

Cropredy Marina  
Claydon Road  
Cropredy  
Banbury  
OX17 1JP

15/01949/F

**Case Officer:** Emily Shaw                      **Ward(s):** Cropredy

**Applicant:** Cropredy Marina Ltd

**Ward Member(s):** Cllr K Atack

**Proposal:** Creation of north basin to form extension to marina, including installation of pontoons for up to 100 boat moorings; extension to existing car park for 42 cars, installation of swing bridge, replacement of approved but unbuilt office and associated landscaping.

**Committee Date:** 14<sup>th</sup> April 2016                      **Recommendation: Approve subject to the Environment Agency confirming no objections and subject to a legal agreement to preclude the construction of the approved office building.**

**Committee Referral:**                      **Major Application**

## 1. Application Site and Locality

- 1.1 The application site is an area of open agricultural land which lies to the north of the existing marina and to the north of the village of Cropredy. The road to Claydon lies to the west of the site and the road to Appletree lies to the north of the site. The canal basin lies to the east of the site and is part of the Canal Conservation Area, which is a linear designation which stretches from the north to the south of the District of Cherwell along the line of the Oxford Canal. The canal tow path is a registered footpath (public right of way) which runs along the eastern side of the canal basin, opposite the existing and proposed marina. The Road Bridge, Number 150 over the canal to the north of the site is a grade II listed structure, a late 18<sup>th</sup> Century/early 19<sup>th</sup> Century single arch bridge. The site lies within flood zone 2 medium probability of flooding (land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding) and flood zone 3 high probability of flooding (land having a 1 in 100 or greater annual probability of river flooding). A mature oak tree is located to the north of the existing marina and will be sited immediately adjacent to the new basin.
- 1.2 The village of Cropredy comprises a primary school, two public houses, a shop, community hall, recreation facilities and a doctor's surgery. The site of the extended marina is within walking distance of the village of Cropredy.

## 2. Description of Proposed Development

- 2.1 The development proposes an extension to the existing marina in the form of an additional basin sited to the north providing a further 100 boat moorings. Access for boats into the new basin will be via the existing access from the main canal into basin no. 2 and then from

existing basin no. 2 into the new basin no. 3, via a channel between the two basins. The proposal does not include a new access into the canal basin. A swing bridge is proposed between existing basin no. 2 and proposed basin no. 3 which will ensure pedestrian access is maintained from the existing car park to the moorings at the north east corner of basin no. 2.

- 2.2 Vehicle access to the site will remain as the current arrangement from the main existing access from the Claydon Road. Parking is currently provided on the site to the west of basin no. 2. A further extension to the car parking area is proposed as part of this application. This new parking area will be sited to the west of the proposed basin no. 3. There is also a new access track proposed from the extended car parking area to the north of the site to provide vehicle access to the new basin.
- 2.3 A new landscaping scheme is proposed to the north, west and east of the proposed basin. The proposed planting is a native shrub mix.
- 2.4 The land to the north of the proposed basin is included within the red line of the application site to provide an area for the excavated material to be deposited. The submitted plan indicates that the excavated material will be deposited at a maximum depth of 300mm within the specified area. The current top soil will be stripped from the field and retained to allow the spoil to be deposited and the top soil to be re-used.
- 2.5 A new office building is proposed as part of these proposals. The building is single storey and is to be sited to the west of basin no. 2 and within the existing car parking area. The building is to be constructed from timber with a felt roof. An office building was approved as part of the planning application for the existing marina; this was to be located within the car parking area near the entrance to the site. The proposed office building replaces this and is sited further to the north.
- 2.6 A number of technical supporting documents have been submitted with the application, including a Feasibility Assessment, Design, Access, Heritage and Planning Statement, Flood Risk Assessment, extended Phase 1 Habitat Survey, Landscape and Visual Impact Assessment, Transport Assessment, and an Arboricultural Impact Assessment and Method Statement.

### **3. Relevant Planning History**

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
14/01239/F	Variation of Condition 23 of 11/01255/F - To allow for additional lighting - (Retrospective)	Approved
15/01056/F	Erection of canopy and siting of floating dry dock - Retrospective	Approved
11/01255/F	Proposed Marina with ancillary office, store, car parking, access and associated landscaping	Approved

### **4. Publicity and Consultation**

#### **4.1 Response to Publicity**

The application has been advertised by way of neighbour letters, site notices and a press notice. The consultation period ended on the 19<sup>th</sup> March 2016.

5 letters of objection have been received in summary raising the following comments:

- *Concerns raised about the water levels within the existing Oxford Canal and the impact of the proposal on water levels due to increased use of the canal. Increased boat use on the canal will exacerbate the low water levels.*
- *The extension to the marina would increase the number of boats moorings to 350. The proposed number of boats would be more than the number of houses in Cropredy.*
- *The increased number of vehicle trips to the marina would cause safety issues on the local road network.*
- *The increased use of the village services by people at the marina is minimal.*
- *Concerns raised regarding permanent residential use of boats within the marina. Permanent residents will place pressure on existing services within the community.*
- *The proposed office and store is larger than previous approved.*
- *The marina has not generated local business opportunity.*
- *Retail boats sales are taking place at the site.*
- *The increase in the size of the marina will cause further harm from vehicle trips to the site, impact on the landscape and lighting.*
- *The character and appearance of the conservation area is important. The existing marina has intruded significantly into the rural landscape and the proposal would cause considerable further visual intrusion.*
- *The proposed landscaping is minimal*
- *Is the number of parking spaces proposed required.*
- *Fishermans cottage has views to the south down the canal, the proposal would affect these views.*
- *The new basin would reduce the absorption of water into the ground.*
- *The environmental improvement within the scheme is minimal.*

#### **4.2 Response to Consultation**

Parish Council: *No objection to the application, but make the following observations.*

- *The Parish Council have learned that there are a number of occupiers who are now on the electoral role, have children registered at the village school and a number are registered at the village surgery. This situation needs to be addressed as, apart from contravening the original terms of the permission, we understand that anybody in permanent residence should be contributing to council tax.*

- *Light pollution is a significant factor from the present marina and is particularly troublesome to Cropredy residents living in the Creampot Lane area. The lighting at both the present marina and the new one, if approved, should be controlled by sensors to ensure minimal visual impact.*
- *An additional concern relating to the present application is the current problem with water shortages on the canal. Despite comments in the application the addition of 100 new berths will inevitably increase usage on the canal which is struggling to cope with present traffic due to lack of water, particularly in the busy months.*

Cherwell District Council:

**CDC Environmental Protection Officer:** no objections to the proposal

**CDC Landscape Architect: Original comments on the submitted plans** - *There will be a medium significance of effect in respect of the cumulative impact of the proposed marina for visual receptors from the towpath - as indicated by photo view P13 - it is therefore important to retain/and supplement the existing vegetation along the canal with a native hedgerow, in accordance with the Native Hedgerow Mix on the Landscape Proposals.*

*The trees are not identified in Reports 4 Planning's tree survey, and I think the viability of these multi-stemmed coppice trees near to the canal boats should be assessed, especially if the layout is to be revised to reduce the construction impact on the mature Oak (T11) on the edge of the basin. I am concerned about the future viability of this 'amenity' tree, and of course, subject to our arboriculturalist's response, I would advocate revising the location of the basin to avoid the root protection area entirely, reducing the element of doubt, given that the Landscape Proposals indicate this tree as being closer to the edge of the proposed basin than the distance indicated in the Tree Protection plan.*

*On the Landscape Proposals, information relating to the extent of grass seeding, and vegetation to soften the perimeter of the basin (as already established on site), is non-existent. This is necessary to ensure all relevant surface/interface landscape treatment is identified. Also on the landscape proposals the retained trees and hedgerows are to be stated as being retained given that they provide visual and landscape mitigation and amenity to the site. Especially the hedgerows, trees and recent tree planting immediately north and west of the 'approved' car park.*

*In conclusion, I have no objection to this application as long as full hard and soft details of landscaping under the relevant planning condition, including a separate landscape maintenance specification under condition, is submitted to ensure that the development is appropriately landscaped and maintained. The following British Standards are appropriate: BS 4428:1989 Code of practice for general landscape operations (excluding hard surfaces); BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations.*

**Landscape comments on the revised landscape proposals** - *Having considered the revised landscape proposals, drawing no. ID622.01E, I confirm:*

- 1. There are construction issues in respect of the Oak tree immediately west of the proposed basin.*
- 2. Areas of amenity grass are not shown; these are necessary to ensure no visually harmful hard surface areas are added in the spaces between proposed hedgerows and basin and between existing hedgerows and car park.*
- 3. The edge of the existing basin is visually softened with native marginal edge planting which must be replicated around the new basin.*

4. The proposed hedgerows to the car parks, require additional indigenous hedgerow trees such as *Acer campestre* x5.
5. The proposed hedgerow to the periphery of the basin is native and the shrub mix to the west of the basin in terms of visual amenity and landscape mitigation, are acceptable.

**CDC Arboricultural Officer:** *The Oak tree close to the proposed basin is a quality tree worth preserving and I consider it should have been classified as a B. There is a discrepancy between the design plan and the tree constraints plan so they need to clarify the location of the tree in relation to the edge of the proposed marina. Also they need to supply an arboricultural method statement with regards to the protection of the tree and the works that will take place around it to ensure the root zone is not damaged.*

**Arboricultural comments on additional and amended information:** *It is good to see the design plan amended to show the wharf going around the root zone of the oak tree T11.*

*But the tree report is full of generic information and very little specific comments on the project. In this case there is no specific comments in the method statement regarding tree protection of tree T11 and to works taking place within the root protection area, ie there appears to be a path going through the root protection area and no comments have been made as to the type or construction method.*

*Also I would like to know the method of wharf edge construction and how much they need to intrude into the bank.*

**CDC Ecology Officer:**

*The submitted ecological information is fine although a little light on information. The site is largely arable land but with some features of ecological value namely a hedgerow, ditch and some scrubby vegetation. In addition the impacts on the adjacent canal particularly at the North of the development boundary where there is little between the two also need to be considered.*

*In general there are no major ecological issues on site, the adjacent site already having been disturbed by the creation of the current marina and the office building is unsuitable for bats. The conclusions within the Extended phase 1 report are all appropriate and should be conditioned – namely mitigation for loss of hedgerow, strimming of bank and ditch sides and recheck for water vole, pre-works vegetation management for reptiles and avoidance of nesting bird season or a pre-works check.*

*The planting of new native hedgerows will mitigate for the loss of the current hedgerow to some extent. I am assuming this was not of hedgerow regulation quality although this is not stated explicitly. **The recommended 2m buffer of tall ruderal vegetation or wildflower grass mix is not noted on the landscape proposals and should be provided.** This is needed to compensate for the loss of the Priority hedgerow and Priority arable margin habitats on site and should be managed for wildlife. Information on **how these features will be managed** into the future should be supplied or maybe conditioned as an LEMP in order to ensure no net loss of biodiversity overall.*

*Whilst I agree with the appraisal that bats are unlikely to commute or forage across the current arable field itself they are very likely to use the canal as a route and for feeding particularly given the wooded vegetation opposite. In addition Otters for which there are records just South of Cropredy have not been considered. It is unlikely they utilise this*

stretch of canal given the level of disturbance but they may well use the canalside on the other side of the canal. The avoidance of light spill onto the canal side and vegetation is therefore very important given the potential impacts on European Protected Species. I could not see **lighting proposals** in the documents (I may have missed them) but these should be supplied and should adhere to the The Bat Conservation Trust guidelines with regards to the impact of lighting on bats. Ideally some periods of almost total darkness should be maintained.

Whilst the measures to protect retained biodiversity and mitigate for loss are fine there is **little obvious net gain** for biodiversity from this development and we should be seeking a net gain under National and Local policy. The ecological proposals should go further in this regard. Given the lack of mature trees on site bird boxes on the new office building might be included, additional planting or scrub areas for birds, hibernacula to encourage reptiles, measures to improve the canal side or increase opportunities for water vole on site might be also possible and would be appropriate in this location. The Local Wildlife Trust has a water vole officer who may have useful comments on this.

I would recommend the following conditions:

The development hereby approved shall be carried out in accordance with the recommendations set out in 4.0 of the Extended Phase 1 Habitat Survey carried out by Reports 4 Planning on 16<sup>th</sup> July 2015. The pre-works checks for water vole and nesting birds where appropriate shall be carried out by a suitably qualified person and submitted to the Local Planning Authority for written approval.

Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

In addition a lighting scheme needs to be submitted.

### **CDC Conservation Officer**

I have no particular objections to the proposed location and design of the office building providing the fenestration of the building is to be reconsidered.

I do, however, have concerns over the addition of a new basin to the north. The land begins to rise to the north and whilst the existing basins appear contained by the landscape the new basin appears to be fitted in where it can and has a poor relationship to the existing facilities. It also has a poor visual and contextual relationship to the canal. Mooring basins have a better visual relationship with the canal if the access point is from the canal directly rather than the proposed arrangement with the basin lying somewhat randomly not quite alongside the canal leaving an irregular 'spit' of bank separating the two.

Much engineering and precision has historically gone into the building of canals; the proposal put forward here seems anything but. There is a distinct impression that this is an opportunistic development and the latest basin has simply been 'shoehorned' in.

*The proposal is harmful to both the character and appearance of the canal conservation area in this location and further more undermines the visual aesthetic of what has already been built as well as the significance of the canal.*

Oxfordshire County Council (Single Response):

**OCC Transport:** *No objection – The applicant has clearly demonstrated that the impact of the extended marina with 349 boat berths will be significantly less than was predicted and considered to be acceptable when the original marina development (249 boat berths) was proposed. When the proposals for the existing 249 berth marina were submitted, 120 daily vehicle movements were predicted to be generated. This was considered to be acceptable bearing in mind the local transport network and the new site access junction on Claydon Road. The number of actual vehicle movements each day by the 249 berth marina have recently been recorded at an average of 53 (based on a four week automatic traffic counter survey capturing the busy summer period). On this basis, the additional 100 berths is predicted to generate only another 21 movements each day bringing the total number of movements of the expanded marina to 74 each day. Suggest conditions regarding car parking, construction traffic management plan.*

Other External Consultees:

**Thames Water:** *recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.*

*On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.*

**Canal and Rivers Trust**

**Response to original plans –** *Further details with regard to landscaping and drainage are required. No additional connection to the canal corridor is required. The proposed basin is relatively stark and we would welcome the softening of the banks by the use of planted coir rolls. The existing hedgerow provides a level of screening of the smaller basin and additional landscaping is required to provide a similar level of screening for both the existing and proposed basin.*

**Comments on amended plans –** *no objections subject to the imposition of conditions relating to landscaping, lighting and pollution. No additional connection to the canal is required and recommend softening of the bank. Pleased to see that the mature Oak Tree is to be retained, but we are concerned that the proximity of the tree to the basin may put the tree at risk. The applicant has now clarified that water from the ditch course is to pass through a culvert under the canal and the applicant should discuss this matter further with the Canal and River Trust to establish if the culvert has the capacity to take any additional flow. The new basin will require additional lighting to allow safe movement of the boaters.*

**Environment Agency:** *In the absence of an acceptable Flood Risk Assessment (FRA) the EA object to the grant of planning permission and recommend refusal on this basis for the following reasons:*

- *The FRA submitted with this application does not comply with the requirements set out in paragraph 103 of the National Planning Policy Framework. The submitted*

*FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to demonstrate that the proposed development will not lead to a loss of flood storage with the consequent increase in flood risk to others.*

*Overcoming the EA's objection – We suggest that the 1 in 100 year flood level with an allowance for climate change should be taken as 100.6m AOD. Within the FRA Section 2.5 and 2.6 shows that 726.3 cubic metres will be lost in flood plain storage however as the marina will be excavating land the FRA states that there will be a net increase in flood storage of 958 cubic metres. However, the majority of this compensation is within the flood plain, with a small amount within flood zone 1. As the excavated area of the new marina is predominantly within the flood plain this is not adequate compensation. The FRA suggests that volumetric compensation within the flood plain will be provided, however, we do not feel that this will be adequate and justification needs to be given as to why level for level compensation cannot be provided. The loss of floodplain could have a negative impact on flood risk downstream. Confirmation is also required as to the exact location of the excavated material from the creation of the new marina. Confirmation is also required as to whether any land raising will be completed as part of this development.*

*No objection to the marina extension on the grounds of detrimental affects to water resources of the River Cherwell. However, we did express concerns at initial discussions that although there would appear to be no increase on the abstraction from the Cherwell which feeds the South Oxford and Oxford hydrological unit, there would be increased demand on the Ox and Grand union particularly from the South Oxford Summit and associated reservoirs. Whilst the additional demand of 77MI per annum on the Ox and GU is relatively small it would be beneficial to get a greater understanding and in more detail of where exactly this additional demand would come from through a stage 2 study.*

## **5. Relevant National and Local Planning Policy and Guidance**

### **5.1 Development Plan Policies:**

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

#### Cherwell Local Plan 2011 - 2031 Part 1

Policy SD1 – Presumption in favour of Sustainable Development  
Policy SLE 3 – Supporting Tourism Growth  
Policy SLE 4 – Improved Transport and Connections  
Policy ESD 6 – Sustainable Flood Risk Management  
Policy ESD 7 – Sustainable Drainage Systems (SuDs)  
Policy ESD 8 – Water Resources  
Policy ESD 10 – Protection and Enhancement of Biodiversity and the Natural Environment  
Policy ESD 13 – Local Landscape Protection and Enhancement  
Policy ESD15 - The Character of the Built and Historic Environment  
Policy ESD 16 – The Oxford Canal



## Policy ESD 17 – Green Infrastructure

### Cherwell Local Plan 1996 (Saved Policies)

TR11 – Oxford Canal Future use of the Canal

Policy C23 – Retention of Features Contribution to the Character and Appearance of a Conservation Area.

Policy C28 – Layout, design and external appearance of new development

Policy C29 – Appearance of development adjacent to the Oxford Canal

Policy C30 – Design of new development

Policy C31 – Compatibility of proposals in residential areas

Policy ENV1 – Development likely to cause detrimental levels of pollution.

## 5.2 Other Material Planning Considerations:

National Planning Policy Framework (The Framework) – the National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

## 6. Appraisal

6.1 Officers’ consider the following matters to be relevant to the determination of this application:

- Principle of Development;
- Landscape and Visual Impact;
- Impact on Heritage Assets;
- Trees and Landscaping;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Ecological Implications;
- Flood Risk and Water Supply

### Principle of Development

6.2 The proposal is for an extension to the existing marina to the north of Cropredy to provide an additional 100 berths for the mooring of recreation canal boats. Policy ESD16 of the adopted Cherwell Local Plan 2011-2031 Part 1 seeks to support and promote recreation, leisure and tourism related uses of the canal and new facilities for canal users. Development proposals which promote recreation, leisure and tourism on the canal should be located close to existing settlements.

6.3 In the case of this proposal the existing marina is sited to the north of the village of Cropredy which is a Category A village offering a range of existing services. The existing marina and proposed extension are located outside of the built up limits of Cropredy and whilst not immediately adjacent to the village, it is as close as is considered appropriate taking into account the siting of the current marina basins and the local topography and potential neighbour and visual impacts. It is considered that, notwithstanding all other issues to be assessed, the proposed extension to the marina is appropriately located close to Cropredy

and within 1km of a shop, doctor's surgery, public houses, recreation area, church and school which can all be accessed easily on foot or by bike. The proposed extension to the existing marina is therefore considered to comply with the locational requirements of Policy ESD16 of the adopted Local Plan.

- 6.4 Policy SLE 3 of the adopted Cherwell Local Plan supports proposals for improved tourism facilities in sustainable locations, where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District. The proposed extension to the marina will allow for a further 100 recreation boats to be moored at the marina. This will allow for leisure boats to be stored within the marina when not in use and lead to these boats being used for holidays within the district which will increase the number of overnight stays and visitor numbers within the district. The proposal which increases the availability for boats to be moored at the site will lead to an increase in visitor numbers and overnight stays within the district in accordance with Policy SLE 3. In addition the proposal will also sustain 4 full time employees, as well as generating work for independent contractors in the form of mechanics, painters and dock operators.
- 6.5 Comments received from the Parish Council and from third parties have raised concerns that some individuals are living permanently at the site. The marina and the proposed extension is not provided for permanent residential moorings and the applicant's agent has confirmed that the proposal (as stated on the application form) is for 'non-residential' moorings and applicants are required to provide an alternative fixed home address and are advised that if they are found to be living permanently at the site they will be required to be removed from the site within 14 days.
- 6.6 An investigation of the Council's records revealed that a number of boats also appeared to have registered address points at the marina. However these boats have been highlighted to the agent who has responded and advised that although the owners of these boats do spend time staying on the boat and cruising the canal they also have alternative fixed addresses and spend time away from the marina. Therefore, based on the available evidence at the time of writing, Officers are satisfied that there are no permanent residential moorings at Cropredy Marina.
- 6.7 In conclusion, Officers consider the proposed extension to the existing marina is acceptable in principle in this location, but the appropriateness of the proposal is also dependant on other material considerations which are assessed below.

### **Visual Amenity and Landscape Impact**

- 6.8 Policy ESD13 of the Cherwell Local Plan Part 1 states that: *Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would cause undue visual intrusion into the open countryside (or) cause undue harm to important natural landscape features and topography.*
- 6.9 The site of the new basin lies to the north of the existing marina. To the east of the new basin lies the canal which is designated as a conservation area and has a public footpath running along the eastern side of the canal. The water level of the canal and the existing marina basins sits at 100m above sea level and the land to the west and north rises slightly above the level of the canal to approximately 110 metres above sea level at the point of the Appletree Road to the north. To the south and west the land levels also rise slightly from the water level of the canal and the existing marina towards the village and the Claydon Road. The difference in levels means that the existing marina and the proposed extension sit in a natural dip of the land adjacent to the canal. The proposed development will result in an additional marina basin, making a total of three basins, including the two already part of the

existing marina. The new basin will measure 150 metres in length from north to south and would result in a total length of the three basins measured from north to south of 500 metres.

- 6.10 The proposed development will result in a significant change to the appearance of the area and it will be clearly seen from the rear of some of the properties to the south, the Claydon Road, Appletree Road and the tow path. However, as a result of the topography of the site and the surrounding area, longer distance views of the marina site are not possible. There is already a large body of water capable of accommodating 249 boats and the new basin will introduce a further body of water to the north capable of accommodating a further 100 boats. The existing marina can currently be seen from the nearby roads, towpath and some properties without undue harm to the visual amenities of the area. The proposed extension would be considered to sit comfortably alongside the existing marina and furthermore would be viewed in the context of the existing marina site and therefore is considered not to cause undue visual harm to the locality. The proposal is therefore considered to be in accordance with Policy ESD13 of the adopted Cherwell Local Plan.
- 6.11 The proposal includes the excavation of the basin and the re-grading of the land to the north and west to accommodate the excavated earth. The height of the raised land will be no more than 300mm above the height of the existing ground level. The proposed re-grading is not considered to materially alter the topography of the landscape thus complying with Policy ESD13 of the adopted Local Plan which seeks to ensure that development does not harm the character of the landscape.
- 6.12 The proposed office building is to be sited to the west of the existing marina within the existing car parking area. The building is single storey in height and is to be constructed from timber with a felt roof. The building is sited within the boundaries of the existing marina site and due to its scale and external appearance would be considered to sit comfortably within the site and within the locality without causing undue harm to the visual amenities of the area. Furthermore, the previous planning approval for the existing marina included an office building of a similar scale and appearance which has not been erected. The proposed office building is proposed to replace the office building previously approved and therefore the principle of a building of this scale and appearance has already been established. However, as the approved office building is still capable of being implemented, and to avoid unnecessary and unjustified built development in the countryside, Officers consider a legal undertaking is required from the applicant not to implement the extant permission for the office building.
- 6.13 The proposed development comprises additional car parking spaces, amounting to 42 additional spaces. The new parking spaces will be provided in three rows to the west of the new basin and to the east of the existing car parking area, on an area of previously approved hardstanding. This additional parking area will be visible from the canal tow path and will be viewed within the context of the surrounding marina and other car parking area. In order to soften the appearance of this additional car parking additional landscaping is proposed and this can be secured by a suitable condition. Therefore this additional car parking would not be considered to adversely affect the visual amenities of the area.
- 6.14 The new basin is to be accessed from the existing north basin and therefore a channel is required to be created between the existing north basin and the proposed basin. A bridge is required to allow pedestrian access between the west and east side of the north basin and the new basin. In order to allow pedestrian access across the new channel a swing bridge is proposed. Pedestrian access along this route from the car parking area is considered to be required to allow suitable access to the berths. A suitable designed swing bridge in this location would not be considered to cause undue harm to the visual amenities of the area. However full design details have not been provided as part of the application for the swing

bridge and full details will therefore need to be secured and agreed by a suitable worded and timed condition.

- 6.15 Concerns have been raised about external lighting and light pollution. Officers acknowledge that inappropriately designed and sited lighting can have a harmful impact on the character and appearance of an area, particularly in rural locations such as this. This issue is dealt with in further detail at paragraphs 6.29 and 6.30 of this committee report, but in summary no details of external lighting are shown on the submitted plan and so this issue can be addressed by a suitably worded condition.

### **Impact on Heritage Assets**

- 6.16 The site is adjacent the Oxford Canal Conservation Area, and Policy ESD16 of the Cherwell Local Plan Part 1 states that: *proposals which would be detrimental to its character or appearance will not be permitted*. Furthermore, Policy ESD15 of the Cherwell Local Plan states that new development proposals should: *“Conserve, sustain and enhance designated and non-designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG*.
- 6.17 The Council’s Conservation Officer has raised an objection to the proposed development on the grounds it would be harmful to both the character and appearance of the canal conservation area in this location and furthermore undermines the visual aesthetic of what has already been built as well as the significance of the canal.
- 6.18 This section of the canal has been significantly altered within the last 5 years with the development of a 249 berth canal side marina which is accessed at two points from the canal basin into two marina basins. This proposal is for the construction of a further marina basin, resulting in 3 no. basins in total, which will be accessed from the northern side of the existing northern basin via a new channel into the new basin which will lie to the north of the existing marina providing 100 additional berths. The new basin will be visible from the canal conservation area, from various points on the tow path and from the bridge to the north. The proposed scheme includes a landscaping scheme which will provide additional planting to the east of the new basin to help the new basin sit comfortably within the landscape and reduce the impact on the adjacent conservation area.
- 6.19 As previously discussed in this report, the location of the proposed extension to the existing marina is considered appropriate in principle, and it is likely that any proposal to provide additional or extending mooring facilities related to the use of the Oxford Canal for tourism and recreational purposes would have some impact on the character and appearance of the canal Conservation Area. It is considered that taking into account the siting and scale of the existing marina which was found not to adversely affect the historical importance of the canal conservation area or its setting, that the proposed siting and scale of the new basin along with the proposed landscaping scheme would not be considered to adversely affect the historical importance of the canal conservation area or its setting. #

### **Trees and Landscaping**

- 6.20 The application has been supported by a landscaping scheme shown on drawing number ID622.01E and an Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Constraints Plan and Tree Protection Plan all contained within a report prepared by J Harper dated 8<sup>th</sup> September 2015 and revised on the 17<sup>th</sup> March 2016 in response to the Council’s Arboricultural Officers comments.

- 6.21 The proposed basin works have been prepared to ensure the retention of an existing mature oak tree to the north of the basin (referred to as T11 in the submitted reports and consultee comments). The Council's Arboricultural Officer has provided comments on the submitted information and changes have been made to the arboricultural report to address these comments. Based on this amended information Officers are content that the proposed basin can therefore be provided without the removal of any existing trees and the proposed construction will be carried out to ensure the retention of the mature oak tree located immediately to the north of the proposed basin. This can be secured by condition.
- 6.22 The proposed basin will result in the loss of a section of low lying native hedge row which lies to the north of the existing marina. The proposed landscaping scheme which supports the application proposes the planting of a native hedge to the north and west of the proposed basin and to the north of the existing and proposed car parking area. To the east of the proposed basin a native shrub mix is proposed. The proposed native planting to the north and west of the site is considered essential to ensure that the new basin sits comfortably within the surrounding landscape. However, there are some areas of the site which currently have no proposed landscaping shown on the proposed landscape plan which if appropriately landscaped could add benefit in terms of visual amenities and biodiversity to the overall scheme. Therefore it is recommended that a suitable condition to secure an acceptable landscaping scheme be applied if permission is granted.

#### **Accessibility, Highway Safety and Parking**

- 6.23 The Local Highway Authority have raised no objection to the proposed new marina basin in highway terms. The applicant has clearly demonstrated within the submitted Transport Assessment that the impact of the extended marina, creating a 349 berth marina, will be significantly less than was predicted and considered to be acceptable at the time that the original marina development (249 boat berths) was proposed.
- 6.24 When the proposals for the existing 249 berth marina were considered, 120 daily vehicle trips were predicted to be generated. This was considered to be acceptable bearing in mind the local transport network and the new site access junction on Claydon Road. The number of actual vehicle movements each day associated with the 249 berth marina have recently been recorded at an average of 53 (based on a four week automatic traffic counter survey capturing the busy summer period). On this basis, the additional 100 berths is predicted to generate only another 21 movements each day bringing the total number of movements of the expanded marina to 74 each day. This is considerably less than the originally predicted 120 each day for just the original marina.
- 6.25 The construction of the proposed basin will generate traffic movements to and from the site which will be likely to have an impact on the local road network. In order to manage these traffic movements and to avoid unnecessary impact on the highway network and residents of the surrounding villages a construction travel management plan can be secured by condition prior to works commencing on the site.

#### **Effect on Neighbouring Amenity**

- 6.26 Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor space.* It also states that proposals should: *limit the impact of light pollution from artificial light on local amenity.*
- 6.27 When considering the impact of the proposed marina basin on the residential amenity of neighbouring properties, the site of the proposed basin is located over 500 metres from the closest residential property to the south and approximately 200 metres from the cottage

adjacent to the canal to the north and over 200 metres from the residential property at Poplars Farm. The cottage on the canal sits at a similar ground level to the proposed basin and the property at Poplars Farm sits at a higher ground level than the proposed basin.

- 6.28 Additional native planting by way of a new hedge is proposed to the north, east and west of the proposed basin and whilst this will not entirely screen the proposal from the residential properties to the south, east and west it will help to ensure that the basin sits comfortably within the site and will soften views from these properties. It is accepted that there will be views of the basin from nearby residential properties which will differ between the summer and winter months. However it is considered that due to the distances involved between the proposed basin and the affected properties the proposed development would not be considered to harm the living amenities of residents of these properties in terms of visual intrusion and overbearing impacts. Residents may feel the development is intrusive but given the site circumstances it is not considered harmful enough to justify a reason for refusal.
- 6.29 A number of objections have raised concerns about the lighting of the proposed basin and also concerns about the lighting of the existing marina. Inappropriate lighting has the potential to adversely affect both residential and visual amenity. The current marina is lit by low level bollard lighting sited along the pathways and jetties to the berths. 4 15w led lights are used across the site, 1 at the access from the highway 1 at the access from the canal and 2 near the refuse bins. 3 70w lights are used to light the existing car park.
- 6.30 With regard to the existing lighting on site the Council's Planning Enforcement Officers are investigating whether this complies with the approved plan under 14/01293/F and this will be checked on site. The current application does not include details of the external lighting for the proposed basin but it is considered that the exact specification of the lights and their locations can be dealt with by way of a condition.

### **Ecological Implications**

- 6.31 Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*
- 6.32 Paragraph 109 of the NPPF states that: *The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible.* Policy ESD10 of the Cherwell Local Plan Part 1 seeks to ensure that harm to biodiversity and protected species is avoided and that new development delivers a net gain in biodiversity, as expected by the NPPF.
- 6.33 The application is supported by an Extended Phase 1 Habitat Survey which recommends identifying mitigation for the loss of hedgerow, to check for water voles before strimming of the bank and ditch sides, pre-works vegetation management for reptiles, and avoidance of works within the nesting bird season or if works are to begin within this period then a pre-works check is required. The Council's Ecologists agrees with the findings within the survey and raised no objections to the proposal in terms of impact on protected species.
- 6.34 The planting of new native hedgerows will mitigate for the loss of the current hedgerow to some extent. A suitable condition can be applied to seek an appropriate Landscape

Ecological Management Plan to ensure a suitable buffer to the new planting and wildflower grass mix.

- 6.35 Lighting has the potential to cause harm to protected species such as bats and otters and therefore the avoidance of light spillage onto the canal side and its vegetation is therefore very important. A full lighting scheme for the proposal can be secured by a suitably worded and timed condition.
- 6.36 The Council's Ecologist has highlighted that policies within the National Planning Policy Framework and within Policy ESD10 of the adopted Local Plan 2011-2031 seek to ensure that development proposals enhance and encourage biodiversity. The proposals contained in this application do contain planting to mitigate for the loss of existing hedgerows, however, it does not seek to enhance biodiversity. Enhancement could be achieved through additional tree planting, additional planting or scrub for birds, hibernacula to encourage reptiles, measures to improve the canal side or increase opportunities for water vole on site. A suitably worded condition can be applied to seek these biodiversity enhancements which are sought through National and Local Policy.

#### Flood Risk and Water Supply

- 6.37 Both local and national planning policy and guidance seek to avoid new development giving rise to new or increased risks of flooding. Policy ESD6 of the Cherwell Local Plan Part 1 in particular states that: *Development proposals will be assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding.* It goes on to state that proposals should: *demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.*
- 6.38 The application was accompanied by a Flood Risk Assessment (FRA) dated the 13<sup>th</sup> October 2015. The Environment Agency have been consulted on the application and have raised an objection to the proposal as submitted, in their comments dated the 28<sup>th</sup> January 2016. The Environment Agency comment that the submitted FRA is not considered acceptable as it does not comply with the requirements set out in paragraph 103 of the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the Environment Agency states that the submitted FRA fails to demonstrate that the proposed development will not lead to a loss of flood storage with a consequent increase in flood risk to others.
- 6.39 The applicant's agent has submitted further flood risk information to address the Environment Agency's objection. This further information provides details on the following:
- a) Flood Storage Volume – the new 136m long basin will provide a storage volume of 13129 cubic metres a net gain in flood storage of 1683.7 cubic metres.
  - b) Loss of Flood Storage – The moored boats will displace some water. 100 boats each 2m wide will reduce the above flood storage by 683 cubic metres.
  - c) Net Gain in flood storage from proposal – 957.5 cubic metres. There will be no loss of flood plain and the scheme will not have a negative impact on flood risk downstream due to the provision of additional flood storage.
- 6.40 The Environment Agency has been consulted on the additional information but at the time of writing had not yet provided further comments to the additional flood risk information

provided. Further comments from the Environment Agency will be reported at the Planning Committee meeting and the Officer recommendation updated accordingly.

- 6.41 With regard to water supply, the application is supported by The Cropredy Marina Stage 2 Report which considers the impact of the Marina extension on water supply within the existing canal and river system. The Environment Agency have raised concern about the water supply within the existing system to serve the extended marina. The Cropredy Marina Extension Stage 2 Report which carried out a Technical analysis of the impact of the proposed marina extension concluded that there would be no net increase in abstraction from the River Cherwell at Cropredy, therefore the Environment Agency have raised no objection on the grounds of detrimental effects to water resources of the River Cherwell. There would however be increased demand from the Oxford and Grand Union canals particularly from the South Oxford summit and the associated reservoirs.
- 6.42 The Environment Agency advises that information regarding the effect on the flow of the River Cherwell would be helpful to form part of this assessment at this stage. The applicant's agent has commented on this issue further by advising that the water supply is adequate as the marina basins hold a large volume of water, which acts as a reserve to supply the locks downstream from them, and that few boats enter or leave the marina on any given day which lessens water being lost through locks downstream. They advise that problems which arose last summer resulted from a temporary illegal extraction, not from the presence of the Marina.
- 6.43 The Environment Agency has not objected to the proposal in relation to the water supply issue and the Canal and Rivers Trust are content that the system contains adequate water to supply the proposed extension. There has been no other evidence submitted that would put into question the opinion of the Canal and Rivers Trust on the issues of water supply. Therefore it is considered that the marina extension can be provided without demonstrable harm to the water supply of the Cherwell and local water systems.

## **7. Conclusion**

- 7.1 The proposed marina extension is considered acceptable in principle in this location, being an extension to an existing facility in close proximity to a Category A village, one of the District's more sustainable rural settlements. The proposal is considered to be of a scale, siting and appearance which would not cause undue harm to the visual amenities of the locality, the historical importance of the canal conservation area and its setting and without undue harm caused to highway safety. Furthermore, the proposal would not cause undue harm to the residential amenity of neighbouring occupiers and would not cause harm to protected species. Therefore, subjecting to the Environment Agency removing its objection and confirming that the proposal is acceptable in flood risk terms, the proposal is considered to comply with Government guidance contained within the National Planning Policy Framework and Policies SLE3, ESD6, ESD10, ESD13, ESD15 and ESD16 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved policies TR11, C28, C29, C30, C31 and ENV1 of the Cherwell Local Plan 1996.



**Recommendation: Approve subject to:**

- a) **The Environment Agency confirming no objections in relation to the impact of the development on flood risk.**
- b) **The applicant entering into a legal agreement to preclude the construction of the previously approved office building at the site**
- c) **the following conditions (the precise wording, along with any additional conditions considered necessary, to be supplied in the written updates prior to the Committee meeting):**
  - 1. 3 year time limit for implementing the consent
  - 2. Compliance with the approved plans
  - 3. Development to be carried out in accordance with the approved Flood Risk Assessment
  - 4. Development to be carried out in accordance with the recommendations contained in the extended Phase I habitat survey
  - 5. Approval of the external materials for the office building
  - 6. Approval of full design and construction details for the pedestrian bridge
  - 7. Approval of a detailed landscaping scheme
  - 8. Time scale for the approved landscaping to be carried out
  - 9. Tree works to be carried out in accordance with the approved tree statement
  - 10. Existing trees (including the Oak Tree T11) to be retained
  - 11. Approval of a method statement for enhancing biodiversity
  - 12. Approval of a Landscape and Ecology Management Plan
  - 13. No external lighting to be installed without the approval of a Lighting Scheme
  - 14. Approval of surfacing details for the car parking areas, and parking areas to be retained
  - 15. Approval of a Construction Traffic Management Plan
  - 16. Restrict occupancy to recreational moorings only
  - 17. Restrict number of boats to be moored in the extended basin to 100

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