

Application No: 24/4617/FUL

Location: Church Minshull Aqueduct Marina Nantwich Road, Church Minshull, Nantwich, Cheshire East, CW5 6DX

Proposal: Change of use of agricultural land and erection of up to 29 holiday lodges and 1 x managers cabin along with the creation of four ponds, internal access roads, associated parking, drainage, landscaping and ancillary storage.

Applicant: (Church Minshull Aqueduct Marina Ltd)

Expiry Date: 29-Jan-2025

1. REASON FOR REFERRAL

The application site area exceeds 2 hectares (site area totals 2.97 hectares)

2. DESCRIPTION OF SITE AND CONTEXT

This application relates to an existing marina business with some ancillary storage, separate commercial uses, caravan site and café

The proposed site area totals 2.97 hectares.

To the north is the canal with open countryside in all directions and some residential properties further to the west and River weaver further the east.

The application site is fairly flat itself, but land levels drops to the canal.

Site accessed from Nantwich Road.

The site is designated as being within the Open Countryside as per the Local Plan

3. DESCRIPTION OF PROPSAL

Full planning for the change of use of agricultural land and erection of up to 29 holiday lodges, a managers cabin along with the creation of four ponds, internal access roads, associated parking, drainage, landscaping and ancillary storage.

4. RELEVANT PLANNING HISTORY

Various applications for commercial/industrial use:

Demolition of former agricultural building and construction of marina facilities building -Approved March 2008 (LPA ref. P08/0029)

Erection of new paint workshop and boat maintenance building; Extension of approved boat storage and car parking areas; Retention of long stay/overflow car parking area and Gantry Crane; Demolition of Existing Agricultural shed; Removal of unauthorised agricultural machinery hire yard, 11 storage containers and 2 porta cabins – Approved April 2011 (LPA ref. 10/4666N)

Extension to existing boat storage area including caravan and camper van area. Regularisation of existing car park extension – Approved 8 April 2013 (LPA ref. 12/4718N)

Variation of condition 12 on approved 10/4666N. Erection of new paint workshop and boat maintenance building. Extension to approved boat storage and car parking areas, etc. – Approved August 2015 (LPA ref. 15/2569N)

5. NATIONAL PLANNING POLICY

The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

6. DEVELOPMENT PLAN POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

Policies of the Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Hierarchy

PG6 Open Countryside

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodlands

SE6 Green Infrastructure

SE9 Energy Efficient Development

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood Risk and Water Management

EG1 Economic Prosperity

EG2 Rural Economy

EG4 – Tourism

IN1 Infrastructure

CO1 Sustainable Travel and Transport

CO4 Travel Plans and Transport Assessments

Appendix C Parking Standards
CO 2 Enabling Business Growth Through Transport Infrastructure
Appendix C Parking Standards
SC1 – Leisure and Recreation
SC2 – Indoor and Outdoor Sports facilities
SC3 – Health and Well-being

Policies of the Site Allocations and Development Policies Document (SADPD)

PG9 Settlement Boundaries
GEN 1 Design Principles
ENV1 & 2 Ecological
ENV5 Landscaping
ENV6 Trees, Hedgerows and Woodlands
ENV12 Air Quality
ENV14 Light Pollution
ENV15 New Development and Existing Uses
ENV16 Surface Water Management and Flood Risk
HOU8 Backland Development
HOU12 Amenity
INF3 Highways Safety and Access
RUR5 Agricultural Land
RUR6 Outdoor sport, leisure and recreation outside of settlement boundaries
RUR8 Visitor accommodation outside of settlement boundaries
RUR9 Caravan and camping sites
RUR10 Employment Development in the Open Countryside
REC 5 Community Facilities
HER8 Archaeology

6.1. Neighbourhood Plan

Church Minshull Neighbourhood Plan (CMNP)

CDH1 – CHARACTER AND DESIGN
ENV2 – TREES AND HEDGEROWS
ECON1 – LOCAL ECONOMY
ECON2 – TOURISM
ECON3 – COMMUNITY FACILITIES

7. **Relevant supplementary planning documents or guidance**

Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

- Biodiversity Net Gain SPD
- Environmental Protection SPD

8. CONSULTATIONS (External to Planning)

CEC Environmental Protection: No objections subject to conditions/informative regarding working hours for construction, travel information pack, contaminated land, electric vehicle charging points & dust

CEC Highways: No objection subject to condition requiring cycle parking provision

CEC Local Lead Flood Authority (LLFA): No objection in principle subject to condition requiring a revised surface water drainage scheme which confirms the final outfall location for the surface water generated by the development. Hydraulic modelling of surface water must be provided for all aspects of the scheme within the ownership of the applicant.

Canal and Rivers Trust: No objection in principle but require further information regarding surface water and treated effluent route. Also require conditions requiring a Construction Management Plan to protect the listed bridge during construction, landscaping scheme to reinforce boundary with canal and a land stability condition.

CEC Economy Manager: No objection

Environment Agency: No comments received at the time of writing the report

United Utilities: No comments received at the time of writing the report

Natural England – Standing advice

Church Minshull Parish Council: No objection

9. REPRESENTATIONS

X1 letter of support given economic benefits and job creation

X1 letter of objection from the Inland Waterways Association advising of harm to setting of the canal and need for greater landscaping

10. OFFICER APPRAISAL

Principle of the development

The site is located within the open countryside where policy PG 6 sets out, that only development which is essential for agriculture, forestry, outdoor recreation, public infrastructure, essential works undertakers, or for other uses appropriate to a rural area will be permitted.

The proposal seeks holiday lodges at the existing marina and is therefore clearly aimed at supporting outdoor recreation.

Need Assessment by the applicant

In terms of whether or not the need is essential, the applicant has provided a Market Demand and Economic Impact Assessment. This advises that the location of the site is fairly unique in that there are numerous major cities and populations within a short drive as a catchment area for holiday makers.

The latest STEAM (Scarborough Tourism Economic Activity Measure) data shows that less than 0.5% of visitors to the Cheshire East region stay overnight in self-catering accommodation although 11% stay in other accommodation such as hotels and B&B's. The competitor analysis conducted also highlights that there is a shortage of supply of high-quality self-catering accommodation that match the facilities offered in this proposal and this would add a significant provider within the region.

In addition, the proposal has been validated and supported by Hoseasons, an established UK market leader providing marketing and sales support to national and independent holiday providers. They have visited the site and their support of this is overwhelming as they recognise there is a shortage of supply for such accommodation.

As well as the tourism benefits, this also provides an ongoing estimated economic impact of £2.5m into the local economy per annum. The build of this development also provides an additional £2.4m locally and £2.4m nationally into the supply chain. This is detailed within the economic impact section of this report. There is the additional benefit of taxation to local and central government of approximately £0.48m per annum.

Need assessment from the Council's Economy Manager

The Council's Economy Manager has also been consulted who supports the proposal advising that post COVID 19 he is seeing those semi-rural locations such as Cheshire East becoming the staycation favourites due to the space that is available and the high-quality leisure and hospitality provision. This development will be able to capitalise on this trend thus ensuring Cheshire East is at the forefront of the recovery.

Cheshire East needs to increase its numbers and profile in the 'outdoor' accommodation arena. Consumers are looking for outdoor rural breaks rather than city centre breaks and this is anticipated to continue. Cheshire is perfectly positioned to take advantage of the staycation trend. These visitors will assist the economy of the rural area and potentially link it with the many and varied walking and cycling trails in Cheshire East.

Working with Cheshire's Local Visitor Economy Partnership (LVEP) Marketing Cheshire, Cheshire East Council is promoting the region as a short breaks' destination as well as a location for business tourism, activity related tourism, food tourism and weddings. The Cheshire East Visitor Economy Strategy (2023-2028) articulates strategic themes that help to guide the identification of priorities in seeking to maximise the contribution of the visitor economy, including investment in quality attractions and accommodation provision. It also identifies new and emerging priorities such as the continued growth in self-catering, glamping, camping and caravanning accommodation sectors.

There are two key priorities related to this proposed development that are set out within the Cheshire East Council Visitor Economy Strategy (2023-2028) and are relevant to this proposal.

- To encourage investment that helps to realise the potential of new or emerging markets that are relevant to Cheshire East, subject to Cheshire East Council Planning Policies.

- To define staycation propositions in Cheshire East more closely related to the target markets and to identify gaps and opportunities in the product that would further increase the attractiveness of Cheshire East as a destination.

Within Cheshire East, the number of Glamping sites is approximately 15-20 sites.

Cheshire East aspires to attract more high spending 'Cosmopolitans,' and to meet their high standards and expectations, we need to improve the quality and choice of accommodation and attractions.

Marketing Cheshire state that the addition of this premium accommodation to the Cheshire Visitor Economy, will bring economic benefits to Cheshire East and support efforts to raise the profile and appeal of the area as a visitor destination.

The Destination Management Plan's (DMP's) Vision is that by 2029 Cheshire will be nationally recognised as an aspirational destination, where visitors can be assured of premium but accessible experiences built on unique heritage, a modern and sustainable approach, cultural facilities, quality businesses, a warm welcome, and its outdoor offer.

The addition of these lodges to the Cheshire East offer, would support the vision, aims and priorities as set out in the DMP.

Therefore it is considered that it has been demonstrated that the proposal is essential for outdoor recreation as it meets an identified need and the proposal is acceptable in principle within the Open Countryside and thus PG6 of the CELPS.

Key Issues

The issue in question is whether there is other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the land use support.

Rural Economy/Employment/Health and Wellbeing/Community Facilities/Outdoor Recreation

Policy EG2 (Rural Economy) states that outside the Principal Towns, Key Services Centres and Local Service Centres proposals that, provide opportunities for local rural employment development that supports the vitality of rural settlements; create or extend rural based tourist attractions, visitor facilities and recreational uses (amongst other things), will be supported where the development;

- Meets sustainable development objectives as set out in policies MP1, SD 1 and SD 2;
- Supports the rural economy, and could not reasonably be expected to locate within a designated centre by reason of their products sold;
- Would not undermine the delivery of strategic employment allocations;
- Is supported by adequate infrastructure;
- Is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity;
- Is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form;

Policy EG4 Tourism supports the enhancement and expansion of existing visitor attractions and tourist accommodation, and the provision of new visitor and tourism facilities, in sustainable and appropriate locations;

Proposals for tourist development outside the Principal Towns and Key Service Centres will be supported where:

Either

- a. They are located within a Local Service Centre; or
- b. They are located within an existing or replacement building; or
- c. There is evidence that the facilities are required in conjunction with a particular countryside attraction;

And:

- a. The scale, design and use of the proposal is compatible with its wider landscape or townscape setting and would not detract from the character or appearance of the area; and
- b. It would not be detrimental to the amenities of residential areas; and
- c. The proposals are served by adequate access and infrastructure; and
- d. The site has access to local services and employment

Policy SC1 Leisure and Recreation states that in order to provide appropriate leisure and recreational facilities for communities of Cheshire East, will:

(3) support proposals for facilities that would not be appropriate to the located in or adjacent to centres, provided they are highly accessible by a choice of transport, do not harm the character, amenity, or biodiversity value of the area, and satisfy the following criteria;

- (i) The proposal is a facility that;
 - a. Supports a business use,
 - b. Is appropriate in an employment area; or
 - c. Supports an outdoor sports facility, education or related community/visitor facility;
or
 - d. Supports the visitor economy and is based on local cultural or existing visitor attractions.

Policy SC3 seeks to ensure new developments provide opportunities for healthy living and improve health and well-being including access to sports facilities and opportunity for recreation

Policy RUR6 advises that proposals for outdoor sport, leisure and recreation in the open countryside will be permitted provided they accord with other policies in the development plan and:

- it can be demonstrated that a countryside location is necessary for the proposal;
- ii. the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;
- iii. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the operation of the site; are well-related to each other and existing buildings and do not form scattered development or development isolated from the main sports, leisure or recreation use of the site;
- iv. the proposal does not unacceptably affect the amenity and character of the surrounding area or landscape either on its own or cumulatively with other developments; and

v. appropriate landscaping and screening is provided.

Policy RUR10 also supports rural employment if the countryside location is justified and complies with points referenced in Policy RUR6.

Policy RE5 advises that Proposals for new community facilities will be supported where they are in accordance with policies in the development plan.

ECON1 of the CHNP supports the expansion of existing thriving businesses.

ECON2 of the CHNP advises that improvements to services and facilities associated with tourist attractions will be supported, particularly those centred around the Shropshire Union Canal.

Para 88 of the NPPF supports the sustainable growth and expansion of all Types of business in rural areas and sustainable rural tourism and leisure developments which respect the character of the countryside.

Expansion of the existing Marina

The application site forms part of the wider Aqueduct Marina and Caravan Park, which is on the Middlewich Branch of the Shropshire Union Canal.

Following the ongoing investment into the Marina business and the growing demand for its services as a leading high quality inland marina, the business is now at a point where it is looking to extend their facilities to cater to this demand so that it can remain viable and competitive within the tourist market as a key driver to local economic growth.

To this end the proposal is clearly aimed at the expansion/diversification of the existing business and would also support the visitor economy.

The location is somewhat isolated from public transport and services. However it is clearly linked to support the existing marina which has been deemed an acceptable rural use in this location. The link with the marina also means this open countryside location is justified given the reliance on the proximity to the canal and thus could not be located at a non open countryside location. The attraction itself is clearly the canal/towpaths opportunities for barges, walking and cycling.

The proposed buildings are all single storey buildings and will benefit from existing and proposed screening thus will not cause significant harm to the appearance of the area. Its also not uncommon to find such accommodation within the open countryside.

The proposal also makes best use of existing infrastructure as would utilise the road access of the existing marina and internal roadways within the site. It will also likely involve use of the existing café on site.

Therefore, the proposal complies with Policies EG2, EG4, SC1, SC3 of the CELPS, RUR6, RUR10 of the SADPD and RE5, ECON1 & ECON2 of the CMNP.

Landscape

The application site does not sit within any designated landscape.

It will have some impact on the landscape as it seeks to develop a site that is currently free of built form. However the buildings on the site will be low level and single-storey buildings (max height 3.6m), so will be low key and will benefit from screening from the wider setting by the existing and proposed planting.

The proposals may be visible at glimpses from the canal, however this is likely to be minimal given the single-storey heights. It is also not unexpected to see these kind of buildings/uses in rural areas.

The Council's Landscape Officer initially advised that he had no objection to the principle of the development however required greater trees on site, some minor layout revisions and greater planting to the boundary facing the canal. This was provided in revised plans and therefore he now raises no objection subject to a 5 year woodland management plan condition.

Therefore it appears that the proposal can be accommodated without any significant landscape harm and complies with Policy SE4 of the CELPS and ENV5 of the SADPD.

Highways

Policy INF3 advises proposal should comply with the relevant Highway Authority's and other highway design guidance and provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles.

Site description and current application proposal

The existing marina business offers mooring, maintenance and chandlery services, includes 150 berths, a 14-pitch caravan site, boat repair workshops, storage space/pitches for boats and caravans, a chandlery, boat sales agency and a café.

The proposal would be an extension of the existing site and would include a 29-unit holiday lodge development at the existing Marina business and would utilise the exiting access to the public highway which is the B5074.

Access

Access to the site is via a large established access which has sufficient width to cater for the existing and proposed developments, and the junction has operated safely without incident over the previous 5 years. Speed surveys have been carried out and indicate a design speed of 50mph, and visibility splays of around 140m to the north are available and 160m to the south, and considered acceptable.

The site is located in a rural area and due to the nature of it will be a car dominated one with limited opportunity for walking.

Network Capacity

The development would generate around a dozen vehicle trips during the busiest peak hour which is considered to be a negligible impact with the local road network capable of accommodating.

Parking

There is at least one parking space for each unit plus additional for informal parking within the site if need be. It is not clear if any cycle parking is being provided and this should be secured through a condition.

Conclusion

The Council's Highways Engineer raises no objection advising that the proposal will have a minimal highways impact and use of the existing access to the highway is acceptable subject to condition regarding cycle parking provision.

Therefore the proposal can be accommodated without any service highway impacts and complies with Policies C01 of the CELPS and INF3 of the SADPD.

Design

Policy SD1 states that wherever possible development should 'provide a locally distinct, high quality, sustainable, well designed and durable environment'.

Policy SD2 states that all development will be expected to contribute positively an area's character and identity, creating or reinforcing local distinctiveness in terms of;

- Height, scale, form and grouping
- Choice of materials
- External design features
- Massing of the development (the balance between built form and green/public spaces)
- Green infrastructure; and
- Relationship to neighbouring properties, street scene and the wider neighbourhood

SE1 requires proposal to Ensure design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements;

GEN1 requires proposal to create high quality, beautiful and sustainable buildings and places, avoiding the imposition of standardised and/or generic design solutions where they do not establish and/or maintain a strong sense of quality and place

The proposal involves the erection of up to 29 holiday lodges and 1 x managers cabin along with the creation of four ponds, internal access roads, associated parking, drainage, landscaping and ancillary storage.

The lodges and managers cabin will measure 6m wide by 14m length and 3.6m high to the eaves and will measure the size of a caravan as permitted under the Caravan Act.

The single storey nature of the proposal (lodges/cabin) means that they will not be overly prominent when viewed from the wider setting. The site also benefits from boundary planting and with further planting proposed which will soften and potentially screen them from the wider setting. Concerns were raised from the Inland Waterways Association that the lodges would be visible from the canal. As a result additional planting has been proposed to infill gaps in the existing hedge. Given the proposed planting and the single storey nature it is unlikely that they would be visible from the canal and where seen would be just a small section of roof above existing planting. It is also not uncommon to see such buildings/uses in the open countryside. Therefore

impact on views from the canal would be limited and would not cause significant visual impact.

The information provided shows the lodges finished with timber cladding walls and tiled roofs, thus would not be out of keeping in the rural environment. Details of facing materials can be secured by condition.

The proposal sees the lodges sited around the 4 ponds to also be created and the internal road way would be from asphalt. Given the year round nature of the use this appears to be appropriate.

Therefore it is considered that the proposal could be accommodated without causing significant harm to the character/appearance of the area and complies with Policies SD1, SD2, SE1 CELPS & GEN1 SADPD.

Impact to the canal infrastructure

The Shropshire Union Canal is located to the north of the site.

As a result the Canal and Rivers Trust (CRT) have been consulted. CRT have no objection in principle but require further information regarding surface water and treated effluent route. This has been requested and further comments will be provided in the update report.

CRT also require conditions requiring a Construction Management Plan to protect the listed bridge outside the site from construction vehicles. They also require a landscaping scheme to reinforce boundary with canal and a land and stability condition given the proximity of the lodges to the canal cutting. Both can be secured by condition.

Amenity

Policy HOU 12 (Amenity) of the SADPD, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, the overbearing and dominating effect of new buildings, environmental disturbance or pollution and traffic generation access and parking.

The nearest properties are located over 230m away to the west. This distance along with intervening buildings and planting means that the proposal would not result in any significant harm to living conditions. It is not expected that the use would result in any further noise/disturbance than that associated with the existing marina use.

Therefore it is considered that the proposals could be accommodated without causing significant harm to living conditions of neighbouring properties, and complies with SADPD Policy HOU12.

Air Quality

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

The impact upon air quality could be mitigated with the imposition of an informative to require the provision of electric vehicle charging points.

Contaminated Land

Environmental Protection have considered the site and suggested a condition to address any unexpected contamination.

Trees

No trees on site are covered by preservation area. A limited number of trees will be removed from the eastern boundary however these are not considered to be specimens worth of protection. The proposal involves the planting of new trees including several oak trees which would more than compensate for their loss.

The lodges and road would also be sited clear of all other existing trees.

The Council's Forestry Officer has also been consulted who raises no objection.

As a result it is considered that the proposal would not result in any loss of existing trees and complies with Policy SE5 CELPS & ENV6 SADPD.

Flood Risk

Policy SE13 CELPS advises developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation,

Policy ENV16 SADPD advises it should be demonstrated how surface water runoff can be appropriately managed.

The site is located in flood zone 1. This means it has a low probability of flooding from rivers and the sea. The site area is above 1 hectare therefore a Flood Risk Assessment (FRA) is required and has been provided.

This concludes that with flooding from all existing sources being classed as very low and the implementation of localised flood mitigation measures within the proposed levels and drainage design it is therefore deemed that the proposed development will not have a material impact on the hydrology of the existing land and that all foreseeable sources and receptors of flood risk as a result of the development have been considered

The Council's Flood Risk Team have been consulted who raise no objection subject to condition requiring a revised surface water drainage scheme which confirms the final outfall location for the surface water generated by the development. Hydraulic modelling of surface water must be provided for all aspects of the scheme within the ownership of the applicant.

The Canal and Rivers have both been consulted and have requested further information regarding discharge of surface water. This has been requested and further comments will be provided in the update report.

United Utilities and the Environment Agency have also been consulted however no comments have been received at the time of writing the report.

As such it is not yet possible to conclude the flood risk/drainage impacts.

Ecology

Mandatory Biodiversity Net Gain (BNG)

This application is subject to mandatory Biodiversity Net gain.

The submitted Ecology and BNG report advises that the proposed development would result in a net gain of 10.03% for area-based habitats and 10.73% for hedgerows.

The delivery of this net gain is dependent upon additional tree planting outside of the red line of the application. The agent has confirmed that this is within the applicants ownership. The applicant is reminded that off-site habitat creation must be registered and allocated on the national BNG registry prior to the discharge of the deemed Biodiversity Gain Condition.

The proposed development would result in the loss of some medium distinctiveness habitat but achieves the required net gain broadly in accordance with the Biodiversity Gains Hierarchy.

The Council's Ecologist advises that the proposed on-site habitat creation should be considered to be significant and so must be secured for a minimum of thirty years. This can be secured by condition.

If planning consent is granted the Councils Ecologist suggests the BNG informative below must be added to the decision notice.

Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zone relating to developments which discharge more than 20m³ /day. If this applies to this development Natural England must be consulted to advise on potential impacts upon statutory designated sites. In this case Natural England have provided standing advise with the assessment left to the LPA.

There are three SSSI located within 10km of the application site. These are:

Sandbach Flashes SSSI - 5.39km from the application site.

Wimboldsley Wood SSSI - 5.6km from the application site.

Wettenhall and Darnhill Wood SSSI - 4km from the application site.

Considering the scale and nature of the proposed development no consideration is required in respect of designated sites located further than 10 km from the application site.

The application site does fall within a SSSI impact risk zone. Therefore further consideration of the potential effects of the discharge of surface and foul water from the development is therefore required.

The surface water drainage scheme for the development will discharge into either the Shropshire Union Canal or the River Weaver. Surface water discharge will be attenuated by means of 4 SUDS ponds to be provided on site. There is not anticipated to be significant contamination of the Canal or River Weaver as a result of the discharge of surface water from the proposed development and the SUDS scheme will ensure that existing run off rates are maintained.

There are no water courses providing a direct link between the application site and three SSSI being considered. The Shropshire Union Canal, on which the marina is situated and to which surface water might potentially be discharged, does pass adjacent to the Wimboldsley Wood SSSI, but there are not anticipated to be any direct hydrological links between the canal and this SSSI. The maintenance of existing run off rates and the absence of any potential significant contamination would ensure that no effects occur in any event.

Foul water will be disposed of by means of a package treatment plan. Considering the distance of the proposed development from the identified SSSI (4km) minimum and the lack of any water courses directly linking the application site to the SSSI, no impacts as a result of the disposal of foul water are likely.

In conclusion the proposed development is unlikely to result in a significant effect upon statutory designated sites and no further action is required.

Ecological Network

The application site is located with a Restoration Area of the CEC Ecological Network. SADPD Policy ENV1 therefore applies to the determination of this application. Whether the development delivers an overall gain for biodiversity can be established through the BNG metric discussed above.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the development in accordance with Local Plan Policy ENV1 and SE 3.

The Council Ecologist therefore recommends that the applicant submits an ecological enhancement strategy which can be secured by condition.

Great Crested Newts

The submitted Ecological Assessment advises that there are no ponds within 250m of the proposed development. Two ponds are however shown on the OS plan. The applicant has however confirmed that these ponds have been dry for some time.

Nesting Birds

If planning consent is granted the Councils Ecologist suggests a condition be imposed to protect nesting birds.

Lighting

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development The Councils Ecologist recommends that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

As such the proposal can be accommodated without significant ecological impacts and complies with Policy SE3 of the CELPS, ENV1, ENV2 of the SADPD.

11. PLANNING BALANCE/CONCLUSION

Land use principle

The site is located within the open countryside where policy PG 6 sets out, that only development which is essential for agriculture, forestry, outdoor recreation, public infrastructure, essential works undertakers, or for other uses appropriate to a rural area will be permitted.

The proposal seeks the creation of holiday lodges and it has been demonstrated to be an essential facility for outdoor recreation in association with the existing marina and thus is considered to comply with this policy.

Benefits

The proposal seeks to provide a new rural enterprise with links to the existing marina, would provide some economic benefit to the rural economy, would provide some rural employment from the use and from the construction period, would provide potential for linked trips to the existing café on site, would provide health and well-being, and would assist in meeting a Local and National need for this kind of sporting facility in compliance Policies EG2, SC1, SC2, SC3 of the CELPS and RUR6, RUR10 of the SADPD.

Negatives

The proposal is isolated and fails a number of criteria relating to locational sustainability. However it is clearly linked to support the existing marina which has been deemed an acceptable rural use in this location. Nevertheless in part the proposals conflict with Policies SD1, SD2, EG2, SC2 of the CELPS and RUR6 of the SADPD.

Neutral

The development will not have a detrimental impact upon residential amenity including contaminated land and would comply with Policies HOU12 SADPD.

The development would not have significant drainage/flood risk implications and would be comply with SE13 of the CELPS and ENV16 SADPD.

No harm to existing trees and accords with Policies SE5 of the CELPS & ENV6 SADPD.

Would not result in any severe highway safety impacts and complies Policies C01 of the CELPS and INF3 of the SADPD.

No significant ecological impacts and complies with Policies SE3 CELPS & ENV1, ENV2 of the SADPD.

The development is considered to be acceptable in design terms. As a result the proposal would accord with CELPS policy SE1 CELPS, GEN1 SADPD and the NPPF in relation to design quality and the requirements of the CEC Design Guide.

Conclusion

In conclusion the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies within the NPPF. Therefore the benefits are considered to outweigh the disbenefits and there are no material considerations in this case that indicate that planning permission should be refused.

The application is recommended for approval.

12. RECOMMENDATION

APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1 3 year time limit**
- 2 Development in accordance with the approved plans**
- 3 Details of proposed materials/final external appearance of the lodges**
- 4 Landscaping scheme to reinforce boundary with canal and protect existing trees**
- 5 Construction Management Plan**
- 6 Scheme to safeguarding the canal and canal cutting**
- 7 Landscaping implementation**
- 8 Biodiversity enhancement**
- 9 A habitat creation method statement and a 30 year habitat management plan for the newly created habitats on site**
- 10 Nesting birds survey**
- 11 Wildlife sensitive lighting**
- 12 Contaminated land – Soil Importation**
- 13 Contaminated land – Unexpected Contamination**
- 14 Covered cycle parking area**
- 15 Occupancy restriction**
- 16 Log of users**
- 17 5 year woodland management plan**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

