

# Planning Committee

18 August 2023

Agenda item number 9.2

## BA/2023/0015/FUL- Brundall Marina- Extension to create dry berths

Report by Planning Officer

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### Summary

Additional information provided to address consultation responses

### Recommendation

Approval with conditions

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## 1. Background

- 1.1. In January 2023 a planning application was submitted for an extension to the existing boatyard at Brundall Marina to provide dry berths for boats and create areas for hardstanding and car parking. A report was published for the Planning Committee meeting of 31 March 2023 (attached at Appendix 2) with a recommendation that planning permission be granted.
- 1.2. Consideration of the report was subsequently deferred following receipt of a second consultation response from Natural England, a statutory consultee, which included a request for additional information on the impact of the proposed works on the Ramsar site/SAC/SPA to be provided. After some delay, the additional information was provided. The BA Ecologist updated the Habitat Regulations Assessment screening document, and final comments have been received from Natural England.

- 1.3. Since the publication of the original committee report, the applicant has also sought to provide additional landscape information and a revised site plan shows an enlargement of the landscape area at the northern side of the site. This is the only change to the submitted plans since the original submission.
- 1.4. The updated consultation responses from Natural England, BA Ecologist and the BA Landscape Architect are presented below, followed by an assessment.

## 2. Updated consultation responses

### **Natural England**

- 2.1. Natural England reviewed the submitted flood risk assessment and drainage strategy, and construction and environmental management plan, along with the updated Habitat Regulations Assessment screening provide by the BA Ecologist. In response to those documents, they confirmed that based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on:

- Broadland Ramsar
- Broadland Special Protection Area (SPA)
- The Broads Special Area of Conservation (SAC)
- Yare Broads & Marshes Site of Special Scientific Interest (SSSI)

and has no objection to the proposed development. They have advised that it is up to the Broads Authority to decide whether the measures included within the proposed plans is mitigation under the Habitats Regulations.

### **BA Ecologist**

- 2.2. The BA Ecologist reviewed the flood risk assessment and drainage strategy, and construction and environmental management plan. Using these documents, the Habitat Regulations Assessment screening carried out in March was updated, with the conclusion (as previously) that no significant effects are likely on the designated sites (Broadland Ramsar, The Broads SPA and SAC, and the SSSI impact zone of the Yare Broads and Marshes SSSI) as a result of the proposed works and operation at the site. In updating their response, the BA Ecologist proposed conditions on the basis of the information received and confirmed that if all mitigation and enhancement guidance is followed there are no ecological concerns.

### **BA Landscape Architect**

- 2.3. The BA Landscape Architect has confirmed that the revised site plan now includes sufficient space for planting adjacent to the northern boundary of the site. They have recommended that the scheme include the planting of some trees along the northern area of the site. Planting of larger container specimens has been suggested for a more immediate impact, and trees at a minimum spacing of 10 metres.

- 2.4. In general, proposed planting and grassland measures would require a management plan which can be based on the recommendations of the Ecology report section 7.1.

### 3. Assessment

- 3.1. In response to the comments from Natural England, the applicant was asked to provide additional information to support the application, this was provided in the form of a flood risk assessment and drainage strategy, and a construction and environmental management plan. It is noted that the BA Ecologist had carried out Habitat Regulations Assessment (HRA) screening on the original submission and found that no significant effects are likely on the designated sites. Having assessed the additional information, they have reached the same conclusion. The additional information along with the updated HRA screening were provided to Natural England who in turn provided their third consultation response confirming that, in response to the information provided they have no objection to the proposed works. The BA Ecologist has recommended planning conditions to ensure that the works are carried out and managed as proposed, which are included as part of the recommendation for this application. Subject to these conditions it is considered that the proposed development is acceptable subject to Policy DM13 and criterion ii), of Policy DM25 of the Local Plan for the Broads.
- 3.2. In response to the comments from BA Landscape Architect, the applicants have adjusted the site layout in providing a wider planting corridor along the full northern boundary of the application site and have submitted two landscape plans and planting proposals in order to provide additional details. These plans show planting corridors to the northern, western, and southern boundaries of the site, along with an additional area to the west of West Lane, approximately 170m to the north-west of the subject site. These plans have been assessed by the BA Landscape Architect and in general terms show an acceptable scheme, subject to the inclusion of larger specimens at the point of planting, and the need to provide a suitable management plan for the various areas of planting.
- 3.3. Discussions regarding appropriate tree planting were subsequently influenced by the provision of correspondence between the applicant and Network Rail, who had required the removal of trees adjacent to the railway line within the start/stop zone to Brundall Gardens Station. Trees with a lower mature height have been suggested, at spacings of 15 metres between trees, and that specimens which are more modest at the point of planting are provided in order to keep costs at a reasonable level taking into account the amount of planting which would need to be undertaken.
- 3.4. It is accepted that a screen of trees would help to hide the site to some extent, but it is not considered that this is necessary or justified, such that without this planning permission should be refused. Whilst the site would benefit from the provision of trees and shrubs to soften its appearance in the landscape when viewed from areas to the north of the site, taking into account the nature of the proposal, the expansion of what is a well established boatyard business, and mindful of the not insignificant planting

within areas to the north of the railway line, it is considered that the level and type of planting proposed would be sufficient to provide what is required in this case to ensure that there would not be unacceptable impacts on the surrounding landscape.

- 3.5. It is accepted that the BA Landscape Architect has stated a clear preference for a more robust planting scheme and has given an indication of the level of planting that would achieve this. However, in finalising their landscape proposal, the applicants have sought a compromise position that would in general meet the concerns raised the BA Landscape Architect, but also represent a scheme which is commensurate with the application proposal. Although the size of the plants proposed would mean that the landscape benefits are not as immediate, this in itself is not considered to be a reasonable justification for a refusal of the scheme. There is existing planting at the northern end of the site, and the aforementioned planting on the areas to the north of the railway line, so the scheme even at its initial stage would have some foreground and softening. As the proposed planting matures this will help ensure that the site is further screened and this is considered to be a reasonable and acceptable approach. It is further noted that improvements to landscaping are proposed outside of the subject site and within the wider ownership area, specifically to the north-west of the site. This will contribute to landscape improvements overall which are considered to be a benefit and assist in supporting the overall scheme.

Landscaping would be carried out in accordance with the submitted scheme, it will be necessary to condition the timing of planting, replacement planting where necessary, and a landscape management plan, subject to which the proposed development is acceptable subject to Policy DM16 and criteria ii) and vii) of Policy DM25 of the Local Plan for the Broads.

## 4. Recommendation

- 4.1. To approve with the following conditions:
- i. Standard time limit
  - ii. In accordance with approved plans
  - iii. Details of proposed surfacing
  - iv. Details of landscape management plan
  - v. Details of tree protection
  - vi. Details of any proposed signage - position, size, and design
  - vii. Timing of landscape planting and replacement where necessitated
  - viii. No trees on site to be topped, lopped, uprooted, felled or in any other way destroyed

- ix. All mitigation measures should be followed from the Flood Risk Assessment and Construction and Environmental Management Plan
- x. Mitigation measures in 5.3.2.of the Ecological Report should be followed for mammals, birds and reptiles
- xi. The management of the planting proposed should follow all guidance set out in sections 7.1.1, 7.1.2 and 7.2 of the Flood Risk Assessment
- xii. The SuDS maintenance and operations plan as required under Section 7 of the Flood Risk Assessment
- xiii. Provision of 5 x bat boxes and 5 x bird boxes
- xiv. No external lighting
- xv. Storage of boats only, no operational works of repair or maintenance
- xvi. Stored boats must be stored with masts dropped

## 5. Reason for recommendation

- 5.1. The proposal is considered to be in accordance with Policies DM5, DM6, DM13, DM16, DM21, DM23, and DM25 of the Local Plan for the Broads, along with the National Planning Policy Framework which is a material consideration in the determination of this application.

Author: Nigel Catherall

Date of report: 04 August 2023

Background papers: BA/2023/0015/FUL

Appendix 1 – Location Plan

Appendix 2 – Planning Committee report dated 31 March 2023

## Appendix 1 – Location map

BA/2023/0015/FUL - Land At Brundall Gardens Marina, West Lane, Brundall



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# Planning Committee

31 March 2023

Agenda item number 7.1

## BA/2023/0015/FUL Brundall- Boat storage and hardstanding at Brundall Gardens Marina

Report by Planning Officer

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### Proposal

Extension to existing boatyard to provide dry berths for boats and provision of hardstanding and car parking

### Applicant

Mr Samuel Dacre

### Recommendation

Approval with conditions

### Reason for referral to committee

Major application

### Application target date

18 April 2023

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## 1. Description of site and proposals

- 1.1. The subject site comprises a broadly rectangular area of grassland located between West Lane and the Norwich to Brundall railway line, and to the north-west of the Brundall Gardens Marina site which lies to the south of West Lane. It is a large site and covers 1.69 hectares.
- 1.2. The site is level aside from a few mounds and has a fairly uniform covering of grassland vegetation. It is noted that the site falls gently from north to south with a >2m change of level sloping down towards the river. The site is bordered by an area of woodland to the west, a tree lined road to the south, a mix of trees and open space with trees as the backdrop to the east, and the railway line to the north. It is noted that a heap of hardcore is at the site presently, located just north of the site entrance.
- 1.3. Between the proposed boat storage area and the railway line is a permissive (concessionary) footpath, which is separated from the proposed boat storage area by a hedge. To the north of the railway line is the Brundall Parish Allotments, to the immediate east of this is Brundall Countryside Park, and beyond the park is residential development at the westernmost part of Brundall.
- 1.4. To the south of West Road is an area of woodland, and beyond that the River Yare. The land on the opposite side of the river is designated comprising the Yare Broads and Marshes SSSI, Broadland SPA, the Broads SAC, Broadland RAMSAR, and Mid-Yare National Nature Reserve.

- 1.5. The Brundall Gardens Marina site is located between the river and West Lane, to the south-east of the subject site. The marina provides a variety of boat services, moorings, and holiday accommodation.
- 1.6. This application follows a previous application for the same proposal under planning reference BA/2022/0051/FUL. Issues were raised by Natural England and the BA Landscape Architect and requests for further information were made. The application was withdrawn to allow for the issues to be addressed.
- 1.7. The proposal is for the provision of 68 dry mooring berths on an existing area of grassland. A broadly rectangular area measuring 166m x 71m (approximately 1.2ha) would be finished with compacted hardcore to provide the boat storage area, to the outside of this would be a 2.3 metre tall green mesh fence, and to the outside of the fence would be areas of new planting along the entire northern, western, and southern boundaries, along with planting to parts of the eastern boundary. Access would be from West Lane via an existing access to the site. Parking for up to 10 vehicles would be provided to the north-east corner of the subject site.
- 1.8. It is noted that the application as originally submitted included details of proposed lighting, including floodlights. In response to the landscape consultation comments, the lighting has been removed from the application and is no longer a consideration in the assessment of the current proposal.

## 2. Site history

- 2.1. In 1992 planning permission was granted for the change of use of storage building to offices and land and boat house for retailing boats (BA/1992/4757/HISTAP).
- 2.2. In 2006 planning permission was granted for works to provide 15 moorings including quay heading (BA/2006/3712/HISTAP).
- 2.3. In 2012 planning permission was granted for the renewal of existing quay heading to east of existing basin. Extension of basin to north west with new quay heading. Renew central jetty and extension to south western side of existing basin with new quay heading and jetty. Retention of vehicle entrance barrier (BA/2012/0121/FUL).
- 2.4. In 2014 planning permission was granted for a temporary soil storage area, formation of bund to footpath and wet woodland and formation of North car park access track. (BA/2014/0166/FUL).
- 2.5. In 2014 planning permission was granted for the use of land for overflow car park, erection of gardeners' store, realign quay heading, repair replace quay heading (BA/2014/0300/FUL).
- 2.6. In 2015 planning permission was granted for the use of workshop / boat store for the storage, display and demonstration of marine equipment and small boats, incidental sales, and formation of new pedestrian entrance (BA/2015/0103/CU).

- 2.7. In 2022 a planning application was withdrawn for the extension to existing boatyard to provide dry berths for boats and provision of hardstanding and car parking (BA/2022/0051/FUL).

### 3. Consultations received

#### Parish Council

- 3.1. Brundall Parish Council (BPC) objects to the revised planning application (BA/2023/0015/FUL) in the following areas because of its:
- a) impact on environmental, ecological and biodiversity development of the site
  - b) provision of poor road access
  - c) visual impact on countryside park and nearby areas
  - d) provision of a high hedge and its narrow footpath path along the site

- 3.2. 1. The following is a summary of the main reasons for this objection

Whilst Brundall Parish Council (BPC) notes that the 'Construction Environmental Management Plan' has been included in the latest 2023 application there needs to be more detailed planning and consideration of improvements in the following areas:

- 3.3. a) impact on environmental, ecological and biodiversity development of the site

(i) Environmental

Environmental improvements and continuous support need to be more in detail. This includes more information on noise reduction for construction phase machinery, disturbance reduction on land and adjacent areas, reduction of impact on wildlife and the environment. Reduction in pollution from expected increase in boat and machinery activity. Further sustainable plans need to be put in place to ensure continuous enhancement of this environment.

(ii) Ecological

Ecological improvements and continuous support improvements need to be in detail (more in-depth) for surrounding area. This greenfield site is surrounded on three sides by natural and semi natural woodland and while the ecological assessment did not identify any notable species it is an integral component of the ecological network along the River Yare corridor. The site is used for feeding by birds such as kestrel, hobby and barn owl.

(iii) Biodiversity

Brundall Parish Council notes basic 'development' of this site took place before the application has been agreed with the Broads Authority. Thus already, there has been a substantial loss to biodiversity in this area of the land. Appendix 1 (below) is an aerial

picture of the applicant's land before the dumping of rock/rubble and other items on the land. The site is already despoiled and there is already a loss of biodiversity.

Thus, Brundall Parish Council would like the application plans to provide more in-depth detail on how to improve biodiversity of the land. Further, BPC would welcome plans for continuous support and development of biodiversity. This needs to include how further to encourage a setting for a variety of animals, plants, fungi, and even microorganisms like bacteria that make up our natural world.

We suggest, a small area of this field can be put aside for bio-diversity and/or for small-scale specialised crops.

#### 3.4. b) Provision of poor road access

Safe access is a key issue in areas which use small country lanes. Thus, development will need to show more detail as to how the site will have easier, safe, access for large vehicles like fire engines.

#### 3.5. c) Visual impact on countryside park and nearby areas

The development will be extremely visually obtrusive to parishioners using the countryside park and damage the qualities of the site that the PC has invested so much money creating. Some of the stored boats, based on what we have seen at other boatyards in Brundall, will sit 6 metres or more high so will be visible from the Countryside Park at least until the proposed shrub planting matures (more than 10 years) and some possibly even after that. The 12 floodlights on 12m poles will be visible indefinitely, rising higher than the tree canopy so visible against skyline, and when in use will create light pollution through reflected light.

#### 3.6. d) Provision of a high hedge and its narrow footpath path along the site.

The visual impact will be worse along the footpath (currently permissive) from the Station along the south side of the railway, especially in winter when the shrubs are leafless and the entire area will be clearly visible. This footpath is increasingly important in providing access out of the W side of the village and towards Postwick Ferry without walking on the increasingly traffic ridden Postwick Lane.

Further, this high, enclosed, restrictive hedge along the permissive path excludes walkers' views and impacts on their personal security and safety. Furthermore, the foot path's width is restrictive and hinders people walking (and passing each other) as well as making mobility for people with disability very difficult.

#### 3.7. 2. Conclusion

Appendix 1 below, shows in 2014 original views of walkers without the restrictive hedge and how the site was in a relatively natural state. Appendix 2 shows the state of the site now, via a picture of aggregate placed on the present site. Add this to the present proposed changes and the development will significantly damage the rural

character of this edge of the village that is so important to the enjoyment of the countryside park.

The BPC welcomes the Natural England email (8.2.23) to Mr Catherall of the Broads Authority. This email indicates the applicant may not have sufficient information to show they (will) have achieved the necessary Habitats Regulations Assessment in the following areas: Water Quality/Nutrient Neutrality, Surface Water Drainage Strategy, Pollution Control and Prevention Plan, Consideration of potential impacts on mobile species outside the SAC & SPA, A Construction Environmental Management Plan (CEMP) - to cover for example, reduction of noise and vibration; Protected Species; Development on Peat; and Local Sites and Priority Habitats and Species.

BPC notes 'The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public.' Source of quote: Natural England, email to the Broads Authority 8.2.2023.

BPC notes the strong objections from the local community and groups. For example: The Broads Society.

Finally, BPC looks forward to more detail from the applicant as to how the site can be improved visually, environmentally, and ecologically, and improved to increase biodiversity. BPC would like improvements in plans for easier road access, and for a safer, secure, permissive footpath with appropriate views for walkers.

Appendix 1 - aerial view showing Brundall Garden Marina land before the changes made by the owner.

Appendix 2 - Latest site picture

### **District Member**

- 3.8. Thank you for drawing my attention to this revised planning application (BA/2023/0015/FUL) for development of a dry mooring boatyard with associate storage provision and car parking on the delineated site.

It is good to see the inclusion of a more detailed Environmental Impact Assessment and Biodiversity Net Gain Assessment. It is also positive to see mitigation measures suggested to reduce the impact of the development on wildlife in the area. I did observe that the figures for bird populations were taken from periods of time some years back. I hope this does not indicate a substantial loss of biodiversity in this area since those records were compiled. I note that this application triggers the Natural England SSSI Impact risk zone for consultation which is in progress.

I see that the development will achieve a biodiversity net gain of at least 10% through new habitat creation, in compliance with the Environment Act 2021 and a planting scheme has been provided for the development.

I also note that a construction Environmental Management Plan has been included in the documents. I have no objection to this application.

### **Environment Agency**

- 3.9. No objection subject to flood risk standing advice.

### **Norfolk County Council (NCC) Highways**

- 3.10. Thank you for your recent consultation with respect to the above which appears similar to a previously withdrawn application.

As traffic movements to and from this site are possible only via the private lane (Postwick PROW PO9) from Postwick Lane (C440), and with the railway bridge on this lane making access by large vehicles or high boats impossible, I consider it very unlikely that traffic engendered to and from the site will increase appreciably by this proposal.

On this basis the Highway Authority raise no objection to this application.

### **Natural England**

- 3.11. Further information requested and provided. A second response from Natural England is anticipated, Members will be provided with a verbal update at the Planning Committee meeting.

### **BA Landscape**

- 3.12. Objection received with the following conclusion:

There is a lack of information with regard to existing trees, proposed landscaping, drainage, and scale/appearance of stored boats. Although provision of additional information would be helpful, there are fundamental Landscape concerns with the proposals. This is a sensitive location within the BA area and close to designated sites. A number of sensitive receptors are present, and the areas' capacity for change of the scale proposed is low. The sensitivity of the site and surroundings suggest that they do not have the capacity to accommodate the scale of the proposals and intensive use of the site.

The proposals would alter the appearance and character of the site, replacing a semi-natural character with visually intrusive elements. Potential adverse visual effects from lighting and stored boats are of particular concern. Proposals for mitigation would neither adequately integrate the scheme into the area or the wider natural setting, nor offset significant adverse landscape and visual effects. Overall, the proposals would have adverse effects on Landscape character and are therefore not supported.

### **BA Ecologist**

- 3.13. No objection subject to mitigation and enhancements

## **4. Representations**

- 4.1. One response was received from The Broads Society who commented as follows:

The Broads Society maintains its objection to this revised scheme for the same reasons as set out in our previous objections to application no. BA/2022/0051/FUL. The application site lies outside of any development boundary and doesn't comply with policies in the Broads Local Plan. Whilst the Broads Society usually supports applications to support Broads Industries this site is effectively a green field location adjacent to the Norwich to Great Yarmouth railway line. We are also concerned as to the choice of proposed surface material in such close proximity to watercourses. Furthermore, the revised application now appears to include 12 lighting columns (all 12 metres in height), the positions of which don't appear to have been indicated on the submitted plans. Notwithstanding their exact locations, this seems contrary to the 'Dark Skies' protection policies set out in the current Broads Local Plan and the visual impact of such columns would also have a significant detrimental impact on the amenity enjoyed by the nearby Brundall Country Park.

## 5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:
  - DM5 - Development and Flood Risk
  - DM6 - Surface water run-off
  - DM13 - Natural Environment
  - DM16 - Development and Landscape
  - DM21 - Amenity
  - DM22 - Light pollution and dark skies
  - DM23 - Transport, highways and access
  - DM25 - New employment development
  - DM43 - Design
- 5.3. Other material considerations
  - National Planning Policy Framework (NPPF)
  - Planning Practice Guidance (PPG)
  - Brundall Neighbourhood Plan
  - BA Landscape Character Assessment: 12 Yare Valley - Kirby/Postwick to Rockland/Strumpshaw River Yare

## 6. Assessment

6.1. The application is for an extension to an existing boatyard to provide 68 dry berths for boats and provision of hardstanding and car parking. The current application follows a previous proposal for dry boat storage which was withdrawn as the applicants sought to address issues raised through the previous consultation process. The following is a summary of how the current application differs to the withdrawn scheme:

- Revised site layout reducing the area of boat storage and increasing the area of landscaping to improve screening and increased wildlife migration corridors.
- Submission of traffic/transport management Plan
- Submission of construction management plan with reference to pollution control.
- Submission of flood risk assessment and drainage strategy.
- Submission of revised ecology report including bird data.

### Principle of development

6.2. The consideration of a new storage area (use class B8) is primarily assessed with regard to Policy DM25 of the Local Plan for the Broads which addresses new employment development. The policy provides 11 criteria covered against which such a proposal would be assessed.

6.3. Criterion i) requires that the site is located within a development boundary or within or adjacent to existing employment sites or is a building used as an employment use. The subject site is adjacent to the established Brundall Gardens Marina and, although separated by West Lane, it is noted that the entrances to the existing and subject elements of the site are directly opposite each other. The applicant has explained that the use would wholly relate to the operations of the applicant's adjacent Broads based uses, and would be for storage only, not an area for boat repair or maintenance.

6.4. The proposal is considered to be in kind with the marina business as existing which provides mooring berths and has minor areas of dry boat storage adjacent to the workshop building at the site. The additional income from the proposed boat storage area would contribute to the vitality and viability of the existing business, helping to maintain a marina business which forms part of a network of waterside boat related businesses throughout the Broads. The different form of accommodation for boat storage in addition to existing moorings, increases the range of services provided by the applicant's business which contributes to the resilience of the business. Additionally, this increases the range on offer in this area as whilst Brundall Gardens and Brundall provides a large of moorings overall, the offer of dry boat storage is very limited. The proposal is therefore considered to accord with criterion i) of Policy DM25 and is acceptable in principle.

6.5. The remaining criterion of Policy DM25 will be discussed separately in the following assessment.

## Impact upon the landscape

- 6.6. The area of land where the proposed dry berths for boats with associated hardstanding and car parking would be provided is currently an area of grassland with areas of scrub. In the past the land has appeared with more scrubby vegetation, and has been approved for use as temporary storage of excavated material (under planning ref BA/2014/0166/FUL). The present appearance is of a level site with short sward grass and scrub, aside from the occasional small mound.
- 6.7. The proposed scheme will result in a fundamental change to the use and appearance of the site, replacing 1.2 hectares of grassland with compacted hardcore, and the storage of up to 68 boats on that area, with a 2.3m high green mesh security fence to all sides. It is noted that the BA Landscape Architect has objected to the scheme, citing issues including impacts on a number of sensitive receptors, the area's capacity for change of the scale proposed being low, the scale of the proposals and intensive use of the site, and replacing a semi-natural character with visually intrusive elements, observing that stored boats, owing to their light reflective colours and materials would be particularly noticeable.
- 6.8. The subject site is well screened from public vantage points from the east and west, and well screened from views further to the south including from the river, although it is noted that views from West Lane where it passes to the south of site are fairly open, interrupted by a line of mature trees. The site is fairly open to views from the north via the permissive path and railway line, both of which run along the northern boundary of the site, and from the Brundall Parish Allotments and Brundall Countryside Park which are north of the railway line.
- 6.9. To the northern side of the subject site is an existing hedge, this runs parallel to the southern side of the permissive path, incorporating the occasional tree. Although a fairly young hedge, it provides an existing demarcation between the footpath and the proposed site area, along with some level of screening. To the immediate south of the hedge is a proposed 4.5m wide planting area which would extend across the full width of the northern boundary. Whilst proposed planting would take some time to establish, the existing hedge would provide a reasonable interim measure in softening the appearance of the site, particularly from the permissive footpath.
- 6.10. A scheme setting out how the landscape impact would be mitigated will be required, and this should show appropriate planting to the areas around the boat storage area. Initially there will be more obvious landscape impacts, and the 2.3m tall green mesh security fence will be more of a presence. Landscaping schemes are an integral part of numerous planning proposals, and whilst there is always a delay while planting becomes established, this is a conventional and customary practice which is accepted as bringing overall positive outcomes. In this case it is considered that a landscape scheme would contribute to the acceptability of the scheme and would be required by planning condition.

- 6.11. The existing hedge would not interrupt views from trains passing the north of the site, although the existing trees give an indication of how effective planting can be in this area once established. Regardless of this, views in a southern direction would include partial views of the boatyard beyond which would give the site some context, and does provide some link in the development of this area which is directly linked to the use of the water.
- 6.12. To the north of the railway line and directly north of the subject site is the Brundall Parish Allotments. The area of the allotments is bordered by a hedge, when to the north of the allotments this has the effect of limiting views to the south which would include the subject site. Within the allotments themselves the boats stored at the subject site would be visible, although this would be interrupted to some extent by the existing hedging. When the proposed planting along the northern border is established, this would provide a suitable area of vegetation which will help to mitigate any landscape impact in views from the north.
- 6.13. To the immediate east of the allotments, and north-east of the subject site is the Brundall Countryside Park. The park is fairly recently established, being the subject of a 2014 planning permission alongside the allotments. Planting in the different sections of the park is at different stages of maturity with, generally speaking, more established trees to the central and northern sections of the park, with a more sporadic and less established covering to the southern section.
- 6.14. For a good portion of the park area views to the south and the subject site area are limited due to the existing vegetation within the park. To the southern part of the park views of the site would be more open due to more sporadic planting and less mature specimens. In the central area between the park and the allotments is a north to south closely mown grass avenue with an approximately width of 5 metres. The southern part of the park sits lower overall due to the sloping nature of the land towards the river. By being sited lower, the views beyond the railway line to the subject site are more restricted when closer to the boundary, and the existing and proposed planting would adequately soften and partly screen the storage area. The effectiveness of the planting in providing mitigation will improve over time. The central avenue is maintained as an area of circulation, views to the south along this narrow corridor are fairly uninterrupted. Existing and proposed planting would provide some softening in views of the storage site, in addition the corridor allows partial views of the boatyard site beyond, which gives the boat storage a reasonable context and as noted above, provides a link between areas of development.
- 6.15. Overall it is accepted that there will be some local landscape impacts as a result of the storage of boats at the subject site, and the landscape objection is acknowledged. The composition and existing planting within the areas to the north of the railway line would limit the impact on the appearance of the site to some extent, and a well-considered planting scheme within the subject site would further reduce the visibility of the storage area. Including the existing hedge at the northern of the site there would be

a 6.5m wide planting strip along the full northern edge of the boat storage area, this is considered to provide sufficient space for a reasonable planting scheme which would sufficiently mitigate landscape impacts in views of the northern side of the site.

- 6.16. Some views of the boats stored at the site will still be possible, but taking into account the context of the site which would exist as an extension of the well-established boatyard beyond, the existing and proposed planting within the site, and the existing planting on areas to the north, it is considered that the use of the subject site for the storage of boats would not have an unacceptable impact on landscape appearance and character. The reduction in the hard-surfaced area over the previously withdrawn scheme, and provision of planting areas to the peripheries allow for an acceptable proposal. A detailed landscaping scheme will be necessary to ensure that any landscape impacts are sufficiently mitigated and the planting areas are efficiently utilised for this purpose. The proposal is therefore considered to be acceptable with regard to Policy DM16 and criteria ii) and vii) of Policy DM25 of the Local Plan for the Broads.
- 6.17. With regard to the loss of the large multi-stemmed Alder near the eastern boundary, although the loss of this tree is regrettable, its position near the site entrance make its retention difficult. The tree is a little isolated from the adjacent group of trees and it does lean noticeably towards the east. It would not be reasonable to insist on its retention, and the loss of this tree can be mitigated through a detailed landscaping scheme.

### Ecology

- 6.18. The subject site comprises grassland and appears to have been maintained as such for a number of years. The application was accompanied by an Ecological Survey which has been considered by the BA Ecologist. No objection has been raised to the proposal subject to mitigation and enhancements which would be secured by planning condition. It will be necessary to require a reptile survey prior to any works commencing, and this may require further mitigation which again will be secured by condition.
- 6.19. There are no designations at the subject site, with the separation to the designated sites to the south of the river comprising 95 metres of land and 55 metres of river. However, the subject site is within the SSSI Impact Risk Zone and to this extent a Habitat Regulations Assessment (HRA) was carried out. The HRA concluded that there would be no significant impacts on sites or species.
- 6.20. Natural England did not object to the previous proposal although did make requests for additional information which has been provided as part of the current proposal. An objection from Natural England is not anticipated, Members will be updated at the meeting of any further comments from Natural England. Subject to these comments, the proposal is considered to be acceptable with regard to Policy DM13 and criterion ii), of Policy DM25 of the Local Plan for the Broads.

### **Amenity of residential properties**

- 6.21. The site is over 140 metres from the nearest residential properties. Taking into the nature of the proposed development it is considered that there would be no undue impact on residential amenity. The proposal is therefore considered to be acceptable with regard to Policy DM21 and criterion iv) of Policy DM25 of the Local Plan for the Broads.

### **Highways and public rights of way**

- 6.22. The proposal is for dry boat storage. Whilst there would be visitors to the site, given the nature of the proposed use of the site this would be infrequent and irregular, which is reflected in the provision of only 10 car parking spaces. Norfolk County Council as Local Highways Authority have considered the proposal and raised no objection, considering it very unlikely that traffic engendered to and from the site will increase appreciably by this proposal. They also note that the railway bridge on West Lane makes access by large vehicles or high boats impossible.
- 6.23. The layout of this site is such that there is adequate space for loading and unloading and operational movements around the site. There is consideration within Policy DM25 for the site being designed to promote user accessibility by walking, cycling and public transport, but this is not relevant to the subject proposal. The proposal is therefore considered to be acceptable with regard to Policy DM23 and criteria v), vi), and vii) of Policy DM25 of the Local Plan for the Broads.

### **Flood risk and drainage**

- 6.24. The site lies predominantly within flood zone 1, with parts of the south-eastern quarter within flood zones 2 and 3. The Environment Agency were consulted and confirmed that the proposal is covered by Local Flood Risk Standing Advice, this confirming that the site is in flood zones 2 and 3A. The proposal is for boat storage which in terms of flood risk vulnerability classification is water compatible development, the nature of the development would not impede flood waters including the provision of permeable boundary treatments, and it is noted that river flood waters would not pass across or through the site, but would rise from the south before dissipating in that direction. Further to this the use of the site would not have an impact on flood storage capacity at the site. A flood response plan will be required by condition to ensure that the site is appropriately managed during flood events. The proposal is therefore considered to be acceptable with regard to Policy DM5 and criterion viii) of Policy DM25 of the Local Plan for the Broads.
- 6.25. Considering the sequential test as stipulated in paragraph 162 of the NPPF, this aims to steer new development to areas with the lowest risk of flooding from any source, with consideration for reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The proposal is for dry boat storage, this functioning as an expanded part of the established Brundall Gardens Marina. There is no available land in this area which would be suitable and appropriate for the proposed use. Taking into account the proposed water compatible use, the exceptions test is not

required for the proposed development. The proposal is therefore considered to be acceptable with regard to Paragraph 162 of the NPPF.

- 6.26. Drainage at the site would be altered by virtue of the change from grassland to compacted hardcore. The application was accompanied by a flood risk assessment which concludes that the surface water drainage strategy is to attenuate and discharge to the adjacent ditch, a range of SuDS may be incorporated in the development, and a detailed drainage strategy will ensure the site will sufficiently treat the surface water prior to discharging. A detailed drainage strategy will be secured by planning condition, subject to which the proposal is considered to be acceptable with regard to Policy DM6 of the Local Plan for the Broads.

### Other issues

- 6.27. Considering the remaining issues to address under Policy DM25. The site is considered to be developed comprehensively in terms of planning, layout and servicing arrangements which would accord with criterion iii).
- 6.28. Criterion ix) considers the storage, handling or use of chemicals which is not applicable to this application.
- 6.29. The site is within agricultural land grade 3, criterion x) stipulates that versatile agricultural land (grade 3a and above) should not be used. Available mapping does not differentiate between grades 3a and 3b. Historically land to the north of the subject site, including the recently provided allotments and country park, has been in agricultural use, at the same time the subject site has only been grassland/scrubland. Given the lack of historic agricultural use it would not be reasonable to refuse the application on the loss of agricultural land, with regard to criterion x) of Policy DM25.
- 6.30. The requirement to make effective use of previously developed land is not considered to be applicable here taking into account the nature of the proposal, its links to the established business to the south, and the lack of previously developed land in this location, with regard to xi) of Policy DM25.
- 6.31. Security gates are proposed at the entrance to the site between two sections of the green mesh security fence, these would match in size and appearance the gates serving the main marina site directly opposite on West Lane. Taking into the siting of the gates and the existence of matching gates on the opposite side of the road, the installation of security gates is considered acceptable with regard to Policies DM16 and DM43 of the Local Plan for the Broads.

## 7. Conclusion

- 7.1. The proposed development would allow the applicants to expand the boatyard activities through boat storage on a piece of land adjacent to the Brundall Gardens Marina site, and on land which has previously been used in conjunction with that business. The proposed development would not have an adverse impact on either landscape character or appearance, ecology and designated sites, and no undue impact

on the amenity of neighbouring residents. The proposed use of the site is considered to be acceptable in flood risk terms, and drainage can be suitably addressed through a drainage strategy. Consequently, the application is considered to be in accordance with Policies DM5, DM6, DM13, DM16, DM21, DM23, DM25 of the Local Plan for the Broads, along with the National Planning Policy Framework.

## 8. Recommendation

- 8.1. Subject to no new issues raised by consultees, to approve with the following conditions:
- i. Standard time limit
  - ii. In accordance with approved plans
  - iii. Details of proposed surfacing
  - iv. Details of detailed drainage strategy
  - v. Details of landscaping scheme and landscape management plan
  - vi. Details of tree protection
  - vii. Details of any proposed signage - position, size, and design
  - viii. Ecological mitigation, management, and enhancements
  - ix. Reptile survey prior to works
  - x. No external lighting
  - xi. Storage of boats only, no operational works of repair or maintenance

## 9. Reason for recommendation

- 9.1. The proposal is considered to be in accordance with Policies DM5, DM6, DM13, DM16, DM21, DM23, and DM25 of the Local Plan for the Broads, along with the National Planning Policy Framework which is a material consideration in the determination of this application.

Author: Nigel Catherall

Date of report: 21 March 2023

Background papers: BA/2023/0015/FUL

Appendix 1 – Location map

## Appendix 1 – Location map

BA/2023/0015/FUL - Land At Brundall Gardens Marina, West Lane, Brundall



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