscape terms.
- 6.15 Considering the principle of the development in landscape terms, it is noted that this is a sensitive site and the introduction of a second mooring dyke, with its associated masts, boats and bank-side infrastructure (in terms of staging, walkways etc) all have the potential to change the character of this rural, predominantly undeveloped area.
- 6.16 However, the application site lies in a cluster of development which is clearly visible from both the river and the public footpath network to the north, south and east; in this sense the application does not propose new development in a virgin and undeveloped part of the Broads.
- 6.17 Furthermore, it must be recognised that the particular type of development proposed – a mooring dyke – forms part of the traditional character of this area specifically and the Broads generally. In this sense, the introduction of a mooring dyke is likely to be a more readily acceptable form of development than other possible developments.
- 6.18 Having regards to the above it is considered that the proposal is acceptable in principle in landscape terms; the key consideration now is

whether the proposed development and associated infrastructure is too large or insufficiently mitigated for in landscape terms.

- 6.19 It is noted that the proposed new mooring dyke seeks to minimise the landscape impacts of the proposed new mooring dyke by utilising an already dug area and certainly there is landscape merit in the siting any new dyke close to the existing. In addition, the specification of staging rather than hard quay heading along the banks of the dyke will allow the natural banks to remain and, to a certain extent, regenerate to soften the appearance of the staging proposed around the perimeter of the dyke.
- 6.20 In addition to the clustering of development at the site, the proposed schedule of landscape improvements across the farm and holiday site are welcomed. In particular the proposed introduction of new areas of native species dominated wet woodland to the south of the application site, the proposed screening of the existing car parking area/winter boat store and the new planting to screen views of the static caravan park within the site are considered to offer significant landscape enhancements, particularly when the site is viewed from the river (to the west) or the extensive public footpath network in the area.
- 6.21 These areas of planting, together with other landscape improvements across the site are considered to represent a substantial package of landscape improvements and, on balance, it is considered that the development and accompanying mitigation would result in a neutral landscape impact and would result in a site in which the more incongruous elements of existing development (static caravans, stark areas of hardstanding for car parks) are effectively screened. As such, having regards to the guidance in Policy DP16 (which requires that new mooring developments have no adverse impact on landscape character), it is considered that the proposal satisfies the requirements of criterion 'b' of DP16 in respect of landscape impacts.
- 6.22 Criterion 'b' of DP16 also requires that new mooring development has no adverse impact on protected habitats (including water quality) or species.
- 6.23 The detailed landscape management plan submitted for the site incorporates an ecological management plan which sets out management regimes for new areas of habitat creation (including reed bed, hedgerow, pond, woodland and herb fen habitats). In addition, it is proposed to site bird and bat boxes across the site to secure ecological enhancements and to specify ecologically sensitive development (such as staging of the banks in preference to quay heading). In response to consultation Natural England have confirmed that they have no objections to the proposal and, accordingly, it is considered that the proposal does accord with the requirements of criterion 'b'.
- 6.24 Criterion 'c' requires that new development provides an adequate and

appropriate range of services, or adequate access to local facilities in the vicinity. The application site lies adjacent to an existing mooring dyke and close to the Broads Authority's 24 hour moorings on the River Thurne. The village of Thurne lies less than 2km north of the site, accessible by public footpath and there are also a limited range of facilities associated with the holiday park. In this context it is considered that the location of the application site satisfies criterion 'c' of the application site.

- 6.25 Where the development proposed is a commercial mooring (as defined in the supporting text to Policy DP16), the policy applies an additional 6 criteria, 'f' – 'k'.
- 6.26 Of these criteria it is a matter of fact that the proposal would not result in the loss of any existing visitor moorings (criterion 'f'), and it has already been established that the development would have no adverse impact on protected species ('g') and would provide access to an appropriate range of services ('k').
- 6.27 With respect to the remaining criteria, it is the case that the site does not lie on the mains sewerage network and, as such, provision of pump out facilities (as suggested by criterion 'j') would be prohibitively costly. The nearest pump out facilities are a short journey up river at Ludham (3.5km) with additional facilities at Repps (5km) and Potter Heigham (6km) and it is considered that this represents adequate alternative facilities.
- 6.28 With regards to the provision of car parking and waste disposal the site has existing infrastructure in this regard and it is considered that there is sufficient space for the parking and waste disposal requirements created by the proposed additional moorings. It is also noted that whilst the existing facilities (such as parking areas) may be used more intensively than at present, the additional proposed screening planting will mean that these facilities would be less visible in the landscape, particularly when viewed from the network of public footpaths in the area and the river.
- 6.29 The final criterion of Policy DP16 is the requirement that all new commercial moorings allocate not less than 10% of the new moorings created as visitor moorings, for use as short stay moorings on a casual basis (criterion 'h').
- 6.30 In this instance the applicant has indicated that it would not advantageous to provide visitor moorings within the proposed new mooring dyke, citing a potential conflict between those customers who pay for the safe moorings of their boats in an off-river dyke and visitors in hire boats who may not be as familiar with the intricacies of boat handling as a regular user of the Broads.
- 6.31 Instead, the applicant has proposed to transfer the ownership of a 40m

strip of river frontage to the Broads Authority on which it could provide 24 hour (visitor) moorings. The particular area identified is currently operated by the Broads Authority as a 24 hour moorings site and let on an annual basis to the Authority by the applicant.

- 6.32 In planning terms the provision of a 40m length of river frontage which currently operates as a popular 24 hour mooring is considered to be an acceptable substitute for providing the moorings within the proposed new basin. It is noted that in obtaining the freehold to the land the Authority will be taking on the maintenance and management responsibilities for the land in question, however this is considered to be an acceptable undertaking given that a valuable mooring facility in a strategically important location which would be secured by the proposal. It is also noted that the application proposes securing the long term future of an existing length of 24 hour moorings rather than creating new moorings, however the increased certainty and resulting savings on annual rent (which could be spent on provision or maintenance of additional moorings elsewhere in the system) are represent a notable benefit to the provision of visitor moorings in the Broads system and, as such, the proposal is considered to represent an acceptable alternative to the provision of moorings within the proposed new dyke and to satisfy the requirements of criterion 'h' of policy DP16.
- 6.33 It is proposed to secure the transfer of land (and clarify issue such as access arrangements to the land for the Authority) by means of a s106 agreement.
- 6.34 Having regard to the above, it is considered that the proposal satisfies criterion 'h' specifically and the requirements of DP16 generally.
- 6.35 The final consideration in the determination of this application is the impact of the proposal on the safe functioning of the highway network.
- 6.36 Boundary Farm is accessed by a series of minor roads leading west from the B1152 Billockby to Potter Heigham road. The minor roads are narrow country lanes with carriage width occasionally dropping down to accommodate only a single car.
- 6.37 In this context, any development proposal which would result in a significant increase in traffic movements would be difficult to accommodate without some highways improvement works.
- 6.38 In support of the application the applicant has submitted a traffic survey which identifies the traffic generated by the existing mooring dyke during the busiest summer months. The counts were conducted in the summers of 2010 and 2012 and show a peak recorded count of 10 vehicles per day (generating 20 vehicle movements), with a daily mean of 5.8 vehicle movements per day generated by the existing dyke.

- 6.39 Given the similar size of the proposed dyke to the existing dyke it is considered that the traffic generated by this development proposal would be similar to that generated by the existing and, in the context of a 170 pitch campsite plus 45 static caravan pitches, this increase is not considered to give rise to any significant highways issues on the road network surrounding the site.
- 6.40 In response to consultation, and following a site visit, the Highways Officer has raised no objection to the application, further commenting that the availability of on-site winter boat storage facilities (on the screened area of hardstanding to the south of the proposed new dyke).
- 6.41 will further reduce highways impacts associated with the proposed new dyke as it would mean that boats using the dyke would not necessarily need to be transported off site via the road network during the winter season when the boats are lifted from the water.
- 6.42 Consequently, there are no objections to the proposal in terms of highways impacts, subject to the imposition of a condition requiring the provision of parking spaces as identified on the submitted site plan.

7 Conclusion

- 7.1 This application seeks consent for development to facilitate the use of an existing borrow pit as a mooring dyke.
- 7.2 The application site lies in a sensitive and predominantly undeveloped area, however the character of the immediate environs of the application site has been eroded through poor quality development and a lack of a comprehensive landscaping scheme for the farm, mooring dyke and holiday uses.
- 7.3 It is considered that the development proposed is of a scale and nature which is acceptable in this location and these factors, combined with the comprehensive landscaping scheme, schedule of ecological enhancements and on-going whole-site management plan, result in a development proposal which satisfies the requirements of policy DP16.

8 Recommendation

- 8.1 Approve subject to the signing of a s106 agreement to secure the visitor moorings required under policy DP16 and subject to the following conditions:
1. Time limit.
 2. In accordance with approved plans.
 3. Landscaping carried out in accordance with approved plans and approved landscaping details.
 4. Landscaping and subsequent site management carried out in accordance with submitted site management plan, including the

- scheme of phasing for planting and maintenance of landscaping set out therein.
5. Ecological enhancements carried out in accordance with submitted detail.
 6. All works carried out in accordance with submitted ecological appraisal.
 7. Prior to commencement of works additional otter surveys carried out to supplement those submitted. Subsequently, all works hereby approved to be carried out in accordance with the recommendations made in the submitted surveys.
 8. Parking to be provided as detailed on submitted plans.
 9. Moorings permitted shall not be used as residential moorings.
 10. Prior to commencement of works details of spoil disposal arising from works hereby permitted to be submitted to and approved in arising by the Local Planning Authority. Thereafter all works to be carried out in accordance with that approved scheme.

Background papers: Planning File BA/2013/0138/FUL

Author: Fergus Bootman
Date of report: 5 August 2013

Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

