

Application for Determination

Parish: Wroxham

Reference: BA/2013/0023/FUL **Target Date:** 15/03/2013

Location: Land Adjacent to River Bure, Staitheway Road, Wroxham

Proposal: Removal of quay heading and creation of two mooring basins

Applicant: Mr Andy Beardshaw

Reason for referral: Objection from neighbour

Recommendation: Approve with conditions

1 Description of Site and Proposals

- 1.1 The application site lies at the eastern end of the Peninsula Cottages site, a former boatyard which was substantially redeveloped in the mid 1980's, comprises 33 holiday cottages.
- 1.2 The site lies on the west bank of the River Bure and is situated approximately 100m downstream of the Wroxham Bridge, close to the centre of the villages of Wroxham and Hoveton.
- 1.3 In addition to the holiday cottages the Peninsula site incorporates a bistro (currently not operating), an office for a holiday cottage lettings agency, an area of hardstanding for parking, a large central mooring basin and two other small mooring cuts. With the exception of the bistro site and a small area of associated parking, the whole of the site lies within the ownership of the applicant, though the individual holiday cottages are let on long term leaseholds.
- 1.4 The proposal here is for the removal of quay heading along the main River Bure frontage of the Peninsula site and the digging out of two new mooring cuts.
- 1.5 The cuts would be situated to the immediate north (upstream) and immediate south of an existing small cut on the River Bure frontage of the site. Due to the configuration of the site the cut to the north would offer a mooring area separate but connected to the existing cut, whilst the cut to the south would effectively amount to an enlargement of the existing cut.
- 1.6 The proposed new cut to the north would total approximately 255m², that to

the south would be smaller at around 70m². It is anticipated that the proposed new cuts would create an additional 9 moorings at the site, though this would be dependent on the size of boat utilising the moorings.

2 Site History

In 2010 consent was granted for the change of use of part of a former swimming pool and coffee bar to office accommodation including minor external alterations (BA/2010/0073/CU)

3 Consultation

Hoveton Parish Council – No objection.

Wroxham Parish Council - No objection.

District Councillor – No response received.

Broads Society – No response received.

4 Representations

One letter of objection raising the following issues:

- Impact on navigation
- Development would prejudice use of adjoining holiday cottages and economic viability of the cottages
- Development would adversely impact amenity of adjoining holiday cottages
- Unacceptable landscape impacts
- Development would result in loss of short stay/visitor moorings
- Development would have detrimental impact on highways due to insufficient car parking and residential nature of access road
- Development would have an unacceptable impact on other people's enjoyment of the Broads
- Moorings would generate waste

One letter not objecting but expressing concerns regarding navigation impacts and amenity.

5 Policy

5.1 Adopted Broads Development Management DPD (2011)

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

DP2 – Landscape and Trees

DP11 – Access on land

DP16 - Moorings

Material Consideration

5.2 National Planning Policy Framework

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

6 Assessment

- 6.1 This application seeks consent for the digging out of two new mooring cuts. The cuts would provide moorings for occupants of the Peninsula holiday cottages.
- 6.2 Policy DP16 permits the creation of new moorings where they would *'contribute to the network of facilities around the Broads system in terms of their location and quality'*, and subject to the satisfaction of certain defined criteria 'a' – 'e'.
- 6.3 In this instance the application seeks consent for new moorings at location close to one of the most popular areas of the Broads, an area which relies heavily on income from tourism and, specifically, income generated from river users. In this context, it is considered that new moorings in this location would contribute to the network of facilities in the Broads system and that, accordingly, the development is acceptable in principle, subject to the satisfaction of the defined criteria.
- 6.4 Criterion 'a' requires that new moorings must have no negative impact on navigation. In this instance the proposed new moorings would be situated off the main river and, as such, would not be detrimental to the safe navigation of the river.
- 6.5 It is the case, however, that the application site is located on one of the busiest parts of the River Bure and that a large number of hire and private craft use this part of the river. Consequently, it would not be desirable for any vessel using the proposed new moorings to extend beyond the line of the existing quay heading, thereby intruding on the navigation.
- 6.6 In response to this concern the applicant has confirmed that all parts of all craft moored in the proposed new basin will remain behind the line of the existing quay heading. This restriction would be readily enforceable (taking the line from the remaining quay heading either side of the proposed new cuts) and is considered to be necessary to ensure the development has no detrimental impact on navigation. The Authority's Senior Waterways and Recreation Officer has confirmed that, subject to the imposition of such a condition, there are no objections to the development arising from concerns regarding impact on navigation.
- 6.7 The application has not been considered by Navigation Committee as, due to the modest scale of the development proposed, it is not considered that the development would have any significant impacts on the use or enjoyment of any aspect of the navigation area and that the proposed development would not materially conflict with any policy, plan, strategy or procedure of the Authority; these being the terms of reference set out in Section 4 of Schedule 7 of the Broads Authority Act 2009.

- 6.8 Criterion 'b' requires that development would have no adverse impact on landscape character or protected species.
- 6.9 In terms of protected species, the proposed basins would be located on what is currently a grassed lawn area which is quay headed at the rivers edge. Given the low ecological value of this lawn area and having regards to the existing quay headed bank (which prohibits use by protected species such as water voles), it is not considered that the proposal would have any detrimental impact on the ecology of the Broads
- 6.10 Considering the landscape impacts of the proposal, the proposed new moorings would result in the loss of approximately 325m² of grassed riverside lawn area situated at the front (eastern edge) of the Peninsula site. Whilst not a particularly large area in the context of the whole of the Peninsula estate, it does represent approximately 50% of the green space at the riverside frontage of the holiday cottages and careful consideration must be given to the loss of this space in landscape terms.
- 6.11 In response to consultation on this application the Authority's Landscape Architect noted that whilst the existing lawn area does provide a useful function in helping to balance the relationship of the Peninsula development to the waterfront, the greater value in landscape terms comes from the pollarded Willow trees which are visible from the river.
- 6.12 In light of this, the Landscape Architect advised that whilst the loss of part of the lawns could be acceptable in terms of landscape impacts, a scheme of planting to compensate for this loss and further enhance the site in landscape terms should be secured by condition. Such a scheme should include the retention of all remaining Willows on the site (as it appears that some Willows have recently been removed), the planting of additional Willow trees and supplementing the remaining low level planting with native species suited to the riverside location. The applicant has indicated that a suitable scheme of planting will be submitted and carried out, should consent be granted.
- 6.13 Having regards to the above, it is not considered that the proposal, together with an appropriate landscaping scheme to be secured by condition, would have any detrimental impact on the landscape and character of the Broads.
- 6.14 Criterion 'c' of DP16 requires that new moorings make provision for an adequate and appropriate range of services or provide adequate access to local facilities. In this case the application site lies just a few hundred metres from the heart of the villages of Wroxham and Hoveton and is considered to offer good access to an appropriate array of services and facilities. It is also noted that the moorings created are proposed to provide moorings only for residents of the Peninsula Cottages, located just a few metres from the application site.

- 6.15 Criterion 'd' requires that the proposed moorings would not prejudice the current or future use of adjoining land or buildings. It is the case that this matter (in addition to several other points) is raised in the letter of objection received. The letter explains that the creation of a mooring basin so close to the holiday cottages would prejudice the use of the holiday cottages; *'gobbling up the lawns of Peninsula Cottages and completely spoiling the leisure ambiance of them'*.
- 6.16 The concerns raised by the objector are noted, and it is the case that the proposal would result in the loss of amenity space currently enjoyed by the cottages and introduce a new mooring use within 3m (at the closest point) to the cottages.
- 6.17 However, the Peninsula Cottages offer riverside holiday accommodation and, whilst the proposed development would result in a loss of communal amenity space currently enjoyed by the properties, it is not considered that the introduction of approximately 9 additional moorings on the river frontage would prejudice the use of the properties as holiday cottages. Moorings are a common riverside feature and are readily associated with riverside properties such as those at the Peninsula development. Whilst it is material to consider the impact of the proposed moorings on the amenity of properties (discussed further below) it cannot be concluded that holiday properties and moorings are mutually incompatible uses and that the introduction of moorings to a site would prejudice an existing and neighbouring holiday home use. Consequently, it is considered that the development accords with criterion 'd'.
- 6.18 The final criterion of DP16 states that new development should not adversely affect the amenity of adjoining residents. Again, this is an issue raised in the letter of objection received, with concern expressed regarding noise and disturbance emanating from the moorings and the loss of amenity space resulting from the development proposed.
- 6.19 Considering first the loss of amenity space, it is the case that the proposed new moorings would result in the loss of around 50% of the existing lawns area associated with the Peninsula Development. The loss of the lawns and the impact this would have on the amenity of occupiers of the holiday accommodation is a material consideration in the determination of this application. However, it is not considered that this loss would be sufficiently detrimental to the amenity of the properties to justify refusal of the application. It is the case that the level of amenity space associated with holiday accommodation is less than that required by a permanently occupied dwelling and it is often the case that holiday accommodation in semi-urban settings such as the application has no outside amenity space at all. Consequently, whilst the reduction in the amount of available amenity space to users of the holiday cottages is understandably not welcomed by the objector to the proposal, it is not considered that this loss could justify a refusal of planning consent.

- 6.20 Turning to the impact of the moorings on the amenity of the holiday properties in terms of noise and disturbance, concerns have been raised regarding the potential for the proposed new mooring to increase noise and disturbance experienced by users of the holiday cottages. The concerns raised relate to noise from the engines of the craft and noise emanating from the craft when moored.
- 6.21 Considering first noise emanating from the moored craft, whilst it is noted that the moorings would, in certain places, be as close as 3m from the holiday cottages, it is the case that the Peninsula Development is a relatively densely developed residential area and due to the configuration of the site and the fact that the majority of units are set out in terraced rows, each of the properties is very closely associated with at least one neighbouring unit and, in most cases, two.
- 6.22 In this context it is not clear how noise and disturbance emanating from the moorings would have any greater impact than noise emanating from any neighbouring property. Furthermore, the proposed moorings would not be residential moorings, so the potential noise generated from activities on the boats is considered to be relatively limited when compared to the existing neighbouring residential uses.
- 6.23 Considering the impact of noise generated by boats manoeuvring within the moorings, this is a riverside location on one of the busiest stretches of river on the Broads. As such, a level of noise generated by boat traffic is to be expected and it is not considered that any additional noise generated by the proposed moorings could be considered sufficiently detrimental to the amenity of the properties to justify refusal of this application.
- 6.24 Having regards to the above, it is considered that the application satisfies the requirements of policy DP16.
- 6.25 The letter of objection raises two additional material considerations; the impact of the proposal on the safe functioning of the highways and the fact that the development would result in the loss of a number of visitor moorings.
- 6.26 In terms of highways impacts, the applicant has provided a plan demonstrating the Peninsula site has sufficient parking capacity to accommodate any additional traffic generated by the proposed new moorings. This has been considered by the Authority and is accepted as an accurate representation of the situation at the site. In addition, the applicant has also stated that the new moorings will be let only to residents of the Peninsula Holiday accommodation and, as such, the proposal will not generate any additional traffic. Considering these factors, it is not considered that the application could be refused on the grounds of highway impacts.
- 6.27 With regards to the loss of visitor moorings, it is the case that there is an existing s106 agreement which restricts use of the cottages to the provision of holiday accommodation, limits the total number of moorings permitted

within the central Peninsula basin and requires that the river frontage of the Peninsula must be made available for boats visiting the Peninsula site to moor against. It is also the case that the development proposed would make this final provision impossible to achieve as the development would remove a significant proportion of the quay heading on the river frontage.

- 6.28 In terms of the issues raised in the letter of objection, it is not clear that the moorings along the frontage secured by the s106 are, in fact, visitor moorings available to all. Rather, under the terms of the s106 agreement the moorings must be made available to visitors to the Peninsula site. It would seem then that the moorings were envisaged as the equivalent of visitor or guest parking spaces for people visiting others staying in the holiday homes. There is no requirement in the agreement to make these moorings available to the general public and certainly, there have never been freely available visitor moorings for all to use along this river frontage of the site.
- 6.29 It is the case, in fact, that the moorings along the frontage required by the s106 appear never to have been provided and this is a situation that the Authority has, at least recently, been aware of and endorsed. It is considered that the implementation of this part of the s106 agreement would result in mooring boats in the river (rather than in an off-river basin) and this is considered to present significant hazards to navigation. Given this, it is not clearly understood why the requirement was included in the s106 agreement, but it is clearly understood that to enforce it would result in a hazard to navigation on one of the busiest stretches of river in the Broads. Accordingly, this element of the s106 agreement has not been enforced and nor would the enforcement of it be recommended.
- 6.30 Having regards to the above, it is not considered that the proposed development would result in the loss of any public visitor moorings and, consequently, refusal on this basis is not considered justified.

7 Conclusion

- 7.1 This application seeks consent for the digging out of two new mooring cuts to provide additional moorings at the eastern (riverside) edge of the Peninsula site.
- 7.2 Policy DP16 permits new moorings subject to the satisfaction of certain defined criteria and, having assessed the application against these criteria it is considered that the development would have no negative impact on the navigation, no detrimental impact on the character and landscape of the Broads, would provide access to an adequate range of facilities, would not prejudice the future or current use of the neighbouring buildings and would have no unacceptable impact on the amenity of adjoining residents.
- 7.3 Consequently, the application is considered to satisfy the requirements of Policy DP16 and, having given due regard to the other matters raised in the letter of objection received, there are no material considerations which would justify the refusal of the application.

8 Recommendation

8.1 Approve subject to the following conditions:

1. Time limit
2. In accordance with approved plans
3. Prior to commencement of development submit landscaping scheme
4. Replace any plant which dies within 5 years of planting
5. No residential moorings

9 Reasons for Recommendation

9.1 Policy DP16 permits new moorings subject to the satisfaction of certain defined criteria and, having assessed the application against these criteria it is considered that the development would have no negative impact on the navigation, no detrimental impact on the character and landscape of the Broads, would provide access to an adequate range of facilities, would not prejudice the future or current use of the neighbouring buildings and would have no unacceptable impact on the amenity of adjoining residents. The development would have no detrimental impact open the safe functioning of the highway and would not result in the loss of public visitor moorings. Consequently, the development is considered to be in accordance with Policies DP2, DP11 and DP16 of the Broads Development Management DPD (2011) and there are not considered to be any material considerations of sufficient weight to justify the refusal of the application.

Background Papers: Application File: BA/2013/0023/FUL

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Date of report: 13 March 2013

Appendices: APPENDIX 1 Location Plan

APPENDIX 1

BA/2013/0023/FUL - Land Adjacent To River Bure, Staitheway Road, Wroxham
Removal of quay heading and creation of two mooring basins

