

Application No: 14/4531C

Location: Land to the South of, ELTON ROAD, SANDBACH, CW11 3NE

Proposal: Outline Planning with some Matters Reserved - Access- For the proposed construction of an inland leisure marina; associated ancillary buildings, infrastructure and landscaping.

Applicant: T Bunn

Expiry Date: 30-Dec-2014

Summary

The provision of a marina within the open countryside is supported by the NPPF, the Congleton Borough Local Plan, the Cheshire East Local Plan Strategy – Submission Version (CELP) and the draft Sandbach Neighbourhood Plan.

In terms of the planning balance the development would provide social and economic benefits. However the submitted application does not include sufficient information in relation to the environmental element of sustainable development. The reason for this is that the application does not include any information in relation to ecology, the impact upon the landscape, insufficient information in relation to the highways impact and whether the development would result in a loss of BMV agricultural land.

Recommendation

Minded to Refuse

PROPOSAL

This is an outline application for proposed marina development. The indicative plans show that the development would include two basins. The Design and Access Statements states that there would be a total of 235 moorings. According to the submitted Design and Access Statement the new ancillary built development will consist of two ablution blocks consisting of showers, WCs and laundry facilities (It should be noted that no buildings are shown on the indicative plans).

This application includes details of the vehicular access to the site and the submitted plans show that this would be positioned to the north onto Elton Road between a property at 9 Rookery Close and a Church.

In this case this application is subject to an appeal for non-determination and the purpose of this report is to define how the Council would have determined this application in advance of the appeal.

SITE DESCRIPTION

The site is located in open countryside to the south of Ettiley Heath. It lies south of Elton Lane and to the west of Hind Heath Road. The site would be accessed by vehicles via Elton Lane. The land is currently in agricultural use. The landscape is relatively flat and the site is bordered with hedgerows and contains a number of mature trees and a hedgerow which divides the site into two fields. The Trent and Mersey Canal adjoins the boundary of the site to the south and west.

RELEVANT HISTORY

13/3103S - EIA Scoping opinion for up to 800 new houses, 260 berth canal marina and associated development (13/0821C) – EIA Scoping Letter Issued

13/0821C - Outline planning application Including Access (with some matters reserved), for up to 800 dwellings, elderly care provision, a 260 berth canal based marina (with associated chandlery and facilities building), a primary school, a medical centre, local shopping, restaurants, employment, junior cricket pitch, community orchards and allotments, new footpaths/bridleways, public open space with associated parking, earthworks and other ancillary works – Withdrawn 4th February 2014

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

28. Supporting a Prosperous Rural Economy

56-68. Requiring Good Design

109-116. Conserving and Enhancing the Natural Environment

126-131. Conserving and Enhancing the Historic Environment

Development Plan

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which allocates the site, under policy PS8, as open countryside.

The relevant Saved Policies are:

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
RC9 Canal /Riverside Recreational Developments (Moorings)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

Policy MP 1 Presumption in Favour of Sustainable Development
Policy PG 5 Open Countryside
Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy EG 2 Rural Economy
Policy EG 4 Tourism
Policy SC 1 Leisure and Recreation
Policy SC 2 Outdoor Sports Facilities
Policy SE 1 Design 1
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 6 Green Infrastructure
Policy SE 7 The Historic Environment
Policy SE 8 Renewable and Low Carbon Energy
Policy SE 9 Energy Efficient Development
Policy SE 13 Flood Risk and Water Management
Policy CO 1 Sustainable Travel and Transport
Policy CO 4 Travel Plans and Transport Assessments

Sandbach Neighbourhood Development Plan (Draft for Consultation)

PC1 – Areas of Separation
PC2 – Landscape Character
PC5 – Biodiversity
IFT2 – Transport and Safety
IFT3 – Sustainable Transport and Accessibility
CW2 – Sport and Recreation Facilities

Other Material Considerations

National Planning Practice Guidance
Cheshire East Visitor Economy Strategy
The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Sandbach Town Strategy

CONSULTATIONS

Environment Agency: No objection in principle. Condition suggested.

United Utilities: No objection subject to the imposition of a drainage condition.

Strategic Highways Manager: The submitted information is not sufficient to allow a recommendation of approval at this time.

Sport England: No comment.

Environmental Health: Object. Insufficient information has been submitted in relation to air quality impact and noise impact.

Natural England: Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application will not damage or destroy the interest features of Sandbach Flashes SSSI. As such the SSSI does not represent a constraint in the determination of this application. For advice on protected species refer to the Natural England Standing Advice.

Archaeology: No objection. Condition suggested in relation to a programme of archaeological work.

Cheshire Brine Board: The Board has considered the above application and information in the Board's possession indicates that this site is in an area which has previously been heavily affected by brine subsidence, and the possibility of future ground movements cannot be completely discounted.

Large-scale geological mapping clearly shows subsidence hollows crossing adjacent land, close to the eastern boundary of the application site and records indicate that the Board have recommended raft foundations for all newbuild on adjacent sites.

The application details do not indicate that many buildings are intended to be constructed but it is requested that a condition be attached should outline permission be granted.

Canal and Rivers Trust: No objection to the principle of the proposed development. The Trust has assessed the marina proposal as part of their New Marinas Unit process and it has satisfied the feasibility stage. This process does not relate to matters of need or demand. The Canal and Rivers Trust suggest a number of planning conditions to be imposed to any approval.

VIEWS OF THE PARISH COUNCIL

Sandbach Town Council: Object to the application on the following grounds:

- Not enough information provided to make informed decision as detail of anything outside proposed access route is severely lacking
- Proposed access is totally inadequate, particularly for traffic needed to develop marina and deliver boats to the site.
- Elton Road is a weight restricted road which will prohibit HGV access to the site at any time.
- Elton Road is unable to cope with additional traffic.

Moston Parish Council: No comments received

REPRESENTATIONS

Letters of objection have been received from 58 local households/businesses raising the following points:

Principal of development

- This development has not been identified as part of the Sandbach Neighbourhood Plan
- The development site is crucial to the Green Gap separation between the villages of Wheelock and Ettiley Heath
- Increased pollution from increased vehicular movements
- Loss of greenspace
- Loss of agricultural land
- This is the first step for a residential development on this site
- There will be no benefit to the local economy
- There is a lack of local amenities in this area to serve the tourist using this development
- Previous applications have been refused on this site
- Brownfield sites should be developed first
- There is no need for a marina
- Job creation as part of this development would be limited to small numbers and part-time jobs
- There are free spaces within the marinas within the area

Highways

- The access off Elton Road is not wide enough to serve this development
- Increased vehicular movements onto Elton Road
- Poor visibility at the site entrance would create a safety hazard
- The site access onto Elton Road cannot be widened
- Increased traffic volumes along Elton Road
- The road network cannot cope with additional traffic
- Elton Road is already at capacity
- Elton Road is used as a rat run
- Elton Road is too narrow and is impassable at times
- Elton Road is dangerous for cyclists and pedestrians
- Elton Road is unsuitable for large vehicles which would be required to serve the development
- On-street parking problems along Elton Road
- Cumulative impact from vehicles accessing Canal Fields
- The speed bumps do not deter speeding vehicles
- The pavements along Elton Road are not wide enough for pushchairs, wheelchairs, and mobility scooters

- The visibility splays cannot be achieved due to obstructions outside the applicants control
- Elton Road has a 7.5T weight limit
- Large construction vehicles cannot pass along the access to the site
- Parking problems around the church during worship days, weddings and funerals

Green Issues

- The development will have an adverse impact upon protected species on this site
- Impact upon species which use Sandbach Flashes SSSI
- Loss of wildlife habitat
- Flooding problems on this site
- No information has been received in relation to protected species as part of this application
- Loss of habitat for farmland birds

Infrastructure

- Inadequate utilities in the area (gas, water and electricity)
- Increased risk of flooding
- People living at the marina will impact upon infrastructure (Doctors and Schools)

Amenity

- The use of the access would be detrimental to the residential amenity of the adjoining dwellings
- Impact upon privacy
- Increased noise pollution

Design

- External lighting along the site access would affect the character and appearance of the area
- The design is inappropriate for this site

Other issues

- Additional information has been submitted by the applicant after the consultation period ended
- There are a number of errors within this application
- Limited pre-application consultation
- Lack of consultation as part of this application by Cheshire East
- Existing litter problems will be exacerbated
- Only one site notice has been posted at this site

Letters of support have been received from 1 local household raising the following points:

- The development would be a wonderful benefit for Sandbach
- The site is an ideal location for a marina
- The traffic concerns are unfounded
- Vehicular movements will only be occasional
- A marina and leisure facilities is better than a housing development on the site
- Benefit to the local economy

A letter of representation has been received from CTC The National Cycling Charity raising the following points:

- Access via the Trent and Mersey Canal. This is a land locked location with only one access. An additional access for pedestrians and cyclists via a bridge from the south of the site over the Trent and Mersey Canal should be provided.
- Sandy Lane (opposite the entry to the marina). Additional street lighting to Sandy Lane and signposting as through-route for cyclists should be provided. Currently signed as cul-de-sac from the Elton Road end.
- Elton Crossings Road via Salt Line Way to Moston Road. This could be upgraded for cyclists and would allow them to avoid the large junction at Station Road/Moss Lane when travelling from the Ettiley Heath Estate towards the Primary School, the Scout's Hall, the church at Middlewich Road and its hall.
- Proctors Lane to Hind Heath Road. Elton Road currently ends in a cul-de-sac. This could be opened for those cyclists wishing to use the road on Hind Heath Road.
- Shared Footway/Cycleway at Hind Heath Road. This currently finishes at the Cricket Club on Hind Heath Road and could be extended to Elton Road for those cyclists wishing to use the shared footway/cycleway
- Bridge at Hind Heath Lane. This could be opened for cyclists to allow direct connection from the shared footway/cycleway to Crewe Road and Sandbach

A letter of representation has been received from Sandbach Woodland and Wildlife Group raising the following points:

- The development could have an impact upon Sandbach Flashes SSSI with potential impacts upon drainage, disturbance to birds and the effect upon soils
- There are a number of rare species on this site such as Grass Snake and Badgers
- There have been sightings of Snipe and Yellowhammer on this site
- Impact upon a wildlife corridor

A letter of representation has been received from Cllr Corcoran raising the following points:

- Support the comments from CTC – The National Cycling Charity and would particularly like to stress the importance of extending the cycleway from the cricket club on Hind Heath Road through to Proctors Lane.
- There has already been one accident involving a cyclist on Hind Heath Road at the end of the cycleway. The 'gap' in the safe cycle route needs to be resolved as a matter of some urgency.

APPRAISAL

The key issues are:

- Loss of open countryside
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety

Principle of Development

The site is allocated as Open Countryside (Policy PS8) within the Congleton Borough Local Plan First Review - the policies within that plan indicate that facilities required for outdoor recreation and tourism would be permitted where the development preserves the openness of

the countryside and enhances its local character. This policy is in accordance with the NPPF and policy PG5 within the emerging Local Plan also considers facilities for outdoor recreation to be appropriate within the open countryside.

The construction of a marina with associated facilities would constitute facilities required in connection with outdoor recreation and tourism. It is considered that there is a presumption in favour of development.

Paragraph 14 of the NPPF indicates that permission should be granted, unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

There is also support for this form of development within Local Plan Policies RC8 (Canal /Riverside Recreational Developments) and RC9 (Canal /Riverside Recreational Developments – Moorings) subject to the development meeting a number of criteria. The justification to policy RC8 states that the aim of the policy is to encourage development of countryside/riverside areas for appropriate uses in order to upgrade the area generally and encourage the use of the canals and rivers by residents and visitors alike.

Sandbach Neighbourhood Development Plan

Sandbach Neighbourhood Development Plan Working Group, in conjunction with the Sandbach Town Council has prepared a draft Neighbourhood Development Plan for the Parish of Sandbach. The consultation period for the plan ran until 1st May 2015.

Paragraph 216 of the NPPF states *From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

The NPPG states that an emerging neighbourhood plan may be a material consideration.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

The NPPG also states that *'refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process'*.

The Neighbourhood Plan is therefore a material consideration which must be weighed in the planning balance taking account of the stage that the neighbourhood plan is currently at and the context, location and scale of the proposed development relative to the Sandbach area.

Members may be aware there have been a number of legal cases that have supported Neighbourhood Plan policies even when a Local Plan has not been fully adopted. There have also been recent High Court cases that have questioned the weight on such emerging plans. The weight to be attached to the plan therefore depends on the particular circumstances in each case but this also reflects ministerial support given to Neighbourhood Plans over the last 18 months.

In this case the Neighbourhood Plan identifies the concept of Green Gaps which are not identified around Sandbach within the Congleton Borough Local Plan or the Cheshire East Local Plan Strategy – Submission Version (CELP). It is not considered that a marina and its associated buildings would have a significant impact upon the separation of Ettiley Heath and Wheelock.

There is also support within Policy CW2 which supports the provision of new or improved indoor or outdoor recreational facilities.

As such it is not considered that the development would conflict with the Draft Sandbach Neighbourhood Plan.

Sustainable Development

Paras 34 and 55 of the NPPF indicate that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist which can be used to assess a planning application and, through forward planning, compare the sustainability of different development site options.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance

against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue.

The toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case the development does not meet all of the standards listed above. However the site is located on the edge of Sandbach and numerous facilities within the town including bus routes and the train station would be accessible from the application site. As paragraph 28 of the NPPF supports tourism in appropriate locations accessibility is a consideration in determining whether or not this is an appropriate location for the marina. In any event, the assessment of sustainability does not rest on the North West Sustainability Checklist alone as explained below.

There are, in addition, 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:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of

sustainability other than accessibility. These include, meeting demand for moorings and making a positive contribution towards the visitor economy, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development.

SOCIAL SUSTAINABILITY

As discussed above the site is considered to be within a sustainable location which would be within reach of the facilities contained within Sandbach.

The development would create jobs with 20-30 FTE during the construction phase and 6.5 FTE during the operational phase of the development.

Furthermore the marina would provide the local community with increased access to the countryside and the canal network as well as sources of recreational and leisure activities.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

In terms of the surrounding residential properties, these are mainly to the east of the site. The application is outline and there is no reason why adequate separation distances could not be provided to the adjacent properties.

The main concerns of neighbours and consultees relate to:

- Impacts during construction period
- Overlooking
- Loss of Outlook
- Overshadowing
- Air Quality
- Noise for future occupants
- Contamination

Impacts during construction period

A development of this scale could well result in dust emissions, noise and disturbance and an impact upon air quality during the course of the construction period. To mitigate for the impacts, Environmental Health has recommended conditions relating to pile driving operations, hours of operation, dust control and the submission of an environmental management plan. These conditions are deemed necessary to mitigate the environmental impacts of the development.

Noise

A BS4142 Noise Assessment is required in order to ensure that the development does not have an adverse effect on existing residents. A report had been published previously for the larger scheme which incorporated a residential development; this report however detailed and contained the requirement to comply with standards that are required for new residential properties with a brief reference to BS4142.

A detailed BS4142 assessment is required to be submitted and approved by the Local Planning Authority prior to the commencement of the development.

Air Quality

The scale of the development is such that there is potential for existing residents to be exposed to levels of air pollution above national health based limit Values for Nitrogen Dioxide. As such the proposal has the potential to expose future residents to levels of air pollution which would have a detrimental impact on health, quality of life and amenity.

Initially as no information was submitted with respect to air quality the Environmental Health Department objected to the application. However the applicant has stated that a prior report on a previous scheme indicated that there were no significant issues. As such it is considered appropriate to condition the application for submission of a report at the Reserved Matters stage.

Loss of Outlook

The concerns of neighbours are duly noted, but the planning system does not exist to protect private interests and there is no right to a view. Whilst overlooking a marina may not necessarily be to everyone's taste, such development is appropriate within the countryside.

Overlooking & Overshadowing

The concerns of neighbours are duly noted however the retention of hedgerows would provide sufficient obscurity to neighbours.

Contaminated Land

The application site has a history of agricultural use and therefore the land may be contaminated. It should also be noted that this site is within 250m of a known landfill site or area of ground that has the potential to create gas. As such, the Phase I will need to be secured via a planning condition.

Highways

The application site would be accessed via an access point off Elton Road to the north of the site.

In this case the Councils Strategic Highways Manager has advised that there is insufficient highways information as part of this application and the following will be required:

- A revised access plan showing the access road widened at the junction with Elton Road to a minimum width of 4.2m for a distance of 20m back.
- Clarification that the illustrated lateral visibility splays detailed on drawing no. 0140-01/04b can be achieved from a drivers eye height of 1.05m to a height of 600mm at the tangential point to the carriageway given the presence of walls adjoining the site access.
- Clarification on footway provision from Elton Road to the proposed marina.
- Clarification on the number of narrow boats likely to access the site by way of road transport and the proposed routeing these would take.

- A construction method statement detailing the number and times trucks will access the site during the construction phase and their proposed routing along with appropriate vehicular tracking.

On this basis the lack of highways information will form a reason for refusal.

Trees and Hedgerows

The application is not supported by an Arboricultural Impact Assessment. Any assessment should be carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report will need to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The assessment should evaluate the effects of the proposed design, including potentially damaging activities such as proposed excavations and changes in levels, positions of structures and roads etc. in relation to retained trees. In this regard BS5837:2012 places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees.

The British Standard identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design.

Existing hedgerows which form the boundary of the site and sub-divide the respective fields have not been assessed in accordance with the 1997 Hedgerow Regulations. This is particularly pertinent with the illustrative master plan as it depicts an adjoining canal section between the two main marinas extending through an existing hedgerow.

The submitted application does not provide the level of information required in terms of the 1997 hedgerow regulations and arboricultural input to adequately assess the impact of development on existing trees and hedgerows.

However this should not be insurmountable and could easily be rectified, given the characteristics of the site in terms of open agricultural land, and the majority of the horticultural features including trees sparsely located mainly on the boundaries of the site edged red or off site. There will be a single mature tree loss associated with and to accommodate the proposed western basin of the proposed marina, but this can be mitigated as part of a detailed landscape scheme.

Providing that the requirements of BS5837:2012 are accommodated within any subsequent reserved matters application it is feasible that the development proposals as intended subject to detailed plans can be accommodated without the loss of any significant numbers trees including those considered worthy of formal protection.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

There is no reason that an acceptable design could not be secured at the Reserved Matters stage.

Impact upon the setting of the Conservation Area

The layout of the basin will be determined by the need to locate the marina close to the canal. The built form of the development would consist of two ablution blocks consisting of showers, WCs and laundry facilities (It should be noted that no buildings are shown on the indicative plans).

The design and siting of the buildings and the layout of the marina and landscaping would be negotiated at the Reserved Matter stage. There is no reason why an acceptable design solution could be negotiated at the reserved matters stage that would not have a detrimental impact upon the adjacent Canal Conservation Area.

Landscape

The application site covers an area of approximately 7.7 hectares of agricultural land that is used for both arable and farming.

The application has been considered by the Councils Landscape Architect who considers that there is insufficient information to properly assess the landscape and visual impacts of this development. The cut and fill implications (there is very little room within the site beyond the basins), the site design issues such as location and height of the two facilities blocks, number and location of car parking spaces, proposed roads and footpaths, retained trees and hedges plus proposed additional planting would need to be considered as part of a Landscape and Visual impact Assessment.

Plans should also be provided to show the existing and proposed levels and contours with cross sections to show the cut and fill. A layout/masterplan to show that the above elements can be accommodated to form an attractive development.

Without this information it is not possible to conclude whether the development would represent a sustainable form of development.

Ecology

Designated Sites

This site is in close proximity to the Sandbach Flashes Site of Special Scientific Interest (SSSI).

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the SSSI has been notified. Natural England advise that the SSSI does not represent a constraint in determining this application.

Protected Species and Habitats

No information has been submitted as part of this application in relation to the impact upon habitats or protected species. In order to enable the Council fully assess the ecological impacts of this development the applicant should provide the following, prior to the determination of the application:

- An Extended Phase 1 Habitat/Botanical Survey should be carried out to evaluate all habitat within 50m of the site and the access routes, for the presence of, or suitability for any Biodiversity Action Plan species/habitats, and any rare or protected plant or animal species. This survey should also include a full botanical survey including DAFOR ratings with incidental records of any other species encountered. Where any uncommon, BAP or protected species (including breeding/wintering bird species) or habitats (including semi-improved grassland), are found or suspected specific surveys should be carried out, by appropriately licensed or experienced surveyors, using appropriate methodology, at the optimal time of year.
- Desk based study including a search of biological records held by the Local Biological Record Centre.
- Identification of all designated sites within the zone of influence of the proposed project.
- Great Crested Newt survey/assessment of any ponds within 250m.
- Aquatic invertebrate surveys should be undertaken of any ponds directly affected by the proposed development.
- An assessment of the potential impacts of the proposed development In accordance with the IEEM guidelines (2006)
- Mitigation/compensation Proposals for any adverse impacts identified during the above assessment.
- Proposals for ecological enhancement in accordance with the NPPF.

To ensure any proposed development is truly sustainable in ecological terms an assessment undertaken in accordance with the Defra Offsetting 'metric' may also be beneficial in ensuring there is no net loss of biodiversity from the site.

Without this supporting information it is not possible to identify whether this development represents a sustainable form of development.

Flood Risk

The site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps.

The Environment Agency has been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Archaeology

The application is supported by an archaeological desk-based assessment which advises that further pre-determination work is not appropriate. Instead it is advised that if planning permission is granted, the site should be subject to a programme of archaeological mitigation. This should take the form of the inspection of areas stripped of topsoil, before excavation of the underlying clay occurs, in order to identify and record any archaeological deposits present. The Councils Archaeologist has requested that a condition be attached to any approval to secure a scheme of archaeological work.

Agricultural Land Quality

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case no survey of the site has been undertaken and it is not possible to consider the issue of BMV agricultural land as part of the planning balance.

ECONOMIC SUSTAINABILITY

Need for the Development

The letters of representation have raised the issue of need.

Need is not mentioned as a particular factor for consideration. However, if members are to give weight to this as a material consideration relating to economic growth, it should be noted that the Canal and Rivers Trust have not objected to the development in relation to the need of the development.

The Framework does not advocate a Sequential Test approach to development proposed in the countryside. There is no defined need for the proposals as submitted identified within any Council produced document and if such a need were to exist, the designation of a site would need to go through a strategic planning process through the Local Plan allocations. Therefore this is not considered to attract weight either positively or negatively

Economic Benefits

The socio-economic statement which has been submitted as part of this application identifies that the development would have the following effects on the local economy:

- 12 month, multi-million pound construction investment with direct and indirect economic benefits including the use of local labour

- Local businesses will benefit by supplying plant and materials
- The marina will employ between 20 and 30 FTE during the construction phase
- Turnover within the local economy in excess of £705,000
- The marina will employ 6.5 FTE during the operational phase
- Increased expenditure within the local economy at the operational phase (it is estimated that £193,600 of goods and services will be purchased by the marina within Cheshire East
- Berth holder, visiting boaters and non-boating visitors will spend money in local shops, pubs and restaurants with a total expenditure per annum of £423,000

As such it is considered that the development would have a beneficial impact upon the local economy.

PLANNING BALANCE

The provision of a marina within the open countryside is supported by the NPPF, the Congleton Borough Local Plan, the Cheshire East Local Plan Strategy – Submission Version (CELP) and the draft Sandbach Neighbourhood Plan.

In terms of the planning balance the development would provide social and economic benefits. However the submitted application does not include sufficient information in relation to the environmental element of sustainable development. The reason for this is that the application does not include any information in relation to ecology, the impact upon the landscape, insufficient information in relation to the highways impact and whether the development would result in a loss of BMV agricultural land.

RECOMMENDATION:

MINDED TO REFUSE for the following reasons:

There is insufficient information to determine the impact of the development as part of the environmental role of sustainable development. The submitted application does not include any information to the following:

- **Protected Species and Habitats**
- **Landscape impact of the development**
- **Whether the development would result in the loss of BMV Agricultural land**
- **Whether the proposed access could accommodate the proposed development**

As such the development is contrary to Policies GR1 New Development, GR2 Design, GR5 Landscaping, GR9 (Accessibility, Servicing and Parking Provision), NR2 Statutory Sites and NR3 Habitats of the Borough of Congleton Local Plan First Review 2005 and guidance contained within the NPPF.

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