

Application 11/01255/F	No:	Ward: Cropredy	Date 16/08/2011	Valid:
Applicant:	Mr T Langer C/O Southern Planning Practice, Winchester			
Site Address:	Land North of Cropredy & South East of Poplars Farm, Claydon Road, Cropredy			

Proposal: Proposed marina with ancillary office, store, car parking, access and associated landscaping

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 east of Claydon Road and the south of Appletree Road on the northern edge of Cropredy. The marina consists of two basins located adjacent to the canal. To the west of the northern basin an area for parking and an office building and store is shown. An area to the south and west of the basins is proposed to be re-graded to accommodate the spoil removed from the basins. Across and around this area a new informal footpath is proposed. The site is currently used for agricultural purposes. There are currently no buildings on the site but there is an equine centre, the east and southern boundaries of which adjoin the application site, which is outside of the applicant's control. Vehicular access is obtained directly from Claydon Road through an existing access gate. The access will require some alteration. A new track will lead down to the newly created basins.
- 1.2 The nearest residential properties are those located on Creampot Lane and Kyetts Corner (approx. 230m from the southern basin), Prescott Manor (approx. 360m from the southern basin), Poplars Farm (approx. 216m from the car park) and Fisherman's Cottage (approx. 340m from the northern basin).
- 1.3 The site is within an Area of High Landscape Value. A small proportion of the proposed footpath abuts the Cropredy Conservation Area which is to the south of the site and other land within the applicants control also abuts the Conservation Area. There are no public footpaths that cross the site but the tow-path runs along the opposite side of the canal to the east. Prescott Manor to the east and the Canal bridge to the north of the site are both listed and other listed buildings exist in the Conservation Area. To the south and east of Prescott Manor is the Battlefield site. The site is not registered as supporting any species or habitats of particular importance but is adjacent to sites recognised for their archaeological interest.
- 1.4 The site is 11.2 hectares in area but the actual basins have an area of 2.7 hectares with a depth of 1.6 metres. The basins could hold up to 249 narrow boats each within its own berth separated by jetties. The larger basin can accommodate 166 boats of varying sizes and the smaller basin 83 boats. The parking is laid out to the west of the northern basin and could accommodate up to 129 cars. 10 cycle spaces are also provided. The office building and store are adjacent to the parking area. The larger building would accommodate four offices, a kitchen and toilets.

The smaller building would be a general store. The footprint of the larger building measures 13.1m long by 8m wide with an overall height of 4.5 metres. The smaller building has a footprint of 7m by 7.5 m with a height of just over 4 metres. The buildings are proposed to be clad in timber with felt roofs.

- 1.5 The application has been submitted on the basis that none of the moorings will be residential. It is understood that there will be no permanent residential moorings for management staff.
- 1.6 There is no relevant planning history relating to this site but it is worth noting that there is another application for a marina off School Lane to the south of the village which formed part of the planning committee agenda on 1 December 2011 but was deferred for a formal site visit (application no.11/01069/F). This will be referred to later in the report. It is proposed that when visiting the School Lane site on 5 January 2012 Members will also visit this application site.

2. Application Publicity

- 2.1 The application was advertised by way of 5 site notices and a press notice.
- 2.2 40 letters/emails of objection have been received from third parties. The reasons for objecting are set out below;(in summary, see electronic file for full reasons)
 - Compliance with local, regional and national planning policies
 - Permanent/irreversible change of use from agriculture
 - Loss of green field – development should utilise brown field site
 - Altered environment and adverse impact on it
 - Visual impact in AHLV, out of character
 - Marina at Crick has semi-industrial feel but has much less impact due to site circumstances
 - Sheds and caravans adjacent to moorings at Crick
 - Adequacy of vehicular access and traffic impact
 - Vehicle movements will include heavy vehicles making deliveries etc
 - Reliance on cars to get to site
 - Large number of vehicles associated with use and its visual impact
 - Currently no footpath along Claydon Road
 - Noise from boat engines
 - Population of Cropredy would swell particularly at weekend
 - Potential to add more berths or other facilities at a later date further encroaching on the village and landscape
 - Will provide limited use of local facilities
 - Floating caravan site
 - Not sufficient facilities to support increase in population
 - Disruption and safety risks during construction phase
 - Risk of development becoming residential or hire fleet
 - Increased crime risks with boats being targeted
 - Light pollution
 - Pollution from the fumes
 - Concern about 2 proposals and the ability for the village to sustain them
 - Existing online are not a problem and are in keeping with the nature of the

canal

- Impact on trees
- Sufficient spaces in other marinas – provision greater than demand
- Boat related companies and facilities failing due to recession
- Need survey has not been carried out
- LDF will require that provision of moorings across LPA boundaries is taken into account – PPG17's Good Practice Guide already requires this in relation to recreational facilities
- Guidance provided by BW's have been overtaken by issues such as current economic situation and the number of new consents
- Development should not be permitted until evidence of actual growth has been produced – not predicted.
- Will provide limited employment
- Privacy of residents affected from those using footpath
- overshadowing and overlooking
- Impact on private views
- Congestion on the locks due to increase in boat numbers and water shortages – no easy solution to water shortage
- Use of locks already restricted
- Wrong time to take decisions of this nature when British Waterways is in state of change and restructure
- Footpath links could result in noise and disturbance to local residents
- Has a need been demonstrated and is future demand certain?
- Ability for infrastructure to cope with additional demand – sewage, electricity, school and roads
- Proposal would invalidate the work that has already been put into the village plan and future plans for development
- Existing canal moorings are poorly policed
- Loss of land serving as flood plain
- BW has a financial interest in the development
- On line moorings should not be reduced
- Benefits don't outweigh the negatives and will only occur if berths are filled, if not filled could result in neglected eyesores
- Potential for marina to hold more boats depending on their size
- No direct link to tow-path and village – increase in traffic movements
- Would not support reopening of swing bridge as it would increase movements past residential properties
- Boaters prefer not to be in marinas
- Where will the water come from to fill the marina – a new reservoir would be better
- Existing permanent moorings are already harming the character and appearance of the area
- Parish Council have misrepresented the residents and almost no one spoke in favour of the development

2.3 8 letters/email of support have been received. The reasons for supporting the scheme include;

- Complies with local, regional and national policies
- Careful design
- Asset to village

- Improved leisure facilities for canal users
- Marinas are generally quiet and peaceful with minimal disturbance to the local community
- Can support variety of wildlife and the local environment
- Employment opportunities
- Commercial benefit
- Roads are suitable for vehicles
- Appears to have taken into account environment and appearance
- Will not have visual impact or affect natural wildlife
- Applicant has proven record of running a successful marina
- Will not interfere or overshadow any of the properties
- Will not cause noise or disturbance
- Those that have moored at Crick have had positive experiences
- Proposal harmful to integrity of the canal network
- Whilst Cropredy may see some benefits to the local economy it is likely that this will result in other areas declining

2.4 Unlimited Communications is a marketing and communications company acting on behalf of the applicant. They have written to express concern that two anonymous leaflets presenting misleading and factually incorrect information have been circulated around the village encouraging individuals to object to the application. Several objections have been posted on the application website and there is concern that these individuals have been misled and based their response on factually incorrect information

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** does not object to this application but as a result of the Parish meeting has made following observations:

- Location is more suitable for a marina of this scale
- Contours help to ensure visibility is minimised
- Concern over loss of agricultural land
- Landscaping key to ensuring development is acceptable to residents whose homes overlook the site
- Increased traffic through village is a concern – good signage is essential
- Traffic congestion is not an issue but parking and access into the village is an issue
- Reports relating to ecology, flooding and hydrology were detailed and thorough
- Reassured that flooding/water levels will not be a problem although some concerns were raised – in particular the restrictions on the use of the locks
- Congestion on the canal as a result of the large marina was raised but the PC will seek to ensure that this is managed by the operator
- There will be disruption to the environment during construction but light and noise pollution seem to have been considered
- Reassured that there will be a manager permanently on site

- Potential of creating a traveller community was raised therefore would want to see a non-residential condition imposed
- Conscious of income that flows from the visitors who come to this village.
- Abundantly clear that there is considerable variation in the size, quality and experience between the two applications.
- Want to see lift bridge reinstated to improve pedestrian access and should be done as community project.

3.3 **Claydon with Clattercote Parish Council** does not formally object to the application but would make comment on the proposal;

- Initial impressions at Crick are that it is a quiet marina with permanent moorings, non-residential and quality privately owned boats
- However concern that Crick has grown over 11 years from 110 berths to 270.
- Future development at the proposed marina could have a visual impact on the area and a detrimental effect on the residential amenities and environment of the nearby properties.
- Noted that Crick has annual boat show – if similar was held at Cropredy it would no doubt spread over adjacent land to accommodate the numerous stands, having adverse impact on nearby properties.
- Significant change of use to agricultural land
- Proposal far better than any possible future housing development on this site and is in keeping with the environs of the oxford canal
- Future development of the site should be strictly controlled and should be a condition of any planning permission.
- Concern about congestion on canal caused by water shortages – should be addressed by British waterways if consent granted
- Request that all traffic during and after construction be directed to avoid additional traffic in Cropredy, Great Bourton and Claydon

3.4 The **Local Highway Authority** has made the following comments;

- The proposed access, parking levels and layout are acceptable in principle. They consider the pertinent issues are concerned with traffic generation and impact upon a rural part of the highway network, and sustainability/accessibility given the remote location of the site.
- The submitted transport assessment has investigated the likely trip generation of the proposal by considering similar sites and I consider a fair estimate has been made. Whilst the local highway network is of a rural nature I do not consider the traffic associated with the proposal would have any significant adverse impact upon the safety of highway users and the highway would continue to operate well within its capacity.
- The site is in a remote location with few practical alternatives to the car for access, the canal excepted. As such the sustainability of the site, in transport terms, is questionable. PPG13 Transport guides development to locations which are accessible by modes other than private motor, walking cycle and public transport. However, other planning policy allow for farm diversification and recreational uses in the countryside where appropriate. With regard to sustainability, I have some concern with the remote location and suggest more accessible locations would be more appropriate but I wish to leave this matter for decision by the Local Planning Authority in accordance with other relevant planning policy.

- Conditions are suggested if the Council is minded to approve the scheme.

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.

In this capacity British Waterways is content with this application.

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.

- A marina in this location would benefit many users
- Location and capacity is likely to contain the growth of online moorings and might result in a reduction of them on the northern part of the canal which Inland Waterways would welcome
- The services provided by applicant are not adequately provided for on northern part of the south Oxford Canal as such boat owners would welcome such facilities in Cropredy
- The marina at Crick demonstrates applicants capability of managing a marina of this size and scope.

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

The impact of the proposed marina on the character and setting of the conservation area is anticipated to be minimal. The impact on the battlefield site is anticipated to be minimal. The impact on the canal and canal life is anticipated to be more significant. The canal and its environs (as an undesignated heritage asset) are covered by the advice contained in PPS5.

The design of the 'log cabin' is considered to be uninspiring and bland in the extreme and an improvement in the design would certainly add more interest to the site.

Conditions are suggested including landscaping and surface treatment. .

- 3.9 **English Heritage** has been consulted specifically in relation to the impact the proposal may have of the registered Battlefield. They do not consider that the proposal will have any significant impact on the site.
- 3.10 The Council's **Ecologist** raised no concerns regarding bats, water voles, birds and hedgerows subject to pre-works checks and planning conditions. There has been some discussion as to how to appropriately deal with the slight potential that the site may support great crested newts and reptiles. The applicant is due to submit a method statement to deal with this potential which will need to be assessed by the Council's ecologist.
- 3.11 **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.
- 3.12 The Council's **Economic Development Officer** welcomes the proposal in relation to the potential benefits to the local economy. It is hoped it will contribute towards Cherwell Economic Development Strategy (2011-2015). The suggested creation of 3 full time jobs and 6 part time jobs is welcomed but it is unclear what employment this would involve. The 'multiplier' benefits to local suppliers of products and services is acknowledged. Given experience of applicant it may have been appropriate to expand on the likely economic impact in balancing the argument to develop virgin land. The proposal could result in loss of farming employment if it is currently tenanted.
- 3.13 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.
- 3.14 The County **Archaeologist** has stated that the area lies within an area of some archaeological interest located immediately to the north of the medieval and Saxon settlement of Cropredy. The site is located 500m SW of a series of rectangular enclosures identified through crop marks. Although these are undated their form suggests they are of pre-historic date. Cropmarks from surrounding fields suggest that the area was covered with ridge and furrow which would mask earlier archaeological features from showing as cropmarks and therefore these enclosures may be part of a larger system. The site is also located approximately 300m north west of the site of Prescote deserted medieval village and a medieval moated site It is therefore likely that archaeological deposits related to these periods could survive within the application area. Conditions are suggested.
- 3.15 **The County Council's Rights of Way Officer** states that no public footpaths will be directly affected by the proposal therefore no comments are made.

- 3.16 **Thames Water** 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.
- 3.17 **The Environment Agency** has raised objections to the application as the flood risk assessment is currently inadequate. However the applicant is working on addressing the areas of concern to overcome the objection, it is hoped that there will be further updates by the time the application is considered at Committee.
- 3.18 The **Council's Tourism Officer** has stated that the Council is broadly 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 the tourism assets of the canals and countryside. The application does seem to offer a development that would benefit significant numbers of canal users and provide a solution for moorings and improved/increased use of the Oxford Canal.

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 the same as those used to assess the application for a Marina at School Lane and 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

For consistency in dealing with the two applications for marinas the same report format has been used, however the applications have been assessed on their individual merits. 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 a large number of 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 is on the northern limits of the village but the basin itself is separated from the built up limits of the village by approximately 230m. It is considered to be outside of the built up limits of the village and whilst not immediately adjacent to it is as close as is appropriate taking into account the topography of the site and potential neighbour and visual impacts.. Furthermore 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 up to 3 full time and 6 part time jobs and potentially contribute to the economy of the village.
- 5.3 Visual amenity/landscape impact
- 5.3.1 The Claydon Road, along the western boundary of the site sits at between 101 and 110 metres above sea level whilst the canal sits at approximately 100 metres above sea level. The biggest difference in land levels occurs at the southern end of the site where there is approximately a 10 metre drop from the height of the road down to the canal. At the point where the access crosses the site the levels only differ by up to 2 metres. The difference in levels means that the proposed basins sit in a natural dip adjacent to the canal. The proposed development will result in a significant change to the appearance of the immediate area and it will be clearly seen from the rear of some of the properties along the southern boundary, 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. The proposal will result in a large body of water capable of accommodating boats of varying sizes, two new buildings, a diesel storage tank and an area for parking cars. Even with increased landscaping the

appearance of the immediate area will change significantly 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. Given the scale of the proposal the character of the area will change significantly from one of large agricultural fields to one of water based canal activities. However the development reflects the use of the canal and is a form of development that is not uncommon adjacent to canals and as such is one that is considered to be acceptable. The proposal includes the excavation of the basins and the re-grading of the land to the south and west to accommodate the excavated earth. The height of the raised land will be an average of 1m higher than the existing ground level but will not occur across the entire area of the fields. Taken in perspective the 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 and therefore policy C13 of the adopted Local Plan 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 not compromised.
- 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 localised affect but is considered to 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 basins show what appears to be a typical design for such a use and it utilises a linear section of lower ground adjacent to the canal. The proposed buildings are to the western edge of the basins and are small in comparison with the size of the body of water and are screened from some viewpoints. The larger building has a ridge height of just over 4 metres but will sit on a lower land level than the southern part of the site where it comes close to the edge of Cropredy. The buildings are proposed to be clad in timber with felt roofs. They have the appearance of utility buildings rather than agricultural buildings but given their connection to the proposed marina are unlikely to cause demonstrable harm to the character and appearance of the wider landscape and the visual amenities of the area. Whilst this area adjacent to the canal currently has an agricultural character and this will be changed significantly it is considered that the proposed change is not inappropriate given the association and links to the canal.
- 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 currently benefits from hedgerows along the northern and western boundaries of the proposed basins which provide a partial visual screen from the west and the north and also a physical boundary for development. The submitted plans show these hedgerows being reinforced and new planting being provided along the southern boundary of the basin, along the new access track and new copses to the south of the proposed buildings. Whilst this is a good indication of the landscaping proposals the applicants will be required to submit a detailed landscaping plan through a planning condition if the application is approved.

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 230m to the south of the site and the nearest listed buildings are approximately 220 metres away. The canal itself has historic significance. The site is approximately 400 metres away from the historic battlefield site and the River Cherwell, Oxford Canal both separate the site from the battlefield. The applicants have made an assessment on the impact on historic features and 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 Amenities

- 5.5.1 Key considerations when assessing neighbouring amenities is the potential for a development to be visually intrusive and overbearing. The only part of the red line site which shares boundaries with residential gardens is in the south western corner where there is a proposed footpath across the site leading onto Claydon Road, improving access into the village. The site is separated from the residential gardens by approximately 230 metres and up to a 10 metre drop in land levels. Additional planting by way of hedge reinforcement and linear copse planting is proposed along the southern and western boundary of the development and whilst this may not entirely screen the proposal from the rear of residential properties it will help soften the views across the basins. The proposed copse to the south of the car park area and proposed buildings is likely to obscure the view of this part of the site which is nearly 500 metres away from the rear boundary of the residential properties. Many of the properties whose gardens share a boundary with the agricultural field have some form of screening although it does vary and will differ between summer and winter months. As with the landscape impact there will be a significant change to the appearance of the immediate area but it is difficult to see what actual harm the proposal may have on the living amenities of the residents in the vicinity in terms of visual intrusion and overbearing given the distances between

them and the site and the proposed landscaping. 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.

.5.2 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. Furthermore mooring regulations would forbid the use of generators and the running of engines whilst the boats are moored.

5.5.3 Inappropriate lighting has the potential to adversely affect both residential and visual amenity. The applicant has stated that for safety purposes some low level, discreet, non-intrusive illumination, would be needed. Details have not been submitted but it is considered that the exact specification of the lights can be dealt with by condition. Conditions can help to ensure that the lighting doesn't shed light over longer distances as such helping to protect the residential amenities of nearby properties. It is considered that policy EN6 of the Non-Statutory Local Plan can be 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 states that the marina will have capacity for up to 249 boats. Given the way in which this proposal is laid out, with individual, single width, berths it is unlikely that any further boats can be accommodated. This is because if two smaller boats were to moor along one jetty it would have to be in tandem, in effect blocking one boat in. It is understood that the Local Highway Authority has assessed the proposal on a maximum capacity of 249 boats. The highway authority's comments are summarised in section 3 of this report. Many of the objections, including from the Parish Council raise concerns about the increase in traffic through the village(s) and along narrow rural lanes. The response from the Local Highway Authority acknowledges that the roads are typically rural in nature, narrowing in places, winding and generally unlit without any separate provision for cyclists and pedestrians. However the submitted transport assessment has investigated the likely trip generation of the proposal by considering similar sites and the Local Highway Authority considers that a fair estimate has been made and based on such figures it is not considered that the traffic associated with the proposal would have any significant adverse impact upon the safety of highway users and the highway would continue to operate well within this capacity. The Highway Authority does not raise concerns in relation to matters of highway safety issues but does raise some questions in relation to the sustainability of the site.

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. Equally development in the flood plain needs to be considered sequentially and assessed against PPS25 and other policies relating to flooding.

5.7.2 The proposal is being considered by the Environment Agency (EA) and the Council

would rely on its advice and recommendations. After initial objections from the EA the applicants have been seeking to resolve the concerns and it is hoped that a satisfactory conclusion is reached by the time this proposal is considered on 5 January 2012.

5.7.3 The submission suggests that the marina basins will be within flood zone 3 (at greatest risk of flooding) whilst the buildings and the car park are located within flood zone one (least at risk of flooding). As such the applicant was required to submit a sequential test which seeks to identify alternative sites for development outside of the flood zone. Officers have agreed the adequacy of the sequential test in relation to the lack of alternative suitable and available sites. The marina itself is also considered to be a water compatible use in terms of the definitions set out in PPS25.

5.7.4 The applicant's Flood Risk Assessment (FRA) states that whilst the buildings are in flood zone 1 they will be constructed on floor slabs above the ground level and will provide additional protection against the 100 year flood level. There will be a safe and dry escape route in the event of extreme flooding from the site onto Claydon Road. It goes on to explain that the pontoons will be constructed to allow for the estimated range in extreme water levels. There will be minimal disruption to flow routes, a net gain in flood plain storage and an escape route in the event of an extreme flood.

5.7.5 The Environment Agency's principle concern was that the FRA fails to:

1. Demonstrate that the proposed development will not lead to a loss of flood storage with a consequent increase in flood risk to others.
2. Consider the effect of a range of flooding events including extreme events on people and property.

It is these issues which the applicant is seeking to resolve.

5.8 Ecology

5.8.1 The Council's Ecologist has considered the potential for the proposal to impact on ecology including trees, hedgerows, great crested newts, reptiles, water voles, birds and bats. Subject to the imposition of and compliance with conditions the applicant has satisfied officers that no harm will be caused to birds, bats, water voles and hedgerows during development or as a result of the proposal. However the submitted ecological surveys suggest that the site is unlikely to support great crested newts and reptiles without having carried out full surveys at the appropriate time of year. Therefore it cannot be confirmed that the site doesn't support such species. There are two ways of dealing with this potential, the first is to delay the application to allow time to conduct full surveys, the other is to assume the presence of such species and produce a method statement for dealing with them and avoiding a criminal offence should they be found before or during the construction process. The applicants have asked their own ecologist to produce a full method statement in an attempt to overcome the issue. If this is found to be adequate it would be possible to say that even if newts and reptiles are found a favourable conservation status could be maintained.

5.9 Other issues

5.9.1 **Sustainability**

The Local Highway Authority has raised some concerns about the sustainability of

the site given its relative remoteness from the centre of the village and the lack of alternatives to the car to access the site. The site is on the non-towpath side of the canal therefore there is no obvious direct route along the canal into the centre of the village. To the southern end of the site there is a dismantled swing bridge. If this was to be reinstated this would provide access across the canal and into the village. However the applicants have stated that the cost of reinstating the bridge would be prohibitive and therefore have not proposed to provide such a link. In order to improve the pedestrian access to the village the proposal includes the provision of a permissive footpath across the southern section of the site to allow access to Claydon Road and as such into the village. It would be difficult and unreasonable to expect a development such as this be located within a village centre or town centre unless schemes for redevelopment came forward and whilst not entirely sustainable this site is relatively sustainable being on the edge of the village. Whilst the location of the site does not provide easy access to modes of public transport the proposal does include provision for 10 cycle spaces which may encourage those who have moored in the marina to cycle into the village.

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 south 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, 13th 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 despite the likelihood of both application now being considered at the same

committee meeting it is appropriate and possible to consider the two proposals independently from one another.

- 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. 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**
The applicant has been asked to clarify how the site will be managed. The applicant has stated that there will be no permanent residential moorings, as such it would not be possible for a manager to permanently reside on site. In terms of managing the site there would be three full time staff employed, comprising Harbour Master, Manager and Groundsman. In addition, six part time staff would be employed to provide cover for when the full time staff are on leave or are ill, and during busy periods such as holidays. Outside business hours the site would be covered by CCTV which staff will monitor by the internet. For any overnight visitors a hotline Freephone number would be handed out so that the staff can be contacted in case of any concerns or emergencies.
- 5.9.7 **Compatibility of land uses**
The relationship between the proposed use and the residential properties on the northern edge of Cropredy has been assessed in preceding sections of the report. The site on most of its boundaries will be adjacent to agricultural land therefore reducing any conflict with neighbouring uses. However a small section of the western boundary adjoins a site used for equestrian purposes. The equestrian site seems quite well contained and it is proposed that the car parking area will be close to but not directly adjacent to the boundary. It is not considered to be any particular conflict between these two land uses.
- 5.10 **Other proposals for marina development**
There has been a lot of correspondence which makes reference to the other proposal for a smaller marina south 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. Despite it now seeming likely that the two proposals will appear on the same agenda each application has to be considered on its own merits. 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 whilst it is a large scheme which will result in some localised visual impact it will have a limited wider 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.

6. Recommendation	
Approval subject to;	
<ul style="list-style-type: none"> a) The Environment Agency being satisfied that the FRA is adequate and that the proposal will not result in increased risk of flooding; b) The Council being satisfied that appropriate Method Statement has been produced to ensure that if great crested newts and or reptiles are found on the site they can be appropriately dealt with; c) The following conditions; 	
1	SC 1.4A Full permission: Duration Limit (3years)(RC2)
2	Plan numbers condition
3	That samples of the timber cladding and roofing material to be used in the construction of the of the walls and the roof of the office and storage buildings 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	Appropriate conditions relating to the Flood Risk Assessment (yet to be recommended)
8	Appropriate conditions relating to mitigation in ecological reports (yet to be recommended) (RC85A)
9	SC 9.5A Site clearance to avoid bird nesting/breeding season (RC86A)
10	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 watervoles, 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)
11	SC 3.0A Submit Landscaping Scheme (RC10A)
12	SC 3.1A Carry out landscaping scheme (RC10A)
13	SC 3.2AA Retained trees (RC10A)
14	SC 3.3AA Scheme to be submitted to protect retained trees (RC72A)
15	SC 3.4BB Retain existing hedgerows/tree boundary (RC11A)
16	<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>
17	<p>Prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 16, 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>
18	<p>Prior to the commencement of the development and following the completion of the archaeological evaluation, investigation and recording referred to in condition 17, 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</p>

	importance on the site in accordance with PPS5: Planning for the Historic Environment
19	<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 18.</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 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 18.</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>
21	<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>
22	<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>
23	<p>That no more than 249 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>
24	<p>That the office building and store shall be used solely for the purposes as described in the submitted application, in association with the use of the marina and for no other purposes.</p>
25	Use of Oil interceptors on car parking and hard standing
	<p>Informatives Under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws</p>

	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'.
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SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND 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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