

<b>Application</b> 11/01069/F	<b>No:</b>	<b>Ward: Cropredy</b>	<b>Date</b> 12/7/2011	<b>Valid:</b>
<b>Applicant:</b>	Mr Stuart King and Ms Gwen Stewardson			
<b>Site Address:</b>	Land off School Lane, Cropredy			

**Proposal:** Proposed marina with new access from Oxford Canal complete with associated car parking and facilities buildings (as amended by plans received 16/09/11)

## 1. Site Description and Proposal

- 1.1 The site for the marina is a low lying parcel of land adjacent and to the west of the Oxford Canal to the southern end of Cropredy. The location for the marina is demarcated by existing hedgerows and trees. An adjoining field which slopes up towards School Lane is proposed to be used at its eastern end, adjacent to the existing hedgerow, for car parking and the facilities buildings whilst the rest of the field will be re-graded to accommodate the excavated earth from the basin. The site is currently used for agricultural purposes. Outside of the red line area but within the applicants control is a brick built building now permitted to be used for holiday lets and a site for a barn and shed. Vehicular access is obtained from School Lane which is an un-adopted road. An access track has already been laid from School Lane along the southern boundary to the marina field. The creation of the access requires an Agricultural Notification application therefore in the event of the this application being refused the Council will ask that the applicant seek to regularise the access track.
- 1.2 The site wraps round the school playing field on the southern and eastern boundary of the school. On the northern boundary of the site is a watercourse which forms a tributary of the Oxford Canal. To the south of the site is Green Interiors, an area consented for a horticultural nursery which includes a barn, poly tunnel, green house and parking area. The nearest residential properties are The School House and those located on Station Road. The rear gardens of the properties are approximately 80 metres from the closest corner of the application site (the marina field). On the opposite side of School Lane but close to the western end of the site is School Farm.
- 1.3 The site is 1.8 hectares in area but the actual marina is approximately half of this area. The marina could hold up to 31, 20m, narrow boats along a series of pontoons which vary in length. The parking is laid out in a linear fashion and could accommodate up to 21 cars. The facilities building is adjacent to the parking area and would accommodate toilet and shower facilities, an office, bin store and general store. The footprint of the building measures 11.5m long by 7.5m wide with an overall height of 4 metres. The majority of the building will be brick built with the store areas being clad in timber. The material for the roof tiles has not been specified but can be conditioned if the proposal is approved.

- 1.4 The application has been submitted on the basis that none of the moorings will be residential. The proposal is for private recreational moorings and there is no intention to run a hire fleet from the site.
- 1.5 There is no relevant planning history relating to this site but it is worth members noting that there is another application for a marina to the north of Cropredy pending consideration (application no.11/01255/F). This will be referred to later in the report.

## **2. Application Publicity**

- 2.1 The application was advertised by way of 3 site notices and a press notice.
- 2.2 44 letters/emails of objection have been received from third parties including the Chair of Governors of the school. The reasons for objecting are set out below;
- Increased traffic along track serving school and playgroup – congestion, safety of children
  - Further deterioration of the un-adopted road
  - Noise impact on residential properties from generators
  - Smell from generators and fires on boats
  - Disturbance to teaching at the school
  - Increase security risk to school and its children as public access to more of its boundaries will be increased and mitigation measures may be difficult due to visual impact
  - Body of water would be a danger to children –risk of drowning
  - Impact on natural wild environment
  - Screening will only be effective during summer causing visual impact on residential properties
  - Marina visible in winter months from properties along Station Road
  - Question over need for this marina in light of the other proposal to the north of Cropredy which may be more favourable
  - Development will result in further urbanisation of the village and undermine rural character of School Lane and the setting of the school
  - Impact on the Forest School which is currently adjacent to green space
  - Concern over regulation and management of site
  - Potential for it to be a floating caravan park
  - Flood Risk Assessment (FRA) inaccurate in respect of surface water flooding incidents – there have been severe flooding events in the vicinity
  - Inaccuracies of Environment Agency (EA) flood maps
  - Access/egress to the highway is not always safe and dry as required by the EA.
  - Proposed hedges and bunding will impede the flow of water in flood events due to the retention of debris
  - Flood alleviation measures put in place by the school may be rendered ineffective as a result of proposal
  - Applicant not demonstrated that proposal has to be located on this site in flood zone 3.
  - Potential for future residential moorings which would result in host of other issues

- Use, including the building is out of character with landscape and would involve the loss of agricultural land
- Raising the land levels will lessen the effect of the landscaping
- Shop/café will take trade from the village
- The applicant lacks the experience required to run such a site
- Both marina applications should be considered together
- Increased noise and dust from additional vehicles using School Lane
- It appears that elsewhere more moorings are being created than can't be filled
- Extra demands for water on the lock system at a time where use of locks is already restricted
- Impact on ecology and wildlife
- Green Interiors already detrimental to visual appearance
- Light pollution
- Brown field sites should be developed first
- Permanent moorings opposite entrance will be damaged
- Increase in litter
- No security on site if no one is living there
- On line moorings will be removed when off line moorings are created meaning there will be less opportunity for people to live on their boats

2.3 5 letters/email of support have been received. The reasons for supporting the scheme include;

- Small marina would be asset to area and village facilities
- Continuous problem with lack of moorings in area – often not enough short term moorings available meaning visitors pass straight through village
- Existing parking not sufficient for all types of moorings
- Better relationship with village than larger scheme to north
- This scale of marina will improve moorings without causing congestion on canal
- Small marinas have more appeal than large ones
- Visual impact limited due to scale
- Average leisure user will not be accessing their boats during school time

2.4 The applicant has pointed out that there are examples of letters that have been submitted in relation to the proposal north of Cropredy which also refer to this application which may not have been taken into account. Some of these letters are supporting the proposal, others are objecting. However the applicant has specifically referred to a letter of support which states the only problem with this application is the parking along School Lane, an issue which should have been dealt with years ago and that the application should not be refused on these grounds.

### **3. Consultations**

3.1 A summary of the consultation responses is set out below (see electronic file for full details)

3.2 **Cropredy Parish Council** has objected for the following reasons:

- Visual impact, additional impact to that already caused by Green Interiors
- Increased traffic and potential risk of accidents
- Ecology, flooding and hydrology – area floods, amendments to flood maps already blighted some properties, landscaping will affect the school and properties which overlook the site and wildlife habitats will be affected
- Light, noise and security are a concern, the parking area will erode tranquillity and rural setting – affecting residents overlooking the site
- Too small to bring benefits to village and questions over its commercial viability – potential for hire boat operation

**The Parish Council** has sent an additional letter making the following points and enclosing pictures of the lane during school drop-off/pick-up times;

- It is of paramount importance in the interests of the village that both marina applications be considered at the same time.
- Request that the application be deferred until site visits are made by the committee to view both locations – to focus the committee’s attention to the significant differences between them, in particular the issue of the un-adopted track.
- Photos show congestion and parking problems which occur on a daily basis, made worse by Green Interiors and the break up of the track after the dry autumn. Not appropriate to consider further development without this track being made into a proper roadway.

3.3 **Claydon with Clattercote Parish Council** does not formally object to the application but as many of its residents have children who attend the school they would make comment on the proposal;

- Visual impact will be minimal due to low lying position
- Must be suitable and adequate screening to school and playing field
- Concern over potential for residential moorings
- Concerns over security as raised by school
- Significant change of use and no further development should be permitted
- British Waterways should address congestion and water supply issues if the development is approved
- Highways conditions must be improved as well as resurfacing of School Lane should development be approved

3.4 The **Local Highway Authority** has assessed the impact of the development on the junction of School Lane and Station Road. British Waterway surveys indicate that such uses generate 3-5 traffic movements an hour with the majority occurring at the weekends. TRICS database supports this. The junction has appropriate geometry and levels of visibility but becomes chaotic at the times of the ‘school run’ with regular traffic movements throughout the school day. Given the low levels of additional traffic it is not considered that there would be any material harm to highway safety. The Highway Authority is aware that the number of boats being moored could increase if smaller boats are moored. There is no objection to up to 50 boats being moored in the marina. Not objecting to this application but would not wish to see any further development of the site which would result in an increase in traffic movements. Conditions are suggested.

- 3.5 **British Waterways as a Statutory Consultee** considers proposals in respect to:
- Structural integrity of the waterway
  - Safety of users or neighbours
  - Water resourcing and management, land drainage and flood alleviation
  - Heritage, natural environment, landscape, character, amenity, public access to and recreation use of inland canal, river navigations, docks and reservoirs.

No objections are raised but minor comments made with regard to the use of a particular marine plant.

- 3.6 **British Waterways New Marinas Unit** encourages the use of waterways for tourism and leisure, recreation and sporting activity. The increase in popularity of inland waterway boating has led to shortage in supply of available moorings. BW's policy is to limit growth in linear moorings and assist in establishing new marinas. Marinas generate significant social and economic benefits to the local area. The issue of congestion on waterways is subjective and not considered when assessing impact of new marinas on the waterways.

Expansion in mooring capacity is generally constrained by factors such as water supply and navigational safety. The location of the proposed development is unlikely to generate any navigational safety issues. Furthermore, from information provided by the applicant and detailed assessment of water resources and boat traffic modelling in this locality, BW can confirm that the local waterway infrastructure will be able to accommodate the proposed new development. Therefore in light of these detailed assessments BW supports the proposed development as a navigation authority.

- 3.7 **The Inland Waterways Association** supports the provision of new marinas where it is considered that the proposal is in an appropriate place, meets the needs of canal users and is likely to be well managed.
- Location is such that it would benefit users but has limited capacity and is unlikely to make useful contribution to growth of online moorings or benefit sufficient boat owners
  - Not proposing to provide facilities which are inadequately provided for on this section of canal therefore not making useful contribution
  - Applicants have no experience of providing or managing marinas
  - Concern about practical and commercial viability

- 3.8 The Council's **Conservation Officer** has made the following comments and has suggested the inclusion of conditions;

The proposal will have limited impact on the setting of the conservation area, on the battlefield on the other side of the canal but somewhat more impact on the canal which is an undesignated heritage asset (PPS5). Landscape and planting will dictate the extent of this impact on the canal system.

- 3.9 **English Heritage** did not want to make any specific comments on this occasion but states that the application should be considered against national and local policies and with advice from own conservation officers.

- 3.10 The Council's **Landscape Architect** supports the principle of the development but required a number of issues to be addressed

- 3.11 The Council's **Ecologist** required the submission of additional information. Following the receipt of the requested information it was considered that the proposal will have limited ecological impact subject to some conditions.
- 3.12 The Council's **Arboricultural Officer** having sought additional information from the applicant has no objections or further observations to make in relation to the scheme.
- 3.13 **Oxfordshire County Council's Drainage Team** has made the following observations;
1. The roof water run-off from the proposed development will need to go to soakaway within the site boundary and not into the highway drainage system.
  2. New hardstandings should be Suds compliant, ie Permeable or positively drain into a soak-away within the site boundary. Surface water from the site should be dealt with within the site boundary and not enter onto the highway and into the highway drainage system.
  3. There will be a large amount of excavated material on this project. Where is this material being transported to and by what method. If by the road network, are the local roads capable of with-standing the loadings, especially the unmade road to the Marina and the junction of Station Road.
- 3.14 The Council's **Economic Development Officer** in relation to the potential benefits to the local economy welcomes the proposal. It is hoped to contribute towards Cherwell Economic Development Strategy (2011-2015). Whilst it is unclear precisely how many jobs will be created directly and indirectly multiplier benefits are likely to arise.
- 3.15 The **County Council's Developer Funding Officer** has stated that if the proposal was to involve permanent residential mooring it would have an impact on service infrastructure.
- 3.16 The County **Archaeologist** has stated that the area lies within an area of some archaeological interest located immediately to the south of the medieval settlement of Cropredy. The site is located close to the registered battlefield of Cropredy Bridge and as such the advice of English Heritage should be sought. The site is located 400m east of the site of an undated enclosure recorded as a cropmark. The cropmark is partly masked by later ridge and furrow which can also be seen in the surrounding fields and could therefore mask further cropmarks in the area. It is therefore possible that archaeological deposits related to these periods could survive within the application area. Conditions are suggested.
- 3.17 **The County Council's Rights of Way Officer** states that no public footpaths will be affected by the proposal but School Lane is used to access public rights of way and may be affected by an increase in traffic.
- 3.18 **Thames Water** has not commented directly in relation to this application but in relation to a larger scheme north of Cropredy has stated that Petrol/oil interceptors be fitted in all car parking/washing/repair facilities and failure to enforce this could result in oil-polluted discharges entering local watercourses. In relation to sewerage and water infrastructure no objections are raised.
- 3.19 **The Environment Agency** prior to the Sequential test being submitted

acknowledged that a fair assessment has been made of the likely flood hazard that would be encountered by people trying to gain access and egress to and from the site during the design flood event and stated that providing the sequential test objection can be resolved it would be requested that conditions be imposed to require the recommendations of the FRA to be secured and to agree the detailed design of the surface water drainage system.

- 3.20 **The Council's Tourism Officer** suggests that CDC is supportive of new initiatives that develop the tourism infrastructure, create employment within the visitor economy locally and add to the experience of residents and visitors; improving access to our tourism assets of canals and countryside along with historic homes and gardens is important to the sustained growth of this sector. Whilst the tourism officer suggests that this scheme does not seem to offer a development that would benefit significant numbers of canal users in providing for the need for overnight and longer term moorings and the business may not be sustainable in the longer term or offer employment beyond initial plans it is acknowledged that this comment has been made without the benefit of any business plan and it is not possible to state whether the canal could support both schemes.

#### **4. Relevant Planning Policies and documents**

- 4.1 Central Government Guidance  
Planning Policy Statement (PPS) 1 – Delivering Sustainable Development  
Planning Policy Statement (PPS) 5 – Planning for the Historic Environment  
Planning Policy Statement (PPS) 7 – Sustainable Development in Rural Areas  
Planning Policy Statement (PPS) 9 – Biodiversity and Geological Conservation  
Planning Policy Guidance (PPG) 13 – Transport  
Planning Policy Guidance (PPG) 17 – Planning for open space sport and recreation  
Planning Policy Statement (PPS) 25 – Development and Flood Risk
- 4.2 South East Plan Policies  
CC1 - Sustainable Development  
CC8 – Green Infrastructure  
TSR2 – Rural Tourism  
NRM4 – Sustainable flood risk management  
NRM5 - Conservation and Improvement of Biodiversity  
BE5 – Village management  
BE6 - Management of the Historic Environment
- 4.3 Adopted Cherwell Local Plan  
H26 – Residential canal moorings  
R7 – The Oxford Canal  
R9 – New facilities for canal users  
C2 – Protected species  
C5 – Protection of ecological value and rural character of the Oxford Canal  
C7 – Topography and character of landscape  
C10 – Effect on character and appearance of...battlefields and their setting  
C13 – Areas of high landscape value  
C28 - Standards of layout, design and external appearance

C29 – New buildings adjacent to the Oxford Canal  
ENV1 – Materially detrimental levels of noise, vibration, smell, smoke  
ENV7 – Quality of water bodies including canals

#### 4.4 Non Statutory Cherwell Local Plan

H28 – Residential canal moorings  
R14 – Protection and enhancement of Oxford Canal  
R16 – New facilities for canal users  
EN6 – Light Pollution  
EN11 – Water resources  
EN12 – Water Quality  
EN14 – Flood defence  
EN22 - Nature Conservation  
EN23 - Ecological surveys  
EN24 – Protection of sites and species  
EN28 – Ecological Value of Oxford Canal  
EN34 – Landscape Character  
EN48 – Setting of...battlefields.  
D11 – Canalside development

#### 4.5 Draft Core Strategy 2010

SD8 – Protection and enhancement of biodiversity and the natural environment

### **5. Appraisal**

#### 5.1 Main Planning Considerations

- 5.1.1 The main issues to consider in the determination of this application are as follows –
- Principle of development and compliance with location based policy
  - Visual Amenity/Landscape Impact
  - Residential Amenity
  - Highway Impact
  - Flooding
  - Ecology/Trees
  - Heritage impact
  - Other issues

Each of the above points will be considered in turn.

#### 5.2 Principle of development and compliance with policy

- 5.2.1 Policy H26 of the adopted Cherwell Local Plan and Policy H28 of the Non-Statutory Plan require that sites for permanent residential canal moorings will be considered favourably providing the site is within the built up limits of a settlement, adequate parking is provided, that the neighbouring land use is compatible and that the density of boats is not so great so as to prevent access to the water. The application site is outside the built up limits of Cropredy therefore would fail to comply with this policy if it were to accommodate residential moorings. However, the applicant has confirmed that none of the moorings will be residential and that they will be for visitor moorings for individual boat owners. It is also not the intention to have a permanent residential mooring for a manager.

- 5.2.2 Policy R7 of the adopted Plan (Policy R14 of the Non-Stat. Plan) requires that through the control of development the Council will seek to protect and enhance the recreation roles of the Oxford Canal. This application seeks to add to the recreational facilities of the canal by providing off line visitor/recreational moorings, thus potentially enhancing the recreational roles therefore providing the form of development supported by this policy. It is considered that Policy R7 of the adopted Cherwell Local Plan is complied with.
- 5.2.3 Policy R9 of the adopted Plan (Policy R16 of the Non-Stat. Plan) states that with the exception of appropriately sited small car parks and picnic areas, new facilities for canal users will normally only be permitted when they are located within or immediately adjacent to settlements. This site, accessed off School Lane, is to the southern limits of the village but is adjacent to the School playing field and extends north close to but not adjacent to residential gardens. It is also north of the Green Interiors site. It is considered to be outside of the built up limits of the village but is adjacent to it. The canal is obviously a fixed feature and sites both adjacent to the canal and adjacent to the village will not be very common. It is considered that, notwithstanding all other issues to be assessed, that the site is appropriately located in relation to the village and therefore complies with Policy R9.
- 5.2.4 PPS7 – Sustainable Development in Rural Area sets out its key objectives as being;
- i) To raise the quality of life and the environment in rural areas;
  - ii) To promote more sustainable patterns of development
  - iii) Promoting the development of the English regions by improving their economic performance so that all are able to reach their full potential
  - iv) To promote sustainable, diverse and adaptable agricultural sectors.
- 5.2.5 The proposal contributes to these objectives by encouraging economic growth and enhancing the quality of the countryside associated with the use of the canal and contributing to the leisure opportunities in this part of the district. The proposal will also result in the creation of a small number of jobs and potentially contribute to the economy of the village.
- 5.3 Visual amenity/landscape impact
- 5.3.1 The site is approximately 6-7 metres below the height of School Lane and sits in a natural dip. The marina will be visible from School Lane but because of the land levels difference it is unlikely to be a prominent feature. Long distance views of the marina are also going to be limited due to the levels difference to the south and west, the high proportion of natural screening along the length of the canal and to the east adjacent to the tow path and also due to the route the canal takes with angles that restrict lines of sight. The marina will result in a body of water capable of accommodating boats of varying sizes and thus varying numbers, a new building and an area for parking cars. Even with increased landscaping the appearance of the immediate area will change and the development will clearly be visible for the short period of time it takes to pass it either on the canal or the tow path. However the character of the area is unlikely to change significantly as the development reflects the use of the canal and is a form of development that is not uncommon adjacent to canals. The proposal includes the excavation of the basin and the re-grading of the land to the west to accommodate the excavated earth. Parts of the site will see no changes to the levels whereas other parts of the site will be increased up to 1.73m. This scale of increase does not occur across the entire

area of the site and taken in perspective the overall re-grading is not considered to materially alter the topography of the landscape thus complying with Policy C7 of the adopted Local Plan which seeks to restrict development that harms the character and topography of the landscape.

- 5.3.2 The site is part of a larger area recognised as having High Landscape Value therefore policy C13 applies. The wider area is recognised as being of particular environmental quality but the actual site has no more specific landscape designations. The policy seeks to conserve and enhance such areas and it is considered that as the proposal has only localised visual impacts the overall area designation is conserved.
- 5.3.3 Policy EN34 of the Non-Statutory Local Plan seeks to conserve and enhance the character and appearance of the landscape through the control of development and addressing issues relating to visual intrusion into the open countryside, topography, setting of settlements and historic features and landscapes. The assessment against this policy is similar to that which has been discussed above. The site is well contained and as such does not have a significant impact on the wider open countryside and the topography of the landscape is not changed in any materially harmful way. The impact of the development on the surrounding historic features will be discussed in the following section.
- 5.3.4 Policies C28 and C29 of the adopted Local Plan both seek to ensure that new development is designed to an appropriate standard which is sympathetic to the surroundings. C29 specifically relates to the development being complementary to the characteristics of the Oxford Canal. The plans for the marina basin shows that in itself it as you'd expect a basin to look, a body of water surrounded by some bunding and divided into smaller areas by pontoons. The proposed building will be partially screened from the canal by an existing hedgerow and from School Lane by a newly planted hedgerow. It has a fairly low ridge line and is proposed to be built from materials found locally and commonly seen from the canal and its towpath. It has the appearance of a utilities building and is unlikely to cause demonstrable harm to the character and appearance of the wider landscape and the visual amenities of the area. The building and parking area is significantly smaller than those buildings which have been accepted on the neighbouring site and reflects the scale and nature of the development.
- 5.3.5 Policy D11 of the non-Statutory Local Plan is similar to policy C29 of the adopted plan and seeks to ensure that development adjacent to the canal is of a scale and appearance appropriate to the rural canal environment. This has been discussed in the previous paragraph and it is considered that Policy D11 of the non-Statutory Local Plan and Policy C29 of the adopted Plan are complied with.
- 5.3.6 The site already benefits from fairly substantial landscaping along the northern boundary but further landscaping improvements are proposed. Whilst an indication of the proposed landscaping is shown on the submitted plans the applicants will be required to submit a detailed landscaping plan through a planning condition if approval is granted.
- 5.4 Historic Impact
- 5.4.1 National Policy (PPS5) seeks to protect the historic environment from harmful development. The Conservation Area is located approximately 180m to the north

of the site and the nearest listed buildings are approximately 125 metres to the south and 200m to the north. The canal itself has historic significance. The north eastern corner of the site is within 75 metres of the nearest part of the historic battlefield site. The applicants have made an assessment on the impact of each of these features. The Council has consulted with English Heritage, the County Council's own Archaeologist and its own Conservation Officer and the general view is that the proposal will not harm features of historic significance. This is due to the distances between them and the nature of the intervening land and the nature of the proposal. Whilst an initial archaeological survey has been carried out the applicant will be required to comply with other archaeological conditions to ensure that in the event of any archaeological finds occurring they are appropriately dealt with. It is considered that national guidance contained in PPS5 and Policy C10 of the adopted Local Plan (Policy EN48 of the Non-Statutory Local Plan) are complied with as they seek to protect the character, appearance and setting of historic features such as battlefields.

## 5.5 Residential Amenity

5.5.1 Key considerations when assessing neighbouring amenities is the potential for a development to be visually intrusive and overbearing. The site does not share any boundaries with residential properties however some residents have raised concerns about the potential to see the site from their properties, especially in the winter months. The site is separated from the residential gardens by approximately 75 to 80 metres with some mature landscaping already present. It is therefore unlikely that even when the trees are not in leaf that the development of a marina of this scale will be demonstrably visually dominant. Residents may feel the development is intrusive but given the site circumstances it is not considered harmful enough to justify a reason for refusal. Whilst residential amenity is a relevant planning consideration the planning process cannot protect private views.

5.5.2 A number of objections raise concerns about noise as a result of generators being used on the boats whilst moored in the marina. However it is intended that mains power points will be provided for use by boats whilst they are moored meaning that generators will not be required. It is understood that some noise is already experienced from boats which currently moor on the canal but it is fair to say that this is to be expected when living in proximity to a canal.

5.5.3 Inappropriate lighting has the potential to adversely affect both residential and visual amenity. The site is proposed to be lit by low level bollard type lights, the exact specification for which can be dealt with by condition. It is unusual for this type of lighting to shed light over longer distances as such it is unlikely to cause demonstrable harm to the residential amenities of nearby properties. It is considered that policy EN6 of the Non-Statutory Local Plan is complied with as it seeks to avoid unnecessary levels light pollution and that the lighting scheme is the minimum required, that light pollution is minimised and that there is no detrimental impact on residential amenity, the character and appearance of the landscape or highway safety.

## 5.6 Highway Safety

5.6.1 The submission is slightly inconsistent in specifying the number of moorings the basin will provide. The written documentation suggests 28 moorings and the proposed plan shows 31 moorings. However it is acknowledged that it would be possible to accommodate a larger number of boats if smaller boats were being

moored. It is also understood that the British Waterways assessment of the proposal (separate to the planning process) was based on up to 50 boats being moored. The applicant has advised that whilst British Waterways may permit 50 boats it is the intention to accommodate no more than 31 moorings and hook-ups which limit the number of boats in the marina. For the purposes of highway safety and assessing the level of impact from traffic movements the application was assessed against a maximum number of 50 boats. The highway authority's comments are summarised in section 3 of this report. However despite the objections raised by the public and local residents the highway authority considers that the local highway network is able to accommodate the increase in traffic. However it would not want to see any extension to the facilities provided. For clarity it is worth noting that the applicant has confirmed that the proposal is not to include a shop/café as shown on one of the submitted plans therefore there will be no additional traffic movements as a result of people visiting such a facility. It will be necessary to specify the use of the facilities building and limit the number of berths to a maximum of fifty in order to satisfy the Local Highway Authority.

5.6.2 Another issue which has been raised by local residents and those associated with the school in relation to highway safety is the standard of the road surface of School Lane. The applicant has advised that the lane is maintained as necessary by the land owners that are served by the lane. It is also pointed out that the only legal right of access rests with the landowners but it seems that most of the use of the lane is by members of the public during school hours. The Highway Authority did not make specific comments on this issue.

## 5.7 Flooding

5.7.1 Policy EN14 of the Non-Statutory Local Plan states that new development and land raising would not be permitted if it results in the net loss of flood plain storage, impede the flow of flood water or increase the risk of flooding elsewhere. The proposal has been carefully assessed by the Environment Agency, the Council's consultee in relation to flooding and it is satisfied that the potential flood risk has been assessed and that the proposed development poses no extra threat to flooding. Conditions will have to be imposed and the applicant will be required to comply with such conditions.

5.7.2 The applicants flood risk consultants have had sight of some of the concerns raised by the public and responded accordingly. For clarification purposes they have pointed out that the site of the car park and facilities building are located within flood zone 1 and did not in fact flood during the 2007 flood event. The 2007 event was also an extreme event and other mitigation measures have been installed since this event. The land levels will not be increased within the flood zone and the proposal actually increases flood capacity by 1,399 cubic metres. The Consultants have provided an addendum to the FRA which addresses the issues raised by the public.

5.7.3 It is considered that the issue of flooding has been appropriately addressed and the lack of objection from the EA means that the Council could not easily object to the proposal on the grounds of flooding.

## 5.8 Ecology

5.8.1 The Council's Ecologist has considered the potential for the proposal to impact on ecology including great crested newts, reptiles, water voles, birds and bats. The

applicant has had to provide a significant amount of additional information to satisfy officers that no harm will be caused during development or as a result of the proposal. Through the assessment of the submitted information and the inclusion of a number of planning conditions it is considered that ecology has been appropriately considered and as such policies relating to the protection and enhancement of ecology and protected species are complied with.

## 5.9 Other issues

### 5.9.1 **Sustainability**

As this site is on the non-towpath side of the canal there is no obvious direct route along the canal into the centre of the village. However the tow path can be accessed across a bridge further to the south east down School Lane or the centre of the village can be reached along Station Road. It is considered that these are suitable distances in order to access the village centre. It would be difficult and unreasonable to expect a development such as this be located within the village centre and this appears to be a relatively sustainable site. Furthermore there has been concern expressed that the proposed facilities building will accommodate a café or shop and that such facilities may attract visitors out of the village. However the applicant has confirmed that this was an error on the plan and that no such facility will be provided thus helping to protect the village centre and encouraging those that use the marina to visit the village centre. The facilities building will be used for WC and shower facilities, waste store, general store and an office for the manager/groundsman.

### 5.9.2 **Water supply**

There has been a high level of concern about whether or not there is sufficient water to cope with creation of not only this marina but potentially another marina to the north of Cropredy. Whilst on site in August it was noted that there had been restrictions to the hours during which some of the locks could be used due the low levels of water. In addition to the British Waterways comments summarised above specific advice from British Waterways has been sought in relation to this matter and in response the Technical Manager of the New Marinas Unit has stated;

*I can confirm that both the Cropredy schemes have fully complied with BW's new marinas process. This includes detailed assessments of water resource requirements and impacts on local infrastructure. As stated in the supporting letters from the New Marinas Unit, British Waterways supports both the proposed developments as a navigation authority.*

*There has been a dry sequence of weather in central England (West Midlands, East Midlands and parts of the South and East) since August 2010. Every month has seen either average, below average or well below average rainfall. Please see below an extract from the Environment Agency Drought Communications last month:*

*'In the Midlands it has been the driest 12 month period from October to September since records began in 1910. Leicestershire, Warwickshire and Shropshire have been particularly dry'  
Environment Agency Drought Briefing, 13<sup>th</sup> October 2011*

*Due to this exceptional weather, restrictions were in place on sections of the Oxford*

*Canal over the busier boating periods this year. These restrictions have now been lifted. Signage may have remained on the locks to encourage sensible use of water and lock sharing.*

- 5.9.3 Officers are therefore satisfied that water resource has been appropriately addressed in relation to the two proposed schemes in Cropredy. This means that, purely in relation to water supply, one application does not prejudice the other and it is therefore appropriate to consider the two proposals independently from one another despite the likelihood that the applications will now be considered at the same planning committee.
- 5.9.4 Members may be aware that the consented outline scheme for Bankside included a canal basin. As such further advice has been sought from BW to ensure the development of one or both of the schemes at Cropredy won't adversely affect the potential to implement development on what is a strategic site. From a general demand point of view BW are of the opinion that the approval of the two current planning applications in Cropredy would not have any detrimental effect on the proposed mooring basin at Bankside. However they cannot confirm that the scheme will not be prejudiced as the Bankside proposal has not been the subject of an application through the New Marinas Unit. Whilst this is inconclusive there appears to be no evidence either way to suggest that the scheme at Bankside couldn't go ahead as a result of the proposals in Cropredy going ahead.
- 5.9.5 Policy EN11 of the non-statutory Local Plan requires that development will only be permitted where adequate water resources exist or can be provided without detriment to existing use. This aims to ensure that flows, quality, navigation, amenity and nature conservation are not adversely affected. Whilst Policy EN12 of the same Plan protects the water quality. Given the response from British Waterways it is considered that these policies are complied with.
- 5.9.6 **Management of the site**  
In terms of management it is intended that the site will be retained by the applicant who lives locally. The site will be managed on a day to day basis by a groundsman who will be responsible for running the marina using the facilities building as an office. There is no intention to have a manager on site permanently but when there is no management or groundsman on site a contact phone number will be provided for those on the site at such times.
- 5.9.7 **Compatibility of land uses**  
The school and some residents have raised concerns about the compatibility of the marina use adjacent to the school. Whilst the applicant didn't necessarily agree with the concern the position of the actual basin has been amended to move it away from the boundary with the school playing field, hopefully decreasing the risk of children getting close to the water. It is acknowledged that not all children will obey rules but it would be reasonable to expect that school children were not permitted to leave the school boundaries into privately owned land whether or not the boundary was in close proximity to a body of water. Landscaping is proposed along the shared boundary which should help to mitigate the concern but this issue is not one that the planning process can be expected to control.
- 5.9.8 Safety in terms of the school and its pupils being more vulnerable as a result of greater public access around the boundaries of the school is also an issue that is

difficult to control through the planning process where adjoining land is in private ownership.

5.9.9 Reference is also made to the presence of the Forest School within the grounds of the school. It would be unfortunate if this had to be relocated as a result of the proposal but development outside of the school boundary is unlikely to physically affect the Forest School and it is not expected that the presence of canal boats approximately 45metres closer to the school than presently would have a demonstrable level of harm on such a feature.

5.10 **Other proposals for marina development**

There has been a lot of correspondence which makes reference to another proposal for a much larger marina north of Cropredy. Many have requested that the two proposals be considered together. There has been some question as to whether Cropredy needed or indeed could cope with two such proposals. However each application has to be considered on its own merits and the applications have been progressed independently. Despite an initial difference in the timing of the assessment of the applications it is now likely that the applications will be considered at the same planning committee. Officers are satisfied through the responses from British Waterways that there is sufficient demand for both of the marinas and that there is sufficient water to serve both proposals. It is also relevant to point out that the Council cannot judge whether one proposal is more likely than the other to be a successful and viable business. The planning process cannot consider market competition.

6.1 Conclusion

It is considered that the location of the proposal complies with relevant locational policies and that it will have a limited landscape impact and is unlikely to cause harm to areas of historic interest or the residential amenities of neighbouring properties or neighbouring land uses. It is therefore recommended that the application be approved subject to the conditions set out below.

<b>6. Recommendation</b>	
<b>Approval subject to;</b>	
<b>a) The following conditions</b>	
1	SC 1.4A Full permission: Duration Limit (3years)(RC2)
2	Plan numbers condition
3	That samples of the bricks, timber cladding and roof tiles to be used in the construction of the of the walls and the roof of the facilities building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved. (RC4A)
4	That prior to the commencement of development a plan of the proposed access to the highway shall be submitted to and approved in writing by the Local Planning Authority and prior to first use of the proposed development the access shall be constructed in accordance with the approved plan. (RC13BB)

5	That prior to the commencement of development a construction phase traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Throughout the period of construction the approved plan shall be adhered to. (RC13BB)
6	That prior to first use, the parking and associated manoeuvring areas shall be provided and thereafter maintained without obstruction except for the parking of vehicles. (RC13B)
7	<p>The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessments (FRA) dated 28 June 2011 ref: WB02048/FRA and the addendum dated 01 September 2011 WB02048/FRA/01 and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> <li>1. The access track, car park and site facilities shall be located in Flood Zone 1, as set out in Section 5.1 of the FRA dated 28 June 2011.</li> <li>2. There will be no raising of ground levels within Flood Zones 2 and 3, as set out in Section 5.2 of the FRA dated 28 June 2011 and section A4.1 of the FRA dated 01 September.</li> <li>3. The wooden walkways shall not be raised above ground level, as set out in Section A3.0 of the FRA dated 01 September.</li> <li>4. The site access track, footpaths and car park will be made of permeable material, in accordance with Section 6.0 of the FRA dated 28 June.</li> </ol> <p>Reason</p> <ol style="list-style-type: none"> <li>1. To prevent flooding elsewhere by ensuring that there is no obstruction to flood flows or loss of flood storage.</li> <li>2. To prevent flooding elsewhere by ensuring that there is no obstruction to flood flows or loss of flood storage.</li> <li>3. To prevent flooding elsewhere by ensuring that there is no obstruction to flood flows or loss of flood storage.</li> <li>4. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.</li> </ol>
8	<p>Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.</p> <p>The scheme shall also include details of the proposed surface water bund and infiltration tests shall be carried out to inform the design.</p> <p>Reason</p> <p>To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the scheme.</p>
9	SC 9.4A Carry out mitigation in ecological report (RC85A)
10	SC 9.5A Site clearance to avoid bird nesting/breeding season (RC86A)

11	That prior to the commencement of development a pre-works check will be carried out by a qualified ecologist to check for the presence of bats and badgers. In the event that these species are found the Local Planning Authority shall be notified and appropriate mitigation measures agreed in writing. The work shall be carried out in accordance with the agreed mitigation measures. (RC85A)
12	SC 3.0A Submit Landscaping Scheme (RC10A)
13	SC 3.1A Carry out landscaping scheme (RC10A)
14	SC 3.2AA Retained trees (RC10A)
15	SC 3.3AA Scheme to be submitted to protect retained trees (RC72A)
16	SC 3.4BB Retain existing hedgerows/tree boundary (RC11A)
17	<p>Prior to the commencement of the development a professional archaeological organisation acceptable to the local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment</p>
18	<p>Prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 17, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.</p> <p>Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment.</p>
19	<p>Prior to the commencement of the development and following the completion of the archaeological evaluation, investigation and recording referred to in condition 18, a report of the archaeological evidence found on the application site and full details of a second stage Written Scheme of Investigation based on the findings, including a programme of methodology, site investigation and recording, shall be submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment</p>
20	<p>Prior to the commencement of the development (other than in accordance with the second stage Written Scheme of Investigation), the further programme of archaeological investigation shall be carried out and fully completed in accordance with the second stage Written Scheme of Investigation approved under condition 19.</p> <p>Reason - To safeguard the recording and inspection of matters of archaeological</p>

	importance on the site in accordance with PPS5: Planning for the Historic Environment
21	<p>Prior to the commencement of the development all post excavation work including all processing, research and analysis necessary to produce an accessible and useable archive and its deposition, and a full report for publication, shall be submitted to the Local Planning Authority in accordance with the revised Written Scheme of Investigation approved under condition 3.</p> <p>Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with PPS5: Planning for the Historic Environment.</p>
22	<p>That prior to the commencement of development full details of the lighting including a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles) and an isolux contour map to show light spill levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.</p> <p>Reason: To safeguard the amenities of nearby residential properties and the visual amenities of the area and to comply with Policy ENV1 and C7 of the adopted Cherwell Local Plan.</p>
23	<p>That the marina hereby approved shall be occupied only for the purposes of recreational moorings and not for any residential or hire fleet purposes.</p> <p>Reason: In the interests of highway safety and to comply with Government advice contained in PPG13 and in order to comply with Policy H26 of the adopted Cherwell Local Plan.</p>
24	<p>That no more than 50 boats shall be moored at any one time in the marina basin and no boats, other than those on the water shall be stored on the site.</p> <p>Reason: In the interest of highway safety and the visual amenities of the area and to comply with Government Advice in PPG13 and C28 of the adopted Cherwell Local Plan.</p>
25	That the facilities building shall be used only for the purposes of offices, toilets, showers and storage associated with the use of the marina and for no other commercial function. (RC40AA)
26	Use of Petrol/Oil interceptors on car parking and hard standing
	<p><b>Informatives</b></p> <p>Under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Great Bourton Brook, designated a 'main river'.</p>
<b>SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND</b>	

**RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of the site and surrounding area and has no undue adverse impact upon the amenities of neighbouring properties, highway safety, the historic environment, ecology or hydrology. As such the proposal is in accordance with National Policy Guidance, Policies CC1, CC8, NRM4, NRM5, BE5 and BE6 of the South East Plan and Policies R7, R9, C5, C7, C10, C13, C29 and ENV1 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

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