

Application No: 13/5284N

Location: OVERWATER MARINA, COOLE LANE, NEWHALL, CHESHIRE, CW5 8AY

Proposal: Variation of condition 10 (workshop repairs, servicing, cleaning/painting of hulls and maintenance) & condition 11 (hire boats) on 13/0673N

Applicant: Mrs Janet Maughan

Expiry Date: 14-Mar-2014

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- **Impact of varying conditions 10 and 11 on planning approval 13/0673N relating to the use of the workshop and the hiring of canal boats.**

REASON FOR REPORT

This application has been referred to the Southern Planning Committee in accordance with the Council's Scheme of Delegation as the proposal relates to the variation of two conditions attached to planning permission approved under 13/0673N which was approved by the Committee.

DESCRIPTION OF SITE AND CONTEXT

The marina is located on the east side of Coole Lane but west of the Shropshire Union Canal. The access is located north of the barn conversion known as Sandown Reach and south of the dwelling known as the Beeches.

DETAILS OF PROPOSAL

This application seeks to vary conditions 10 and 11 attached to permission 13/0673/N (conditions 29 and 30 carried over from P08/1239) which read as follows:

10) – All workshop repairs, servicing, cleaning/painting of hulls and maintenance shall take place inside the building with the doors closed. No repairs, servicing, cleaning/painting of hulls and maintenance of boats which take place away from the normal mooring position shall take place in the open air.

Reason: To comply with the submitted Noise Assessment and ensure that work on boats which take place at the workshop (other than day to day repairs/ servicing/ maintenance

completed by the boat owner at the normal mooring position) does actually take place in the building and not in the open air. In the interests of residential amenities. In accordance with policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

11) - Notwithstanding the submitted application there shall be no hire boats available from the marina without the prior submission and approval of a separate planning application.

Reason: The application submitted and the Transport Assessment/ Information submitted did not include any consideration of the issues arising, particularly the additional traffic which might be generated and impact on residential amenities, by use of the site for the hiring of boats. To enable the Local Planning Authority to exercise control over development in the interests of the number of vehicles generated by the site, parking and highway safety. In accordance with policies BE.1 (Amenity), BE.3 (Access and Parking) and TRAN.9 (Car Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

This application proposes to vary condition 10 to allow pressure washing of canal barges, hull painting and light engineering to be carried out on the existing hardstanding outside of the workshop.

The variation of condition 11 is also sought to allow the operation of hire boats from the marina.

RELEVANT HISTORY

13/0673N – Variation of condition 22 of permission P08/1239 relating to the use of the cafe – Approved with conditions 2013

11/1223N - Footbridge over Marina Entrance – Approved with conditions 12th July 2011

09/2831N - Variation of Condition 9 of Planning Approval P08/1239 for Construction of Inland Waterways including Marina Facilities Building, Workshop, Footbridge, Associated Footpaths, Landscaping and Car Parking – Refused 19/10/2009

09/2957N - H frame pole mounted substation transformer and switch house – Approved with conditions 20th November 2009

P08/1239 - Construction of Inland Waterways including Marina Facilities Building, Workshop, Footbridge, Associated Footpaths, Landscaping and Car Parking - approved 21st January 2009.

POLICIES

Crewe & Nantwich Borough Council Local Plan Policy

NE.2 (Open Countryside)

NE.11 (River and Canal Corridors)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage Utilities and Resources)

RT.6 (Recreational Uses in the Open Countryside)

RT.8 (Promotion of Canals and Waterways)

National Planning Policy Framework

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

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

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East

Policy SD 2 Sustainable Development Principles

Policy SE 1 Design

Policy PG.5 – Open Countryside

CONSIDERATIONS (External to Planning)

Public Rights of Way

No objection subject to the following informative:

No building materials must be stored on the right of way

Vehicle movements must be arranged so as not to interfere with the public's use of the way

The safety of members of the public using the right of way must be ensured at all times

No additional barriers (e.g. gates) are to be placed across the right of way

There must be no diminution in the width of the right of way available for use by members of the public

No damage or alteration must be caused to the surface of the right of way

Wildlife mitigation fencing must not be placed across the right of way.

Environmental Protection

No objections subject to the following amended conditions to reflect the proposal:

All workshop repairs, servicing, cleaning/painting of hulls and maintenance shall take place inside the building with the doors closed, with the **exception** of pressure washing, hull painting and light engineering repairs which shall be permitted to take place on the hard standing outside the marina.

Reason: in the interest of amenity and impact on health.

No boat repairs, servicing, cleaning of hulls, and maintenance shall take place outside the hours of 08:00 till 18:00 Mondays to Saturdays with no working on Sundays and Bank Holidays.

Reason: in the interest of amenity and impact on health.

Natural England

No objection

Canal and Riverside Trust

Condition 10

Further to our letter dated 20 January 2014, I can confirm that on the basis of the further information provided (letter from Woodsyde Developments Ltd dated 28 March 2014), the Canal & River Trust is satisfied that the proposed development will not result in contaminated washings and surface water from the hard-standing entering the marina basin and the canal. The Canal & River Trust therefore has **no objections** to planning permission being granted.

Condition 11

The proposed variation of condition 11 would allow the operation of 6 hire boats from the marina. I can confirm that the Canal & River Trust has previously assessed the impact of this on the water resource available and has no objections to the proposal.

Highways

No objection.

VIEWS OF THE PARISH / TOWN COUNCIL

Audlem Parish Council have considered the above application and would comment that it is hoped that the Planning Authority would consider the potential noise pollution and chemical pollution of the canal when deciding whether to lift this condition.

OTHER REPRESENTATIONS

None received

APPLICANT'S SUPPORTING INFORMATION

Supporting Statement

OFFICER APPRAISAL

Principle of Development

The principle of this application is whether the variation of the two conditions will have a detrimental effect upon the amenity of residential dwellings lying close to the site and the possible environmental impacts on the actual canal and surrounding area in regards to condition 10, and the potential effect upon amenity and car parking with regards to condition 11.

NPPF

Paragraph 28 of the National Planning Policy Framework states that Planning should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development, in particular:

- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

The NPPF encourages LPA's to actively support the existence and enhancement of rural businesses of all types. The Supporting Statement included within the application addresses this stating that:

'The marina provides local employment and long term business and investment to the rural economy. The variation of these conditions will further enhance the marina, continue to aid the rural tourism and local economy and provide a sustainable operational business'

It is considered that approval of this application would, subject to compliance with Local Plan Policy, be in the spirit of the NPPF.

Amenity

There are no residential dwellings in close proximity to the application site with the nearest properties on Coole Lane to the west being approximately 500 metres away at the nearest point.

No objections have been raised by the Environmental Health Officer with regard to the variation of condition 10 of permission 13/0673N with the recommended amendment to the

condition to exclude pressure washing, hull painting and light engineering repairs from having to be carried out behind closed doors.

Further to this, an hours of working condition has been recommended will be attached to any permission restricting the boat repairs, servicing, cleaning of hulls and maintenance to the hours of 08:00 till 18:00 Monday to Saturday with no working on Sundays or Bank Holidays.

In terms of the proposed variation of condition 11 it is not considered that the availability of boats to hire will have a detrimental impact upon the neighbouring properties nearby the marina.

With the above in mind it is considered that the proposed variation of the approved conditions is in accordance with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

Impact upon the Canal

Concern was initially raised by the Canal and Riverside Trust regarding the proposed variation to condition 10, namely that there could be a potential significant risk that contaminated washing and surface water from the hard standing may enter the marina basin and canal.

The applicant's agent has submitted further information and has been in discussions with the Canal and Riverside Trust. As such the Canal and Riverside Trust are satisfied that the proposed variation of condition 10 of permission 13/0673N.

With regard to the proposed variation of condition 11 of permission 13/0673N to allow hire boats, and following the consultation response received from the Canal and Riverside Trust, it is not considered that this would have a detrimental impact upon the canal system.

Open Countryside

Policy RT.6 (Recreational Uses in the Open Countryside) allows development for recreational uses in the open countryside provided that there is no harm to the character or appearance of the open countryside.

The varying of the two conditions will not lead to any further built development on or near the site of the marina, nor any significant change to the existing operations. Therefore it is considered that the varying of conditions 10 and 11, as proposed, will be in accordance with the above Policy.

Highways

Following the consultation response from the Strategic Highways Manager it is not considered that the proposed variation of the conditions would have a detrimental impact upon highway safety.

Therefore the proposal is in accordance with Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The National Planning Policy Framework seeks to support sustainable rural tourism and allowing the marina to hire boats out to the general public will help to improve rural tourism in the area.

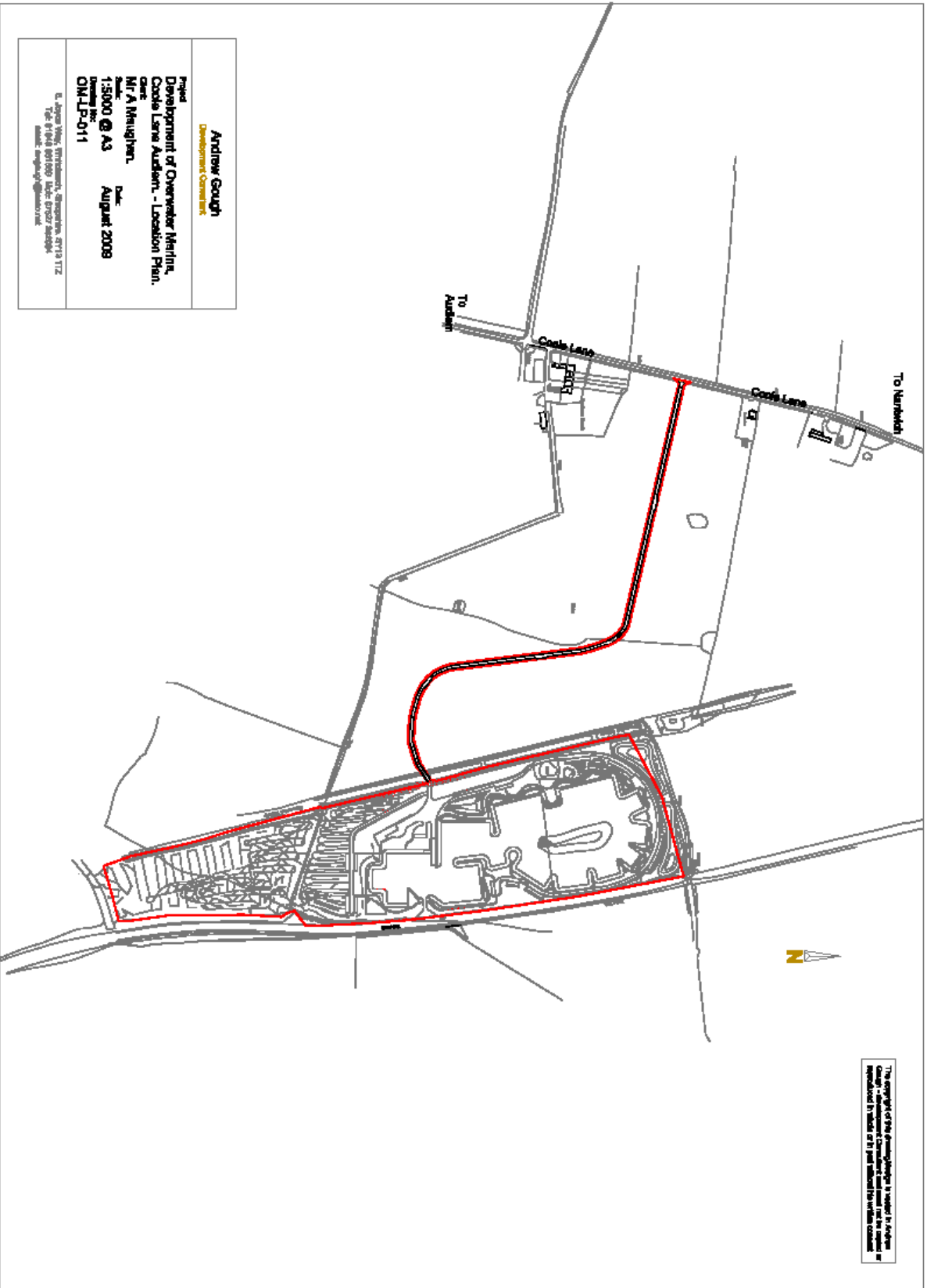
Furthermore, it is not considered that the proposed variation of conditions 10 and 11 of permission 13/0679N would have a significantly detrimental effect upon nearby residential dwellings, the open countryside or the canal itself.

The proposal is therefore considered to comply with Local Plan policies NE.2 (Open Countryside), NE.11 (River and Canal Corridors), E.6 (Employment Development in the Open Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan and the National Planning Policy Framework.

RECOMMENDATION

Approve with conditions

1. Approved plans
2. Maintenance of landscaping approved under condition 5 of P08/1239
3. No Boats moored at the marina shall be used as the main or only dwelling for any persons
4. Workshop for repairs/servicing /maintenance only for boats based at the marina or those arriving by water only
5. No outside storage, excluding storage of boats awaiting repair,
6. Hours of operation for workshop 08.00 until 18.00 Mondays to Saturdays with no working on Sundays and Bank Holidays
7. The café in facilities building shall be limited to the area shown on drawing number 6039/2/P/101 rev C and shall be restricted to Use Class A3 only, with no permitted changes usually allowed under the Use Classes Order. The building shall not be extended in any way without prior submission and approval of a separate planning application.
8. Shop and Chandlery to be limited to sale of food items and goods required by boaters and not general retail
9. Withdraw permitted development rights for statutory undertakers
10. All workshop repairs, servicing, cleaning/painting of hulls and maintenance shall take place inside the building with doors closed, with the exception of pressure washing, hull painting and light engineering repairs which shall be permitted to take place on the hard standing outside the marina.
11. No pressure washing, hull painting and light engineering repairs shall take place outside the hours of 08:00 till 18:00 Mondays to Saturdays with no working on Sundays and Bank Holidays.



Andrew Gough Development Consultant	
Project Development of Overwater Milling, Cockle Lane Audlem - Location Plan.	
Client Mr A Maughan.	
Scale 1:5000 @ A3	Date August 2008
Drawing No OMLP-011	
E. Joyce Way, Wyke, Warrington, Cheshire, W13 7TZ Tel: 01948 691000 Mobile: 07522 244044 Email: andy.gough@andygough.co.uk	

