

Bath & North East Somerset Council

MEETING:	Development Management Committee	AGENDA ITEM NUMBER	
MEETING DATE:	13th January 2016		
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)		
TITLE:	SITE VISIT AGENDA - APPLICATIONS FOR PLANNING PERMISSION		
WARDS:	ALL		
BACKGROUND PAPERS:			
AN OPEN PUBLIC ITEM			

BACKGROUND PAPERS

List of background papers relating to this report of the Group Manager, Development Management about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

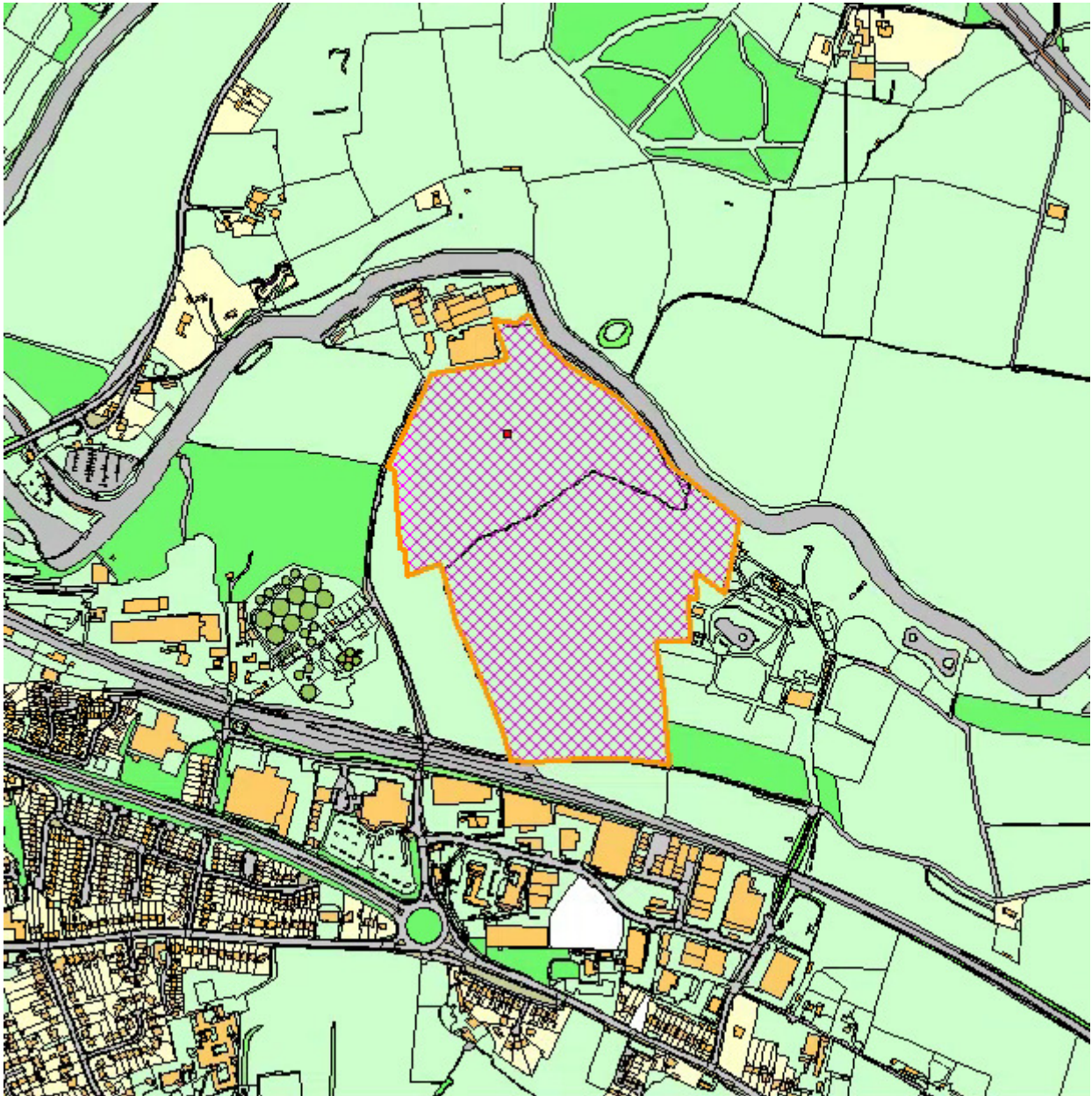
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	13/04822/EFUL 25 June 2014	Enzygo Limited Broad Mead, Broadmead Lane, Keynsham, , Development of land off Broadmead Lane, Keynsham, for a marina which comprises: 326 berths and designed to accommodate a variety of craft sizes; a marina facilities building with 24-hour access to toilets, showers and laundry, together with day time access to a reception and chandlery; car parking for a maximum of 144 cars will be designed as a series of satellite car parks screened by suitable vegetation; and a tearoom and office included within the facilities building.	Keynsham East	Rachel Tadman	REFUSE

**REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON
APPLICATIONS FOR DEVELOPMENT**

Item No: 001
Application No: 13/04822/EFUL
Site Location: Broad Mead Broadmead Lane Keynsham



Ward: Keynsham East **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Marie Longstaff Councillor Bryan Organ
Application Type: Full Application with an EIA attached

Proposal:	Development of land off Broadmead Lane, Keynsham, for a marina which comprises: 326 berths and designed to accommodate a variety of craft sizes; a marina facilities building with 24-hour access to toilets, showers and laundry, together with day time access to a reception and chandlery; car parking for a maximum of 144 cars will be designed as a series of satellite car parks screened by suitable vegetation; and a tearoom and office included within the facilities building.
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Agric Land Class 3b,4,5, British Waterways Major and EIA, British Waterways Minor and Householders, Coal - Standing Advice Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Greenbelt, Railway, Sites of Nature Conservation Interest,
Applicant:	Enzygo Limited
Expiry Date:	25th June 2014
Case Officer:	Rachel Tadman

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The applicant is being considered by the Development Management Committee at the request of the Group Manager, Development Management. At the last meeting of the Committee consideration of the application was deferred to allow Members to visit the site.

DESCRIPTION OF SITE AND APPLICATION:

The site is located approx. 2.5 km from Keynsham town centre which is a medium sized town between Bath and Bristol. The site is 21.2 hectares in size over two fields currently in agricultural use. It is located adjacent to the River Avon and the Broadmead Lane industrial area.

The site contains a number of trees and hedgerows. Along the River Avon riverbank is a track that provides access to around 35 online moorings that are either moored directly onto the riverbank or from pontoons attached to the riverbank. The track is used as a parking area by the residents of the moorings and, alongside, is a number of sheds and areas that form informal gardens for the moorings.

The site is within the Green Belt and open countryside. It is also located in Flood Zones 2, 3a and 3b, forming a fluvial floodplain from the River Avon. The site also contains two Sites of Nature Conservation Interest (SNCI), one adjacent to Stidham Lane and the other along the River Avon riverbank.

The application is for the development of land off Broadmead Lane, Keynsham, for a marina to comprise: 326 berths designed to accommodate a variety of craft sizes with direct access off the River Avon.

A breach would be made within the riverbank to access the marina. The design of the marina would include floating pontoons and two facility buildings (A and B) such that the structures can rise and fall during a flood event sourced from the adjacent River Avon.

The marina basin would be created by excavating the northern field to a depth of 2.7m below existing ground level with the water being 1.4m in depth.

Vehicular access would be off Stidham Lane primarily using Broadmead Lane as a route from the A4 Bath Road and Broadmead roundabout. It is proposed to widen Stidham Lane to 5.5m with a 2m pedestrian footway.

From Stidham Road the access road would pass across the southern field, through the car park in a northerly direction to the northern field where the marina is located. At the northern point of the southern field the access track would be raised above the existing ground by 2.85m and culverted.

The spoil from the marina basin would be deposited onto the adjacent field to the south within which the car park would be located. The levels within the field would be raised in the region of 2.4m over a large area.

The car park would provide a total of 144 spaces along with facilities building C which would contain a café, changing rooms and office.

Facilities buildings A and B would measure approx. 3.7m high at the ridge, 10.6m long and 8.8m wide on a platform measuring 13.9m by 10.2m and would appear to be of timber construction under a shingle roof.

Facilities building C is L shaped and would measure 6.5m high at the ridge, 17.1m wide and 15.4m deep. Due to the deep eaves the footprint of the building measures 15.7m wide and 5.9m deep extending to 14m. It would appear to be of timber construction under a shingle roof.

The development will result in the loss of around 35 online residential moorings.

The application is accompanied by an Environmental Statement that deals with:

Planning Policy
Traffic and Transport
Ecology and Nature Conservation
Landscape and Visual Impacts
Archaeology and Cultural Heritage
Hydrology and Flooding
Noise and Vibration
Geology, Soils and Hydrogeology
Lighting

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:
OTHER REPRESENTATIONS / THIRD PARTIES

Highways Development Officer: Object for the following reasons:

1. Unacceptable access to the site for pedestrians and cyclists

2. The site is located remote from local facilities and represents unsustainable development
3. Lack of details regarding cycle parking
4. The layout of the parking area shows disabled parking spaces that are to an unacceptable size.

Planning Policy: Object:

It is the view of Planning Policy that there would be substantial harm to the Green Belt through inappropriateness and other harm - particularly reduction in openness, checking unrestricted sprawl, preventing towns merging into one another, and safeguarding the countryside from encroachment. Harm of some weight would result from developing on Grade 3a agricultural land, and developing on a SNCI.

There would be an economic benefit if the proposal was to proceed. However, the benefits do not clearly outweigh the harm to the Green Belt and other identified harm, and that therefore very special circumstances do not exist to justify inappropriate development in the Green Belt. Planning Policy therefore objects to the application.

Urban Design: No objections.

Environment Agency: No objections subject to conditions.

In light of WSP's recent River Avon modelling submission, with supporting letters dated the 27 and 28 January 2015, we are now in a position to support the background information of the Flood Risk Assessment (FRA) for the proposed marina development.

We wish to make it clear that we are not approving the model as there still remain instability issues but we are comfortable that the latest results prove that the marina development will not increase flood risk upstream or downstream. It is important that the Local Planning Authority is aware that the modelling indicates the marina will increase water levels over the Broadmead Industrial Estate access road by 14mm for the 1 in 10 flood return period (10% chance of occurring in any one year) and 17mm for the 1 in 100 year return period (1% chance of occurring in any one year) but we do not believe that this will occur in reality and would not change the existing flood risk, which is already high due to the close proximity to the River Avon.

Flood risk and drainage: Not acceptable in its current form.

Further details are required to show precisely how surface water will be managed and how any drainage features (e.g. filter drains) would be maintained which can be dealt with by condition.

In terms of flood risk management during a flood event, the Council's Emergency Planning and Business Continuity team should be consulted in particular regarding Section 9.5 and 9.7 of the Flood Risk Assessment. A condition requiring the submission of a Flood Evacuation and Emergency Plan prior to occupation is recommended but are not comfortable approving the application until the Emergency Planning and Business Continuity team have commented.

Emergency Planning Team: No comments received.

Contaminated Land: No objection subject to conditions

Education Services: If there was any possibility at all that a boat/mooring could be considered to be a 'residence' and therefore to contain residents that would be permanent - or even temporarily resident for a short period of time - then developer contributions would be required in order to provide the necessary educational facilities that would be needed as a result as primary school, Youth and Early Years provision in Keynsham is at capacity.

Network Rail: No objections subject to informatives.

Coal Authority: The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area.

Canal and Rivers Trust: No objections subject to comments on the submitted need assessment which has subsequently been withdrawn from consideration by the Agent.

Bristol Water: We have reviewed this application and note that this development may interfere with our 12 inch strategic main. We suggest that the applicant submit an application to us for a water supply in which we may comment further.

Wessex Water: The Keynsham sewage treatment works are in close proximity to the site and there is a risk of nuisance to, and subsequent complaints from, users of the marina due to odours and flies. Our odour assessment approach would classify these users as high risk receptors.

A programme of detailed odour modelling should be carried out to understand the potential impacts on the site, its operators/owners, and users before a decision is issued.

Arboricultural Officer: Object as the application does not demonstrate due consideration of policy CP7 of the adopted Core Strategy and retained policy of the Bath & North East Somerset Local Plan (2007) NE.4 Trees and Woodlands

Natural England: A proper assessment of the impacts of the development on European Protected Species cannot be made in order to inform the planning decision due to a lack of information.

Lightspill from the proposed development could have adverse impacts on the use of the river corridor by bats, particularly Horseshoe bats from the Bath and North East Somerset Bat SAC.

A lux contour plan has not been provided and there is still uncertainty about the impacts from lighting from the proposed development and therefore the potential for significant effects on the bat SAC cannot be ruled out at this stage based on the information submitted.

A clear assessment of the potential impacts on otters, or an indication of additional mitigation and enhancement measures which are proposed, has not been provided.

Otters are known to breed close to the proposed site and as this is a full application, we would expect this information to be provided at this stage.

Ecology Officer: Object:

The proposed development would have an impact on two Sites of Nature Conservation Interest and a range of habitats and species, including hedgerows, and nesting birds as well as a significant stretch of the river bank and associated habitats. The development would also have an impact on European protected species of otter and bats, including bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and habitat on which they may depend.

The ecological assessment, and the ecological aspect of environmental assessment, remain incomplete and do not provide a clear picture of likely ecological impacts for all the habitats, species and features at and near to the site.

Landscape Officer: Not acceptable in its current form:

The site is in the Green Belt and would, (i) cause harm to the fundamental aim of the Green Belt of keeping land permanently open, and cause additional harm to the purposes of (ii) checking unrestricted sprawl of large built up areas, (iii) preventing neighbouring towns from merging into one another, and (iv) assisting in safeguarding the countryside from encroachment.

The scheme would also have an impact on the openness of the Green Belt.

Although the provision of an appropriately scaled marina in this location is a use/development that one may reasonably expect to see beside a river or waterway and may have an acceptable level of impact on the surrounding landscape, my primary concern is one of the size of the scheme and the resulting overall impact on the landscape on both a local and wider level.

Archaeology: No objections subject to conditions.

Historic England: The development area has the potential to impact upon the setting of a number of heritage assets including conservation areas, listed buildings and scheduled monuments. However we do not consider that there will be any unacceptable impact on any highly graded listed buildings, conservation areas or scheduled monuments.

To ensure that the amount of lighting required for the development should be carefully designed so as not to produce any adverse effect on surrounding heritage assets.

Conservation Officer: Concur with the comments of Historic England above.

Environmental Health: No objections subject to conditions.

Parks and Open Spaces: No issues in relation to increased pressure or, or loss of, existing provision.

Housing: No comments or objections

Avon and Somerset Police: Object as the application does not comply with the appropriate sections of the National Planning Policy Framework. The following comments are made:

- Emphasis has focused on an 'inclusive', 'safe', and 'easily accessible' site rather than in any way a secure site or even one where the potential for crime is reduced.
- There is very easy access to the site from the adjacent road, the trading estate and the existing access track allowing excessive permeability through the site.
- For the security and safety of the property contained on site surveillance is an important consideration. The application does not propose any form of electronic or additional natural surveillance i.e. security patrols.
- Lighting -bollard lighting is not an acceptable form of lighting for security.
- The vehicle parking area is at risk of crime being remote from the site with little night surveillance.
- No details of the location of cycle storage.

South Gloucestershire Council: Comments only:

- Ecology: Increased activity, noise and lighting would have a major negative impact on bats and otter, which are protected by law. Should the development be permitted the Council would need to be reassured that Favourable Conservation Status will be maintained for both bats and otter.
- River Avon Trail: This highly valued and well used route would be impacted upon due to substantial increase in noise, impacts from boat wash, movement and congestion affecting the appearance and quality of the river environment. The tranquillity of the river corridor will be affected and the scale of the development would create a significant quantity of disturbance.
- Landscape and Wider Environment: The site would be visible in short, medium and elevated views and would represent a change to the landscape character and appear as an extension to the edge of Keynsham into the River corridor. The visual impact will be greatest in winter.
- The development is contrary to Policy L1 of the South Gloucestershire Local Plan which requires that the character, distinctiveness, quality and amenity of the landscapes of South Gloucestershire are conserved and enhanced.

Keynsham Town Council: Object on the following grounds:

- The flood planning and modelling plans are still not clear.
- There is no flood mitigation plans in place that would deal with the present day flooding conditions that occur in this isolated location. Information supplied still only looks at flooding history in the past and has not considered recent heavy flooding incidents in this location.
- Access to the site is poor and the proposed raised road will create further flooding problems.
- There are concerns regarding the construction of the surface of the car park. The proposed chippings will be washed away should flooding occur.
- There will be a loss of amenity and mooring for the families that live in this vicinity.

- A full ecology report has not been submitted with the application.
- The odour analysis that has been carried out is inclusive. There is no mention of the historical problem of flies in this location as a result of the nearby sewage works.

Local Representations: A total of 44 representations have been received which is made up of 5 representations, 37 objections and 1 letter of support. The concerns raised are summarised below:

1. Harm to wildlife and their habitats particularly bats, otters and the SNCI, the submitted information is inadequate and fails to assess the ecological impacts of the full development site.
2. Loss of high quality agricultural land
3. Unacceptable harm to Green Belt and openness of the Green Belt
4. The marina is too large and out of scale to any similar marinas in the vicinity
5. Increase in flood risk and flaws in the flood data and Flood Risk Assessment submitted, no flood compensation measures, no assessment of impact on adjoining landowners.
6. Sequential test for site selection is flawed and disregards a number of sites, including the neighbouring site of Avon Valley Country Park.
7. Close proximity to sewage treatment plant
8. Poor quality and unsafe access from both Broadmead Lane and Pixash Lane, unacceptable increase in traffic, harmful to highway safety and lack of parking
9. Increase in boating traffic will have an impact on already congested locks on the River network
10. Increased river traffic would put a strain on the waterway facilities, lack of riverbank moorings or stopping places at facilities such as pubs and negative impact on existing users, harmful impact on local businesses
11. Concerns about enforcement of the mooring agreement particularly with regard to persons 'living' on the boats.
12. Loss of around 35 existing moorings on the riverbank
13. Lack of consultation with residents on existing moorings
14. Impact on the river: safety, riverbanks, noise and chemical pollution
15. Impact on trees and hedges, particularly with regard to widening of Stidham Lane.
16. Lack of residential moorings within the development
17. Loss of potential land for industrial use

POLICIES/LEGISLATION

PLANNING ISSUES:

RELEVANT PLANNING HISTORY:

There is no recent or relevant planning history for this site.

POLICY CONTEXT:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Saved Policies from the Bath & North East Somerset Local Plan (2007)
- Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

- Policy SD1 - Sustainable Development
- Policy CP5 - Flood Risk Management
- Policy CP6 - Environmental Quality
- Policy CP2 - Sustainable Construction
- Policy CP3 - Renewable Energy
- Policy CP6 - Environmental Quality
- Policy CP7 - Green Infrastructure

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

- Policy SC.1: Settlement classification
- Policy GB.2: Visual impact on the Green Belt
- Policy D.2: General design and public realm considerations
- Policy D.4: Townscape considerations
- Policy T.24: General development control and access policy
- Policy T.26: On-site parking provision
- Policy NE.1: Landscape character
- Policy NE.4: Trees and woodlands
- Policy NE.9: Sites of Nature Conservation Interest (SNCI)
- Policy NE.10 and NE.11: Nationally protected and Locally Important species
- Policy NE.12: Natural features, trees and woodlands
- Policy NE.15: River corridor character, amenity and wildlife value
- Policy SR.5: Recreational facilities outside the scope of Policy SR.4
- Policy SR.10: Development with Water Recreational Activity Areas
- Policy SR.11: Development outside Water Recreational Activity Areas
- Policy HG.14A: Residential Moorings

Planning Obligations SPD

National Planning Policy Framework
National Planning Practice Guidance

OFFICER ASSESSMENT

ENVIRONMENTAL IMPACT ASSESSMENT:

The proposed development is considered to constitute EIA development under Schedule 2 development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The application is accompanied by an Environmental Statement that

identifies the environmental effects of the development as well as any proposed measures to mitigate those impacts.

PRINCIPLE OF THE DEVELOPMENT:

The Proposed Use

It is proposed that the marina would be used solely for leisure moorings and that residential use of the boats would be prohibited by their lease agreements.

The application includes very little detail as to how the development would be managed but it would appear that the boats would be privately owned being predominantly used for day trips with the occasional overnight stay and restricted to one or two nights.

Nevertheless the marina would also include two floating facilities buildings that would contain a laundry area, toilets, wash hand basins and showers. A third building located within the car park would also provide a laundry area, toilets, wash hand basins and showers along with a reception area and café.

Whilst the information submitted implies that overnight stays on boats would be infrequent, and that most boats have their own toilet/shower facilities in any case, the level of washing facilities proposed, particularly within the building located in the car park which is some distance from the marina itself, would imply that overnight stays maybe more frequent than currently stated.

The facilities buildings would be open between 8am to 5pm Monday to Friday and 10am to 4pm at weekends with boat owners having 24 hour access to the relevant facilities buildings, accessible by key fob.

There are no details of the opening hours of the actual site i.e. access to the car park, access and egress of boats onto the River Avon although the wider site and facilities building within the car park would be open to the general public.

Two moorings would be required for a manager and an assistant manager who would live permanently on site for which a justification of functional need has not been provided. Whilst this is disappointing it is considered that, due to the size and level of the proposed development it is likely that a justification could be made and that on site security is not an unreasonable requirement.

In terms of access to the site, cars would access the site from Stidham Lane and parking within the car park. Visitors and boat owners would then walk approx. 140m to the edge of the marina where they can then either walk around the water on the paths laid out or access their boat from the surrounding pontoons and walkways. There will be the facility for electric buggys to be used to access the marina with small parking areas dotted around at pontoon entrances.

Whilst the proposal has been submitted with limited information, it is considered that many of the issues outlined above could be controlled by appropriately worded conditions were the development otherwise considered acceptable.

Green Belt:

The site lies within the Bristol/Bath Green Belt where the National Planning Policy Framework (NPPF) states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open and that the most important characteristic of Green Belts are their openness.

In the Green Belt there is a presumption against inappropriate development which is, by definition, harmful and should not be approved except in very special circumstances.

The NPPF states that 'local planning authorities should ensure that substantial weight is given to any harm to the Green Belt' and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

Furthermore the NPPF (footnote 9) states that land designated as Green Belt is regarded as one of the specific policies in the Framework where development is to be restricted; the presumption in favour of sustainable development therefore does not apply in this instance.

The proposed development would involve the change the use of the site to a marina and ancillary parking areas from its existing use as agricultural land.

Paras 89-91 of the NPPF provides an exhaustive list of forms of development which are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

However the NPPF does not include change of use within this list and therefore the material change of use of land in the Green Belt is considered to be inappropriate development which is by definition harmful to the Green Belt.

Notwithstanding this the development does involve engineering works to excavate the marina basin and deposit on the field to the south. Whilst these works could be considered to be not inappropriate within the Green Belt under Para 90 of the NPPF, as they are entirely incidental to the construction of the development this is not considered to be the case in this instance.

There is also an argument that the proposed use of the site as a leisure marina can be described as appropriate facilities for outdoor sport and outdoor recreation and therefore also has the potential to be not inappropriate development within the Green Belt. However, even if the proposals did not have a harmful impact on the openness of the Green Belt or the purposes of including land within it, this exception would only apply to new buildings in any case.

Turning to consider the impact of the development on the openness of the Green Belt and the purposes of including land within it, the submitted information acknowledges that the development will have an impact on the openness of the Green Belt although it judges this impact to be low.

The assertion that there would be harm to openness is not in dispute but it is considered that of the level of impact is incorrect and for the reasons explained below the harm is actually considered to be significant. In any case the NPPF does not consider levels of harm in terms of the Green Belt, there is either harm or there is not. If there is harm, the development is considered inappropriate in principle and it falls to be considered whether there are very special circumstances to outweigh that harm. This is also considered below.

Whilst the simple construction of the marina to form a body of water would not have an impact on the openness of the Green Belt, it is considered that the proposed development would significantly change the character of the site and the activity that goes on within with the introduction of boats, cars and increase in daily activity would.

For instance, timber jetties would be constructed within the basin to accommodate the moorings for boat owners. Although not buildings or structures, boats (wide beam craft/Dutch barges, narrow boats and small leisure craft will all be accommodated) are substantial man-made objects which would be visible within the marina and from the surrounding landscape.

Boats would move in and out on a regular basis and a substantial number of berths would be occupied at any one time. The overall effect would be a substantial, near permanent physical presence. This would amount to an encroachment into the countryside which would not maintain openness.

A high level of car parking (144 spaces) would also be introduced to the site, and whilst the number of vehicles would vary at any one time, a proportion of the vehicles would be likely to remain for substantial periods whilst the owners' boats were in use. The presence of vehicles on the site would further erode the openness of the Green Belt.

The proposed facilities buildings, of which there are three, could, in isolation, be justified as providing essential facilities for outdoor sport and recreation were it not for the change of use being inappropriate development. However, in conjunction with the impact of the canal boats and car park, and other paraphernalia (such as lighting, high visibility life belts, fuel and pump out facilities, security fencing etc.) would further contribute to erosion of the openness of the Green Belt.

Finally the proposed development would result in an intensified use of the site with a substantial increase in activity, cars, boats and people coming and going which would also erode the openness of the Green Belt.

The Council's Green Belt Review was published in 2013 covering the area within which the site is located. The review concludes that the Green Belt designation across the majority of the land parcel within which the site lies is of high importance on the basis that it lies directly in the Green Belt corridor between Bristol, Keynsham, Salford and Bath (fundamental to the reasons behind the designation of the Bristol and Bath Green Belt).

It prevents the merger of Bristol, Bath and Keynsham and is also considered to play a role in constraining the potential urban sprawl of Bristol (specifically Oldland and Willsbridge which lie to the north of the site, the latter just over 1km away from the northern edge of the proposed marina) in a southerly direction towards Keynsham.

It is clear from the above that the site is important in serving to safeguard the countryside from encroachment and assisting urban regeneration and that the development would have a significant harmful impact on these qualities.

Overall it is considered that the development would represent inappropriate development that would have a harmful impact on the openness of the Green Belt and would be contrary to the purposes of including land within it.

Finally it needs to be considered whether very special circumstances exist that would outweigh the harm to the Green Belt. The proposed development was originally accompanied by a Need Assessment and Socio- Economic Statement dated October 2013 which attempted to justify the need for the development as a very special circumstance. However it came to light that the document very closely resembled one that was withdrawn at another appeal public inquiry in Daventry and was consequently withdrawn from the consideration of this application as well.

An assessment of alternative sites has also been submitted which has assessed whether there are any potential sites in a more urban area, if not, are there better sites within the Green Belt than the application site. The assessment carried out a desk top study, identifying 10 sites of which 3 were considered feasible with the development site being the most suitable. Whilst the assessment is considered to be very narrow in its area of search given the length of the River Avon, and in the absence of any compelling reasons as to why the proposed marina should be located in the stretch assessed, it is considered that the assessment does not represent a very special circumstance that would outweigh the harm to the Green Belt.

A number of other arguments have been put forward as very special circumstances including the removal of on-line moorings, economic benefits, opportunities of outdoor sport and recreation, biodiversity benefits, improved navigability of the River Avon and improvements to flood risk.

Many of these arguments are considered further in the report below but despite these arguments being considered in full they are not considered to represent very special circumstances and it is therefore concluded that very special circumstances do not exist to outweigh the harm to the Green Belt by reason of inappropriateness.

Economic Benefit

The NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

If implemented, the proposal would clearly deliver new economic investment into the Keynsham area. The application states that the marina and accompanying facilities would have the potential to provide a significant number of new employment opportunities. The application estimates that the marina will directly create 8 FTE jobs and generate £300,000 GVA, and indirectly create an additional 12 FTE jobs and £480,000 GVA. The

application estimates that construction of the marina will temporarily create between 20 and 30 FTE jobs. This is considered to be a benefit of the proposed scheme.

Loss of on-line moorings:

The site currently provides moorings for around 35 boats which form the permanent residential homes for the people and families living within which would be lost as a result of the development.

The loss of the moorings has attracted a number of objections, primarily from the residents, but also from the business that manages and rents out those moorings. Unfortunately there are no policies to protect existing residential moorings and therefore, whilst the loss is very disappointing, a reason for refusal on this point is not considered to be justified.

Furthermore, due to the design of many of the boats on the existing moorings, it is likely that they could not be accommodated within the Marina itself.

Local Plan Waterside Recreational Activity Areas

The Local Plan states that development proposals need to be carefully controlled to avoid the gradual erosion of the inherent character of the River, Canal and Lakes of their immediate environment. The Local Plan therefore identifies a number of Waterside Recreational Activity Areas (WRAAs). Policy SR.10 states that recreational development will only be permitted in Bath and the WRAAs, unless they comply with Policy SR.11. The proposed site is not identified in Policy SR.10 as a WRAA.

Policy SR.11 deals with proposals outside WRAAs and aims to prevent the introduction of pursuits that would be detrimental to the character of the area including their cumulative impact on the environment. In this case the development, for reasons that are explained below, would have a harmful impact on the landscape and nature conservation interests and is therefore contrary to Policy SR.11 of the Local Plan.

Provision of Recreational Facilities

Policy SR.5 of the Local Plan deal with proposals for development of recreational facilities outlining the requirements that need to be met before such a development can be considered acceptable.

In this regard an assessment of alternative sites has been submitted which has considered whether there are any potential sites in a more urban area, if not, are there better sites within the Green Belt than the application site.

For the reasons already outlined above the assessment is considered to be very narrow in its area of search given the length of the River Avon and there are no compelling reasons as to why the proposed marina should be located in the stretch assessed. Therefore it is considered that an inadequate assessment has been carried out to show that the development could be located elsewhere. Furthermore, for reasons that will be discussed further below, the development is considered to have a harmful impact on landscape character and, as the information regarding lighting is considered inadequate, there is also

a risk that the development would cause light pollution. For these reasons it is considered that the development is contrary to Policy SR.5 of the Local Plan.

Loss of Agricultural Land:

The development would result in the loss of agricultural land which is designated as Grade 3a, considered by the NPPF as amongst the best and most versatile. The NPPF states (para 112) that where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of a higher quality. In light of this, as the development would result in the loss of the best and most versatile agricultural land it is considered contrary to paragraph 112 of the NPPF.

DESIGN AND LAYOUT OF THE PROPOSED DEVELOPMENT AND IMPACT ON THE CHARACTER OF THE AREA AND THE SURROUNDING LANDSCAPE:

The overall development is spread out across a wide area of two fields with the character of the site being significantly changed as a result.

The character of the site is flat and open, with the River forming the principal feature of importance. The industrial estate is a prominent feature within the views and adds clutter in contrast to the simple and open nature of the site.

The site is located on the boundary with South Gloucestershire Council and as a result they have been consulted and provided comments on the scheme.

The River Avon Trail runs along the northern bank of the River Avon, on the opposite side to the site. South Gloucestershire Council has assessed the River Avon Trail as a heavily used recreational route from which there are important views of the site. At present these views are cluttered by existing moorings but more distant views of the site can be found from the Bath to Bristol Cycle Path, from Monarchs Way and from the higher ground North of Bitton. The Monarchs Way and cycle path are also heavily used representing strategic recreational routes.

The site is also, of course, located within the Green Belt where visual impact also needs to be considered.

In terms of the overall design of the marina, it comprises a standard functional marina design with the provision of some islands which, to a small extent, break up the body of water and will provide some screening of views.

The marina itself contains numerous pontoons that would rise and fall with the water levels depending on whether the site is in flood or not. Despite requests it is still unclear how the pontoons would be anchored to the water bed and how they would rise and fall whilst still remaining in place. There is a concern that this may require pilings that would project some distance above the water when the site is not in flood.

The access track between the car park and the marina itself is raised above existing ground levels by 2.4m with culverts incorporated into its design to allow the free flow of water across the road and wider site in times of flood. The culverts are an engineered

solution and would measure in width 4m, widening to 7m and 1.5m high. There would be 7 culverts and it is considered that this area of the development would appear incongruous and be prominent in medium and long range views.

The car park itself is of a significant size, measuring 67m x 90m which, whilst screened to a small extent by the bunds surrounding, would nevertheless be very prominent within medium and long range views of the site.

Once the site is in use the water would be dominated by the moored boats and the general paraphernalia that would accompany them. In isolation the proposed facilities buildings are considered to be of simple timber construction that is not considered to be objectionable.

The proposed development would result in the loss of on line moorings and parking which has been argued to improve the appearance of the river and the immediately adjoining riverbank offsetting the impact of the proposed development. However it is considered that whilst there may be an improvement, it would be relatively small in that moorings along the river are a feature to be expected in a rural location.

Whilst views from the River Avon Trail and Monarchs Way of the site would not be from within the Council's boundaries it is considered that the development would have a harmful impact on these views. Furthermore the development would also have a harmful impact on views from the Bristol to Bath Cycle Path with views particularly being affected during winter. The development is also considered to have a harmful visual impact on the Green Belt.

The increase in boats using the river is also considered to have a harmful impact on the tranquillity of the river environment.

Although the provision of an appropriately scaled marina in this location is a use or development that one would expect to see beside a river or waterway, overall the size and design of the scheme, increase in activity within the area, and the resulting overall impact on the landscape at both a local and wider level, is considered to have a significant detrimental impact on the rural character of the area, the surrounding landscape and the Green Belt.

IMPACT ON HERITAGE ASSETS INCLUDING ARCHAEOLOGY:

With regard to heritage assets, whilst there are none bordering the site, the proposal does have the potential to impact upon the setting of a number of heritage assets including conservation areas, listed buildings and scheduled monuments that are located further afield. However both Historic England and the Conservation Officer are of the view that there would not be any unacceptable impact on any highly graded listed buildings, conservation areas or scheduled monuments.

Notwithstanding this the main potential for harm would stem from the lighting of the site which, were the proposal otherwise acceptable, could be carefully controlled by condition.

Turning to Archaeology, a geophysical survey has been submitted which discovered archaeological remains in the form of linear field boundaries and ditches.

Of most interest was the discovery of human remains which it is thought could have originated from a single, isolated burial which has been truncated by a furrow and/or modern ploughing/agricultural activity.

However in the main, the findings would suggest that the site has not been intensively used in the past other than for agricultural purposes.

The Archaeologist has considered these findings and is in broad agreement of the conclusions of the submitted information although, as the significance of the human burial evidence from trench 6 could not be ascertained, it is recommended that a watching brief condition is attached to any eventual permission as a precautionary measure.

IMPACT ON RESIDENTIAL AMENITY:

Although there are a number of residential moorings close to the development site, including those on the riverbank of the site, the proposed development is not considered to have a detrimental impact on the residential amenity of the occupiers.

IMPACT ON ECOLOGY AND TREES:

The site's location within open countryside and directly adjacent to a large stretch of the River Avon means that the development of the site has the potential to have a significant impact on both nationally protected and locally important species, particularly since the River Avon is considered to provide functional habitat upon which bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) may depend. Therefore the foraging and commuting routes of bats within this area are protected under the Habitats Regulations. Furthermore the site is also known to provide a habitat for Otters which are also a European protected species.

The site also contains two SNCI's; the first running along the River Avon and; the second located alongside Stidham Lane to the south of the site.

The impact of the development on the ecological value of the site and protected species has been raised as a concern by a number of objectors as well as Natural England and the Ecologist. The issues are considered in turn below:

Otter - The site is known to be used by Otters and also breed close to the proposed site, which, as a European protected species, means that it is important that the LPA understands the likely impacts of a proposal, prior to issuing any permission. The LPA is also required to understand whether the proposal will require an European Protected Species (EPS) licence, and accordingly give consideration to the Habitats Regulations.

Unfortunately both the Ecologist and Natural England have concluded that the information so far submitted includes conflicting and inadequate information that fails to fully appreciate or understand the requirements of the Habitats Regs and does not include a clear assessment of potential impacts on otters, or an indication of additional mitigation and enhancement measures which are proposed.

Due to the conflicting information Officers are still unclear as to the need for an EPS licence although this is considered to be a strong possibility. If Officers are correct, and one is required, sufficient information must be submitted to demonstrate that the "three tests" of the habitats regulations would be met and that a licence would be granted. This would require an assessment of likely impacts and sufficient detail of an outline proposed mitigation plan. Greater consideration to likely long term impacts from potential increased disturbance, such as changes to frequency and proximity of boat movements; wash; noise and lighting; on the locations identified as having high otter activity on both the near and far banks would also be expected.

The submitted otter report demonstrates that SIGNIFICANT risks to otter can be avoided or mitigated against", however does not go on to provide sufficiently clear proposals for mitigation and compensation of likely impacts, to provide the necessary confidence to Officers that the proposal will not harm the species.

In cases such as this, all long term harm, which should not be limited to "significant" harm, should be appropriately avoided, and where necessary, mitigated and compensated. The report suggests that it is only a lack of a "significant" effect on otters that must be demonstrated and appears to suggest over-zealous application of the "three tests" of the habitats regulations.

This does not however change the requirement for the LPA to be confident of the likelihood of the "three tests" being met, and an EPS licence being likely to be granted, in the event of the project going ahead.

Bats - The bats & lighting report mistakenly asserts that there is no protection of bat foraging or commuting routes. As stated above, the Habitats Regulations extend protection to habitats on which bats of the Bath & Bradford on Avon Bats SAC may depend, and in accordance with Natural England advice, the River Avon is considered to provide functional habitat for bats of the SAC.

In line with the concerns of Natural England, the Ecologist is of the view that there is insufficient detail at present to demonstrate that lighting levels can be kept sufficiently low. This includes a lack of clarity regarding existing moorings, and how light levels from boats within the marina can be controlled. In accordance with the advice from Natural England, it is considered that, based on the information submitted, the risks of harm to European Protected Species and bats of the SAC cannot be demonstrated to be acceptable.

Broad Mead Field SNCI - The proposed development would result in a significant level of spoil being deposited on and within close proximity to the Broad Mead Field SNCI which is located alongside Stidham Lane.

Information in the form of a letter has been submitted stating that the SNCI would remain intact and that the proposal would not harm the SNCI. Whilst there is no particular reason to doubt this statement, the necessary information has not been provided to properly demonstrate this.

In this instance Officers would expect such statements to be backed up with a survey and the mapping of the SNCI boundary on the mapped ecological assessments and plans, in order to demonstrate that boundaries do not conflict, and to provide greater confidence in

the assessment that the proposal would be unlikely to cause "hydraulic interference" to the SNCI, which was designated for its wetland habitat value.

It is suggested within the application that the scheme is designed to provide ecological benefit to the SNCI, which is welcomed, but cannot at this stage be factored in as a mitigation or compensation measure (nor an enhancement, as suggested, without the scheme first demonstrating no net loss to ecology) without the above information, together with firmer proposals as to how this would be achieved.

Overall and in conclusion, this is a substantial proposal in a sensitive location, affecting two Sites of Nature Conservation Interest and a range of habitats and species, including hedgerows, otter, bats and nesting birds. A significant stretch of the river bank and associated habitats would be impacted by the proposed access point to the marina and associated construction works, and potentially also by any further works required to the river side habitats that may be required for access routes / footpaths, and increased human disturbance /use of these areas. There are also likely to be impacts on bankside trees and vegetation, bat flight lines and foraging locations, and trees with bat roost potential, which are not at present fully understood.

It is considered that the ecological assessment, and the ecological aspect of environmental assessment, are incomplete and do not provide a clear picture of likely ecological impacts for all the habitats, species and features at and near to the site. Although some further information has been received in response to comments from the Ecologist and Natural England, the surveys and assessments need to show mapped survey findings for the complete footprint of the site and all ecological features and habitats need to be factored in.

The scheme is not considered to demonstrate a sufficiently complete understanding of likely impacts on the River Avon SNCI and associated bank side habitats; protected species including bats and otter; and the range of important habitats that would be likely to be affected by the proposal. Nor does the proposal sufficiently demonstrate an understanding of what mitigation and compensation measures would be required and would be appropriate, to achieve avoidance of ecological harm, nor does the scheme provide sufficiently clear or detailed proposals for mitigation and compensation to demonstrate they will be effective and feasible.

In light of the above concerns and objections from both Natural England and the Ecologist, it is considered that the development is unacceptable due to the unacceptable risk of harm to the ecology of the River Avon which is a designated Site of Nature Conservation Interest, and the risk of harm to protected species including otter, and bats, including bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and habitat on which they may depend.

With regard to the impact on trees within the site, the information submitted has been limited to a desk top study which, along with aerial photographs, suggests that one mature tree exists within the field with others growing within the hedgerows.

Unfortunately this single tree is not shown on any submitted documents or drawings and no arboricultural information has been submitted with regards to its condition, quality,

landscape and ecological contribution on which to make an arboricultural assessment or to justify its loss.

Furthermore the proposal includes proposals to widen Stidham Lane and incorporate a 2m footpath without any assessment on how this would impact on trees and hedging within the vicinity of the proposed works.

In light of the significant lack of information in relation to the impact of the proposed development on trees and hedgerows within the site, a comprehensive assessment has not been able to be carried out. Therefore it is considered that proposed development is contrary to Policy CP7 of the adopted Core Strategy and Policy NE.4 of the Local Plan.

ODOUR AND NOISE:

A noise and vibration assessment has been submitted as part of the application which has been considered by Environmental Health. Overall it is considered that, subject to conditions including the submission of a Construction Environmental Management Plan, the development is acceptable in terms of noise and vibration.

Due to the close proximity of Broadmoor Lane sewage works Wessex Water have raised concerns that the development could potentially be impacted on by odours from the works and requested the submission of an odour report.

The Applicant has declined to submit an Odour Report but has provided correspondence from Wessex Water which implies that a condition requiring the submission of such a report would be acceptable. Wessex Water have been re-consulted but have not provided further comments. Therefore, in light of the above, and in this case it is considered that the lack of an odour report could be dealt with by condition were the development otherwise acceptable.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The application has been submitted with a Transport Statement which suggests that the majority of vehicular trips would be via Broadmead Lane, which forms a roundabout junction with the A4 and Stidham Lane.

Stidham Lane is currently of single vehicle width, with hedges both sides, and no street lighting. This lane connects to Pixash Lane to the east, which has a narrow section of lane from the Avon Valley Country Park across a narrow hump bridge to the industrial estate, where the road width increases, and there are both footways and street lighting.

Stidham Lane connects to Broadmead Lane to the west, which serves industrial estates to both the north and south. The section of Broadmead Lane to the north of the junction with Stidham Lane is narrow with passing places, and is unadopted and without lighting. To the south of the junction with Stidham Lane, Broadmead Lane passes under a bridge which only permits single file traffic flow, due to its restricted width and has no pedestrian footway. Beyond the bridge the road widens and has footways and street lighting serving the industrial estate and the retail store and food outlets.

The application proposes a vehicular and pedestrian access to the site from Stidham Lane with an access track running north to a parking area that would provide 144 parking spaces for staff, boat owners and visitors.

It is also proposed to widen Stidham Lane to achieve a 5.5m carriageway width with a 2m pedestrian footway in order to achieve an acceptable access to the site for both vehicles and pedestrians. Improvements are also proposed to provide a pedestrian footway to the immediate north and south of the Broadmead Lane railway bridge to join up with existing footways to the south.

The proposals to widen Stidham Lane are considered to be acceptable as are the improvements to the pedestrian footway provision in the vicinity of the Broadmead Lane bridge.

However the lack of a pedestrian footway through the bridge remains of concern. The proposed development has been dealt with by a number of Highways Development Officers where the narrowness of the bridge and the lack of a safe pedestrian walkway was not initially raised as a concern. However, during the course of the consideration of the scheme the lack of a pedestrian footway has since attracted an objection from the Highways Development Officer.

In order to attempt to address this, revised highways information has been submitted which points out that the existing railway bridge will require modification to allow pedestrians and cyclists to pass safely when a large vehicle is also using the bridge and claims that this is mitigated by the provision of additional footways either side of the bridge.

Nevertheless the Highways Development Officer remains of the view that the proposal will not be acceptable unless pedestrians and cyclists can be segregated from the heavy goods vehicles that use this road to access the industrial estate to the north. There is an understandable concern that, whilst the speed of vehicles or number of vehicle movements is not disputed, the available width under the bridge is likely to cause HGVs to come into conflict with cyclists and pedestrians.

In light of this it is considered that, without the provision of a suitable means of access through the bridge to allow a lorry and a cycle to pass in an area flanked on both sides by the bridge walls the application is harmful to highway safety.

Furthermore there are also concerns with regard to the remote location of the site in relation to its proximity to bus stops and the town centre of Keynsham. The submitted Transport Statement initially considered that there are adequate alternative modes of travel available to visitors to the marina meaning that there would not be a disproportionate reliance on the use of the private car, and concluded that access to buses and local facilities is within appropriate walking and cycling distances.

Whilst there was no dispute with regard to access to public transport by foot, and access to local facilities by cycle, this is not considered to be the case for access to town centre facilities which would exceed the maximum preferred walking distance of 800m.

Later information submitted, in attempting to justify the lack of a safe pedestrian route through the Broadmead Lane bridge, then seemed to consider the increase in pedestrians/cyclists that will use the bridge following the construction of the marina to be very low which would suggest that the site is not as sustainable as was originally claimed.

The later Technical Note states that the site is within 2km of Keynsham town centre but the two start points referred to do not replicate the location of the development or the centre of Keynsham. Also the proposed route is considered to be onerous, unattractive and unsecure and unlikely to be used by leisure walkers, particularly with the safety issues encountered under the railway bridge to Broadmead Lane. There is no controlled crossing to aid movements across the busy A4 at Broadmead roundabout and the only available link to the Bath Road would be via the underpass at Unity Road which is uninviting and unattractive.

The Technical Note also refers to the pedestrian and cycle routes connecting the site with local destinations which will be supplemented by the infrastructure proposals associated with the scheme. However these are not shown and Officers are unaware of which routes are being referred to.

No pedestrian or cycle facilities are provided between the site and Saltford and the lack of a pedestrian footway from the site to the adjacent Avon Valley Country Park is also disappointing.

Overall it is concluded that the proposal has failed to provide suitable sustainable alternatives to the private motor car and would therefore represent unsustainable development.

Finally the Highways Development Officer has raised concerns in relation to the size of the proposed disabled spaces but it has been confirmed that the spaces will be provided to standard sizes.

In terms of construction traffic, it is proposed that the marina pool is to be constructed through cut and fill in order to reduce bulk earth movements on and off site by road. Therefore it is not considered, subject to conditions, that the development would not have an adverse impact on highway safety.

Whilst refuse management has been raised as a concern it is considered that this could be adequately dealt with by condition requiring the submission of an acceptable Refuse Management Plan.

FLOODING AND DRAINAGE:

The B&NES Level 2 Strategic Flood Risk Assessment (SFRA) identifies the site of the marina as being located within Flood Zones 3a and 3b (functional floodplain) with a significant element of the site lying within the fluvial floodplain of the Broadmead Brook and of the River Avon. The site of the proposed car park and facilities building is located within Flood Zone 1.

The Environment Agency has extensive records of the site of the marina and of the local area flooding from the 1968 and 2000 floods. In addition the Environment Agency has

confirmed that further modelling evidence from Bristol City Council's Central Area Flood Risk Assessment (CAFRA) reinforces this environmental constraint in addition to their own historic flood mapping records. The Environment Agency consider this area to be a high flood risk area that will flood frequently for very low order flood events such as the 1 in 25 year annual event. Flood depths will be in excess of 500mm for a 1 in 25 year event increasing to over a 1m for the 1 in 100 year event.

The application has been the subject of a significant number of objections with concerns not only in respect of the flooding of the site but also the potential knock on impacts on the surrounding area due to flooding being pushed elsewhere.

Whilst it is appreciated that the nature of the development requires it to be located close to the watercourse, there are ancillary elements of the development and users of the facility that will be affected by flooding and need to be aware of the flood risks relevant to this area.

The NPPG and NPPF identifies the proposed development as being water compatible and therefore a marina is an acceptable use in a high flood risk area such as this, subject to an appropriate Flood Risk Assessment (FRA) being submitted to demonstrate that it is safe.

The proposed car park, being located within Flood Zone 1 is considered to be appropriate development.

A Flood Risk Assessment has been submitted and, following initial objections by the Environment Agency, significant modelling work has also been carried out.

The Environment Agency have confirmed that the modelling reviews have highlighted some instability in the model but are comfortable that the marina development will not increase flood risk upstream or downstream.

They are still concerned that some instability issues of flows remain and highlight that the modelling indicates the marina will increase water levels over the Broadmead Industrial Estate access road by 14mm for the 1 in 10 flood return period (10% chance of occurring in any one year) and 17mm for the 1 in 100 year return period (1% chance of occurring in any one year). However they do not believe that this will occur in reality and would not change the existing flood risk, which is already high due to the close proximity to the River Avon.

In light of this the Environment Agency are now satisfied that the proposed development is acceptable subject to conditions.

The proposed development has also been considered by the Flooding and Drainage Team who remain concerned that the information submitted does not adequately show how surface water within the development will be managed, particularly with relation to the proposed car park, and how any drainage features would be maintained. However they are of the view that these can be satisfactorily dealt with by condition.

There are concerns however in relation to flood risk management to visitors and boat owners during a flood event. The Emergency Planning and Business Continuity Team have been consulted but no comments have been received at the time of writing.

However in cases such as this a condition requiring the submission of a Flood Evacuation and Emergency Plan prior to commencement of use is considered to be an acceptable approach were the development other considered acceptable.

SUSTAINABILITY AND RENEWABLE ENERGY:

The proposed development includes the provision of a Sustainable Urban Drainage Strategy (SUDs). No other details in relation to sustainability or renewable energy have been provided.

OTHER MATTERS:

Many of the residents of the existing on line moorings have objection to the scheme due to the lack of community consultation. Whilst it would appear that the Applicant did not directly consult the existing residents, a consultation exercise was nevertheless carried out which has been explained in the submitted statement of community involvement.

CONCLUSION:

Overall the information submitted as part of the application has been found to be lacking in detail, inadequate and at times inaccurate. In many cases this has resulted in requests for further information, which, if received, was variable in addressing the concerns raised and has resulted in many questions remaining unclarified.

Notwithstanding this the site is within the Green Belt where the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The proposed marina has been assessed against the advice in the NPPF and it is concluded that the development, in comprising a change of use within the Green Belt represents inappropriate development that is unacceptable in principle. In addition, the development would have a substantial harmful impact on the openness of the Green Belt and the purposes of including land within the Green Belt, namely checking unrestricted sprawl, preventing towns merging into one another, and safeguarding the countryside from encroachment.

The proposal would deliver new economic investment into the Keynsham area with the creation of 8 FTE jobs, generation of £300,000 GVA, and indirect creation of an additional 12 FTE jobs and £480,000 GVA. It is also estimated that construction of the marina will temporarily create between 20 and 30 FTE jobs.

Due to the size, design and location of the proposed marina, within a rural area which is viewed from well used public routes such as the River Avon Trail, Monarchs Way and Bristol to Bath Cycle Path as well as other medium and long range views of the site, is considered to have a harmful impact on the rural character of the site and the surrounding landscape. Furthermore the proposal would have a harmful visual impact on the Green Belt which, overall, is considered to be unacceptable.

The site includes within its boundaries two SNCI's and also provides habitats for bats, including those of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC),

and otter, both of which are protected species. The submitted information has failed to demonstrate that the proposed development would not have a harmful impact on the ecology of the designated SCNI's or on protected species and the habitats on which they may depend which is unacceptable and contrary to Policy.

The submitted information has also failed to satisfactorily assess the impact on existing trees and hedges within and adjoining the development site and therefore it is considered that it has not been demonstrated that there would not be an unacceptable impact on existing trees and hedges, or that acceptable mitigation or compensation measures would be provided to offset this harm.

In terms of accessibility and highway safety, the site is located some distance from Keynsham Town Centre and, particularly for pedestrians and cyclists, would involve passing through a narrow tunnel with no pavement under the railway at Broadmead Lane. Therefore, whilst the application has included the provision of improvements to Stidham Lane to widen the carriageway and provide a 2m pavement, as well as other short sections of pavement on Broadmead Lane, the failure to provide a safe access through the Broadmead tunnel remains of significant concern.

In light of the above it is considered that boat owners and visitors to the marina would not be provided with a safe access therefore discouraging sustainable journeys by foot or bike and therefore would be left with no option but to rely on private car journeys. Overall this is considered to represent unsustainable development and which is also harmful to highway safety.

The development, located on agricultural land designated as Grade 3a, would result in the loss of land that is considered to be amongst the best and most versatile which, in the absence of a justification for the loss, is considered contrary to Paragraph 112 of the National Planning Policy Framework.

The development would introduce facilities for outdoor sport and recreation which is of benefit to the wider area, however as the proposal would have an unacceptable impact on landscape character, nature conservation interests and would have a detrimental impact on the character and amenity value of the area, it is considered to be contrary to Policy SR.5 and SR.11 of the Local Plan.

The proposal would result in the loss of approx. 35 online moorings which, although unfortunate, cannot be objected to on policy grounds. The loss of the moorings would, however, result in a small improvement to the appearance of the riverbank.

The development would not have a harmful impact on the residential amenity of any neighbouring occupiers.

With regard to flooding, the site is located within Flood Zones 3a and 3b (functional floodplain) with a significant element of the site lying within the fluvial floodplain of the Broadmead Brook and of the River Avon. The site of the proposed car park and facilities building are, however, both located within Flood Zone 1.

The site is well known to flood with major floods in 1968 and 2000 and the Environment Agency consider this area to be a high flood risk area that will flood frequently for very low

order flood events such as the 1 in 25 year annual event. Flood depths will be in excess of 500mm for a 1 in 25 year event increasing to over a 1m for the 1 in 100 year event.

Whilst the flooding of this site has raised significant concerns by many objectors, and an initial objection by the Environment Agency, during the course of the application further information has been submitted to demonstrate that the development is acceptable. As a result the Environment Agency has now withdrawn their objection subject to conditions. As there are no reasons to disagree with this view the development, in flooding terms, is considered to be acceptable.

Finally, in conclusion, whilst it is acknowledged that there would be some benefits to the scheme, including the economic benefit, which, in many cases have been argued as very special circumstances, it is considered that they do not clearly outweigh the harm to the Green Belt and other identified harm, and that therefore very special circumstances do not exist to justify inappropriate development in the Green Belt.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, due to the unacceptable risk of harm to the ecology of the River Avon which is a designated Site of Nature Conservation Interest, and the risk of harm to protected species including otter and bats, including bats of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and habitats on which they may depend. This is contrary to Policy NE.9, NE.10, NE.11 and NE.15 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007, Policy CP6 of the Bath & North East Somerset Core Strategy (2014) along with the policies of the National Planning Policy Framework.

2 The proposed development, due to a lack of information, has failed to demonstrate that the development would not have a unacceptable impact on existing trees and hedges, or provide acceptable mitigation or compensation measures, which is considered to be contrary to Policy CP7 of the Bath & North East Somerset Core Strategy (2014) and Policy NE.4 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007.

3 The proposed development, due to the lack of safe pedestrian and cycle routes and being located some distance from the town centre, bus stops and local facilities, would result in an reliance on the private car and represent unsustainable development that is harmful to highway safety which is considered contrary to Policy T1 and T24 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 and the policies within the National Planning Policy Framework.

4 The development would result in the loss of agricultural land designated as Grade 3a as amongst the best and most versatile. In the absence of a justification for the loss of this land this is contrary to Paragraph 112 of the National Planning Policy Framework.

5 The proposed development is considered to represent inappropriate development within the Green Belt that would have a harmful impact on openness and would be

contrary to the purposes of including land within it. In the absence of very special circumstances to outweigh this harm the proposal is contrary to Policy CP8 of the Bath & North East Somerset Core Strategy (2014) and the policies within the National Planning Policy Framework.

6 The proposed development, due to its size, design and location, would have a harmful impact on the rural character of the site and the surrounding landscape, and would have a harmful visual impact on the wider landscape particularly in medium and long range views of the site including those from the River Avon Trail, Monarchs Way and Bristol to Bath Cycle Path. It would also have a harmful visual impact on the Green Belt. This is considered to be contrary to Policies D4, NE.1 and GB.2 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 and Policy CP6 of the Bath & North East Somerset Core Strategy (2014).

7 The proposed development would have an unacceptable impact on landscape character and nature conservation interests and would have a detrimental impact on the character and amenity value of the area, potentially giving rise to light pollution, and has also failed to demonstrate that it cannot be located elsewhere. This would be contrary to Policy SR.5 and SR.11 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007.

PLANS LIST:

1 PLANS LIST:

This decision relates to drawing nos 2089/006, 2089/007, 2098/008, 2089/009, 2089/010,

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2 Decision Making Statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.