

Cropredy Marina
Claydon Road
Cropredy
Banbury
OX17 1JP

16/01119/F

Case Officer: Emily Shaw **Contact Tel:** 01295 221819

Applicant: Cropredy Marina Ltd

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 office and associated landscaping - re-submission of 15/01949/F

Expiry Date: 02 December 2016

Ward: Cropredy, Sibfords and Wroxton **Committee Date:** 27th October 2016

Ward Councillors: Cllr Ken Attack
Cllr George Reynolds
Cllr Douglas Webb

Reason for Referral: Major development

Recommendation: Approve

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 Cropredy 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 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 18th Century/early 19th Century single arch bridge. The site lies within flood zone 2 which is land at medium risk of flooding (land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding) and flood zone 3 which is high risk (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, within the application site.
- 1.2 The village of Cropredy comprises a primary school, two public houses, a shop, part time post office, 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 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 located to the north, west and east of the proposed basin.
- 2.4 The red line plan of the application site has been amended during the course of the application to include the existing basin as the scheme also seeks to amend the landscaping for the existing marina. A large element of the approved landscaping scheme for the existing marina has been carried out, however, some of the existing landscaping has not been carried out in accordance with the approved details and some has been unsuccessful in establishing. This application therefore also seeks to ensure the landscaping for the existing marina is acceptable. The application contains details of additional and amended landscaping for the existing marina including the following:
 - Area of hawthorn scrub and feathered trees to the south – additional planting of trees in landscape band and replace Acer with Alder
 - Area along canal to south of entrance – replace Acer with Alder and include Willow and Oak to canal side
 - Refuse area – Field Maple Hedge
 - Drive way to the site – planting to the south of the driveway along the western existing hedgerow to be planted as approved replacing Acer with Alder. Remove triangle area of planting adjacent to drive. Hedgerow planting along driveway to be carried out.
 - Hawthorn scrub and willow scrub not required between the two existing basins.
- 2.5 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 details indicate 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.
- 2.6 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 replaces this and is sited further to the north. The applicant has been asked to prepare a Unilateral Undertaking to ensure that the previously approved office building cannot be constructed in addition to the office building proposed as part of this planning application.

3. RELEVANT PLANNING HISTORY

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
09/00006/SO	Screening Opinion - Proposed canal-side marina	EIA not required
11/01255/F	Proposed Marina with ancillary office, store, car parking, access and associated landscaping	Permitted
12/00061/DISC	Clearance of conditions no's 4, 5, 8 and 27 of 11/01255/F	Permitted
13/00126/DISC	Clearance of condition no's 3, 11, 13, 18, 19, 20, 21, 22 and 23 of 11/01255/F	Permitted
1 4/01239/F	Variation of Condition 23 of 11/01255/F – to allow doe additional lighting (Retrospective)	Permitted
15/00097/SO	Screening Opinion - Screening Opinion to 15/01949/F - 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.	EIA not required
15/01056/F	Erection of canopy and siting of floating dry dock - Retrospective	Permitted
15/01949/F	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.	Withdrawn
16/00048/SO	Screening opinion - 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 office and associated landscaping.	EIA not required

4. RESPONSE TO PUBLICITY

- 4.1 The application has been advertised by way of neighbour letters, site notices and a press notice. The consultation period ended on the 26th October 2016 following a further consultation period on amended site location plan and landscaping details.

4.2 4 letters of objection have been received, in summary raising the following comments:

- Objection has been raised in relation to the proposal incorporating additional lighting to serve the new moorings and the wider site. This additional lighting will cause further harm to the adjoining countryside and nearby residents
- Existing lights are on for too long and face towards the rear of properties on Creampot Lane. These lights cause an impact on the outlook of residents on the northern side of Cropredy
- Concerns have been raised regarding the occupation of the marina for unauthorised residential use. Residential use at the site places pressure on local services and the highway network which should be mitigated against through securing payment via a legal agreement.
- The additional moorings at the marina will mean there are more boats at the marina than there are dwellings in Cropredy.
- Does the existing marina employ local people?
- Concerns about the adequacy of water supply within the local canal and river system.

5. RESPONSE TO CONSULTATION

5.1 CROPREDY PARISH COUNCIL: **No objections** but makes the following comments:

- *The existing site causes light pollution which particularly affects residents living in the Creampot Lane area of the village. The lighting in the proposed new marina and existing marina should be by way of downlighters which are sensor activated and a dense evergreen hedge should be erected round the new basin and also to the south and west of the existing one.*
- *It was made clear in the original application for the marina that there were no permanent residents apart from certain key staff. Subsequently, we have learned that a number of moorers are now on the electoral roll, children from the marina are registered at the village school and a number are also registered at the village surgery. This matter still has not been addressed and, apart from contravening the original condition set out in the planning permission, we understand that anybody in permanent residence should be contributing council tax. If this application is approved it must be on the basis that there are to be no permanent residents.*
- *The company has addressed the flood risk danger as raised by the Environment Agency but we remain concerned about the inevitable additional abstraction of water from the River Cherwell that would inevitably result if a new basin is built. The creation of 100 additional berths will increase usage on the canal which is struggling to cope with present traffic due to lack of water.*

5.2 CLAYDON WITH CLATTERCOTE PARISH COUNCIL: **Object:**

- *Claydon with Clattercote Parish Council endorse Cropredy Parish Council's concerns in relation to permanent residential moorings at the site, Light pollution through the night and water shortages.*
- *Has the application been supported by evidence to justify this proposed development. Has the marina been well received in the local community? Increasing the size will pose additional pressure on local services, the problems of light and permanent residency will only increase with this extension to the marina.*
- *The proposal will impact on the canal conservation area and the surrounding open countryside.*
- *The application is considered to be in conflict with the following policies – ESD13, ESD15 and ESD16 and paragraphs 247 and 262 of the Adopted Cherwell Local Plan 2011-2031 and therefore object to this application.*

Cherwell District Council Consultees

5.3 CDC LANDSCAPE ARCHITECT (initial comments):

- *Generally in agreement with the content of the Landscape and visual impact assessment.*
- *Landscape implementation and aftercare is to be clarified.*

5.4 CDC LANDSCAPE ARCHITECT (comments to amended plans):

- *The amended landscape details for the existing marina and the proposed basin is acceptable*

5.5 CDC PLANNING POLICY:

The proposed extension to the marina will provide temporary moorings for recreational/leisure use rather than permanent residential moorings. Policy ESD16 encourages proposals for recreation, leisure and tourism related uses of the canal where appropriate, and indicates that other than appropriate located small car parks and picnic facilities, new facilities for canal users should be located within or immediately adjacent to settlements.

The principle of a marina at this location, just north of Cropredy, is established. The village facilities are easily accessible by foot or bike. The Design and Access Statement accompanying the application indicates that the extension is proposed to the north of the existing facility rather than the south, closer to the village, to minimise excavation and impact on the landscape, and respect views from housing at the northern end of the village. As such the proposal is considered to comply with the requirements of policy ESD16 in terms of location and the development will also provide additional facilities for tourists, contributing to the aims of Policy SLE3.

The proposal will bring some economic benefit, resulting in a small number of additional jobs, and the increase in temporary visitors using the facility may assist in supporting village services, contributing to the village economy.

Policy ESD3 indicates that all new non-residential development will be expected to meet at least BREEAM “very good”. The proposals include a single storey office building to replace and re-site an office building approved under the original planning permission (11/01255/F and amended 14/01239/F), but not built. The previously approved building was not subject to a condition requiring compliance with the BREEAM standard but since this time the Cherwell Local Plan Part 1 has been adopted. The re-sited single storey office and store is similar to that previously approved and the principle of scale and appearance has therefore been established.

The Design and Access Statement supporting the application indicates (para 7.26) that “bearing in mind the size and nature of the structure the fact that this proposal in effect replaces an approved, yet unbuilt office, it would not be appropriate to apply this standard here particularly when the NPPF advises that the business should not be over-burdened by the combined requirements of policy expectations.” However the general thrust of Policy ESD3 is to secure high standards of sustainable construction in all development. In terms of achieving BREEAM “very good”, the limited size of the building is not relevant.

No objection to the principal of the proposed extension to the marina in this location, being an extension to an existing facility in close proximity to Cropredy, a category A settlement. The requirements of Policy ESD3 should be taken into account in considering the proposed office building element of the development proposals.

5.6 CDC ARBORICULTURAL OFFICER:

- The issues from the previous application have now been dealt with in regards to oak tree T11.*
- Tree pit detail and maintenance schedule is required for the landscaping element.*

5.7 CDC ENVIRONMENTAL HEALTH: no objections

5.8 CDC ECOLOGY OFFICER: no comments received

5.9 CDC CONSERVATION OFFICER: object

Comments made on application 15/01949/F to be applied to this application (repeated below).

This application covers the expansion of Cropredy marina with the creation of an additional mooring basin and the addition of an office building.

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 Consultees

- 5.10 OCC SINGLE RESPONSE (HIGHWAYS): **no objection** subject to conditions. *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 21 movements each day bringing the total number of movements to 74 each day. 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. Suggested conditions in relation to Car parking, and construction traffic management plan.*

Other External Consultees

- 5.11 ENVIRONMENT AGENCY: **no objections** subject to suggested conditions.

This proposed development is a resubmission of planning application reference 15/01949/F. The applicant has submitted a Flood Risk Assessment that details adequate measures to mitigate for the flood risk arising from the proposed development. Therefore, we consider the proposed development will only meet the requirements of paragraphs 101-103 of the National Planning Policy Framework (NPPF) if the following measure(s) as detailed in the FRA and accompanying plans submitted with the application are implemented and secured by way of a Planning Condition on any planning permission. Suggest conditions to ensure the works are carried out in accordance with the Flood Risk assessment and flood risk statement, to reduce the risk of flooding.

- 5.12 CANAL AND RIVERS TRUST: **no objections** subject to suggested conditions.

No additional connection to the canal is needed. This is positive in terms of potential impacts on the canal corridor, particularly given that the two openings have already been made to facilitate the existing marina. The proposed basin is relatively stark and rectilinear in shape but this reflects the existing marina and we 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 the revised plans show additional landscaping, thus providing a similar level of screening to the existing basin. The revised plans also show a suitable native hedgerow mix and tall ruderal regeneration on the bank between the new basin and canal which would be disturbed during the building works and this would help screen the marina when viewed from the waterway and towpath.

We note that a native hedgerow, interspersed with Acer Campestre and other mature trees will now be used to screen the car parking area which is currently quite prominent when

viewed from the towpath. We suggest that a condition be imposed to ensure that the landscaping is carried out in accordance with the submitted details in order to minimise the impact of the proposal on the character and appearance of the Canal Conservation Area.

We are 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. Care will need to be taken to ensure that the roots and crown are not damaged during construction works and we note that method statements and tree pit drawings are provided.

The applicant has now clarified that water from the ditch course is to pass through a culvert under the canal.

Details of new lighting should be secured through conditions.

6. RELEVANT NATIONAL AND LOCAL PLANNING POLICY AND GUIDANCE

6.1 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

SLE1 – Employment Development
SLE3 – Supporting Tourism Growth
ESD3 – Sustainable Construction
ESD6 – Sustainable Flood Risk Management
ESD8 – Water Resources
ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
ESD13 – Local Landscape Protection and Enhancement
ESD15 - The Character of the Built and Historic Environment
ESD16 – The Oxford Canal

Cherwell Local Plan 1996 (Saved Policies)

TR11 – Oxford Canal future use of the canal
C23 – Retention of features contributing to the character and appearance of a conservation area
C28 – Layout, design and external appearance of new development
C29 – Appearance of development adjacent to the Oxford Canal
C31 – Compatibility of proposal in residential areas
ENV1 – Development likely to cause detrimental levels of pollution

6.2 **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.

7. **APPRAISAL**

7.1 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.

Principle of Development

7.2 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 recreational 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. 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 location of the proposed extension to the marina is therefore considered to be appropriately located close to a Category A village within a sustainable location and therefore complies with the locational requirements of Policy ESD16 of the adopted Local Plan.

7.3 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 recreational boats to be moored at the marina. The Design and Access Statement which supports this application states that there is a need for additional moorings at the site. The current marina has been successful since it opened in 2014 and is running at capacity with a need for additional moorings. The extension 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.

- 7.4 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. The existing marina and the proposed marina basin are provided for the mooring of leisure boats which are kept at the marina when not in use for cruising by their owners. The boats will be used for cruising from the marina along the canals within the local area which leads to an increase in visitors to the area.
- 7.5 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 are not providing for permanent residential moorings and the applicant's agent has confirmed that, as stated in the application, the proposed additional moorings are clearly for 'non-residential' leisure use. Furthermore, those applying for a mooring 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.
- 7.6 Nevertheless, in response to the concerns raised by the Parish Council, officers have investigated this matter further. It is the case that a small number of boats moored at the existing marina (seven) appear to have registered address points at the marina and some appear on the electoral roll (i.e. registered to vote) at these addresses. This would suggest that these boats may be occupied residentially on a permanent basis at the site. However this small number of boats is not a significant number and would therefore not in itself bring into question the need or justification for an additional basin. Furthermore, there is no evidence to suggest that the pressure for additional moorings at the site (and so the reason for the current application) is being driven by unauthorised residential use and not demand for additional leisure moorings.
- 7.7 The Design and Access Statement submitted with this application advises that the existing marina is running at near capacity and there is a strong demand for more berths. A register of current and previous boats at the site has been submitted with the application which illustrates that the marina is running at capacity, even discounting the 7 boats in question. The status of the 7 boats will be investigated further by Planning Enforcement officers and action taken as appropriate. As regards the current application, officers are satisfied that when considered on its own merits it is acceptable in principle for the reasons outlined above, and concerns about occupancy can be adequately addressed and enforced by condition.

Visual Amenity and Landscape Impact

- 7.8 Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 states that proposals will not be permitted if they would cause undue visual intrusion into the open countryside or be inconsistent with local character.
- 7.9 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.
- 7.10 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 north to south of 500 metres. 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.

- 7.11 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, and the proposed extension would be considered to sit comfortably alongside the existing marina. Additional and extensive landscaping is proposed which can be secured by condition, and this would contribute over time to softening the appearance of the development. Furthermore the additional basin 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.
- 7.12 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. 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 will be secured by a suitable condition. This additional car parking is not considered to adversely affect the visual amenities of the area.
- 7.13 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. The proposed swing bridge is simple in design and of a scale similar to a lock gate which is a common feature found along the canal. The proposed swing bridge is considered to sit comfortably within the site without undue harm to the visual amenities of the locality. A suitable worded condition will be attached to secure material and colour finish details of the bridge.

Impact on Heritage Assets

- 7.14 Paragraph 131 of the NPPF seeks to ensure that new developments sustain and enhance the significance of heritage assets and make a positive contribution to local character and distinctiveness. Furthermore, Local Plan policy ESD15 seeks to ensure that new development positively contributes to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, and that new development conserves, sustains and enhances designated heritage assets such as Conservation Areas. This policy is in line with the NPPF which also seeks to conserve, sustain and enhance designated heritage assets.
- 7.15 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area, the Council should give special attention to: *the desirability of preserving or enhancing the character or appearance of that area.*
- 7.16 The Council's Conservation Officer has raised an objection to the proposed development which she considers to 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 heritage significance of the canal.

- 7.17 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.
- 7.18 Officers acknowledge that 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. However there would be no additional access points created onto the canal, and whilst the proposed basin would not have an obvious visual relationship with the canal, it would be clearly associated with the existing marina and would be read as an extension of this. 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. 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.
- 7.19 The proposal is therefore considered to conserve the significance of the canal conservation area and the proposed development and landscaping would conserve the local character and distinctiveness in accordance with the NPPF and Local Plan policy ESD15.

Trees and Landscaping

- 7.20 The application has been supported by a landscaping scheme shown on drawing number ID622.01H for the proposed marina and a landscaping scheme for the wider site including the existing marina shown on drawing number ID662.02. Also provided is an Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Constraints Plan and Tree Protection plan all contained within a report prepared by J Harper dated the 8th September 2015 and revised on the 11th April 2016 in response to the Council's Arboricultural Officers comments.
- 7.21 The proposed basin works have been prepared to ensure the retention of an existing mature oak tree to the north of the basin. The Council's Arboricultural Officer has provided comments on the submitted information and is happy that the submitted arboricultural report adequately deals with the retention of the oak tree.
- 7.22 The proposed basin will result in the loss of a section of low lying native hedgerow which lies to the north of the existing marina. The proposed landscaping scheme which supports the application proposes the planting of a new native hedge to the north and east of the proposed basin and to the north and west of the existing car parking area. To the east of the proposed basin a native shrub mix is proposed. The proposed landscaping scheme includes native hedge planting around the new basin and the new car parking area to ensure that the new basin sits comfortably within the surrounding landscape. The proposed landscaping scheme is considered to be acceptable and provides additional planting which will ensure the proposed development sits comfortably with the surrounding landscape in accordance with Local Plan policies ESD13 and ESD15.
- 7.23 A further landscaping scheme has also been submitted to amend the previous approved landscaping scheme associated with the existing marina. This scheme aims to ensure that elements of planting that have been unsuccessful or have not been carried out in accordance with the previously approved scheme can be secured as part of this application. A condition will be attached to ensure that the approved landscaping schemes are planted and established within a reasonable time period and maintained for a period of 5 years.

Accessibility, Highway Safety and Parking

- 7.24 The Local Highway Authority has raised no objection to the proposed new marina basin in highway terms. The application 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.
- 7.25 When the proposals for the existing 249 berth marina were considered, 120 daily vehicle trips were predicted to be generated. This was considered 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 are 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 the original marina. The proposed development would therefore not have a harmful impact on the local highway network.
- 7.26 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 reduce the potential impact on the highway network and residents of the surrounding villages, a construction travel management plan will be secured to be approved prior to works commencing on the site.

Effect on Neighbouring Amenity

- 7.27 When considering the impact of the proposed marina basin on the residential amenity of neighbouring properties regard needs to be had for the potential for the development to be visually intrusive and overbearing, in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Saved Policies C30 and ENV1 of the 1996 Local Plan, which seek to ensure that new development provides an acceptable level of residential amenity for nearby residents. 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.
- 7.28 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 depending on the time of year, due to denser cover from landscaping in the summer and less dense cover in the winter months. It is considered that due to the distances involved between the proposed basin and residential 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.
- 7.29 A number of objectors have raised concerns about the lighting of the proposed basin and the extended car parking area, based on the impacts of the current lighting installed at the marina. Inappropriate lighting has the potential to adversely affect both residential and visual amenity. The application does not include details of the 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.

- 7.30 The current marina is lit by low level bollard lighting sited along the pathways and jetties to the berths. In addition 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. A further 3 70w lights are used to light the existing car park and around the new office building. All these lights have been approved as part of application 14/01239/F and these have been checked on site and are all sited in accordance with the approved details as shown on drawing number BMF/IS/B/AP/89.7. Therefore there is no breach of planning control.
- 7.31 Nevertheless officers acknowledge the valid concerns that have been raised by some of the residents of Creampot Lane regarding the impact of the existing lighting on the outlook from the rear of the properties on Creampot Lane. The lighting on the existing is all authorised and therefore there is no ability to amend this lighting through this application. However officers have raised the concerns about the existing lighting with the applicant's agent, and are waiting for a response to a number of suggestions to try to alleviate some of the resident's concerns. As regards the new basin proposed in the current application, the details and specification of the external lighting can be controlled by condition and officers would take account of the concerns raised by residents when assessing the acceptability of the details submitted.

Ecological Implications

- 7.32 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. They also seek to ensure that protected species are not unacceptably harmed by development. In order to assist the Local Planning Authority's consideration of this, ecology surveys are expected to be carried out and submitted with the planning application.
- 7.33 The application is supported by an Extended Phase 1 Habitat Survey which has come to the following conclusions; 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 bird nesting season (March to September) or if works are to begin within this period than a pre-works check is required. The Council's Ecologist agrees with the findings within the survey and raises no objections to the proposal in terms of impact on protected species.
- 7.34 The planting of new native hedgerows will mitigate for the loss of the current hedgerow to some extent. A suitable condition will seek an appropriate Landscape Management Plan to ensure a suitable buffer is created with new planting and wildflower grass mix.
- 7.35 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 will be secured by a suitable worded and timed condition.
- 7.36 The proposals contained in this application do contain planting to mitigate for the loss of the 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 and increase opportunities for water vole on site. A suitably worded condition is recommended to seek biodiversity enhancements which are sought through National and Local Policy.

Flood Risk

- 7.37 Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 details how the Council will seek to manage and reduce flood risk in the District, including ensuring that new development does not increase flood risk, in line with National Planning Policy and guidance.
- 7.38 Parts of the application site lie within flood zones 2 and 3 (zones of higher flood risk) relating to a watercourse which runs to the east of the canal basin. The application is accompanied by a Flood Risk Assessment dated the 16th October 2015 and correspondence between the Environment Agency and the applicant's hydrologist. The Environment Agency have been consulted on the application and do not raise an objection to the proposed development and state that the applicant has submitted a Flood Risk Assessment that details adequate measures to mitigate for the flood risk arising from the proposed development.
- 7.39 Paragraphs 101-103 of the NPPF seek to direct development away from areas at high risk of flooding and sets out a sequential test to steer new development to areas with the lowest probability of flooding. Consideration for the sequential test has been set out in the submitted flood risk assessment which advises that the location of marinas is constrained to a waterside location to allow connection to the existing canal and adequate water resources from a local watercourse. This location has a good connection to the Oxford Canal and the River Cherwell. Furthermore, the proposal is for an extension to an existing marina which realistically cannot be located elsewhere in the local area. The submitted flood risk assessment is considered to have adequately demonstrated that due to the development proposed there are no realistic alternative locations and compliance with the sequential test has therefore been demonstrated. The submitted flood risk assessment identifies the proposed marina extension as a "water compatible" use which is considered to be an appropriate use within flood zone 3.
- 7.40 The submitted flood risk assessment illustrates that the proposed development will be constructed causing minimal disruption to flow rates of surface water, and will provide a net gain in flood plain storage of 958m³ providing a reduced potential for flooding of upstream and downstream sites and an escape route in the event of an extreme flood event. Therefore, the proposed development will not increase flood risk elsewhere and is in accordance with paragraph 103 of the National Planning Policy Framework and Local Plan policy ESD6 of the adopted Cherwell Local 2011-2031 Part 1.
- 7.41 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 has previously 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.
- 7.42 There would however be increased demand from the Oxford and Grand Union canals particularly from the South Oxford summit and the associated reservoirs. 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 also advise that problems arose last summer from a temporary illegal extraction, not from the presence of the Marina.
- 7.43 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 reliable or conclusive evidence submitted

that would put into question the opinion of the Canal and Rivers Trust on the issue of water supply. Therefore, on the basis of the available evidence and the comments of the relevant consultees, it is considered that the marina extension can be provided without harm to the water supply of the Cherwell and local water systems.

8. CONCLUSION

- 8.1 The proposed marina extension is considered to be acceptable in principle, being an extension to an existing marina facility which is within walking and cycling distance of a Category A village, and would support tourism and the rural economy of the District. The proposed development is of a scale, siting and appearance which would not be considered to unduly harm the visual amenities of the locality, the historical importance of the canal conservation area and its setting and would not cause harm to highway safety. Furthermore, subject to a condition controlling the detail of any external lighting, the proposal would not cause undue harm to the residential amenity of neighbouring occupiers and would not cause harm to protected species. The proposal is therefore 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, C30 and C31 and ENV1 of the Cherwell Local Plan 1996.

9. RECOMMENDATION: Approve subject to:

a) The applicant completing a satisfactory S106 unilateral undertaking to preclude the erection of the office building previously approved under 11/01255/F;

b) The following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents;

- Application forms
- Design and Access Statement
- Site location Plan Ref: BMF/IS/89/B/AP/01 Rev C
- North basin layout 100-1 Rev F
- North basin Sections 100-4
- Connecting cut detail 100-3
- Culvert detail 100-2
- Landscape Proposals plan (Existing Marina) ID622.02
- Landscape Proposals plan (proposed basin) ID622.01H
- Landscape specifications 25th August 2016
- Elevations of office building 128B
- Swing bridge details BMF/IS/89/B/AP/03
- Flood Risk Assessment Final dated 16th October 2015

- Transport Assessment Revision A dated August 2015
- Arboricultural Impact Assessment, Method Statement and Protection Plan dated 11th April 2016
- Section of bank detail and tree BMF/IS/89/B/AP/02
- Extended Phase I Habitat Survey dated 19th October 2015.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, prior to commencement of development full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing the site for birds and reptiles, and to increase opportunities for water vole on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development, a Construction Traffic Management Plan, which shall include details of the measures to be taken to ensure construction traffic does not adversely affect the wider road network or residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved Construction Traffic Management Plan.

Reason: In the interests of highway safety, the operation of the transport network and the amenity of nearby residents.

6. Prior to the swing bridge hereby approved being provided on the site, full details of the design, material and colour finish for the swing bridge shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the swing bridge shall be provided in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape

operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the development or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development to comply Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and with saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. (a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

(b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this permission.

Reason : In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development to comply Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and with saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first occupation 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.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

10. Notwithstanding the details shown on the approved plans, prior to any new external lighting being provided on the site full design and specification details of the new lighting, along with details of their operation and timings for their use, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall only be provided and operated in strict accordance with the approved details.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings and the area and in the interests of ecology, in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031, saved policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Before the first use or occupation of the boat berths hereby approved, details of the car parking areas to serve them showing the layout of the spaces and the necessary manoeuvring and turning together with construction details and surfacing details shall be submitted to and approved in writing by the Local Planning Authority. The approved car parking areas shall be provided prior to the first use or occupation of the boat berths and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

12. The marina basin hereby approved shall be occupied only for the purposes of recreational moorings and not for any permanent residential or hire fleet purposes or any other purpose whatsoever.

Reason – To ensure that the development does not introduce permanent residential use of the site which would lead to additional pressure on local services and in the interests of highway safety and to comply with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice contained within the National Planning Policy Framework.

13. On or before the 31st January following the first occupation of the development hereby approved and annually on or before the same date thereafter, a register of the previous 12 months of occupations (1st January to 31st December) at the marina shall be submitted to the Local Planning Authority. The register shall include:

- i) occupant names and permanent addresses;
- ii) boat names and moorings occupied; and
- iii) duration of occupation.

Reason: To enable the Local Planning Authority to properly monitor the use of the site and to ensure that the development does not introduce permanent residential use of the site which would lead to additional pressure on local services and in the interests of highway safety and to comply with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice contained within the National Planning Policy Framework.

14. No more than 100 boats shall be moored at any one time in the marina basin hereby approved and no boats, other than those on the water, shall be stored on the site.

Reason - In the interest of highway safety and the visual amenities of the area and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government Advice in the National Planning Policy Framework.