

Planning Reference No:	09/3429N
Application Address:	Land off Nantwich Road, Wrenbury cum Frith, Nantwich
Proposal:	Proposed new marina, facilities building, workshop, associated car parking and hardstanding, new entrance off Nantwich Road and new farmer's entrance to existing field.
Applicant:	Mr P Geary
Application Type:	Full
Grid Reference:	360559 348763
Ward:	Cholmondeley
Earliest Determination Date:	2 nd December 2009
Expiry Dated:	18 th January 2010
Date of Officer's Site Visit:	4 th December 2009
Date Report Prepared:	10 th December 2009
Constraints:	Open countryside

SUMMARY RECOMMENDATION:

REFUSE on the grounds of:-

- lack of information to demonstrate a specific need for the development
- adverse impact on protected species, Biodiversity Action Plan species and habitats
- no waste audit
- access
- inappropriate design, layout and landscaping
- deficiencies in Tree Survey.

MAIN ISSUES: The main issues are:-

- the need for the development
- the effect of the proposal on the character and appearance of the area
- the layout and design of the development
- the effect of the proposal on highway matters including access, visibility and parking provision,
- the effect of the proposal on protected species and habitats
- the effect of the proposal on residential amenity by reason of disturbance
- landscaping and trees
- sustainable development
- drainage
- use of excavate material/ waste

1. REASON FOR REFERRAL

This application is to be determined by the Strategic Board because the proposal is for major development exceeding 2 hectares.

2. DESCRIPTION OF SITE AND CONTEXT

The site is a generally level area of land located in open countryside as defined in the Borough of Crewe and Nantwich Replacement Local Plan 2011. The full site extends to 5.66 ha and fronts Nantwich Road and the Llangollen Canal on its eastern side, with open fields bounded by

hedgerow on all other sides. Within the field which is the subject of the application are two ponds. The road crosses the canal by means of a bridge immediately adjacent to the application area.

A water pipeline crosses the site and the water body which forms the marina is located to the south of this whilst the buildings and much of hardstandings and parking are located to the north.

3. DETAILS OF PROPOSAL

It is proposed to construct a marina with a capacity of 160 berths and a water area of 1.8 ha. The development includes a facilities building, workshop, floating dock and a bridge over part of the marina, to link the facilities building and the southern area of the marina. The proposal includes two areas of grassland formed on material to be retained following the excavation of the water basin. The existing vehicular access will be closed and a new access formed at the northern most part of the site frontage onto Nantwich Road.

The facilities building is a two storey building constructed in brick with sandstone detailing and clay tile or slate roof. Maximum dimensions are 11.7m x 19.3m and the building will stand 9.96m to the ridge. It has a gross floor area of 392 square metres. The building also includes a large arch on the southern elevation overlooking the marina and a substantial amount of glazing within the area enclosed by the arch. The accommodation includes a lounge, office, store and plant room at ground floor level with toilets/ showers and laundry and on the first floor a cafe, chandlery and brokerage together with further staff facilities offices etc.

The workshop building will measure 25.1m x 6.3m and stand 4.7m to the ridge. There is also a single storey element on the side containing a small office toilet and store which measures 6.3m x 2.9m. It will be constructed in brick and clay tile.

The floating dock will extend over two berths on the northern edge of the marina and be 7.4m wide and 25.4m long. It will be constructed in ship lap boarding and grey profiled cladding to the roof with two roller shutter doors at the water end and have two timber personnel doors from the bank.

A timber footbridge will cross the marina linking the facilities building and services and car parking with the southern side of the marina basin.

In addition the application area also includes the road frontage immediately north of the field to be used for the marina. A new farm access will be created here to serve the adjacent field and a visibility splay will be formed to the north from the proposed access to the marina.

There will be no residential moorings and the proposal does not include any hire boat facility.

Amended plans have been received which reduce the area of concrete hardstanding around the workshop, ensure that the full area of both existing ponds are retained and include a third new pond, provide marginal shallows around the basin, plant a hedgerow indicated along the southern visibility splay and provide for the retention of 10,300 cu.m. of excavated material to be stored on site to depth of 1.3m over two separate areas. This represents 20% of the total spoil (assuming 20% bulk). The area of spoil to the south of the marina will be seeded as grass land and replace the area of wildflower meadow proposed in the original scheme.

4. RELEVANT HISTORY

P08/1123 - Marina. Application withdrawn. 4th December 2008

ENQ09/3159 - Screening opinion. Environmental Impact Assessment not required. 13th October 2009. The details submitted for the Screening Opinion match those of the submitted planning application.

5. POLICIES

The development plan for this area includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

Regional Spatial Strategy

DP7 Promote Environmental Quality

RDF2 Rural Areas

MCR4 South Cheshire

W6 Tourism and the Visitor Economy

W7 Principles for Tourism Development

RT2 Managing Travel Demand

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

EM17 Renewable Energy

Policies in the Local Plan

NE.2 (Open Countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

NE.11 (River and Canal Corridors)

NE.12 (Agricultural Land Quality)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage Utilities and Resources)

BE.5 (Infrastructure)

BE.9 (Listed Buildings)

RT.6 (Recreational Uses in the Open Countryside)

RT.8 (Promotion of Canals and Waterways)

TRAN.6 (Cycle Routes)

TRAN.9 (Car Parking Standards)

Other relevant planning guidance includes:

PPS1: Delivering Sustainable Development

PPS 7: Sustainable Development in Rural Areas.

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG17: Planning for Open Space, Sport and Recreation.

Good Practice Guide on Tourism (2006).

6. CONSULTATIONS (External to Planning)

Highways: Views awaited at the time of writing this report.

British Waterways: Views awaited at the time of writing this report.

Environment Agency: No objections subject to conditions for the following:-

- A scheme for the protection and/or mitigation of damage to the depressed river mussel and its habitat to be submitted and approved
- A scheme for the protection and management of ponds both during development and in the long term;
- Also ask if surveys of floating water plantain have been undertaken.

Natural England: Not aware of any nationally designated landscapes or statutorily designated areas of nature conservation affected by the development. Protected species in this case, Great Crested Newts, badgers, bats and breeding birds may be affected by the development. If construction commences and protected species are found then work should stop immediately.

-Great Crested Newts were found at two of the ponds surveyed. It is noted that the surveyor recommends that a licence from Natural England will be required before work commences. Detailed mitigation will be needed as part of the application for a licence. It is noted that the Great Crested Newt mitigation strategy differs from the site layout and this contradiction needs to be clarified. Further the access road and car parking on the proposed site layout will isolate ponds from the surrounding habitat and wildflower meadow.

-Badger activity was found on the site and a licence will be required from Natural England before works commence;

-Concur with the recommendation of the Phase 1 Habitat Survey that if works are to be carried out to the bridge or mature trees on the site a bat survey will be required to identify any bat roosts. It is recommended that this be completed prior to the determination of the application. If this is the case mitigation measures should be submitted with the survey;

-Works on site including the removal of habitat suitable for use by birds should not commence during the nesting season (March to August). If however works are to commence during the nesting season the site should be checked by a suitably qualified ecologist prior to the commencement of works and if breeding birds are present nests should not be disturbed and works delayed until the young have fledged.

Cheshire Wildlife Trust:

- Note that the Great Crested Newt Mitigation Strategy refers to an out of date layout. In the new layout the access road car parks and footpaths to the south of the marina basin will present movement barriers around the ponds and reduce available habitat. Work schedules and timetables are also out of date.

- The site layout identifies a new pond which is in fact one of two existing ponds on the site;

- Continuous planting is shown on the site layout around ponds 3 & 4 and this would not be desirable for ponds supporting Great Crested Newts;

- A number of planting details are not appropriate for wildlife promotion;

- Planting proposals lack detail and are often inappropriate visually and ecologically and will not promote biodiversity;

-The extensive hardstanding constructed in concrete for the workshop conflicts with the Design and Access Statement which states that the marina is designed to produce a natural development

- The removal of excavated material could be detrimental to biodiversity;

-Lighting could be detrimental to wildlife even low level lighting.

Archaeology: The development has been subject to a desk based archaeological study. This states that the Council's archaeologist had stated that further pre-determination work would not be required. This is correct but the applicant's archaeologists were also advised that a

developer funded watching brief during top soil stripping would be requested. This is a reasonable approach and proportionate to the sites archaeological potential. Therefore a condition should be attached to any permission for a programme of archaeological work to be agreed and followed by a written report.

Environmental Health: Do not object to the application but have some concerns that noise from the boat service/ repair may cause a nuisance to local residents especially as background noise level in the area will be very low. Request conditions be attached to any permission to ensure that :-

- the workshop building and ancillary / associated equipment is acoustically insulated in accordance with a scheme to be submitted and approved;
- no noisy repair work is undertaken outside the workshop and any external doors remain closed while noisy work takes place inside the workshop;
- boat repair/service should take place only between 08:00 hours and 18:00 hours Monday to Saturday and not on Sundays and Bank Holidays;
- a lighting scheme is submitted for the whole site and approved.

Public Rights of Way: The development does not appear to affect any public rights of way.

Mid- Cheshire Footpath Society: No representations to make. If the application is approved the applicant should be made aware of his obligations to keep footpath number 25 open.

United Utilities: There are limited public foul sewerage facilities within the vicinity. The applicant must provide an indication of foul flows before comments can be made on the connection to the public sewer. A water main crosses the site and United Utilities need access for operational reasons and maintenance.

Shropshire Union Canal Society: Object

- The Llangollen canal is already overcrowded in summer and the additional boats will make the queues at locks even longer;
- There are vacant moorings at Swanley, Whixall, Tattenhall and Audlem and there is therefore no justification for another marina.
- The development will not address the problem of "on-line" moorings as there are few British Waterways on-line moorings in this area. British Waterways policy does not extend to reducing private on-line moorings;
- The marina is of poor design, with too many boats crowded into a small space which will make boat movements difficult.
- Road access is poor with the marina being situated on a narrow bend which will lead to an increase in road accidents.

Inland Waterways Association: Do not object provided there is no hire base at the marina but wish to make the following comments:-

- The Llangollen Canal is one of the busiest canals in the country and at peak times there are long delays at locks. There are a number of hire bases at Swanley, Whixall, Ellesmere and Chirk. There are other hire bases at Whitchurch, Maestermyn (Welsh Frankton) and Trevor.
- This exceptional concentration of hire bases and large number of changeovers on Saturdays results in a large number of boat movement on the canal at the start of the week causing congestion.
- There are vacancies at Swanley, Cholmondeston, (Venetian Marina).
- There are workshops at Swanley, Wrenbury, Whitchurch, Whixall, Ellesmere, Maestermyn, Chirk and Trevor on the Llangollen canal and also workshops at Cholmondeston and Nantwich near to the eastern end of the Llangollen Canal.

- There are few linear moorings on this part of the Llangollen Canal, unlike the main part of the Shropshire Union Canal between Chester and Wolverhampton
- It will be tricky to manoeuvre boats in the marina and a 4m wide entrance would be better.
- The fuel water and pump-out is not conveniently sited for boats in the marina although it is convenient for boats on the canal.
- The workshop is a long way from the floating dock and will be inconvenient to use
- The main building is more imaginatively designed than some
- The landscape is pleasant rather than exceptional at this location and the marina would not be particularly intrusive to the canal users point of view and that of passers by
- Little extra traffic is generated by marinas without hire bases.

7. VIEWS OF WRENBURY PARISH COUNCIL: Object.

- The site is in the open countryside outside the village of Wrenbury. The development will result in the loss of agricultural land and will be contrary to Policy NE.2 of the Replacement Local Plan which only permits development which is **essential** for the purposes of outdoor recreation. This proposal involves facilities which are already provided in several nearby locations along the Llangollen Canal where there is underused capacity e.g. empty berths at Swanley Marina. The need for the facility in terms of mooring capacity, hire boat capacity and demand for workshop facilities has still not been demonstrated.

- Whilst the access to the site has been changed to a different location there is still concern about highway safety in view of the proximity to the 2 canal bridges. Both bridges are unsuited to heavy vehicles which will need to access the site to service the boat sales element of the proposal. It is not clear whether the Highway Authority support the proposal. The development will also be a distraction to drivers negotiating the canal bridge.

- Policy RT.8 permits development which would enhance the use of canals and waterways provided that the capacity of the waterway for boating use is not adversely affected. The Llangollen Canal is the busiest in the country and there are already queues at many of the locks in the summer season. This development can only increase the waterway traffic and lead to longer queues for boaters at locks in Wrenbury Heath and further afield at Grindley Brook and Hurleston.

- There is still concern about the increase in boating traffic which will have an adverse impact on the use of the Wrenbury Lift Bridge by motor traffic. The limit of 3 boats passing through before lowering the bridge is already abused and delays are constantly experienced by motorists. An increase in boating traffic can only make this situation worse. There is local concern about the delay to emergency vehicles when the bridge is lifted.

- The development does not satisfy the requirement that any new buildings or structures should be sited close to any existing buildings and should blend into the surrounding landscape in design, siting, materials and landscape. In this location, where there is no existing built form, the development will inevitably have a major visual impact on the local landscape and result in light pollution at night.

- The issue of flooding as raised by Oliver Lowe needs to be addressed. There is concern that the development will lead to more localised flooding on the land adjacent to the development. The development should comply with the requirements of PPS 25 to the satisfaction of the Environment Agency.

- The environmental impact of the construction remains of concern with the adverse impact on the local highway network of heavy traffic involved in the excavation coupled with noise and

disturbance to local residents. The issue of ground conditions is not covered adequately in the application. If the site is on sand there is potentially a greater need for additional construction work suggesting that this site is not the most suitable in the area for this type of development.

8. OTHER REPRESENTATIONS:

Thirty representations of which three express concerns the remaining representations raise objections. From:

Rose Glen, Springfield, New Road, Wrenbury

2 Frith Hall Cottages, Wrenbury

1 South View, Frith Lane, Wrenbury

Yew Tree House, Willow Hey, Threeways, Hawk House, 1 & 3 Woodcott Barns, Woodcott House Farm, Nantwich Road, Wrenbury

The Green, 2 The Green, 4 The Green, Wrenbury

Wrenbury Hall Drive (x2), 1 Wrenbury Hall Drive, Wrenbury

Birchwood House, Wrenbury

Sproston Hill Farm, Sproston Wood Farm, Wrenbury

The Haven, Lyndale, Nantwich Road, Wrenbury Heath

Farcroft, Wrenbury Heath

Sandwood, Wren's Nest, Wrenbury Heath Road, Sound

Fields Corner Cottage, Baddiley Hall Lane, Baddiley

Corner Cottage, Baddiley Hall Lane, Baddiley

1 Lime Tree Barns, Frith Lane, Nantwich

The Bungalow, Gautons Bank, Norbury

59 Woodland Road, Rode Heath.

One representation with no address.

The grounds of objection/ concern can be summarised as follows:-

- Roads are narrow and cannot accommodate the traffic which will be generated
- Poor location between two bridges on bends and lack of visibility on this stretch of road.
- A vehicle recently went through the road fence into the site.
- There are a large number of substantial vehicles using local roads and more heavy traffic is not needed.
- Drivers speed which is dangerous for pedestrians because there are no footpaths at the side of the carriageway.
- Lights from the marina in drivers eyes.
- It is not acceptable to base traffic movements on a marina in Staffordshire. Using figures submitted the development would generate 2860 movements in a single week.
- Impact of the boat traffic on the swing bridge at the Dusty Miller, even at non-peak times road traffic has to wait while up to 6 boats pass on the canal. This can mean waiting up to 20 or 30 mins. Additional traffic would make waiting times even longer and it is likely that a good proportion of the boats would travel to Wales.
- Delays due to increased boat traffic over the lift bridge could affect emergency services.
- The submission does not look at the impact of the development on the lift bridge.
- Pedestrians would not have easy access to Wrenbury along the towpath since the route is often water logged and there are no footpaths alongside the road.
- There is already one marina in Wrenbury and a new one would jeopardise this business
- It is unlikely that visitors to the marina would use the bus or train. Bus connections are poor and the railway station is not within walking distance of the proposed marina.
- The Llangollen Canal is one of the most popular and most congested in the country and further marinas will only add to the congestion.

- The marina is not considered to be essential rural development.
- Loss of peace and quiet.
- Proximity to dwellings
- No need for another marina – Swanley and Audlem still have spare capacity and there are other marinas in the area with spare capacity as well.
- There are marinas at Swanley, Tattenhall, Nantwich and Barbridge with a total of 685 berths
- Loss of open countryside/ green field
- There will be no benefit to established business in the area.
- Proximity to Swanley marina
- The marina would take business from the existing boat base at Wrenbury Mill and the gift shop. Local pubs would also lose business.
- Construction traffic will have to navigate down narrow roads and across bridges. There is potential to damage road side verges, bridges and endanger pedestrians and cyclists;
- Impact of construction traffic on local residents.
- Damage to roadside verges by large vehicles.
- Nantwich Road is part of a designated cycle route and the introduction of unnecessary traffic would constitute a danger to cyclists and pedestrians;
- Roads public houses and shops in the village are already stretched during peak usage
- The site has not been designated for development
- Noise and light pollution
- Impact on wildlife/ loss of habitat
- The development would be an eyesore.
- Arable land is a decreasing resource and should not be further reduced.
- The large hardstanding appears to be for selling boats and for awaiting repair/ servicing
- No details of proposed fencing – 2m high metal fencing would be unacceptable
- Hedges will be removed to create the entrance north of the marina.
- Jobs would be open to anyone not reserved for local residents
- The development will not support the local shop. Boaters will use the shop on site.
- Impact of vehicles taking sand and soil to Chester on the village of Wrenbury.
- Congestion at locks and on the canal
- There are few on line moorings here so there is no need for a marina to provide off-line moorings on this stretch of the Llangollen canal.
- The proposed development is too large for this location.
- The FRA does not comply with 7 of the 11 requirements set out in Annex E of PPS25 and is not a suitable basis for assessment to be made in particular:-
 - it is not proportionate and appropriate to the scale nature and location of development and does not consider the risk of flooding from the development in addition to the risk of flooding to the development;
 - fails to include the authors name and does not appear to have been completed by a competent person
 - does not consider and quantify the different types of flooding and identify flood risk reduction measures or consider the effects of a range of flooding events
 - fails to consider a quantitative assessment of additional flood risk for a range of flood events
 - does not consider the ability of the water to soak into the ground may change with development along with how the development may affect drainage and is not supported by historical data
 - does not consider changes to the hydrological cycle nor whether the development adequately drain via sustainable drainage measures
 - does not consider appropriate guidance
 - Rain falling on the marina will get into the canal quicker via the marina than soaking into green fields and therefore development has the potential to increase flood risk elsewhere.

- In the event that the development is allowed then conditions should be attached for a scheme to control rate of rainfall passing into the hydrological network and a requirement for a SUDS drainage scheme.

In addition one letter of support from 5 The Green Wrenbury. The grounds of support can be summarised:-

- The location is entirely suitable being in a sparsely populated area and would bring employment;
- Road access would need to be carefully considered
- Landscaping with deciduous trees would be needed.

9. APPLICANT'S SUPPORTING INFORMATION:

Planning Support Statement, Design and Access Statement, Speed Survey and Traffic Assessment, Archaeological Assessment, Flood Risk Assessment, Phase I Habitat Survey, Badger Survey, Reptile Survey, Otter and Water Vole Survey, Great Crested Newt Survey and Mitigation Strategy.

Design and Access Statement (GJP Marina Developments Ltd October 2009)

- The marina will be situated on the south side of the pipeline;
- The soft edges will be formed by banks, another pond will be created and aquatic planting will be included to promote wildlife;
- No residential moorings or hire boats are included in the proposal;
- Toilets, showers, laundry a small chandlery, brokerage and administration facilities are included on the site together with a café which will be accessible for walkers and boaters;
- The workshop will allow the routine servicing and painting of hulls but be limited to boats from this marina and not boats passing by;
- The jetties will accommodate a variety of sizes of crafts;
- The buildings are considered to provide the minimum facilities necessary to support the marina;
- Car parking will be provided around the marina and on an area close to the facilities building providing a total of 80 spaces in all;
- The perimeter hedgerows will be retained (except for the removal of areas to form the access);
- The car parking and roadways adjacent to the facilities building will be constructed in tarmac but the roadway around the site itself will be constructed in road planings and the footpaths will be formed in crushed recycled brick compacted to be wheel chair accessible,
- The margins of the marina will be formed with coir rolls and planted with aquatic plants and native tree planting will take place;
- The facilities building has been designed to reflect a traditional style of canal side buildings with the use of brick, iron railings, slate roof and feature brick arch. Wharf side features are also introduced;
- The new access will result in the formation of visibility splays and the hedgerow on the frontage will be moved back to accommodate this;
- There is a railway station in Wrenbury and it is anticipated that local buses will stop within the site;
- Easy access/ disabled facilities will be provided in the building and a passenger lift will link the two floors.

Planning Support Statement (GJP Marina Developments Ltd October 2009)

- There is an increasing demand for water borne leisure which is expected to grow over the next decade;

- This is achieved by increases in personal spending, growing interest in the grey pound; also 80% of participants are over 50 years of age and this number is expected to grow by 1.4 % per year which would add 2.1 million people in this age bracket by 2015;
- Demand for boat licenses has increased by 2.5% per annum despite the economic down turn requiring more marinas
- BW believe that 20% of its current boats moored (on canals) would convert to marinas if the location was right and that this would justify 5,500 additional berths throughout the canal network by 2015;
- Nearly half the boats moored on the canal network do not have a berth in a marina and there are long waiting lists;
- Many boats are moored on line or have continuous cruising status
- Berths in marina offer more security and with boats costing in the region of £85,000 this is of prime importance;
- On-line mooring also causes congestion and erosion of banks as well as disturbance to wildlife;
- BW are unable to meet the demand for marina from its own resources
- Evidence from The British Marine Federation, The Royal Yachting Association and Humberts Leisure show that boaters look for somewhere to lift boats out of the water undertake repairs and maintenance and a good set of amenities including shower and toilet facilities;
- The Llangollen Canal runs from the junction with the Shropshire Union canal north of Nantwich to Llangollen. Currently 7 miles of the Montgomery Canal are navigable from Francton Junction with a further section navigable at Welshpool. Works to restore other sections of the Montgomery canal will result in an increase in demand for liner moorings which can cause congestion and concerns of security for boaters.
- The location for this proposed marina is justified by
 - o The location is ideally for the Llangollen Canal where there is strong demand for a quality marina
 - o Close to Wrenbury Heath within easy walking distance of shops and amenities at Wrenbury by either road or tow path
 - o Other sites along the canal are less suitable with either poor access or greater distance from settlements or have unsuitable topographic features;
 - o The site is flat and close to the level of the canal avoiding embankments
 - o The site is not in the green belt or close to an SSS1
 - o The site is not in the flood plain
 - o The site has good access to a large population being 1.5miles drive from A530 Whitchurch to Nantwich Road and 10 miles from M6
 - o Good public transport links by bus and from Wrenbury station by train to Manchester and Birmingham
 - o Landscaping will visually enhance the area and increase biodiversity including aquatic planting
- The marina is designed to be suitable for use by disabled persons with fixed jetties offering a more stable means to access
- The basin has an informal shape and services will be located north of the pipeline
- The boat workshop is essential because a narrow boat has to be taken out of the water every 2 years for the hull to be de-fouled and painted below the water line. The facility also allows repairs to propellers, rudder and other submerged equipment. The workshop is away from the water to prevent pollution of the water and is accessed via a slipway;
- The floating dock will be used to accommodate 2 narrow boats for repair and servicing whilst still in the water and offers protection to engineers;
- Fuel, water and sewerage pump out are located alongside the canal bank
- Broadleaved trees will be planted adjacent to the road frontage to screen it from the service yard.

- Peripheral hedgerows will be retained as will 2 existing ponds and one new pond will be created
- Sand excavated will be taken from the site to Sealand Road Chester.
- A new access will be formed by removing a section of hedgerow and providing a new hedgerow at the rear of the visibility splays this will include the re area to the adjacent field.
- The use of the marina will not have any adverse effects on air quality, it will be rare for more than 2 boats to move at the same time and the workshop is enclosed minimising impact on neighbours.
- There are no known or suspected contaminants on site should any be found during excavation they will be handled using the appropriate protective measures;
- Lighting is necessary for health and safety reasons and includes low level low wattage pontoon lighting, and low level bollard to illuminate obstacles on walkways around the site which will be controlled by PIR or time delay sensors. Buildings will have external low level lighting;
- The proposed workshop and floating dock will provide enclosed repair facilities screened visually and acoustically from the road by planting;
- Direct pump out from the boats and effluent from portable toilets will be to a holding tank which will be emptied via tankers
- A proprietary sewerage treatment system within the marina will be provided.
- Sustainable development measures include the use of low energy lighting and efficient heating systems. The pontoons will be constructed from timber certified under the Forestry Stewardship Council (FSC); piles supporting jetties will be constructed using recycled galvanised steel road barriers below the water level
- Solar panels will be provided to the south side of the facilities building for domestic hot water;
- Recycled crushed brick will be used for footpaths
- There will be a barrier at the entrance to the site.

Extended Phase I Habitat Survey: (Middlemarch Environmental Ltd September 2008)

- Identifies improved grassland, species poor hedgerows with trees, scattered broadleaved trees, species poor hedgerows and water bodies as the habitats present;
- There are no statutory or non-statutory conservation sites within 1 km of the boundary of the site;
- All habitats have low value at the national scale;
- With appropriate enhancement/ mitigation it is not considered that the development will have a long term detrimental impact upon any of the habitats at local level.

Great Crested Newt Survey and Mitigation Strategy (Middlemarch Environmental Ltd, June 2008 and September 2008)

- Five ponds have been identified on or within 500m of the development site which might provide suitable breeding site for Great Crested Newts, two of these are on the application site;
- Great Crested Newts were found at pond 3 on the application site and pond 5 on land to the east of Nantwich Road;
- The Canal was also included in the survey but no GCN were found in it;
- This indicates that a "small" Great Crested Newt population is present in the area;
- The proposal is to excavate the marina basin and provide the related development works on land north of pond 3. These works will have a moderate negative impact and result in the loss of terrestrial habitat for the Great Crested Newts. However this is predominately improved grassland. No aquatic habitat will be lost. The marina basin will be lined so that there is no risk to water quality at the ponds. The southern area of the site containing the ponds will be retained and managed with high quality habitat enhancing the area;
- Exclusion fencing will be provided around the development site and a programme of capture will take place prior to the commencement of development;

- The submission includes a timetable for the exclusion and capture programme which does not now fit with the dates of the submission of the application.

Otter and Water Vole Survey (Middlemarch Environmental November 2008)

- The survey area included the application site and land within 500m of the development site boundaries therefore including the canal;
- The canal could provide suitable sites for use by otters and records show otters have been seen within 2km of the site however no evidence of use of the area by otters was found despite the presence of suitable "hold up" and spraint sites;
- The canal is suboptimal for water voles as it has limited amounts of marginal vegetation and largely unsuitable banks. There was no evidence of use of the area by water voles;
- There will be no direct impact on otters and water voles as a result of the proposed development;
- If development does not commence before September 2010 it is recommended that the site be resurveyed for presence/ absence of otters and water voles.

Reptile Survey (Middlemarch Environmental November 2008)

- The survey took place over 5 days during September and October 2008 and one common toad and one juvenile toad were found on separate occasions.
- Areas of rough grassland, bramble, scrub, and tall ruderal vegetation and roots of trees and hedges could provide suitable habitat for reptiles which might use the site on an infrequent basis;
- It is recommended that where vegetation removal takes place a suitably qualified ecologist is present.

Badger Survey (Middlemarch Environmental November 2008)

- A number of badger setts are located at the periphery of the site and it is considered that these are subsidiary or annex setts to another main sett located elsewhere;
- The area of land to be lost due to construction of the marina, hardstandings and related development is not considered to be significant in terms of badger foraging areas and can be ameliorated through the inclusion of hedgerow and tree planting with fruiting trees in soft landscaping proposals;
- From the information available it is not considered that the effects of the development will have significant long term impacts although there will be temporary disturbance as a result of development.

Flood Risk Assessment (GJP Marina Developments Ltd October 2009)

- The chance of flooding at the site is 1 in 1,000 years or 0.1% and the canal ordnance datum is 70.60 and remains reasonably constant;
- The canal has a weir to control any surplus water into water courses to prevent flooding of adjoining land;
- There are no records of flooding on the site from run-off or ditches;
- The marina basin will occupy an area of 1.85 ha and the water level will be retained at approximately 500mm below ground level. Excavations will be to a depth of 1.4m below the water level of the canal;
- Surface water run-off will drain to French drains
- Hardstanding run-off will pass through oil interceptors and then into the marina basin;
- Since the site is outside the flood plain and there are no records of flooding at the site it is not considered that any increases in rain due to climate change will result in flooding.

Archaeological Assessment (Cotswold Archaeology October 2008)

- This is a desk based assessment

- No archaeological or cultural heritage features are recorded by English Heritage, the National Monuments Record AMIE or Cheshire County Council Historic Environment Records.
- Ditches on the site are post-medieval and of low archaeological value
- There is low potential for unrecorded below ground archaeological remains within the site and no prehistoric or Roman settlement recorded in the vicinity;
- No remains were recorded by Cheshire County Council in 2004 when a pipeline was constructed through the site.

Speed Survey (Road Data Ltd April 2008) and **Traffic Assessment** (GJP Marina Development Ltd October 2009)

- The speed survey used three survey points to take speed readings, location 1 was some 250m north of the canal bridge, location 2 was immediately north the canal bridge and location 3 just south of canal bridge;
- The speed readings show an 85th percentile for south bound traffic at location 2 (approaching the canal bridge) of 30.0 mph averaged out over the two days of survey. For traffic leaving the canal bridge north bound the percentile was 29.5 mph;
- The 85th percentile for north bound traffic at location 3 (approaching the bridge) 25.58 mph. for traffic south bound and leaving the canal bridge this was 24.5 mph;
- The traffic assessment uses surveys and information from British Waterways taken in 1996 based on 3 marinas at Sawley on the River Trent, Upton on Severn and Goytre (Monmouthshire and Brecon Canal) and also a 2008 survey from BW at Swanley marina close to this site;
- Using BW figures for 2008 at peak times (2.00pm -5.00pm Sundays) a 100 berth marina would generate the following car parking need:-

Visits to boats	11
Visits to boats/equipment sales etc	13
Looking around (general public)	13
Catering visits (café restaurant)	7
Other including deliveries and management needs	4
TOTAL	48

- The cafe will be restricted to users of marina, canal and walkers and the chandlery to berth holders and visiting boaters therefore it is expected that the boat/ equipment sales will only generate a need for about 4 spaces;
- There is a need to add in an element of parking for people out cruising and a figure of 10 additional parking spaces are added for that need;
- 5 spaces are also added for disabled persons;
- Since Wrenbury Marina will accommodate 160 berths of which 10 are set aside for visitors the marina will need 37 Spaces for 100 boats;
- However experience by GJP Marinas also shows more car parking needs particularly due to increased demand on Sunday afternoons at peak weekends in the summer. This is based on findings at Barton Under Needwood and Great Haywood;
- Based on the above information it is considered that 64 spaces will be needed for the 160 berth marina at peak period on Sunday in the summer;
- Using the figures from the BW 2008 survey for a marina with no hire boats and no shops for general use it is estimated that at peak periods in summer the marina will generate 17 vehicle movements per hour. During the 8am-9am and 5pm -6pm daily peak hours vehicles movements would be 5-6 vehicles' per hour.

Tree Survey

A tree survey is submitted which identifies 23 trees on the site including the site boundaries and notes that four of these are in a poor condition or damaged.

10. OFFICER APPRAISAL

Principle of Development

Policy RDF2 of the Regional Spatial Strategy (RSS) states that in the rural areas development needs should be implemented and targeted towards achieving a more diverse economic base whilst maintaining support for agriculture and tourism. “Exceptionally, new development will be permitted in the open countryside where it-;

- Has an essential requirement for a rural location which cannot be accommodated elsewhere;
- Is needed to sustain existing businesses;
- Provides for exceptional need for affordable housing;
- Is an extension of an existing building; or
- Involves the appropriate change of use of an existing building.”

The supporting justification to this policy states that “Local Planning Authorities will need to take a balanced view on proposals for development outside Key Centres and development in the open countryside will be permitted in the exceptional circumstances listed.” Elsewhere it is stated that “Tourism is an important factor in diversifying and strengthening the rural economy but needs to be sustainably developed.”

The RSS policy for Tourism and the Visitor Economy is policy W6. This policy confirms that opportunities for diversifying the rural economy and regenerating rural areas should align with policy RDF2. Development should be of an appropriate scale and be located where the environment and infrastructure can accommodate the visitor impact.”

In the Replacement Local Plan policy NE.2 allows development which is “essential” for outdoor sport and recreation. Policy RT.8 allows development which will enhance the use of the canals for recreation, leisure and tourist uses and will not have an adverse impact on the surrounding environment and not adversely affect the capacity of the canal for boating use. Policy RT.6 allows for recreational development in the open countryside provided it does not harm the character and appearance of the open countryside, does not harm features of value for nature conservation, historical or archaeological importance, there is safe vehicular access, roads are suitable for the traffic generated, there is adequate car parking, the facility can be integrated with existing visitor attractions and can be accessed by a range of means of transport.

This need for “essential” tourist and visitor facilities is again emphasised in PPS7 which states at paragraph 35 that facilities should be provided in appropriate locations where identified needs are not met by existing facilities in the rural area. It also advises that where new or additional facilities are required these should normally be provided in or close to service centres.

Policy NE.12 states that development of Agricultural land of grades 1, 2 and 3a will not be permitted unless the need is supported by local plan policies; it can be demonstrated that the development cannot be accommodated on other land of a lower grade or other sustainability considerations suggest that the use is preferable in the submitted location. The land is identified as being of poor quality sandy soil. It is understood to be Grade 4.

Thus whilst the principle of allowing recreational development including marinas is accepted in the open countryside, this must be assessed against the full range of planning policies including the need to protect the character and appearance of the open countryside. Policy NE.2 allows for development which is “essential” for outdoor sport and recreation in the open countryside. Policy RDF2 allows for development which has “an essential requirement for a rural location”. It

also states that development should be allowed which provides for a more diverse economic base whilst maintaining support for agriculture and tourism.

Whilst marinas can be located in towns and villages they do require a relatively large area of land/ water which is often not available in such locations, also people use the canals for recreation, to enjoy the countryside, and therefore the rural location for a marina is accepted in principle.

The British Waterways Inland Marina Investment Guide states that nationally the forecast demand for mooring berths and marinas by 2010 and 2015 is :-

	total Moorings required by 2010	total Moorings required by 2015
Minimum	33700	44800
Expected	5300	88400
Maximum	6500	11700

Subsequently the figure of 11,700 has been revised down by British Waterways to 5,500 by 2015 taking into account marinas in the planning process.

Within the area of Cheshire East Council, the Shropshire Union Canal stretches from Bunbury in the north to Cox Bank south of Audlem. The Llangollen Canal (also known as the Llangollen Branch of the Shropshire Union Canal) within Cheshire East extends from Wirswall in the west to Hurleston Junction where it joins the main line of the Shropshire Union Canal. The Middlewich Branch of the Shropshire Union Canal stretches from the junction at Barbridge to the Borough boundary north of Church Minshull.

Swanley Marina has planning permission (granted 2005) for 313 berths and the Church Minshull Marina has planning permission for 147 berths (granted 2007). Both these marinas are operational. In addition a further marina has recently opened at Tattenhall with 300 berths, which is just outside the Cheshire East boundary. A marina is also under construction at Audlem for 206 berths (planning permission granted 2009) and is expected to open in the spring of 2010. This places a total of 966 berths (off-line moorings) on or close to the Shropshire Union Canal, the Middlewich Branch and the Llangollen Canal.

Representations raise concern about the amount of boat traffic using the Llangollen Canal and problems of congestion. Policy NE.11 (River and Canal Corridors) and RT.8 (Promotion of Canals and Waterways) seek to ensure that the capacity of the canal is not adversely affected. The views of British Waterways are awaited in relation to the proposed development which should also indicate whether the development will adversely impact on the use of the canal.

The applicant's reasons for locating a new marina on this site are noted in the supporting information. They include such reasons as enhancing biodiversity, improving landscaping, the proximity to railway and bus routes, British Waterways desire to see the reduction in on-line marinas and the increasing use of the canals for leisure activities etc. The submission does not include any quantified assessment of need. It fails to take account of the number of off-line berths recently provided in marinas in the area and the number of on-line berths in the area. Further no account is taken of the problems reported in representations as a result of vehicles waiting to use the lift bridge at the Dusty Miller. Swanley marina is 3 miles north of the proposed site and still has vacancies. Bearing in mind the amount of berths required nationally it is considered that planning permission has been granted for a substantial number of off line berths (966) in this area in the last 5 years and that the applicant has failed to demonstrate why it is

essential for further berths to be provided in this specific area. Whilst policies allow the provision of marinas in the rural areas it is considered that this needs to be balanced against the need to protect the character of the open countryside and ensure that development “has an essential requirement for a rural location, which cannot be accommodated elsewhere” as required by policy RDF2 of RSS and meets the requirements of policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan in terms of being “essential” development for outdoor recreation.

Impact of the Development on the Character and Appearance of the Open Countryside

The development of a marina is in principle acceptable in the open countryside. There are however specific reasons as to why it is not considered appropriate in this location. Whilst the excavation of the marina results in a change to the appearance of the area, being located adjacent to the canal it is a feature which would generally be considered acceptable subject to appropriate landscaping, layout and design. Narrow boats are relatively low level structures and although colourful because of their limited height and association with the canal, it is not considered that they are in themselves intrusive.

The site is generally low lying particularly relative to the height of the canal bridge to the east of the site. Public rights of way in the area are the towpath on the east bank of the canal and a footpath to the south and west of the site. The site will be clearly visible from the towpath although the landscaping scheme does propose planting to soften the views from this side. The footpath to the south is located at least 120m away and that to the west is further away still. Bearing in mind the principles for landscaping the site it is not considered that the marina would itself be detrimental to the character and appearance of the locality, provided the landscaping is appropriately designed and that the need has been demonstrated. This is discussed further below.

Design

The site is constrained by the presence of the water pipe through the northern area and the ponds, one of which was found to support Great Crested Newts, to the south. This therefore limits the area for the marina basin. The main car parking, facilities building and workshop are located on the area north of the pipeline. Amended plans relocate the workshop so that it aligns with the facilities building and is closer to the floating dock.

The facilities building is a two storey development constructed in brick with a tile or slate roof and sandstone detailing. It is larger than such buildings which have been permitted at other marinas in the former Crewe and Nantwich area. The 2008 scheme, which was withdrawn, proposed a footbridge over the canal to link with the facilities building. The footbridge has been removed from the scheme because the steps to it from the towpath would have had a detrimental effect on trees very close to the towpath and severely limited the width of the towpath. The building design has however been retained. It is designed to reflect a building which has evolved over time and has two distinct areas. The design also includes traditional details from historical canal side buildings. The building has a feature brick arch facing the water with a first floor balcony to the café. The ground floor lounge below the café also includes substantial areas of glazing in this elevation. Two roof lights are also proposed on the western part of the southern elevation. All elevations are well detailed with openings and features of interest. Although a relatively high building, compared with marina facility buildings permitted elsewhere recently in this area, it is considered that the facilities building is in this instance acceptable.

The workshop is a simple brick and tile building designed to accommodate one boat during repairs. There is also a floating dock situated over two parking bays on the marina which is constructed in ship lap boarding and profiled cladding to the roof.

Whilst there are no objections as such to the individual buildings it is considered that the layout could be improved. The service compound, substation and cycle store all stand prominent in the layout and the landscaping proposed is not adequately detailed to confirm that it will enhance the setting of the buildings. There is a timber footbridge from one side of the water basin to the other and the services compound rather than the facilities building is located at the end of the footbridge. Car parking is prominent when entering the site.

The proposal includes 2.1 high powder coated in black or green weld mesh fencing which will extend from the road bridge over canal on the east side of the site past the facilities building along the edge of the marina and car park to the northern boundary. In places this is screened by planting but in other areas it is very open. Whilst the weld mesh fencing is not a relatively light weight form of fencing nevertheless its provision over such a long stretch is not compatible with the rural nature of the location and will detract from the appearance of the marina.

Amenity

A workshop and a floating dock which will allow repairs to boats while they are in the water are proposed. The closest dwelling is located some 65m to the south east of the marina basin but 180m from the site of the proposed workshop. Approximately 180m to the north of the site boundary is a residential caravan park. The Environmental Health Officer raises no objections to the development provided conditions to ensure that the workshop building and any ancillary equipment is acoustically insulated and that no noisy works taken place outside the workshop building; workshop doors shall be kept closed while work takes place. In addition hours of boat repairs and servicing should be limited and a lighting scheme submitted. It is considered that with these controls in place the development will not adversely impact on residential amenities. The day to day comings and going at the marina will not generate sufficient vehicle movements to have a significantly adverse effect on nearby residential amenities.

No dwellings or caravans are sufficiently close to justify the refusal of the application on the grounds of having a detrimental impact on the dwelling. Whilst the site frontage to the canal is open there are trees on the eastern side of the canal which help to filter views of the development from dwellings to the south and east of the application site.

Notwithstanding comments elsewhere in this report no information is submitted in relation to vehicle movements for the removal of excavated material from the site. However if the application is approved conditions can be imposed to exercise control over the hours in which material is removed from the site.

Ecology

The proposed development is supported with a Phase 1 Habitat Survey and reports for Great Crested Newts, Reptiles, Otter and Water Voles and Badgers. The Phase 1 Habitat Survey provides no detailed descriptions of the target notes on the map hence making it difficult to determine where the various habitats are on site.

Great Crested Newts (GCN)

The document entitled Proposed Great Crested Newt Mitigation Strategy includes a different site layout to that which is proposed in this application. Whilst that written Mitigation Strategy states that the development will not adversely affect Great Crested Newts the layout proposed

includes a number of measures which are likely to adversely affect the habitat and ponds on the site. The Mitigation Strategy proposes to retain the 2 existing ponds and to create a new one. The original proposed site layout shows one pond entitled "existing pond" with the other pond which is present on the site being denoted as "new pond". A revised site layout has been submitted which now correctly denoted both ponds as existing and provides a new pond within the wildflower meadow which is now denoted as grassland. This is because this area is to accommodate some spoil from the excavations. However the loss of the wildflower meadow and no details of the replacement habitat in terms of Great Crested Newt mitigation causes concern. No details of the construction or treatment of the pond have been submitted to show that it is appropriately formed and planted to create a suitable habitat for Great Crested Newts. There are other adverse impacts on the new habitats which this revised layout does not address. The proposed car parking spaces south of the water body and access to it will result in the significant isolation of the ponds from the surrounding terrestrial habitat. In addition a proportion of the proposed car parking spaces are outside the area that will be fenced and trapped to remove Great Crested Newts prior to work starting and so their construction poses a significant risk of killing or injuring newts.

A communal area is proposed adjacent to the ponds. Whilst the presence of people does not in itself present a risk to newts there is an increased risk of invasive species and fish being introduced into the ponds when breeding ponds are easily accessible to the public. There is also quite a significant amount of tree planting proposed around the ponds. This is not desirable as the increased shade cast by trees around the pond will lead to the ponds becoming less favourable for breeding Great Crested Newts.

The construction of the marina and associated facilities will result in the loss of a substantial area of terrestrial newt habitat in close proximity to the ponds. The Great Crested Newts mitigation proposals suggest that this can be compensated for through the enhancement of the remaining habitat by means of rough grassland creation and tree planting. However this is not adequately detailed. The habitat creation scheme should aim to provide Great Crested Newts with opportunities for shelter, foraging, dispersal and hibernation through the creation of a diverse mosaic of habitats including rough grassland, various densities of scrub/tree planting and hibernacula creation. The area of retained habitat on site appears small and may not be enough to support a population of great crested newts.

Extensive excavations close to the retained ponds may affect the water levels and water table and the impact of the formation of the basin on these two ponds should be fully assessed.

Badgers

No specific details have been submitted detailing the impacts of the proposed development upon badger setts and no specific mitigation is proposed. A more detailed impact assessment and mitigation proposal is required before an informed assessment of the impacts of the proposed development upon badgers can be completed by the Council.

There will be some loss of badger foraging habitat associated with the proposed development. The submitted badger report assesses this as being a minor impact and the inclusion of additional hedgerows and fruiting trees is suggested as a way of mitigating for this impact. This should be developed further in the landscaping scheme.

Bats

No bat survey appears to have been undertaken in support of the application. A detailed assessment is required to assess whether the removal of trees will impact on bats and if so to provide appropriate mitigation prior to the granting of any planning permission.

Biodiversity Action Plan (BAP) Habitats

Two BAP priority Habitats, ponds and hedgerow are present. These habitats are a material consideration and so should be retained and enhanced as part of the proposed development. A hedgerow is to be removed to facilitate the new visibility splay. Details of the specification for the replacement hedgerow are required.

Biodiversity Action Plan BAP Species (Birds)

Two BAP priority bird species have been recorded on site; lapwing and house sparrow. The presence of these species is a material consideration. Habitat for house sparrows can be provided through a good quality native species landscaping scheme and the incorporation of nest boxes (specifically designed for this species) into the proposed buildings on site.

The wet grassland areas of the site have been recorded as providing foraging habitat for lapwing. The lack of detailed descriptions for the target notes marked on the Phase One map makes it difficult to determine where the wet areas of grassland are located. It seems likely they are located at target note 6 and so will be lost to the proposed development. Replacement wetland scrapes should be provided as part of the habitat creation scheme to mitigate for the loss of lapwing habitat.

The Environment Agency requests a condition for the protection of the depressed river mussel. This is also a Biodiversity Action Plan species. The Agency also asks whether a survey for water plantain has been completed. This is also a Biodiversity Action Plan species. It is not known whether these two species are present in the locality and the Agency have been asked to confirm whether they are aware of their presence in the area or whether the request is made purely on the basis that the species are protected because they are Biodiversity Action Plan species.

In conclusion the submission fails to demonstrate that the development will not adversely affect Great Crested Newts, Bats, Badgers and that the proposed planting will provide suitable and appropriate landscapes to enhance the habitats for these species and other Biodiversity habitats and species present on the site. The application should therefore be refused for this reason. No detailed descriptions of target notes are supplied in the Habitat Survey. Insufficient detail is submitted in relation to the proposed landscaping and habitats to be created on the site, the formation of the proposed pond, removal of trees and whether they have potential as habitats for bats, formation of habitats for lapwing, provision of nest boxes, and detailed assessments of the suitability of the mitigation measures proposed to demonstrate that the favourable conservation status of the protected species are maintained where appropriate.

It should be noted that since European Protected Species have been recorded on the site and are likely to be adversely affected by the proposed development. If the development is to be permitted, in addition to agreeing appropriate mitigation/compensation the planning authority must consider the other two of the three tests in respect of the Habitat Regulations, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest if the application is to be approved. Since the report recommends refusal this aspect is not discussed in any further detail.

Landscape

The Planning Statement confirms that the hedgerow on the northern field boundary is to be retained although it is not shown as such on the submitted site layout. A section of hedgerow on the site frontage is shown to be relocated at the rear of visibility splay although to all intents and purposes this is a fenced boundary. The hedgerow which fronts the field to the north where the

visibility splay is to be formed could be relocated if this takes place at the correct time of year. Otherwise a new hedgerow will be required to the whole of the road frontage and the rear of the visibility splays both to the north and south of the access point. The southern end of the site frontage contains gabions which form a retaining wall to the road. It is not clear how the gabions relate in position to the proposed hedgerow on this part of the site. It may be that the hedgerow has to be provided to the rear of the gabions in which case it will not be visible for a number of years and there will in effect need to be a fence or some other mechanism to define the changes in level.

A Tree Survey is submitted with the application. It is not compiled in accordance with BS5837:2005 Trees in Relation to Construction and does not give details of name and qualifications of the surveyor or the date of survey. The location of trees is shown by a cross only and no details of crown spread are shown, although they are depicted on the topographic survey. The proposed development is likely to impact on the water table in the area and this should also be assessed in the tree survey. The survey makes no recommendations in relation to the retained trees although the Planning Statement notes that four trees the Beech near the canal, the Sycamore numbered 18 in the western hedgerow, and the Ash at the northern end of the western hedgerow and the Oak which stands away from the northern hedgerow are to be removed. The site layout then identifies this Oak tree as retained. There are concerns about the Beech and Oak trees adjacent to the junction of the road and canal. Further planting is also proposed in this area and the road is supported by gabions. Neither the tree survey nor the landscaping scheme include any details to show where and how the planting will be provided in the vicinity of the gabions. The Tree Survey makes no reference to the impact of the gabions on these trees.

Amended landscaping plans have been submitted. They do not include details of numbers or density and the exact position of plants which makes it difficult to fully assess the proposal. Large areas of land are denoted for a particular treatment but it is not clear whether that treatment will be across the whole of the area or only part of it. Species are generally more acceptable being largely natives although the use of extensive areas of cotoneaster is questionable. The provision of oak and ash planting around one of the existing ponds will cast shade once plants have matured which is detrimental to the habitat as Great Crested Newt.

The agent has confirmed that grassland will be planted on the area where spoil is to be spread at the south western corner of the site which will be more appropriate than a wild flower meadow as a habitat for Great Crested Newts.

A fence with a gate is proposed around the workshop service yard, to the rear of the facilities building and around part of the car park to fence off the marina and areas to the south of it. This will be a 2.1m high weldmesh fence finished in powder coated green or black. It will extend for 305 m across the site. In this open location the fencing would be very intrusive. The reduction in hardstanding to the boat yard is an improvement however the landscaping to the road frontage narrow to a modest belt at one point and a greater depth of planting would be preferable.

Further comments are awaited from the Council's landscape architect on the amended scheme which will be reported in the Updates. However there are a number of deficiencies in the scheme. Whilst the applicant's supporting statement notes that the development will enhance the landscape at this location from the information submitted to date it is not clear that this

would be so. The layout and landscaping proposed fails to comply with policy BE.2 (Design) of the Borough of Crewe and Nantwich Replacement Local Plan in that it will not “achieve a high standard of design and wherever possible enhance the built environment”. Further the submission fails to provide “good quality hard and soft landscaping as an integral part of the development” also a requirement of the same policy.

Access and Highways

The formation of the new access and its set back to form visibility splays in both directions will result in the removal or relocation of the hedge on the site frontage which extends for a distance of about 100m. A new or relocated hedgerow should be provided at the back of the visibility splays in both directions although this is not shown on the site layout only on the proposed landscaping plans. Part of this hedgerow will certainly need to be new planting and no details of its composition and plant stock are provided. Further the site frontage is formed from gabions and the submitted plans do not demonstrate how the gabions will relate to the visibility splays and whether they will inhibit the views of drivers leaving the site.

Parking

The site includes 80 car parking spaces of which 8 will be disabled parking spaces. The submission demonstrates by reference to existing marinas that a total of 64 spaces would be required at peak periods. This would include parking for people who have gone out on boats, people visiting their boats or the equipment sales, management and a small number of spaces for the public looking around. The café is designed for boaters and walkers only and if the development is permitted a condition will be imposed to ensure that the café is limited to the area shown on the floor plans so that it remains ancillary to the marina and does not become an attraction in its own right.

Additional car parking spaces are located around the sides of the marina and it is considered essential to have some additional spaces around the site in order to prevent people parking on grass and damaging the surface when unloading onto boats. Since the parking assessment is based on experience at existing marinas it is accepted that 80 spaces is appropriate provision for the marina. Cycle parking stands are located at the compound and at two of the parking bays on the south and the west of the marina. No details of the number of spaces or appearance of the cycle shelter are provided.

The views of the Highway Engineer are awaited and will be reported in the Committee Updates.

Sustainable Development Measures

Policy DP2 of the Regional Spatial Strategy seeks to promote sustainable development. The applicant's submission notes that the site is well located in relation to bus and rail services and proposes a bus stop within the site. If the bus service is to call at the site then this would need to be subject to later agreement with the bus companies but that may well depend on demand.

PPG13 recognises that the maximum distance people walk is generally 2km and the maximum distance people cycle is generally 8km. PPS7 states at paragraph 35 that facilities should be provided in appropriate locations where identified needs are not met by existing facilities in the

rural area. It also advises that where new or additional facilities are required these should normally be provided in or close to service centres.

The site is 2.8 km (1.7 miles) from the centre of the village at Wrenbury walking along the towpath which is more than the maximum distance people are usually prepared to walk according to PPG13. Representations note that the towpath is often in a poor condition and this also may deter people. The distance by road is similar although there are no footpaths at the side of the road and it is unlit for most of the way. The site is also 2.4 km (1.5 miles) from Wrenbury Station. The site is not therefore well related to the village and railway station in terms of walkable distances but is within cycling distance.

The site is served by bus service number 72 which links Nantwich and Whitchurch. The service provides five buses from Whitchurch to Nantwich in the work day Mondays to Saturdays inclusive (earliest departure from the site area to Whitchurch about 8.00am) and six buses from Nantwich to Whitchurch (earliest departure about 9.45am). The Wednesday service is slightly different. There is no Sunday service.

The site therefore has limited public transport links. The essential day to day needs of boaters would however be provided on site.

The development includes the provision of low wattage low level lighting around pontoons for health and safety of people walking around the site. Lights will be controlled by PIR or time delay sensors to ensure that lighting is only illuminated when required. Additional lighting will be provided to the buildings for health and safety reasons but not in the form of flood lighting.

The applicant's submission also notes that the provision of the marina itself is sustainable because it encourages people to holiday at home rather than aboard and the provision of moorings off-line helps to reduce potential damage to the canal banks. Moorings will be accessed from timber pontoons sourced locally and certified under the Forestry stewardship scheme but no details of the exact source are provided. Piles supporting the jetties will be formed from recycled galvanised steel road barrier piles. The submission refers to the use of efficient heating systems to meet Part L2 of the Building Regulations. Under floor heating will use air source heat pumps and solar panels on the south side of the facilities building will heat domestic hot water. Recycled crushed brick will be incorporated into the footpaths around the site. The proposal therefore includes measures to develop the site in accordance with the principles of sustainable development.

Waste

Policy 10 of the Cheshire Replacement Waste Local Plan requires that for significant leisure, recreation and tourist development facilities the applicant should submit a waste audit which should include the type and volume of waste generated by the development, steps to ensure the maximum amount of waste from the development process is incorporated within the development and steps to reuse and recycle and the waste which cannot be incorporated in the development.

No such audit is submitted. The original proposal was for all good quality sand excavated from the site to be sent to Sealand Road in Chester to be sold. The proposal has been modified to retain 20% of the excavated material on site (10,300 cubic metres) and remodel it into the open areas around the marina. The submission calculates that 46,171 cubic metres of material will be excavated which will bulk up to 55,406 cubic metres. There is no assessment of how much

material could be accommodated on site and whether this could be increased without detriment to habitats and wildlife or the appearance of the area. It is noted that excavated materials will be spread to a depth of 1.3m but no information is provided to show how this will be graded through the areas where it is to be spread.

There is no information about lorry movements, routes to be used, times of operation and numbers of trips to remove the excavated material from the site. This is required to assess the impact on residential properties.

The removal of material from the site to Chester is not in accordance with the principles of the sustainable management of waste arising from the development and in the absence of any such assessment this is considered to present a reason for refusal.

Policy 11 of the Waste Local Plan requires development to provide facilities for the source separation and storage of different types of waste generated. The site layout includes a service compound but no details of exactly what recycling facilities will be provided within the compound. Since the area for the storage of waste from the operational development is identified on the plan it is considered that if permission is granted a condition should be imposed requiring details of facilities for the storage of recyclable waste and non-recyclable waste to be submitted together with details of the boundary treatment to the service compound.

Drainage

A Flood Risk Assessment is submitted with the application which considers that the marina will reduce the risk of future flooding arising from climate change. The Environment Agency has stated that they have no objections to the Assessment subject to the imposing of conditions for ecological measures. A representation from a local resident who is a qualified flood risk engineer considers the submission unacceptable and notes that it fails to satisfy the requirements of PPS25 on 7 out of the 11 requirements. The Environment Agency has been asked to comment further on this representation. They explain that their response is based on the risk of flooding to the proposed development and the surrounding area. It is a risk-based approach. Annex E (paragraph E3) of Planning Policy Statement 25: Development and Flood Risk provides the minimum requirements for flood risk assessments. The first bullet point is that the flood risk assessment should "be proportionate to the risk and appropriate to the scale, nature and location of the development".

The site is shown on Flood Maps as being within Flood Zone 1, which is a low probability of flooding from a watercourse and not shown to be in an area that is susceptible to surface water flooding.

The proposed marina is water compatible, it involves a relatively minor increase in impermeable area and is unlikely to significantly increase surface water run-off into the canal. It is understood that the canal has an overflow that discharges into the River Weaver downstream of Wrenbury. The site is farmland with the nearest buildings on the opposite side of the canal.

The Environment Agency consider that the submitted flood risk assessment, contained sufficient information to satisfy the Agency that flood risk would not be a concern for this proposed development. In view of these comments from the Environment Agency and

particularly the need for the flood risk assessment to be proportionate to the risk and appropriate to the scale, nature and location of the development.

United Utilities have asked for additional information in relation to foul drainage and have advised the agent that there is no public sewer available to serve the development. It is now proposed that the foul drainage will be taken to a private sewage plant located near the facilities building. This will drain to a holding tank and soakaway will be provided underground in the area adjacent to the car park. The holding tank will also serve the pump out for the boats adjacent to the canal. The views of the United Utilities on these amended proposals are awaited.

The surfacing materials will allow for some permeable surfaces. However the main access to the car park which will also be used by a bus if a bus stop is provided in the site and hardstanding to the workshop will be tarmac and concrete respectively. Drainage from the workshop hardstanding would need to pass through oil interceptors prior to entering the water system.

11. CONCLUSIONS

It is considered that the submission fails to justify the need for a further marina at this location, which is close to Swanley marina. In the absence of specific figures to demonstrate need it is considered that the provision of a further marina fails to take account of policies to restrict development in the open countryside.

The proposed ecological mitigation in the written submission does not relate to the site layout proposed. Further the presence of the access road and parking between the existing ponds which are retained and the proposed grass land to the south will not provide adequate mitigation to account for the fact that Great Crested Newts have been recorded as present on the site. The submission fails to demonstrate that the favourable conservation status of protected species will not be adversely affected by the development. It also fails to take reasonable steps to ensure appropriate measures for Biodiversity Action Plan species and habitats.

No waste audit is submitted with the application to assess whether more excavated material could be retained on site without adversely affecting ecological and landscape mitigation for the development.

The proposal does not demonstrate that the egress from the site will provide appropriate visibility particularly bearing in mind the presence of gabions close to the site frontage. Further the submission does not explain how the hedgerow at the back of the visibility splay will be provided in the area of the gabions.

The submission does not provide an adequate layout and landscaping within the site. The layout of the buildings and services gives excessive prominence to the services compound, substation and bus stop whilst the facilities building is located further into the development site. The fencing extending across the site would be detrimental to the character and appearance of the marina and the landscaping details are not sufficient to allow the Council to fully assess the impact of the development and ensure a development which achieves a high standard of design.

The application is therefore recommended for refusal.

12. RECOMMENDATIONS

The application is recommended for refusal as detailed below. However a number of aspects of the development are still under negotiation and consultation and these reasons may be changed in whole or in part subject to the conclusion of this process.

REFUSE

1. The submission fails to justify the provision of a marina at this specific location by reference to the need for additional off-line berths on this stretch of the Llangollen Canal, particularly bearing in mind the number of berths allowed under recent planning permissions for new marinas at Swanley, Church Minshull, Tattenhall and Audlem in the last five years. To allow the development, without a demonstration of need would be detrimental to the rural character and appearance of the open countryside and contrary to policies which seek to protect the countryside from encroachment and to limit development in the rural areas. In particular the development would be contrary to policy RDF2 (Rural Areas) of the North West of England Plan Regional Spatial Strategy to 2021 and policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

2. The proposed layout and supporting information fails to demonstrate that the development will not have any adverse effects on Great Crested Newts, Badgers, Bats and Biodiversity Action Plan species (depressed river mussel, house sparrow and lapwing) and habitats (hedgerows and ponds). No detailed descriptions of target notes are supplied in the Habitat Survey. Insufficient detail is submitted in relation to the proposed landscaping and habitats to be created on the site to demonstrate that the favourable conservation status of the protected species are maintained. To allow the development would be contrary to policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species) and NE.11 (River and Canal Corridors) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and government guidance in PPS9: Biodiversity and Geological Conservation.

3. The proposal to remove 80% of excavated material from the site to Chester is not in accordance with the principles of the sustainable management of waste arising from the development. No detailed assessment has been submitted to justify the removal of this material and to ascertain whether more could be retained on the site without adversely impacting on the landscape, habitats and biodiversity of the site. To allow the development would be contrary to policy 10 (Minimising Waste during Construction and Development) of the Cheshire Replacement Waste Local Plan.

4. The submission fails to demonstrate that the existing gabions on the road frontage will not adversely impact on the visibility of drivers leaving the site. In addition large scale drawings/ sections and details of levels are required to show how the hedgerow fronting the site will be provided so that it is located at the rear of the visibility splay in a manner and at a level which provides effective visual boundary treatment bearing in mind the presence of the gabions. In the absence of this information the application fails to demonstrate that safe egress can be achieved and that the site frontage can be adequately planted in the interests of the appearance of the locality in the rural area. To allow the development would be detrimental to highway safety and contrary to policies BE.2 (Design), BE.3 (Access and Parking) and RT.6 (Recreational Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

5. The layout of the proposed marina with the service compound, substation and bus stop being more prominent on entering the site and the presence of 2.1m high fencing extending across the site would be detrimental to the appearance of the marina in the rural area. Further insufficient information is submitted in relation to the proposed

landscaping of the site to adequately demonstrate that the planting will enhance the layout and appearance of the site. The proposal therefore fails to achieve a high standard of design, enhance the built environment and to provide good quality hard and soft landscaping as an integral part of the development. To allow the development would be contrary to policies BE.2 (Design), RT.6 (Recreational Uses in the Open Countryside) and RT.8 (Promotion of Canals and Waterways) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

6. The Tree Survey is not compiled in accordance with BS 5837: 2005 Trees in relation to Construction and does not explain the impacts of the proposed development on existing trees on the site. To allow the development would not be in the interest of enhancing the landscape and nature conservation and would be contrary to policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.



