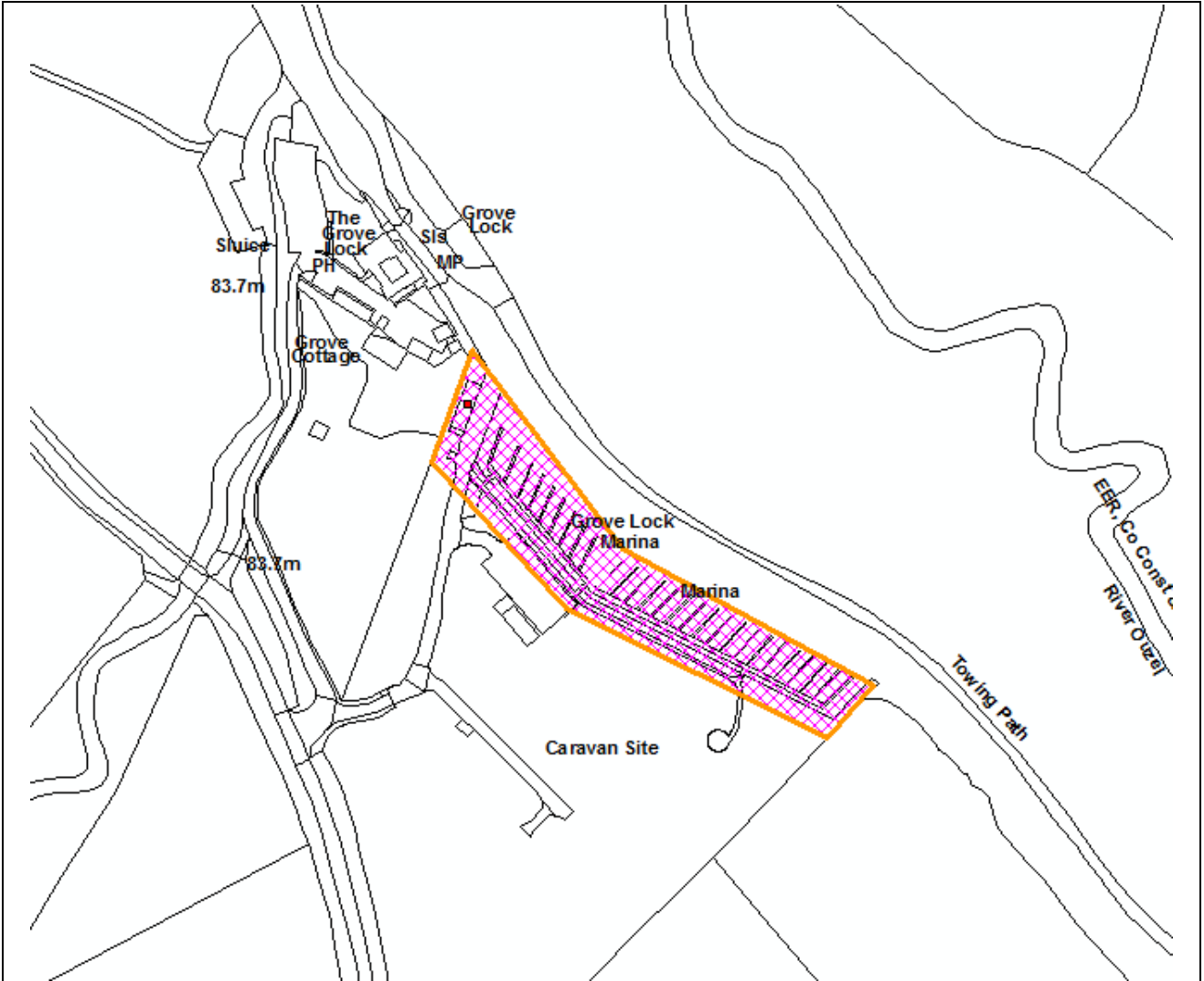


18/01621/APP



© Crown Copyright and database right 2011. Ordnance Survey 100019797

REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/01621/APP	SLAPTON The Local Member(s) for this area is/are: - Councillor P Cooper	11/05/18
<p>VARIATION OF CONDITION 1 TO "THE MOORINGS SHALL BE OCCUPIED AS LEISURE MOORINGS ONLY, IN SO FAR AS THEY SHALL NOT BE USED OR OCCUPIED AS SOMEONE'S SOLE OR PRIMARY RESIDENCE." RELATING TO PLANNING PERMISSION 17/04828/APP. GROVE LOCK MARINA LEIGHTON ROAD LU7 0QU</p> <p>MR B HUTTON</p> <p>STREET ATLAS PAGE NO. 91</p>		

**1.0 The Key Issues in determining this application are:-**

**a) The Policy context**

**b) Impact on appearance and character of the countryside and matters of tourism**

**c) Impact on residential amenity**

**d) Impact on highways & parking**

The recommendation is that permission be **GRANTED**, subject to conditions

**1.1 Conclusion**

1.2 The principle of regularising the site and number of increased moorings was established under the early grant of planning permission. This application seeks to amend the condition from the earlier approval 17/04828/APP. Grove Lock Marina is issued with a leisure moorings licence by the Canal and Rivers Trust. For permanent residential moorings planning permission must be sought. It is therefore considered that the variation of the condition to restrict the occupation of the moorings to not be occupied as someone's sole or primary residence will not materially affect the permission and is acceptable.

1.3 It is therefore recommended that the application is **APPROVED** subject to the following condition:

1. "The moorings shall be occupied as leisure moorings only, in so far as they shall not be used or occupied as someone's sole or primary residence."

Reason: For the avoidance of doubt and in the interests of tourism and the rural amenities of the countryside and to ensure that the details of the development are acceptable to the Local Planning Authority in accordance with policy GP35 of the Aylesbury Vale District Local Plan and the NPPF.

## **2.0 INTRODUCTION**

- 2.1 The application needs to be determined by committee as the parish council have raised material planning objections that the change in condition is not in line with the emerging Slapton Neighbourhood Development Plan (now made) and that the existing services are inadequate for 54 narrow boat moorings.

## **3.0 SITE LOCATION AND DESCRIPTION**

- 3.1 The application site is located just outside the defined settlement of Slapton, to the south of Leighton Buzzard and is sandwiched between the Grand Union Canal and the B488 Leighton Road. To the immediate northwest is the Grove Lock Public House. Land to the southeast is agricultural pasture. Directly to the south is a caravan site. To the west is Leighton Road.
- 3.2 The site measures approximately 4,500 sqm. It consists of 54 moorings, parking and a facilities block which provides showers, WCs, machine room, utilities, lobby, store and staff accommodation for the exclusive use of moorers throughout the year. No physical changes are proposed to the existing moorings, facilities or the access and parking arrangements.
- 3.3 Since the development of the marina facility in 2009/10 the applicant has planted in excess of 500 indigenous trees and shrubs. The planting has been well maintained, in accordance with the conditions attached to the earlier permission and is now starting to provide additional screening, to that which already existed.
- 3.4 Grove Lock Marina was developed on land which is now outside of the Canal & River Trusts ownership. The Trust entered into a network access agreement for a term of 150 years with the freehold owners in 2009. The agreement permits the connection of the marina into the waterway thus enabling boats moored at the marina to take access to and from the waterspace. As the moorings are not located on the waterspace owned by the Canal & River Trust, the agreement does not restrict the operators use of the moorings either in terms of times of use or the use itself. This is therefore restricted with the issuing of planning permission. However any increase in mooring capacity within the marina must be agreed with the Trust and documented accordingly.

## **4.0 PROPOSAL**

- 4.1 The application seeks to vary the planning condition imposed on permission 17/04828/APP that reads "The moorings hereby approved shall not be occupied by the same person or persons for more than 28 days in any six month period." To read "The moorings shall be occupied as leisure moorings only, in so far as they shall not be used or occupied as someone's sole or primary residence."

## **5.0 RELEVANT PLANNING HISTORY**

- 5.1 03/02171/APP - Site for mooring lay-by for 35 boats with facilities and access - Approved

09/00724/APP - Erection of facilities block (amendment to 03/02171/APP) - Approved  
11/02473/APP - Change of use of land for stationing of 15 no. caravans for recreational purposes, associated facilities building and retention of mower shed - Approved  
11/A2473/DIS - Submission of detail pursuant to Condition 6 - Details of the proposed means of disposal of foul and surface water drainage and Condition 7 - Details of the waste provision for the site on planning permission 11/02473/APP - Discharged  
16/00362/APP - Erection of one rural workers dwelling. - Refused  
16/01988/APP - Siting of a caravan to provide rural workers accommodation – Refused  
17/04828/APP - Retrospective planning application for regularisation of 54 narrow boat moorings from currently approved 35 - Approved

## **6.0 PARISH/TOWN COUNCIL COMMENTS**

6.1 Slapton Parish Council - Object to the application, being not in line with the emerging Slapton Neighbourhood Development Plan [now made] and that the existing services are inadequate for 54 residential units.

## **7.0 CONSULTATION RESPONSES**

7.1 Bedford Drainage Board – No comments to make on the application  
Canal & River Trust – No objection

## **8.0 REPRESENTATIONS**

8.1 One letter of representation has been received, raising the following material planning considerations:

- Impact on highways due to more traffic and not enough parking.
- Reference to previous planning history of site
- Removal of condition
- Type and permanence of residential accommodation
- Scale of development
- Isolation of development (more appropriate locations available)
- Need for type of development
- Suggested condition to control the timeframe for the moorings being occupied for residential purposes

## **9.0 EVALUATION**

### **Policy Context**

9.1 The original condition had been imposed in the interest of tourism and rural amenities of the countryside and to ensure the details of the development were acceptable to the Local Planning Authority in accordance with policy GP35 and the NPPF.

9.2 Slapton Neighbourhood Plan has formally been 'Made' and now forms part of the adopted development plan for the District, to be given full weight in all planning decisions within the Neighbourhood Area. Policy SLP4 in relation to employment sites refers to Grove Lock Marina and states that proposals that will lead to additional employment will be supported

at Bury Farm Equestrian Centre, Whaddon Farm and Grove Lock Public House, Grove Lock Marina & Campsite, provided:

- i. Their visual and environmental impact on the landscape can be satisfactorily mitigated;
- ii. The required provision is made for additional on-site car parking in line with the adopted standards of the Local Plan; and Slapton Neighbourhood Plan
- iii. They are not of a scale that would lead to significant harm in respect of traffic movements through Horton, and Slapton village.

However it is considered that in the determination of this variation of condition application which relates to occupation of the moorings and not to the principle of new development given the grant of permission for the 54 boats previously, that this policy is not directly relevant to this application.

9.3 AVDLP policy GP35 states that design of new development proposals should respect and Complement:

- a) the physical characteristics of the site and the surroundings;
- b) the building tradition, ordering, form and materials of the locality;
- c) the historic scale and context of the setting;
- d) the natural qualities and features of the area; and
- e) the effect on important public views and skylines.

GP81 of AVDLP states that proposals for the development of canal-related facilities should respect the character and appearance of the canal, its setting and the surroundings. In dealing with applications for such development the Council will seek to avoid adverse impacts on:

- a) landscape, ecological interests and the countryside;
- b) townscape and the historic environment; and
- c) residential amenities

9.5 The Council has set out proposed policies and land allocations in the draft Vale of Aylesbury Local Plan. The draft Vale of Aylesbury Local Plan was published and subject to public consultation in summer 2016. Following consideration of the consultation responses, and further work undertaken changes have been made to the draft plan. A report has been considered by the VALP Scrutiny Committee on 26 September and Cabinet on 10 October 2017 on the proposed submission plan. The Cabinet's recommendations were considered by Council on 18 October 2017. The proposed submission was the subject of consultation from, 2 November to 14 December 2017. Following this, the responses have been submitted along with the Plan and supporting documents for examination by an independent planning inspector at the end of February 2018. The examination hearing ran from Tuesday 10 July 2018 to Friday 20 July 2018. The adoption of the Vale of Aylesbury Local Plan is planned to be in 2018.

9.6 Whilst the VALP hearing has taken place there are a number of unresolved objections to the housing strategy and other policies. Paragraph 48 of the NPPF advises on the weight to emerging plans depending on the stage of preparation, unresolved objections and consistency with the NPPF. In view of this the policies in this document can only be given limited weight in planning decisions, however the evidence that sits behind it can be given weight. Of particular relevance are the Settlement Hierarchy Assessment (September 2017). The Housing and Economic Land Availability Assessment (HELAA) (January 2017) is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. These form part of the evidence base to the draft VALP presenting a strategic picture.

### **Impact on appearance and character of the countryside and matters of tourism**

- 9.7 The business owners have stated that the condition as it currently stands would adversely affect their business, as annual sold moorings for leisure would have to be moved every 28 days. It was not the intention of the Authority to restrict the successful operation of the business but to ensure that a permanent residential use of the moorings did not result and it is understood that this is not the intention of the applicant. However the amended wording originally suggested by the applicant as part of this application 'The mooring of boats to be at all times occupied as leisure moorings only' is considered unacceptable as it would not meet the six tests and it would not address Officer's concerns regarding enforcing against permanent residential occupation. The National Planning Policy Framework (NPPF) as revised in July 2018, sets out the Government's policy on the way planning conditions should be imposed. Paragraph 55 states that conditions should be kept to a minimum and only imposed where they pass the 6 tests (which are set out in more detail in the National Planning Policy Guidance (NPPG) :
- Necessary
  - Relevant to planning and
  - To the development being permitted
  - Enforceable
  - Precise
  - Reasonable in all other respects.
- 9.8 It is proposed by Officers to change the wording to "The moorings for boats shall be occupied as leisure moorings in so far as they shall not be used or occupied as someone's sole or primary residence.". It is considered that the change in wording would continue to make the condition enforceable and that it would meet the required tests. It would also ensure that residential occupancy would not occur, which it is noted would also have to be considered under a fresh application should this be required in the future.
- 9.9 In respect of the impact on the landscape and character of the countryside, it is considered that the variation of condition as proposed by Officers will not have any increased affect on rural amenities.
- 10.0 With regards to tourism matters, the proposal would add to the recreational and amenity value of the marina and to the Grand Union Canal and the business has responded to bookings being taken by the marina reflecting the needs of boaters and narrow boats. The facility is accessible by road and the towpath and cycle path provide access to Grove Lock Marina from Leighton Buzzard town centre and also Marsworth to the south. Leighton Buzzard Railway Station is located just under a mile to the north of the site, and there are bus services available at Railway Bridge to the north of the site at the edge of Leighton Buzzard. It is not considered that the variation of the condition as recommended will negatively affect tourism.
- 10.1 Overall it is considered that the variation of condition would not materially affect the use of the moorings further and so the proposal is considered to be acceptable and that it would not harm the overall character or appearance of the open countryside, the Grand Union Canal or existing facilities at the site. Tourism would not be adversely affected and the proposal therefore complies with policies GP35 and GP81 of AVDLP and with the NPPF.

#### **Impact on residential amenity**

- 10.2 Policy GP8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. Where planning permission is granted, the Council will use conditions or planning obligations to ensure that

any potential adverse impacts are eliminated or appropriately controlled. The NPPF at paragraph 127 seeks to ensure a high standard of amenity for existing and future users of developments.

- 10.3 In respect of residential amenities it is considered that there would be no significant or adverse affect by the proposed change in wording of the condition having regard to the approved use of the marina by 54 boats and the proposal would therefore comply with policy GP8 and with the aims of the NPPF in this regard.

**Impact on highways and parking**

- 10.4 In respect of parking and access, BCC Highways consider the use/utilisation of the existing access serving the marina to be acceptable. In terms of traffic movement, the BCC Highways Officer did not consider that this proposal will have a material impact on the local highway network at the time of the original application. Representations received state that there is limited parking provision. It has been established that the parking arrangement has been in place for some time and was considered acceptable when permission for the 54 boats was given under 17/04828/APP. This application only seeks to vary condition 1 and no alterations to the parking arrangements are required or proposed.
- 10.5 The proposal is considered to be in accordance with policy GP.24 of AVDLP and the Council's SPG Parking Guidelines and with the aims of the NPPF.

Case Officer: Mr Adam Thomas

Telephone No: 01296 585314