

Agenda Item A6	Committee Date 15 October 2012	Application Number 12/00733/CU
Application Site Galgate Marina Main Road Galgate Lancaster	Proposal Change of use of up to 24 existing moorings to full residential status	
Name of Applicant British Waterways Marinas Ltd (BWML)	Name of Agent Ms Fran Chick	
Decision Target Date 31 October 2012	Reason For Delay N/A	
Case Officer	Mrs Petra Williams	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 Galgate Marina is located just off the A6 (Main Road) on the southern edge of Galgate, a rural village, and is 3 miles south of Lancaster. The marina is served by Lancaster Canal which runs in a north south direction from Lancaster to Preston. This linear site is approximately 1 hectare in size. There is an existing car park at the site with a capacity of approximately 50 car parking spaces. The site has a bin store, laundry, shower and toilet facilities, a water point and 24 hour pump out facility. The marina currently has a capacity of 120 moorings and is divided into three distinct areas: the northern basin (containing 19 moorings), the southern basin (containing 60 moorings) and the extreme southern linear moorings within the canal (containing 41 moorings). The northern and southern basins are separated by a raised grassed banking and other pockets of grass and planting add to the greening of the site and break up the areas of hardstanding used for vehicular parking. The marina office is situated at the northern edge of the site where there is a gated access into the northern car park. The site is set down from the A6 and the eastern boundary is formed by a stone wall (1m approximately from pavement level) and hedge planting of varying heights.
- 1.2 The 19 moorings within the northern basin are classed as grade 1 narrowboat moorings. There are varying degrees of occupancy operating throughout the marina and grade 1 status means that boat owners can utilise the boat and mooring on an unlimited basis for 365 days a year, but they cannot reside on the boats on a full time basis. The grade 1 moorings have water and electricity connections on a year round basis, allocated car parking spaces, use of all marina facilities and refuse waste removal, but they do not have an electoral postal address. The maximum length of boats mooring at the marina is 60ft; therefore, in terms of living space, they are similar to a one bedroom apartment. The moorings in the southern basin accommodate smaller boats.
- 1.3 The marina has two established points of access onto the A6, one to the north and one within the eastern boundary. The site is in a sustainable location close to Junction 33 of the M6, as well as a number of public transport connections. There are residential properties to the north and south-east of the site with the majority being concentrated within the village to the north. There is a tea room/craft centre to the north of the site and a range of shops and services in the centre of Galgate which is 5 minutes away on foot. Agricultural land lies to the west of the canal and to the east of the site between the A6 and the west coast rail line.

1.4 The site is located within a Countryside Area as designated by the 'saved' Local Plan Proposals Map and is located within Flood Zone 1 on the Environment Agency Flood Map. The canal is also within a designated Green Corridor and Biological Heritage Site (northern basin only). At the northern end of the marina, there is a Grade II listed bridge (Galgate Bridge) which straddles the canal but does not fall within the application site.

2.0 The Proposal

2.1 The planning application seeks planning permission for a change of use of up to 24 of the existing 120 moorings to allow full residential status within the northern basin and a small proportion of the southern basin. This equates to 20% of the existing moorings. The proposal relates to the 19 moorings in the northern basin as they are already adjacent to water supplies and existing allocated car parking spaces. The remaining 5 residential moorings would be within the northern part of the southern basin. The remainder of the southern basin and the linear moorings to the south do not form part of the application site.

2.2 It is one of the Canal and River Trust's (formerly British Waterways) strategic aims to increase the supply of residential moorings within suitably-located and well managed sites. This application aims to address such pressure and demand.

3.0 Site History

3.1 The marina has a long and varied planning history, but none relate directly to this particular proposal. The applicant sought advice from the local planning department prior to submission regarding the principle of the proposal.

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
County Ecology	No objections – The submitted Ecological Survey and Assessment appears to be a reasonable and proportionate assessment of potential impact arising from the proposal. Requests that consideration be given to the use of phosphate-free detergents and the control of lighting.
Natural England	No objections - Given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect.
Environment Agency	No comments received during the statutory consultation period.
County Highways	No objections – makes the following points: <ul style="list-style-type: none"> • Satisfied that safe pedestrian access to the whole of the site is available. • The results of the trip generation and traffic impact survey as outlined in the submitted Transport Statement are considered to be acceptable. • The impact of this proposal at peak hours is anticipated to be minimal and as such the existing site accesses are considered acceptable. • The proposed levels of car parking are acceptable. • Suggests that that an additional cycle shelter is provided within the southern car park in order to address a shortfall in cycle parking. This has been provided within an amended plan.
Conservation	No objections
Planning Policy Officer	No objections – The site meets the requirements of policy SC3 and policy SC1 of the Core Strategy in respect of sustainability.

Strategic Housing Policy Officer	No objections – Supportive of the proposal on housing needs grounds. In certain circumstances the Council owes a duty under homeless provisions to occupants of caravans or boats who are homeless as a result of having no site to live on; therefore, this proposal militates against this and any potential presentations of homelessness in the future.
Access Officer	No objections – Applicant advised that although it is recognised that living on houseboats may not be practical for many people with high levels of mobility impairments, developers of new mooring developments and those planning on improving existing developments should aim for these developments to be built in accordance with the policies of accessible and inclusive design. This is particularly true of communal facilities such as WC's, showers, laundry facilities, parking.
Environmental Health	No objections
Canal and Rivers Trust	No objections
Ellel Parish Council	No objections – Parish Council is supportive of this application.
Lancaster Canal Trust	Neither supports nor objects

5.0 Neighbour Representations

5.1 2 letters has been received one from a resident of Fleetwood and one from Glasson Dock objecting on the grounds that:

- Residential occupation of canal boats is contrary to the Transport Act of 1968.
- Residential development is not permissible on a cruising waterway.

Other concerns raised relate to:

- Insufficient moorings on Lancaster Canal for pleasure craft.
- The loss of grade 1 moorings.
- Lack of information required by the Planning Application Validation Guide 2007 (*Note: this document has been superseded*)
- Ecological impacts

6.0 Principal Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

The recently adopted National Planning Policy Framework, which replaces all previous Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs), indicates that the purpose of the planning system is to contribute to the achievement of sustainable development.

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph 17 – Sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. The principles which are relevant to this application state that planning should: be genuinely plan-led; be a creative exercise in finding ways to enhance and improve places; be supportive of sustainable economic development; seek high quality design and good standards of amenity; take account of different roles and character of different areas; encourage the use of previously developed land and make the fullest possible use of public transport, walking and cycling.

Paragraph 55 – Directs rural housing to areas where “it will enhance or maintain the vitality of rural communities.

Paragraph 109 – Seeks to protect and enhance valued landscapes and minimise impacts on biodiversity.

Paragraph 118 – Sets out key principles of consideration in terms of biodiversity and states that opportunities to incorporate biodiversity in and around developments should be encouraged.

6.2 Saved Policies of the Local Plan (LDLP)

Policy E4 (Countryside Area) – relates to new development within the countryside area stating that development will only be permitted where it is in scale and in keeping with the character of the landscape and is appropriate in terms of scale, siting, design and materials. It also seeks to ensure that development proposals will not have an adverse impact on nature conservation and to make satisfactory arrangements for parking and access.

Policy E17 (County Biological Heritage Site) – These sites should as far as possible also be protected from development or disturbance.

Policy E30 (Green Corridors) (Policy part superseded by Core Strategy) – The District contains a number of linear areas of open space such as Lancaster Canal, which link the built-up area to the countryside or join together large areas of parkland or woodland. These green corridors enable people and wildlife to move freely between these areas away from traffic and other dangers.

6.3 Lancaster District Core Strategy (LDCS)

Policy SC1 (Sustainable Development) – development should be located in an area where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, must not result in unacceptable flood risk or drainage problems, does not have a significant adverse impact on a site of nature conservation or archaeological importance, uses energy efficient design and construction practices, incorporates renewable energy technologies, creates publicly accessible open space, and is compatible with the character of the surrounding landscape.

Policy SC3 (Rural Communities) – seeks to build healthy sustainable communities by empowering local communities. An allowance of 10% of new homes and 5% of employment is allowed to accommodate development to meet local needs in villages. Development outside these settlements will require exceptional justification. In rural areas and in smaller more remote villages the Council will work with Parish Councils and other local stakeholders to conserve and enhance rural landscapes, identify local employment needs and opportunities for meeting them.

Policy E1 (Environmental Capital) – development should protect and enhance nature conservation sites and greenspaces, minimise the use of land and non-renewable energy, properly manage environmental risks such as flooding, make places safer, protect habitats and the diversity of wildlife species, conserve and enhance landscapes, and be directed to previously developed land where dereliction can be cleared and contamination remediated.

Policy E2 (Transportation Measures) – this policy seeks to reduce the need to travel by car whilst improving walking and cycling networks and providing better public transport services.

7.0 Comment and Analysis

7.1 The issues to be considered in the determination of this application are:

- The principle of the proposal
- Impact of the proposal on the operation of the canal and marina
- Visual and Residential Amenity
- Highways, Parking and Cycle Storage
- Ecology
- Heritage Impacts
- Flooding

7.2 The Principle of the Proposal

The application states that there has been a substantial growth in boat ownership on the UK's inland waterway network and argues that this is due to the improved amenity value of the waterways, such as the canal system, through urban regeneration and increased investment in the overall network.

As a consequence there is increased pressure on the UK's waterways as a whole and increasingly there is more demand for full time residential occupation of existing moorings. Core Strategy policy SC3 identifies Galgate village as one of eight settlements where residential development would be acceptable and in principle it is considered that the current proposal does not compromise the aims of this policy. The marina itself is within a sustainable location, within easy walking distance of Galgate. Although the Housing Needs Survey 2011 does not provide specific data relating to the demand and need for houseboats, it is considered that creation of residential moorings, would result in an increased security of tenure, and the Council seeks to provide the widest range of housing options possible. Furthermore it is the view of the Strategic Housing Policy Officer that the specialist nature of the proposal would not compromise the Council's overall housing strategy. It is therefore considered that the principle of the scheme is acceptable.

7.3 Impact of the proposal on the operation of the canal and marina

The submitted proposal if permitted would result in 20% of the moorings within the marina being classed as residential in planning terms. It is acknowledged that 19 of these existing moorings can already be utilised by boat owners on an unlimited basis for 365 days a year, but they cannot reside on the boats on a full time basis. It is therefore considered that the proposal would not significantly change how these moorings are currently used. The red edge of the application site includes 6 moorings within the southern basin but only up to 5 of these would be occupied on a residential basis should the proposal be approved, and this would be a condition of an approval. The proposal does not relate to any moorings along the canal itself and it is considered that the change of up to 24 moorings to permanent residential use will not result in harm to the canal network. It is stated within the application that the existing refuse and servicing arrangements will remain in place and it is also considered that the proposal will not detrimentally impact the operation of the marina in terms of the facilities and services already provided on site. At least 80% of the marina will remain available for use by leisure craft.

7.4 It is noted that two letters have been received regarding the use of the canal as a cruising waterway. This point was raised with the Canal and Rivers Trust and in response they acknowledged that there are residential moorings on numerous other cruising waterways throughout the country, both owned by the Trust and privately owned, and both on canals and in marinas. The Canal & Rivers Trust has a statutory duty to maintain the canal in a condition suitable to allow for navigation. It is considered that the residential use of boats moored in the marina will not have any impact on ability of the Trust to carry out this duty.

7.5 Visual and Residential Amenity

The site already contains landscaped pockets and this will be unaffected by the scheme. Additional informal planting has been suggested by the applicant and would be conditioned in order to encourage the ecology of the area and this point is highlighted in paragraph 7.8. The proposed new cycle shelter will not be highly visible from the A6 but would be visible from the towpath on the western side of the canal. As such the colour of this structure will be conditioned. It is considered that the nature of the proposal would not impact unduly on residential amenity. Consequently the proposal is not considered to be detrimental to visual and residential amenity of the area.

7.6 Highways, Parking and Cycle Storage

Galgate is well-served by public transport as well as cycle routes and footpaths as well as a puffin crossing close by on the A6 linking the site to the facilities and services in the village and other parts. Although the development site is considered to be accessible for pedestrians, the width of the footway on the westerly side of the A6 is substandard of width in Highway terms. However, a route is available for pedestrians through the development site to the northerly access point from which the width of the footway to Galgate is an acceptable standard, and it is considered that safe pedestrian access to the whole of the site is available. The proposal includes 24 car parking spaces for the residential berth holders (allocated from the existing on site provision) and following receipt of amended plans the scheme will also provide cycle storage for up to 24 cycles (1 cycle space per residential berth). The cycle store will be positioned on the eastern side of the car park adjacent to the A6 boundary within the northern part of the site. The County Highways consultee is satisfied that the proposal will not have an adverse impact on the surrounding highway networks or pedestrian safety.

7.7 Ecology

The application site is located in part in a County Biological Heritage Site (small basin) and a Green Corridor. The proposal does not involve any physical ground works and it is considered that an increase in residential use would result in a reduction in boat movements which may result in a positive impact on the aquatic environment of the marina by reducing silt disturbance and therefore turbidity of the water and reducing the damaging effect of propellers cutting up vegetation. The application is supported by an Ecology Assessment and the County Ecologist has been consulted. Although they raise no objections it is suggested that the use of phosphate free detergents is considered. While it is not reasonable to control this point by condition the agent states that the use of these products is encouraged by British Waterways Marinas Limited (BMWV).

7.8 The submitted planning statement acknowledges that there would be opportunities to make provision for some areas of additional informal planting of native, local plant species within the car parks. This point could be conditioned in order to encourage wildlife within the marina. It is considered that the proposal, which relates to the use of existing moorings, and not to any development on the towpaths, will not result in any harm to the Green Corridor and Biological Heritage Site and accords with the expectations of policy with regard to the protection of these designations. The proposal is therefore considered to be acceptable with regard to ecological impact.

7.9 Heritage Impacts

It is considered that the setting of the Grade II listed bridge to the north of the site will not be affected unduly by the proposals. Consequently it is considered that the scheme is acceptable with regard to heritage impacts.

7.10 Flooding

According to the Environment Agency (EA) Flood Map the site is within a Floodzone 1 area and the submitted proposal is supported by an Assessment of Flood Risk. Flooding of the site is classed as a low probability as the area has been assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year. The EA has not raised comments or objections with regard to the proposals.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 Overall the site is considered to be situated in a sustainable location and leisure moorings will remain as the dominant use of the site. It is considered that the proposal accords with the guidance set down in the National Planning Policy Framework and accords with the provisions of all relevant local plan policies. It is considered that the principle of permanent residential use off 20% of the total moorings is acceptable and the proposal will not result in harm to the character and amenity of the area, the highway network or the operation of the canal or the marina. The application is therefore recommended favourably.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Amended plan (additional cycle storage and reduced red edge)
3. Development to accord with approved plans
4. No more than 24 moorings to be occupied on a residential basis
5. Applicant to make available for inspection their records detailing the number and location of the residential moorings within Galgate Marina at the request of the LPA.
6. Provision and retention of designated parking
7. Cycle storage details to be agreed
8. Details of additional planting to be agreed

9. Details of any external lighting to be agreed

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None