



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant :

Mr Stuart King & Ms Gwen Stewardson
c/o Dutch Architecture & Design Ltd
Mr Otto De Weijer
27 Wood Road
Wolverhampton
Staffordshire
WV8 1DN

Date Registered : 12th July 2011

Proposal : Proposed marina with new access from Oxford Canal complete with associated car parking and facilities building (as amended by plans received 16/09/11)

Location : Land Off School Lane Cropredy Oxfordshire

Parish(es) : Cropredy

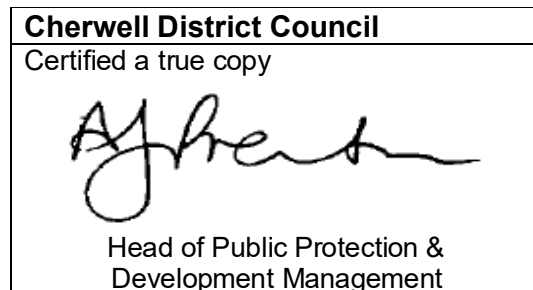
UPRN : 010011901620

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA



Date of Decision : 16th January 2012

**Head of Public Protection & Development
Management**

SCHEDULE OF CONDITIONS

- 1 That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:-

Drawing 9603/PL01 A - site location plan/site layout;
Drawing 9603/PL02 - plans and elevations for facilities building;
Drawing 3428 - sections showing proposed and existing ground levels;
Drawing 3428 - proposed marina June 2011.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.

- 3 That samples of the bricks, timber cladding and roof tiles to be used in the construction of the walls and roof of the facilities building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 4 That prior to the commencement of development a plan of the proposed access to the highway shall be submitted to and approved in writing by the Local Planning Authority and prior to first use of the proposed development the access shall be constructed in accordance with the approved plan.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 5 That prior to the commencement of development a construction phase traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Throughout the period of construction the approved plan shall be adhered to.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 6 That prior to first use, the parking and associated manoeuvring areas shall be provided and thereafter maintained without obstruction except for the parking of vehicles.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessments (FRA) dated 28 June 2011 ref: WB02048/FRA and the addendum dated 01 September 2011 WB02048/FRA/01 and the following mitigation measures detailed within the FRA:
1. The access track, car park and site facilities shall be located in Flood Zone 1, as set out in Section 5.1 of the FRA dated 28 June 2011.
 2. There will be no raising of ground levels within Flood Zones 2 and 3, as set out in Section 5.2 of the FRA dated 28 June 2011 and section A4.1 of the FRA dated 01 September.
 3. The wooden walkways shall not be raised above ground level, as set out in Section A3.0 of the FRA dated 01 September.
 4. The site access track, footpaths and car park will be made of permeable material, in accordance with Section 6.0 of the FRA dated 28 June.

Reason:-

1. To prevent flooding elsewhere by ensuring that there is no obstruction to flood flows or loss of flood storage.
 2. To prevent flooding elsewhere by ensuring that there is no obstruction to flood flows or loss of flood storage.
 3. To prevent flooding elsewhere by ensuring that there is no obstruction to flood flows or loss of flood storage.
 4. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- 8 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of the proposed surface water bund and infiltration tests shall be carried out to inform the design.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the scheme.

- 9 The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 5 of the Revised Phase 1 Habitat Survey by SES dated 7 April 2011 (revised 22 August 2011) and the subsequent recommendations in SES's letter dated 3 November 2011.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with the requirements of PPS 9: Planning and Biodiversity, Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

- 10 All site clearance (including vegetation removal) should be timed so as to avoid the bird nesting/breeding seasons.

Reason - To ensure that the development will not cause harm to any protected species or its habitat in accordance with Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan).

- 11 That prior to the commencement of development a pre-works check will be carried out by a qualified ecologist to check for the presence of bats and badgers. In the event that these species are found the Local Planning Authority shall be notified and appropriate mitigation measures agreed in writing. The work shall be carried out in accordance with the agreed mitigation measures.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with the requirements of PPS 9: Planning and Biodiversity, Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

- 12 That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- (d) details of boundary treatments along all boundaries.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 13 That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first use of the marina or building or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 14 In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the completion of the development.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations For Tree Works.
- b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

15 No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:

- a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
- b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.
- c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
- d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
- e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
- f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the Root Protection Areas of retained trees.
- l) the details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction.
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any Root Protection Areas (para. 9.2.3 of BS5837).
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

Reason - To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 16 That the existing hedgerow along the boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and that any hedgerow which may die within five years from the completion of the development shall be replaced and thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 17 Prior to the commencement of the development a professional archaeological organisation acceptable to the local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment.

- 18 Prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 17, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment.

- 19 Prior to the commencement of the development and following the completion of the archaeological evaluation, investigation and recording referred to in condition 18, a report of the archaeological evidence found on the application site and full details of a second stage Written Scheme of Investigation based on the findings, including a programme of methodology, site investigation and recording, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment.

- 20 Prior to the commencement of the development (other than in accordance with the second stage Written Scheme of Investigation), the further programme of archaeological investigation shall be carried out and fully completed in accordance with the second stage Written Scheme of Investigation approved under condition 19.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment.

- 21 Prior to the commencement of the development all post excavation work including all processing, research and analysis necessary to produce an accessible and useable archive and its deposition, and a full report for publication, shall be submitted to the Local Planning Authority in accordance with the revised Written Scheme of Investigation approved under condition 20.

Reason - To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with PPS5: Planning for the Historic Environment.

- 22 That prior to the commencement of development full details of the lighting including a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles) and an isolux contour map to show light spill levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason - To safeguard the amenities of nearby residential properties and the visual amenities of the area and to comply with Policy ENV1 and C7 of the adopted Cherwell Local Plan.

- 23 That the marina hereby approved shall be occupied only for the purposes of recreational moorings and not for any residential or hire fleet purposes.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13 and in order to comply with Policy H26 of the adopted Cherwell Local Plan.

- 24 That no more than 50 boats shall be moored at any one time in the marina basin and no boats, other than those on the water shall be stored on the site.

Reason - In the interest of highway safety and the visual amenities of the area and to comply with Government Advice in PPG13 and C28 of the adopted Cherwell Local Plan.

- 25 That the facilities building shall be used only for the purposes of offices, toilets, showers and storage associated with the use of the marina and for no other commercial function.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy BE1 of the South East Plan 2009 and Policies C28 and C31 of the adopted Cherwell Local Plan.

- 26 That prior to the first use of the car-parking and areas of hardstanding, petrol/oil interceptors shall be fitted in all car-parking facilities.

Reason - Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses contrary to Policy EN11 of the Adopted Cherwell Local Plan 1996.

PLANNING NOTES

1. Under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Great Bourton Brook, designated a 'main river'.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of the site and surrounding area and has no undue adverse impact upon the amenities of neighbouring properties, highway safety, the historic environment, ecology or hydrology. As such the proposal is in accordance with National Policy Guidance, Policies CC1, CC8, NRM4, NRM5, BE5 and BE6 of the South East Plan and Policies R7, R9, C5, C7, C10, C13, C29 and ENV1 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply :

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site.**
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 0300 003 0200, fax 0300 003 0201 or E-mail at building.control@cherwellandsouthnorthants.gov.uk

- The need to obtain a separate “Listed Building Consent” for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel (0117) 372 8000.** The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.