

Application No: 13/0402C

Location: CHELLS HILL FARM, CHELLS HILL, CHURCH LAWTON, CW11 2TJ

Proposal: Proposed inland waterways marina including supporting facilities building and workshop, new wetlands, habitat creation, ecological areas, landscaping, footpaths, road access and associated car parking.  
Resubmission

Applicant: Ed Nield

Expiry Date: 26-Apr-2013

**Date Report Prepared:**

**MAIN ISSUES**

**The main issues are the effect (of the proposal) on the:**

- **Principle of Development**
- **Impact on Character and appearance of Open Countryside**
- **Impact upon the Trent and Mersey Canal Conservation Area**
- **Impact on Neighbouring Amenity**
- **Impact on Highway Safety**
- **Impact on Agricultural Land**
- **Landscape Impact and trees/hedgerows**
- **Impact on Protected Species**
- **Public Right of Way/walking**
- **Impact upon Minerals area of search**

**SUMMARY RECOMMENDATION:**

**Approve with conditions**

**REASON FOR REPORT**

The size of the site requires the determination of this application by the Board.

**DESCRIPTION OF SITE AND CONTEXT**

The site is located in open countryside to the east of Hassall Green and east of Rode Heath approx midway between Pierpoint Locks and Chells Aqueduct. It lies south of Cappers Lane and would be accessed by vehicles via Chells Hill. The land is currently in agricultural use (beef cattle) and is laid to pasture. The landscape is relatively flat and the site is bordered with hedgerows and contains a number of mature trees and two ponds. The Trent and Mersey canal adjoins the boundary and a public footpath crosses the site. Footpath No. 21 Betchton runs through the site to the canal and beyond.

## **DETAILS OF PROPOSAL**

The proposed marina development would include three basins with a single storey marina facilities building and a single storey boat workshop/chandlery building and small area of dry dock. There would be a total of 226 moorings and 106 car parking spaces. Twelve moorings would be used for visiting canal boats, whilst the remaining moorings are intended for permanent canal boat berths. There are likely to be approx 4 full time employees and 2 part time employees.

Other features would include the development of a swing footbridge over the Public Right of Way which traverses the site, ecological enhancements, wetlands, marginal shallows, creation of new ponds, the spreading of spoil from the digging of the basins, landscaping, footpaths, new road access and associated car parking.

## **RELEVANT HISTORY**

12/1585c Proposed Inland Waterways Marina Including Supporting Facilities Building And Workshop, New Wetlands, Habitat Creation, Ecological Areas, Landscaping, Footpaths, Road Access And Associated Car Parking - withdrawn

## **POLICIES**

### **National Planning Policy**

National Planning Policy Framework

### **Regional Spatial Strategy**

DP1 – Spatial Principles

DP3 - Promote Sustainable Economic Development

DP4 – Make best use of resources and infrastructure

DP5 – Managing travel demand

DP7 – Promote environmental quality

DP9 – Reduce emissions and adapt to climate change

RDF1 – Spatial Priorities

W7 Principles for Tourism Development

L1 Health, Sport Recreation Cultural and Education Services Provision

RT 6 – Ports and Waterways

EM1 - Integrated Enhancement and Protection of the Region's Environmental Assets

EM5 – Integrated Water Management

MCR4 – South Cheshire

EM17 Renewable Energy

EM18 Decentralised Energy Supply

### **Cheshire Replacement Waste Local Plan (Adopted 2007)**

Policy 10 (Minimising Waste during construction and development)

Policy 11 (Development and waste recycling)

## **Cheshire Replacement Minerals Local Plan (Adopted 1999)**

Policy 45 (Land Bank for Sand and Gravel)

Policy 47 (Areas of Search for Sand and Gravel)

### **Local Plan Policy**

PS8 Open Countryside

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR5 Landscaping

GR6 Amenity and Health

GR9 Accessibility, servicing and provision of parking

GR15 Pedestrian Measures

GR17 Car parking

GR18 Traffic Generation

NR1 Trees and Woodland

NR3 Habitats

NR8 Agricultural Land

E5 Employment development in the Open Countryside

E16 Tourism and Visitor Development

RC8 Canal /Riverside Recreational Developments

Of the remaining saved Cheshire Structure Plan policies, only policy T7: Parking is of relevance

### **Other Material Considerations**

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

### **CONSULTATIONS (External to Planning)**

**Highways:** No objection subject to conditions concerning site access and minor modification to the passing places detailed on the access drive. The SHM has been involved in various discussions in the past on this scheme and the proposed access is very much the result of the discussions that have taken place.

**Environmental Health (Amenity):** No objection subject to standard conditions aimed at protecting residential amenity.

**Environmental Health (Contaminated Land) :** Part of the site is within 250m of a Landfill site. The Phase II report submitted does not follow best practice, therefore should adverse land conditions be encountered work should stop and Environmental Health should be contacted.

**Visitor Economy :** The proposal is in line with the Cheshire East Visitor Economy Strategy agreed by Council in February 2011.

Cheshire East is well positioned to access markets from other parts of Cheshire and surrounding areas offering a 'lazy outdoors' countryside experience, perfect for recharging the batteries. Working with Marketing Cheshire, the sub-regional place marketing board, this is being promoted through a series of thematic brands including waterways. The visitor economy is an important contributor to businesses and communities in Cheshire East, generating £608m per annum to the local economy.

Within Cheshire East Council's Visitor Economy Strategy a key priority is to 'Encourage investment in quality tourism product and services in Cheshire East to the benefit of jobs and economic growth' Our waterways and rights of way networks are recognised as important tourism assets as they are established as important features of our countryside, allowing visitors to explore Cheshire East's hidden gems in a unique way. Cheshire East's Visitor Economy team are promoting access to our countryside and our waterways networks in coordination with strategic developments through such as the Rights of Way Improvement Plan, Local Area Partnerships and associated strategic plans.

**PROW Unit:** Initially objected due to the impact of the proposal upon the PROW that runs through the site. Following the submission of amended plans comprising the provision of a swing footbridge over the proposed marina on the route of Footpath 47 , to be provided and maintained by the Applicant, the PROW Unit withdrew their objection.

**Canal And River Trust :** In 2005 British Waterways (now the Canal & River Trust) identified a 'best case' forecast of an additional 11,500 mooring berths being required nationally by 2015, based on a forecast growth rate of 4%. The economic climate will impact on the percentage growth either up or down but the overall trend since 1992 shows an increase in boat numbers. Evidence suggests that every job in the core inland marina sector is associated with a further 10 jobs in the local economy; through tenant businesses, suppliers and as a result of visitor and employee expenditure.

No objection subject to conditions concerning landscaping of the site and the provision of spot levels, so as to ensure that the proposed development adequately respects the character and appearance of the Canal Conservation Area. Also confirm that agreement has been reached concerning the provision of a link from the PROW over Pierpoint lock to assist is walkers gaining access to the tow path on the other side of the canal, to assist in walkers gaining Access to Hassell Geen and Rode Heath.

**Congleton Rambler Association :** Object to the proposed development, as it fails to respect the current PROW, Betchton FP21. State that 'We will object to any application that fails to respect that PROW, before, during and after development'.

**Environment Agency :** No objection in principle to the proposed development but would like to make the following comments:

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The Flood Risk Assessment (FRA) prepared indicates that

surface water runoff is to be disposed of via both infiltration and discharge to the marina basin. This is considered acceptable in principle. However, infiltration tests should be undertaken to confirm the infiltration rate. The Canal and River Trust should also be consulted. It should subsequently be demonstrated how surface water is to be managed for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate

**Cheshire Archaeologist:** The application is supported by an archaeological desk-based assessment. This looked at data held in the Cheshire Historic Environment Record and other readily-available sources of information and concluded that although few sites were known from within the study area, the size of the proposed development made it likely that unknown archaeological remains might be present. The results of this survey suggest that significant archaeological deposits are unlikely to be present across the bulk of the area and, consequently, no further archaeological mitigation is advised across most of the site.

The one exception to this approach concerns the area of the proposed workshop and associated hard standing, immediately to the south-west of the main proposed waterbody. The desk-based assessment and subsequent geophysical survey noted the presence of a number of possible filled-in pits in this area. In addition, the field name (Little White Pit Field) on the tithe map may indicate the presence of early salt mining, something for which there is documentary evidence in the area. On this basis, suggests standard archaeology condition.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Betchton Parish Council : No comments received

## **OTHER REPRESENTATIONS**

Three objections on the following grounds :

- location of the access road onto Chells Hill ,
- loss of privacy as a result of the position and activities of the access drive and on grounds of excessive generation of traffic that will increase noise levels
- The poor design of infrastructure,
- Inadequate screening for the neighbours and road users of Cappers lane.
- The access point onto Chells hill is not suitable for the traffic flow that will be generated by this development
- The volume of traffic generated in the form of cars, lorries, tankers and boat trailers, in addition to heavy plant vehicles during the construction period, will lead to more incidents, accidents, and congestion, particularly on the already dangerous B road, further aggravated by the close proximity of the low narrow single-file aqueduct. The size will inevitably cause undue pressures on the local services and infrastructure.
- The lighting will be an intrusion, contributing to light pollution in this rural setting.

Five letters of support on the following grounds

- Would be good for the local area and provide rural employment opportunities that the area needs;
- Wetland habitats would be extended to promote the natural environment and also create a place for the public to enjoy ;
- Proposed landscaping will enhance the area and screen adjacent unscreened caravan park;
- Diversification for farming businesses should be actively encouraged to allow farmers to continue, and sustain, their valued business of producing food.
- This proposal would be in no way detrimental to the existing countryside, and would have minimal impact on the roads.

All these comments can be viewed in detail on the application file.

#### **APPLICANT'S SUPPORTING INFORMATION:**

- Geo-Environmental Statement
- Flood Risk Assessment
- Design and Access Statement
- Transport Assessment
- Landscape Visual Character Assessment
- Planning Statement
- Agricultural Land Appraisal
- Ecological Surveys including confidential material pertaining to badgers, GCN survey
- Tree Survey

Copies of these documents can be viewed on the application file.

#### **OFFICER APPRAISAL**

##### **Principle of Development**

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policy PS8 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation and tourism, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

NPPF states that, the purpose of planning is to help achieve sustainable development. *"Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world."* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, inter alia, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *“the Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

According to the statement, *“in determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery.”*

Policy RC8 allows for development related to the canal where it is within or close to settlements provided there is no adverse impact on the surrounding environment, adequate road access and parking is achieved and there is no adverse impact on biodiversity or the character and appearance of the surrounding areas. The policy also seeks integration with the local footpath/bridleways, which is accommodated within the proposals. The provision of moorings in a basin off the canal will enhance the line of the canal itself and allow free passage along the waterway, whilst at the same time improving the facilities available to

boaters. The proposal will assist the Canal and Rivs Trust's strategy to get canal boats moored off the canal.

It is proposed to spread the excavated material to form the basin on the site itself. This will raise land level by circa 1.5m at a gradient of 1:10. This has the effect of screening the marina in the landscape. The proposed marina development is considered to be a tourism and recreational use which will bring investment into the local economy and is therefore acceptable in principle provided that the proposal maintains or enhances local character and preserves the openness of the countryside.

Policy RC8 allows canal development which does not have an adverse impact on the character of the Area or features for which it has been designated. The alterations in ground level will not adversely impact on the character of the area. The Councils Landscape Officer has considered the proposals and subject to additional landscaping raises no objections to the proposals subject to additional conditions concerning levels and additional supplementary landscaping in conjunction with the landscaping already proposed.

There are therefore no objections in principle to the provision of the marina at this site.

### **Amenity**

The closest dwellings are Oak Tree Cottage and The Barn, both located on Chells Hill, some 250m from the proposed Basin. The other close dwellings are that of the Applicant himself and Sundown, which is located some 60m from the proposed vehicular access and circa 370m from the proposed Basin and the applicant's own dwelling, which would be potentially adversely affected by the marina activities.

Given the distances involved to nearby residential properties and the likely pattern and intensity of the activities which would occur at the proposed Marina it is concluded that the proposed development will not have any detrimental impact upon the amenity or privacy of residents in the area.

### **Design and impact upon the Trent and Mersey Canal Conservation Area**

The layout of the basin is determined by the need to locate the marina close to the canal. The proposed workshop is a single storey timber building of functional workshop design. The workshop building is 4.5 metres high to ridge, 25m long and 6m wide, to accommodate one canal boat (circa 20m long and 2.135m width). Full width timber doors are to the eastern elevation to allow boat access. The building is located circa 50m from the boundary with the Canal Conservation Area, however, the building design has been revised following advice from the Council's Conservation Officer and is considered to be functionally justified and to adequately safeguard the character and appearance of the Conservation Area.

The facilities building is of traditional appearance and comprises showering and laundry facilities and waste disposal facilities for boaters, together with office and reception. The building (25m long x 10m width) is located some 120m from the canal presents a glazed elevation to the canal facing elevation. There are therefore no objections to the design and appearance of the proposed buildings within the context of the site or the impact upon the adjacent Canal Conservation Area.



**Impact on PROW and walking**

The PROW No. 21 Betchton which runs through the site will be effected by the marina basin. On this basis the PROW Unit has agreed to the provision of a swing bridge over the marina. A temporary diversion of the PROW will be necessary to enable the works to the PROW to proceed. The PROW has no objection to the provision of a swing bridge.

The route of the footpath then follows the route of the canal and the Canal and Rive Trust has agreed a route through Canal and River Trust land to Pierpoint Bridge via a kissing gate or style to be provided by the Applicant. This will allow walkers a route through the site over the canal, on to the tow-path on the other side of the Canal to local facilities in Hassall Green to the west and Rode Heath to the east. This is considered to be in acceptable.

**Impact Upon the Area of Search for Minerals**

Part of the application site is identified as an area of search for sand and gravel in the Cheshire Replacement Minerals Local Plan 1999.

Policy 47 of the Minerals Local Plan seeks to maintain the sand and grave landbank through permitting future extraction from within the Area of Search. It states that any additional reserve required to maintain the landbank for sand and gravel will only be permitted from within the area of search as shown on the proposals map, unless exceptional circumstances prevail. Policy 45 of the Plan requires a 7 year supply of sand and gravel. The current situation indicates a 3 year supply.

However the applicants have undertaken a series of borehole tests to obtain more information on the geology on the site. This has identified the site as being underlain by boulder clay. More sandy materials are present at lower depths but the tests results show these have clay horizons. The applicant states that as a result of these tests, it is unlikely that the mineral deposits will have any commercial value and would not form a significant sand and gravel resource. On this basis, it is considered that an objection could not be sustained to the marina on the basis of its impact upon the area of search for minerals.

**Loss of Agricultural Land**

The applicant has submitted an agricultural land classification study which concludes that the site comprises Grade 3A agricultural land. This is therefore best and most versatile agricultural land.

Policy NR8 of the Local Plan states that proposals which involve the use of the best and most versatile agricultural land (grades 1, 2 and 3a based on the ministry of agriculture fisheries and food land classification) for any form of irreversible development not associated with agriculture will only be permitted where all of a number of criteria are satisfied.

These are where there is need for the development in the local plan, the development cannot be accommodated on land of lower agricultural quality and does not break up viable agricultural holdings.

The NPPF seeks to support a prosperous rural economy and promote the development and diversification of agricultural and other rural businesses and to support rural tourism and

leisure development which respects the character of the countryside and where identified needs are not met through existing facilities in rural service centres.

There is also guidance contained within the NPPF which states at paragraph 112 that:

*'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'*

The Applicant currently farms 121 hect in this area, Chells Hill Farm comprises 28 hectares. It is the intention, once the basin is excavated and the spoil distributed within the site to re-grass the excavated material and re-introduce the beef cattle for grazing on the land. Effectively therefore the loss of agricultural land to the basin/road access and screen planning area is circa 4 hectares of high quality farmable land. The remaining agricultural (beef cattle) use of Chells Hill Farm will remain and this proposal will allow diversification of the farming enterprise.

Thus, whilst the proposal would result in the loss of a small amount of Grade 3A agricultural land, the loss would not be 'significant' and would not outweigh the rural economic development and tourism benefits that would come from delivering this development.

### **Landscape Impact and trees/hedgerows**

The site is currently agricultural land located immediately adjacent to a residential area. An electricity pylon traverses the site. There are well established hedgerows and tree belts/woodland to several of the boundaries. A number of mature hedgerows and trees are located around the periphery of the site. The land is generally flat.

The site lies within the open countryside and is governed by Policy PS8 of the Congleton Local Plan. This seeks to restrict development within the countryside apart from a few limited categories. One of the Core Planning Principles of the NPPF is to *"take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it"*.

Policy PS8 accords with the NPPF desire to recognize the intrinsic character of the countryside.

There are no landscape designations on the application site. In the Cheshire Landscape Character Assessment 2008, adopted March 2009, the site is identified as being located in Landscape Type 17: Higher Farms and Woods; within this character type the application site is located within the Little Moreton Character Area: HFW2. In the Former Congleton Borough Council, Congleton Landscape Character Assessment 1998, the area is located within the Cheshire Plain Landscape, one that is identified as being 'of good quality'. This is a pleasant rural landscape having a reasonable distribution of semi-natural features'.

The Trent and Mersey Canal at Chells Hill Farm follows the contours of the fields and the water level is generally level with and occasionally slightly higher than that of the field. The ground slopes down from the south bank of the canal opposite the marina site. The

Application Landscape assessment describes the site as appearing as a large field devoid of boundaries or field patterns interspersed with groups of trees. Land levels fall to the south of the canal, restricting visibility of the site from the south

To some extent the development site is relatively well contained and is unlikely to be readily visible from public roads. It would however, be visible from the PROW Betchton 47 which crosses the site and from the canal towpath located to the south of the canal. The access route would be visible from the property Sundown on Chells Hill. Some views may be possible for properties on Cappers Lane. In principal and with sensitive design, the Council's Landscape Officer considers the site could accommodate a marina facility.

### *Levels*

It is intended that the spoil excavated from the marina basin will be place on the surrounding land which would then be returned to meadow. The farmer intends to re-introduce grazing to the majority of the re-contoured part of the site. The submitted Landscape Character Assessment indicates that the spoil areas will be at a constant depth of 1.48m, sloping as the current slope does at 1 in 10 and that the edge of the bank of the basins will be steeper, sloping to the water's edge at 1 in 3. Some further information is required, particularly where this spoil is closely related to the root protection area of existing trees, however, this can be satisfactorily addressed via condition.

### **Hedgerows/Trees**

Policy NR 3 of the CBC Local Plan refers to Important Hedgerows. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

On this site there would be hedgerow loss in order to create the new access with visibility splays on Chells Hill. Whilst an existing access would be closed up, (a circumstance which could fit an exemption clause in the Regulations), there would be a net loss of hedgerow, however, this can be mitigated by replacement planting and would not impact on the historic field pattern of the exiting hedge line to the Chells Hill frontage. On this basis Policy NR3 is complied with.

### **Ecology**

The application is supported by a Great Crested Newt survey which was undertaken 4 years ago. The Council's Ecologist considers it this survey is still acceptable for planning purposes.

Evidence of breeding Great Crested Newts was recorded at a number of ponds within 500m of the proposed development. In the absence of mitigation the proposed development is likely to have an adverse impact on this species as a result of the permanent and temporary loss of terrestrial habitat and the risk of killing/injuring animals during the construction phase. Considering the nature of habitats present the potential impacts of the proposed development are relatively low considering the scale of the proposed works.

However since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to the Habitat Regulations when determining this application. In particular, the LPA must consider whether Natural England is likely to grant a derogation license.

The Habitats Regulations only allow a derogation license to be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favorable conservation status of the species will be maintained.

In this case, the economic benefits associated with the tourism attracted to the area and the employment generated is considered to be of overriding public interest, taking into account the low level impacts as noted by the Ecologist.

To compensate and mitigate for the loss of terrestrial habitat the applicant proposes the creation of new ponds.

The Council's ecologist advises that, if planning consent is granted, the submitted mitigation/compensation is broadly acceptable. Subject to conditions, the favorable conservation status of the species will be maintained.

The site also exhibits features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows, badger habitat and breeding birds.

#### Badgers

A badger sett which appeared to be dis-used at the time of the survey was recorded on site. However, setts can become re-occupied and given the badger survey is over 12 months old it is recommended that an updated survey is undertaken before any development occurs. The updated report should include and mitigation/compensation proposals for any adverse impacts identified.

#### Breeding Birds

If planning consent is granted standard conditions will be required to safeguard breeding birds and ensure additional provision is made for breeding birds and roosting bats.

#### Bats

No evidence of roosting bats was recorded during the submitted survey and bat activity on site appears to be low. The ecologist is of the opinion that the proposed development is unlikely to have a significant adverse impact upon bats.

#### Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. The submitted indicative layout will result in the loss of part of the hedgerow fronting Chells Hill Road to form the vehicular access. If planning consent is granted a condition is necessary to ensure that the loss of hedgerow is compensated for through the planting of new native species hedgerows.

### **Highways and traffic generation**

The access is circa 80m to the north of the access for Chells Hill Farm. The position for the access is appropriate. The junction with the A533 and the traffic signals under the aqueduct both serve to provide speed reduction and also platoon traffic. These site features allied to the low traffic generation mean that this junction should operate well.

The applicant intends to provide a more detailed access design on the back of a topographical survey. The Highways Manager considers this to be acceptable

The internal access road is shown to provide passing places along its single track width. These passing places should be intervisible and the Highways Manager considers a condition to be required.

#### *Traffic Generation.*

The marina is intended to serve 226 boats and the applicant has submitted information which deals with traffic generation for this site.

The supporting data has been collated from two operating marinas which have a similar operation to that intended for this site and this has been cross referenced with data from British Waterways who have independent survey data. The Highways Manager considers that actual traffic data such as that used for this application is the most robust method of calculating trip rates from a site and finds no reason to question this first principles approach to traffic generation numbers.

Given the minimum facilities which are intended for this site and the fact it is predominantly for mooring only with some 12 visitor berths, the traffic generation will be relatively low and generally focused outside peak traffic flow hours.

Peak time for marina usage is in the summer season on Sunday afternoons and the data provided demonstrates that the traffic generation from the site will be approximately 16 trips per hour in the peak Sunday afternoon period, based on the applicant's data. British Waterway's data shows slightly lower numbers by comparison.

Traffic generation in normal peak flow weekday hours is lower than this and the Strategic Highways Manager considers that the traffic impact from this site will be negligible and can not be considered to have a material impact on the local highway network.

Overall the proposal is considered to be acceptable in highways terms.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The provision of a marina with workshop and facilities buildings at this site is consistent with policies for outdoor recreation in the rural area. Whilst there is some loss of agricultural land, the amount is not significant and the grazing use of the majority of the site will be re-instated after the development has been completed and the areas of spoil have been laid out to grassland. The proposed site provides for suitable access to the marina, and will improve facilities for boaters in the area and provide moorings and will encourage tourism and economic development in the rural area. It will ensure safe access to the development. The

spreading of excavated material on land within the site will not adversely impact on the landscape character of the area and suitable conditions can be imposed to amend the landscaping of the site. The amenities of nearby residential properties are adequately safeguarded. The development will therefore comply with Policies GR1 (Amenity), GR2(Design), GR5 Landscaping;GR6 Amenity and Health; GR9 Accessibility, servicing and provision of parking ;GR15 Pedestrian Measures; GR17 Car parking; GR18 Traffic Generation PS8 (Open Countryside), NR1 Trees and Woodland; NR3 Habitats; NR8 Agricultural Land; E5 Employment development in the Open Countryside; E16 Tourism and Visitor Development; RC8 Canal /Riverside Recreational Developments and RC8 (Promotion of Canals and Waterways) of the Borough of Congleton Borough Council Replacement Local Plan 2005 and comprise a development that accords with the thrust and principles of the NPPF.

## **RECOMMENDATION**

**The application is recommended for approval subject to the following conditions**

1. Standard commencement
2. Plans
3. Materials -buildings and all hard surfaces
4. Tree survey
5. Notwithstanding the submitted landscaping details, prior to the commencement of development, full details of structural landscape planting/additional screen planting to be introduced on the site shall be submitted to and agreed in writing by the local planning authority
6. Full details of the works to deposit the excavated material on the site and finished site levels shall be submitted to and agreed in writing by the local planning authority.
7. Amended landscaping scheme including details of any boundary treatment including replacement hedge/ all fencing to segregate marina from farmers field/ landscape management plans to be submitted
8. Implementation and maintenance of landscaping
9. Submission of 10 year habitat management plan
10. Detailed designs of new ponds
11. Provision of bat and bird boxes
12. Safeguarding breeding birds
13. Implementation of great crested newt mitigation, subject to Natural England licence.
14. Scheme to limit the surface water runoff generated by the proposed development, to be submitted to and approved
15. temporary protective metal fencing to be erected 5 metres from the Trent and Mersey Canal
16. Prior to first development the developer will provide a detailed highway access design from the B5079 Chell's Hill, based on a topographical survey, which will show standard junction geometry and be tracked to demonstrate safe turning movements and to the satisfaction of the LPA.
17. Prior to first development the developer will provide an amended plan showing intervisible passing places along the internal access road to the marina to the satisfaction of the LPA.

- 18 The existing field access onto the B5078 Chell's Hill to be permanently closed in accordance with the proposed access design drawing: 6049-05 Rev \*
19. Workshop/ maintenance /repairs of canal boats only
20. Archaeology
21. Narrow boats within dry dock to be stored at ground level only and not stacked
22. No moorings to be used as sole or main residence and the site operator shall maintain an up-to-date register of the names and addresses of all owners and occupiers, and shall make this record available to the local planning authority at all reasonable times, upon request
23. Scheme to allow pedestrian access across the Trent & Mersey Canal at Pierpoints Bottom Lock (Lock 56) to be submitted
24. Bin store details
25. Amended lighting scheme – inc Full details, including design, position and lux levels of all lighting
- 26 Submission of amended tree protection plan required to reflect amendments to spoil disposition. Implementation.
27. Updated badger survey



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