

**Report to District Development  
Management Committee**

**Report Reference: DEV-011-2016/17**  
**Date of meeting: 28 September 2016**



**Subject: Planning Application EPF/0934/16 - Roydon Marina, High Street, Roydon, Essex CM195EJ – Extension of existing marina so as to provide an additional 240 berths, 120 parking spaces and additional associated facilities - refuse collection points, elsan points and 28.88 sqm extension to facilities building.**

**Responsible Officer: Jill Shingler (01992 564106)**

**Democratic Services: Gary Woodhall (01992 564470)**

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**Recommendation(s):**

**(1) That planning permission is granted for the above development subject to the following conditions:**

- 1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.**
- 2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 2359/001D, 2359/002H, 2359/003C, 2359/004H and unnumbered elevations and floor plans of the facilities building**
- 3. The marina extension hereby approved shall be used only for recreational purposes and a maximum of 240 boats shall be moored at the red-lined site at any one time. None of the boats shall be residentially occupied. Full details of the management of the site including restrictions on length of stay of users of the site (not to exceed 28 days) shall be submitted to and agreed in writing by the Local Planning Authority prior to the first use of the site for mooring boats. The agreed restrictions on occupation of the boats at the site shall thereafter be maintained unless otherwise agreed in writing by the Local Planning Authority.**
- 4. Prior to the first use of any of the berths hereby approved the developer shall refresh the existing "keep Clear" markings and shall maintain them as such for so long as the marina extension remains in use.**
- 5. No development shall take place, including site clearance or**

other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. the parking of vehicles of site operatives and visitors;
  2. loading and unloading of plant and materials;
  3. storage of plant and materials used in constructing the development;
  4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  5. measures to control the emission of dust and dirt during construction, including wheel washing; and
  6. a scheme for recycling/disposing of waste resulting from demolition and construction works.
7. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
8. No development shall take place until a scheme for the

provision and management of compensatory habitat creation has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved scheme.

9. No development shall take place until a plan for the protection and/or mitigation of damage to water voles, otters and their associated habitats within and adjacent to the development site, both during construction works and once the development is complete, has been submitted to and approved in writing by the local planning authority. The protection plan shall be carried out in accordance with a timetable for implementation and shall include the following elements:
- details of how water voles present on the River Stort to the south of the site will be protected during and after development; and
  - details of how otters, otter habitat and migratory pathways will be left undisturbed during and after development management responsibilities.

10. No development shall take place until a detailed method statement for the removal and long-term management of Himalayan balsam, American signal crayfish and zebra mussels on the site has been submitted to and approved in writing by the local planning authority.

The method statement shall include measures that will be used to prevent the spread of Himalayan balsam, American signal crayfish and zebra mussels and any other invasive species during any operations such as mowing, strimming, boat movement or soil movement. It shall also contain measures to ensure that any soils and equipment (including boats) brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

11. No development shall take place until a scheme for the provision and management of an 8 metre (m) wide buffer zone alongside the watercourse has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:
- plans showing the extent and layout of the buffer zone;
  - details of the native species planting scheme;
  - details demonstrating how the buffer zone will be

- protected during development and managed/maintained over the longer term;
- details of any footpaths, fencing, etc.; and
  - details of any lighting.
12. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
13. The works hereby approved shall be carried out in accordance with the submitted flood risk assessment (Enzygo- Roydon Marina Lodge, Ref SHF.202.004.HY.R.001.A- April 2016) and drainage strategy, unless otherwise agreed in writing by the Local Planning Authority.
14. The parking areas shown on the approved plan shall be provided prior to the first new mooring being brought into use and shall be retained free of obstruction for the parking of visitors vehicles.
15. Should the use of the lake for mooring of boats cease, all moorings, pontoons, stages etc within the lake shall be removed from the site within 6 months.
16. The development shall be implemented in full accordance with the recommendations of the Phase 1 Ecological Survey and Associated Bat Survey, water Vole and Otter Survey, Breeding Bird Survey, Winter Bird Survey Report and also any recommendations regarding reptiles, invasive species and site clearance.
17. Prior to the first use of the marina extension hereby approved, the elsan and refuse collection areas indicated on the approved plan shall be implemented and details with regard to the management of these areas shall be submitted to and agreed in writing by the Local planning Authority. The facilities shall thereafter be maintained and operated in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

## Report Detail

*This application is before the District Development Management Committee since it is an application for major commercial and other developments, (e.g. developments of significant scale and/or wide concern) (Pursuant to The Constitution, PartTwo, Article 10(b))*

### **Description of Site:**

The site is part of the existing Roydon Mill Leisure Park and the lake that has been used for many years for recreational purposes. The lake lies to the west of the caravan area and is bounded to the north by the railway line and to the south by the River Stort Navigation. There are residential mobile homes to the east and much of the leisure park has been redeveloped with new log cabin style mobile homes. Most of the lake is already in use as a marina, which was granted consent in 2009. The red lined application site encompasses much of the remaining western part of the lake and the adjacent bank areas. (about 6.25 hectares in total) There are substantial trees and hedgerows around much of the lake. Access to the site is via the existing access track which is along the tow path from its junction with Roydon High Street.

### **Description of Proposal:**

This application is for the extension of the existing established 315 boat marina for the mooring of up to 240 additional boats on the existing lake at Roydon Mill. (raising the number of berths to 555 in total) The proposals include the provision of an additional 120 car parking spaces, mainly along the northern side of the lake to add to the 77 originally provided for marina visitors and an additional ELSAN disposal unit and bin storage areas. In addition the application includes a small extension (28 sq m) to the existing facilities building to increase the shower and toilet facilities available. Vehicular access to the site is to be as at present, taken from the existing access to the leisure park, i.e. along the tow path road from Roydon High Street. Some additional works are proposed to the access road to further deter speeding. The jetties to which boats will be moored will be floating and the floating walkways to the finger jetties will be accessed from the bank at the northern side of the lake.

### **Relevant History:**

The leisure park has an extensive planning history with, most recently:

EPF2113/08 Creation of a marina with moorings for up to 315 boats and associated facilities, including new lock with the River Stort Navigation, facilities building, workshop, fuel storage tank and 77 parking spaces. – Approved 2009

EPF/0935/11- Variation of cond.13 (Re: Access road improvements) of EPF/2113/08 – Approved 2011.

This application put forward alternative changes to the access way, the majority of which have were done at the behest of British Waterways who own the access road.

The changes included;

- upgrading the existing lighting columns rather than installing low level bollard lighting along the length of the canal.
- Replacing the proposed low level lighting bollards adjacent to the canal with timber reflective bollards
- Upgrading the informal western passing bay to a formal passing bay, rather than introducing a replacement formal bay 15m further west.

The proposals included the provision of new signage relating to the passing places, 15mph speed limit, warning of pedestrians and to beware of oncoming traffic in the middle of the road.

EPF/1313/11 - Change of use of facilities building approved under EPF/2113/08, to a mixed use building comprising a cafe, together with small chandlery area and associated facilities (shower, changing areas, laundry and marina office.) – Approved 2011

**Policies Applied:**

Local Plan – saved policies:-

CP1 Sustainable development

CP2 Protecting the quality of the environment

GB2A Green Belt

GB5 Residential moorings and non-permanent dwellings

GB7A Conspicuous development

GB10 Development in the LVRP

NC4 Protection of Established Habitat

NC5 Promotion of nature conservation schemes

RP3 Water quality

RP5A Adverse environmental impacts

RST7 Recreational function of the Lee and Stort navigations

RST23 Outdoor leisure uses in the LVRP

RST24 Design and layout of development in the LVRP

RST25 Glen Faba and Roydon Mill Leisure Park

DBE1 design of new buildings

DBE4 Design in the Green Belt

LL1 Rural landscape

LL2 Inappropriate rural development

LL7 Planting protection and care of trees

LL10 Adequacy of provision for landscape protection

LL11 Landscaping schemes

ST1 Location of development

ST2 Accessibility of Development

ST3 Transport Assessments

ST4 Road safety

ST6 Vehicle parking

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

**Summary of Representations:**

As well as the Statutory consultees 94 neighbouring properties were written to and a site notice was erected, the following responses were received:

PARISH COUNCIL - The Parish Council agreed at its last meeting to OBJECT to the above application for the following reasons:

**Access**

The sub-standard access to the site is via a towpath which is single track with only one passing place (apart from the initial pull-in). The towpath runs alongside the River Stort Navigation which is very deep in places. The additional traffic that will be generated by this proposal will make

using this towpath much more difficult than it already is. Local residents have concerns about access for emergency vehicles, the speed of vehicles and the lack of separation between motorised traffic and pedestrians/cyclists using the towpath. Despite comments made in the applicant's submission there have been several accidents at this location and we would like to point out that lighting and signage improvements to the towpath which should have been carried out under planning application EPF/2113/08 have not been actioned. Attached to this email (see attachment 'Marina') are Trip Advisor reviews from holidaymakers which have used the Roydon Mill site and have highlighted concerns about the towpath access and its maintenance.

### Traffic

The Parish Council commissioned a detailed traffic survey by QTS which was undertaken over a 7 day period for 14 hours each day in March this year. This looked at traffic movements in all directions where the towpath meets Roydon High Street and it should be remembered that the site is adjacent to Roydon Station and vehicles are sometimes found on the level crossing whilst traffic waits to turn right (from Stansted Abbots) into the Marina - this is a serious safety issue. There were an average of just over 840 traffic movements in and out of the Marina each day - this is nearly 25% of all traffic movements at this junction and the Parish Council would argue that the information provided by the applicant, which is not as detailed as our own survey, is lacking in factual evidence and that, as a result, the projections given, in support of this application, are flawed.

Any further increase in traffic using such a sub-standard access cannot be safe and the Parish Council disagrees strongly with the applicant's view that this new application will not impact significantly on traffic figures.

### Parking

Each boat currently has a contract allowing parking for up to two vehicles but the increase in boats will result in parking for an additional 120 vehicles. At present there is insufficient parking not only the boats currently berthed at the Marina but for the residential part of the site, the lodges, hotel and visitors.

### Conditions

Many of the 29 conditions applicable to planning application EPF/2113/08 (the original marina development) are either not being complied with or have only been partially discharged. These include on-going site management relating to ecology, trees, landscaping and flooding.

Residential Boats - Condition 14 of EPF/2113/08 is not being complied with as the Parish Council is aware that there are an estimated 100 full time occupied boats. The procedures that were put in place to stop this happening do not achieve the stated aim of all boats being non-residential and is open to abuse. The Parish Council estimates that Epping Forest District Council is losing approximately £100,000 p.a. in council tax revenue as a result. If an additional 100 houses had been sited in the village an environmental impact assessment would have been carried out to look at traffic (lived on boats are not being adequately considered for traffic projection purposes), safety and amenity issues but this has not taken place. Wide berth boats are usually used for residential accommodation and these feature prominently in the new application. The Parish Council has serious concerns about the ability of EFDC to ensure that none of the boats (either existing or in the future) have any permanent residents and it is very disappointing that a survey of boat movements has not been carried out.

### Health and Safety

As we believe that Marina safety is the local authority's responsibility, the Parish Council would like to understand what information has been provided to and investigated by EFDC in this respect (see attachment 'Safety').

### Green Belt

There are no special circumstances which should allow further development.

### Ecology

It is recommended that a Habitats Regulations Assessment is carried out and this should take place before the application is decided. Natural England has asked for measures to increase the bio-diversity of the site. Bats and other protected species are present on site so surveys should be required as should a water bird survey. The Parish Council has concerns about the loss of natural habitats that would come about from approval of this application but if approval is given then works should be carried out outside the bird nesting season.

### Facilities

Village facilities are stated as being as per the previous application of 2008 ' a range of local shops and restaurants' - in fact the village only has a newsagents, chemist and a hairdresser although it does have a few pubs..

For the above reasons the Parish Council very much hopes that this application is refused.

THE ROYDON SOCIETY - Strongly OPPOSES this application for the following reasons:

Insufficient width of access on the 'tow path', adjacent to the Stort Navigation, leading to the Marina site, to cope with the increase in vehicles numbers. The creation of 'lay by's' and other suggested initiatives will not assist in dealing with traffic issues. If there was an accident, emergency vehicles could not gain access. Tow path is a public footpath so serious concerns raised re walkers using this tow path to access footpaths further ahead and additionally boat owners who use this towpath for official short term mooring.

Junction with Roydon High Street and B181, plus the level crossing gates being down for a considerable length of time, adds to the frustration of vehicle users when dealing with drivers exiting from Roydon Mill/tow path entrance/exit. When drivers are unable to enter the tow path from Hertfordshire, this leads to a build up of traffic which frequently leads to traffic straddling the level crossing which is unsafe – there is no way for these drivers to go if the gates need to drop.

Information in documents supplied with application inconsistent. Residents who made enquiries on the 'open day' have yet to be responded to, as they were promised.

Road user survey, provided with the application, relies on previous years' data; differs from survey taken in March 2016 by Roydon Parish Council which indicates that prior to this application, numbers of tow path motorised transport has increased dramatically.

Site will become too excessive for users to enjoy the surroundings/facilities currently available to them. Residents feel that the Marina currently is operating at full capacity.

Wildlife – a condition of a previous application to set aside a wildlife area has not been actioned. Issues with drainage which is currently operating at full capacity; problems envisaged should this application be allowed. Being so near to the Stort Navigation, contamination of waterway could occur.



Application indicates that spaces have been allocated for 'wide beam' boats – these boats are normally static and lived in permanently, they are rarely holiday homes.

Issues with number of parking spaces allowed. Agreement with boat owners states 2 parking spaces per boat. Numbers of spaces proposed insufficient even allowing for those boat owners not using their boat permanently.

NPPF states that priority should be given to pedestrians and cyclists; safe and secure layout to reduce conflicts. If this was an application for 240 properties, a tow path as an access road would not be permitted.

No consideration has been given to the local community as regards increased traffic, use of local facilities etc.

ROYDON BOATERS ASSOCIATION – OBJECT. Boat owners were originally assured that the western part of the lake would be kept free of boats as a wildlife area and that islands would be created for wildlife. The islands have not been created, additional moorings were added. Concerned about design, environmental and capacity issues. Boaters who complain have been pushed out by Darinian. The services are not sufficient for the existing boats. There is inadequate parking, there are no limits to who can visit and no permit parking. There are inadequate bins and rubbish collection, the sewage system is regularly closed as it is full, the car parks are full of potholes and non porous, so become mud field in winter. These are design and capacity issues not management issues. The same will apply to the extension. This is a deliberate business strategy to maximise berths and resource facilities to the minimum allowed, to reduce costs and outlays whilst maximising revenues. This will destroy a beauty spot and impact negatively on people who have boats at the Marina and the people of Roydon. I question the objectivity of the consultants reports as they are paid to blur the lines enough for this application to be supported.

Also concerned about disruption and impacts on wildlife and residents and visitors during the development work. Traffic and noise from piling will cause problems.

LEE VALLEY REGIONAL PARK AUTHORITY – Whilst the addition of new berths will improve the appeal of this part of the Regional Park for visitors, this should not be achieved by the coverage of 90% of the water space. The number of berths should be reduced by 50% to preserve the extent of open water and maintain the sites contribution to maintaining the permanence and openness of the Green Belt.

A series of mitigation measures identified in the surveys included with the application should be included in a mitigation and landscape enhancement plan to be required by conditions. Further details of lighting are required to limit adverse impacts on bats and other wildlife using the area for foraging.

The western section of the lake which includes the island should be treated as out of bounds for boaters with a restriction secured either by condition or planning obligation to prevent further development. The area should be the subject of a full ecological management plan to include measures to improve habitat in line with the LVRP Biodiversity Action Plan. This should be subject to tri annual review and monitoring.

In the event of permission being granted a condition should require that berths are used as visitor accommodation only to prevent them becoming permanently occupied in residential use. Without a condition to this effect the site's role in the Regional Park as a visitor attraction would be undermined.

Neighbour Objections have also been received from the following addresses:

1, 2, 4, 5, 6, 7, 12, 15, 15A, 16, 17, 21, 23, 24, 25, 26, 28, 30, 32, 35, 39, 40, 41 and 43 HOLY ACRE.

11, 15, 18 THE GRANARY, 57 HIGH STREET, THE MILL HOUSE, No 9 ROYDON MILL

In addition several objections without full addresses have been received.

The objections and concerns raised are similar to those expressed by the Parish Council and the Roydon Society and relate to the following issues:

#### Access Road

The inadequacy of the access road to take existing traffic levels safely makes any further increase in number of berths unacceptable. The road is of inadequate width, with poor surfacing, inadequate passing places, speeding, unsafe for pedestrians, children and cyclists. Path inadequately lit

#### Traffic

The traffic generated is excessive and causes issues at the junction with the High Street, with traffic queueing, conflict with the level crossing adjacent. Concern that the reports submitted understate the traffic movements and problems that arise. Bridges may not be able to take the additional traffic

#### Parking

The existing parking provision is inadequate, and not controlled or restricted to boat owners, far more spaces are needed and the car parks areas are poorly maintained.

#### Boats are being lived on

Despite conditions boats on the marina (and indeed the holiday chalets) are being lived in which increases the problem of inadequate parking, number of traffic movements, inadequate facilities etc.

#### Inadequate facilities

The existing marina has inadequate facilities for the number of boats, which results in problems of rubbish, sewage disposal etc.

#### Impact on environment

All boats have log burners impacting on air quality. The quality of the environment and the visual amenity of the area will be adversely impacted by the increased usage and the loss of the open area of the lake.

#### Impact on wildlife

Loss of the natural area of the lake, reduces habitat. Otters, water voles and other wildlife will be affected.

## Concern over drainage issues

### **Issues and Considerations:**

The application site is within the Metropolitan Green Belt and the Lee Valley Regional Park and is a County Wildlife Site. The main issues in the determination of the application are:

Impact on the Green Belt

The landscape and visual amenity of the area

Impact on wildlife, conservation and ecology

Impact on highways and highway safety

Effect on residential amenity

Hydrology

Loss of Open Water

Residential Use

Adequacy of Facilities

Flood Risk

Other issues

### **The Green Belt**

The Government attaches great importance to Green Belts. The fundamental aim of which is to prevent urban sprawl by keeping land permanently open. The NPPF sets out those forms of development which are not inappropriate in the Green Belt. This includes “The provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it” and the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.

When the original marina was approved in 2009 it was argued that that although the development could be described as small scale facilities for outdoor recreation, as the works to provide moorings on the lake are relatively small scale and the buildings and structures are essentially required to enable people to fully utilise the waterways of the area for recreational purposes, the mooring of so many boats would clearly have an impact on the openness of the area and therefore very special circumstances were required. It was accepted at that time that there was a need in London and the South east for the provision of moorings to meet the needs of the expanding number of recreational boaters and the application was welcomed by British Waterways, who were then responsible for assessing such things. It was argued that the site was well located and could be developed with minimal need for excavation. It was considered likely that any marina to serve the needs of London would need to be within the Green Belt. These factors were considered to amount to very special circumstances sufficient to outweigh the harm to the Green belt from the development.

Basic Green Belt restrictions have changed little since that decision and the same principles apply to this proposal for an extension to the Marina. The built works proposed are all relatively minor with minimal impact on openness. The small extension to the facilities building is clearly not disproportionate over and above the size of the original building and is therefore not inappropriate and the pontoons into the lake and the parking areas proposed are all appropriate in connection with outdoor recreation and have only very limited impact on openness. Once again it is the presence of boats and cars on the site that will impact on openness. The

applicants have once again argued that there is a need for the facilities to meet the demand. Since the original application in 2009, the responsibility for waterways has moved from British Waterways, to "The Canal and Rivers Trust". This body were consulted on the application and have been unable to corroborate the applicants' assertion of need. However they go on to say that *they "do not carry out studies into matters of need or demand for marinas and it is for the developer/applicant to deal with these matters as they consider appropriate"*

The applicant was asked for a response and provided the following:

*"On the 7<sup>th</sup> July I forwarded a copy of the Marinas up to date enquiry list, having deleted names and contact details (data protection act). As you will have noted there were 225 enquiries for moorings in 2015 and 83 enquiries to date this year. You will also be aware the marina has a waiting list for 38 boats at present.*

*You will also no doubt be aware that Hallingbury and Stansted Abbots marinas are both full. Neither has the ability to expand and both send people to Roydon on a weekly basis. Likewise you will be aware that it is the Canal & River Trust's policy to remove boats from mooring online and into marina's, and has a continuous cruiser monitoring process. As is clear from the 'Boaters without a home mooring review' (Mar 2016) that there are a significant number of boaters without a home mooring, which means they have to keep moving on. It's also clear that the area with the greatest demand for permanent moorings is the area around London, including the Lea Valley.*

*Whilst we know that the Canal & River Trust does not carry out studies into matters of need or demand for marinas, the Trust does, recognise that boating in London has become more challenging as boat numbers on London's waterways continue to grow. This has led to pressure on moorings, facilities and infrastructure. Whilst the Trust has commissioned a London Mooring Strategy to investigate how to manage these issues, and will we understand, look at ways to improve the provision of a range of mooring types including offline marina, the strategy itself will not be completed until sometime in 2017.*

*A copy of the relevant press release is however attached. This makes it clear that:- 'Boating in London is becoming more challenging as boat numbers on London's waterways continue to grow. This has led to pressure on moorings, facilities and infrastructure. It can be hard to find space at towpath moorings in the most popular areas while **the supply of long-term moorings isn't enough to meet demand**. Over the past few years the Trust has been working with boaters and other stakeholders on solving the problem. While a number of trials have been carried out and there have been some positive changes, for example the creation of new long-term moorings and bookable moorings, it is clear that a plan of action that covers all aspects of London moorings, developed with waterway users, is necessary to make a significant difference.' My emphasis. "*

On the basis of the information provided it is considered that there is still a significant and unmet demand for moorings in the south east and that as before, this and the fact that only minimal works are required at the site to enable the use amounts to very special circumstances sufficient to outweigh the relatively limited harm to openness from the development.

Para 12.54 of the Adopted Local Plan states "appropriate facilities (e.g. a marina) may be acceptable provided that the buildings are limited to those incidental to open air recreational use"

### Landscape and visual amenity

The planning application was submitted with a full landscape assessment including mitigation and a landscape strategy. The site is well screened by existing trees and additional landscaping and planting are proposed. Whilst the car park areas and indeed the boats themselves will have a visual impact within the site, it is not considered that there will be excessive impact from view points outside the site. Given the low lying nature of the site it is not considered that the scheme will have a significantly adverse impact on the landscape or visual amenity of the locality.

### Impact on Wildlife, Conservation and Ecology.

#### European Sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Lee Valley Special Protection Area (SPA) which is a European site. The site is also listed as the Lee Valley Ramsar site<sup>1</sup> and also notified at a national level as the Rye Meads Site of Special Scientific Interest (SSSI). Another component of the Lee Valley SPA and Ramsar site, the Turnford and Cheshunt Pits SSSI, is further away; but is hydrologically linked to the application site via the Lee and Stort Navigation. The proposal site is also in relatively close proximity to the Hunsdon Mead SSSI.

With regard to the European Site the Council as a Competent Authority has to assess the likelihood of significant impacts of the development as part of the a Habitats Assessment Screening. This aspect was also considered as part of an EIA Screening Opinion that was carried out prior to the submission of the application.

It is not considered the development will have any significant impacts on any European Site and as such no further assessment is required.

#### National Sites

This application is in close proximity to the Rye Meads Site of Special Scientific Interest (SSSI). It is also in relatively close proximity to the Hunsdon Mead SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified.

#### Other Wildlife issues

In addition to the above there are other non-statutory wildlife sites that are connected to the site via the watercourse. Given the sensitive nature of the site the application included an extended Phase 1 Habitat Survey, bat survey, breeding bird report, otter and water vole survey, overwintering bird report. These conclude that the impacts of the development on habitats and wildlife will be limited and suggest appropriate mitigation and enhancement strategies.

Natural England and The Environment Agency have not raised objection to the proposals subject to conditions to secure the protection of wildlife during development and the implementation of mitigation to improve and maintain habitats post construction and it is considered that the proposed development accords with adopted policies that seek to maintain and enhance the natural environment. Suitable conditions are proposed.

## Highway Issues

The proposal clearly involves a significant intensification of the use of the Roydon Mill Lake and considerable concern has been raised by neighbours with regard to the vehicular access to the site and the amount of parking proposed. Vehicular access to the site is, as for the adjacent caravan park, from the High Street just south of the level crossing and along the tow path road. This road is narrow with limited passing places and includes a humped back bridge with no view of the road ahead; as such there is legitimate concern about any development that may increase vehicular traffic along this track.

The original supporting documents when the marina was first proposed argued that as the caravan park was changing to fewer caravans and the camping site that had operated was no longer in use the introduction of the 315 berths, for which the parking requirement set by British Waterways, was only 77, would not result in a significant increase over the historic use of the road, and was therefore considered acceptable. In addition, the access road, which was then owned by British Waterways (now the canal and Rivers Trust) was improved by the provision of signage, improvement to lighting and the provision of passing places.

With this current application the applicants have submitted transport assessments which indicate not surprisingly, that with the increase in berths there will be an increase in traffic movements on the access road. The question therefore is whether the increase is such that there will be an adverse impact on safety for all road users.

The statement concludes that at peak hour (12.00 -13.00) on a Saturday, the number of inbound trips will increase from 46 to 54 (8 additional) and outbound from 41 to 52 (11 additional). On a weekday at peak times the prediction is that morning two way traffic movements would increase from 51 to 67 (an increase of 16) and afternoon two way movements would increase from 55 to 69, (an increase of 17)

A detailed assessment has been made with regard to the existing and potential turning movements into and out of the site on to the High street, bearing in mind the proximity of the level crossing to the north and the traffic congestion that can result when the crossing is closed.

An Essex County Council Highways officer has assessed the Transport Assessment (TA) submitted and considers it to be robust. He has visited the site and thoroughly assessed the submitted transport information and has concluded that the proposal is not contrary to National/Local Policy or current safety criteria. The TA demonstrates to the satisfaction of the Highway Authority, in terms of safety and capacity, that the impact of the proposed development will be minimal on the highway in the vicinity of the site and on the wider highway network. Accident data has been investigated and there are no recorded highway incidents within the vicinity of the site for the last 5 years. The Highway Officer has also confirmed that the proposed number of parking spaces conforms with the maximum standard and that overspill if it occurred would not cause any highway safety issue as the site is well removed from the highway.

The NPPF states *that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.”* On the basis of the above it is not considered that there are highway or transport grounds to refuse the application.

The access road itself is a private track within the ownership of the Canal and Rivers Trust, and the Highway Authority is not responsible for its upkeep, signage, speed limit or safety. Given the concerns of neighbours with regard to the access road itself the applicants in the course of

the application have looked into whether any additional work could be carried out to improve this track. Given the limited space available, the only feasible suggestion is the inclusion of additional speed humps to encourage people to drive at the suggested speed limit of 15 MPH. The applicants have stated a willingness to carry out such works and they may help reduce speeds along the access track, however it is not in officer's view necessary to make the application acceptable and in addition the access track is not within the ownership of the applicant and as such the works can not be the subject of a condition. It would be for the applicant to negotiate with the Canal and Rivers Trust if they wished to carry out such works.

The concern of the Parish Council and others with regard to this access and responsibility for safety has been raised with the Councils emergency planner, as well as with the Highway Authority. It is not considered that the increased use of the tow path necessarily leads to additional risk. Where surfaces are shared in this way with many users including cyclists and pedestrians and there is a clear hazard such as the canal, the result is usually that people take additional care and reduce speeds accordingly.

#### Residential Amenity.

Whilst the development will result in some increased traffic movements it is not considered that an increase in the number of boats on the lake will result in harm to the residential amenity of residents in the vicinity. None of the proposed works are adjacent to any residential property. Whilst there may well be disruption and noise during construction these are not grounds for refusal of the application.

#### Hydrology

Consent for the marina extension is required from the Canal and Rivers Trust (CRT) separately from planning permission and at the moment the developer has only reached the initial stage in gaining such consent. Initially the CRT submitted a holding objection to the planning application stating:

*The Trust has a process for considering the acceptability of new marina proposals. This is separate to any application for planning permission. The proposal for the marina extension has entered our process and our Hydrology team undertook an initial water resources assessment earlier in the year. This triggered the requirement for a more detailed assessment. The promoter has decided to proceed in our process and as such we are currently carrying out the more detailed assessment. The detailed assessment is required because Roydon Marina is connected, via a lock, to a river navigation, and therefore water availability is restricted by the river's flow regime. The Trust has an Operating Agreement with the Environment Agency with regard to the levels in the River Stort, and the use of the navigation during periods of low flow or drought. There has also been anecdotal evidence of problems with water levels in the navigation pound (the stretch of water between locks) immediately adjacent to this marina.*

*Our initial marina assessment indicated that increasing the number of berths in the marina is likely to increase (boat) traffic and therefore demand for water from the river, by opening and closing locks. Therefore, further hydraulic analysis is required in the form of a detailed assessment to determine the impacts of the marina extension on the base-flows of the River Stort Navigation (and the River Lee Navigation), as well as the impacts on the operational level of the navigation at peak demand. Following the detailed assessment, expected in August 2016, we will be able to make an informed comment about the hydrology of the navigations around Roydon Marina and if they will be impacted by the marina extension.*

*The impact on the hydrology of the navigations is also a planning matter. This is reflected Policy RST 7 of the Epping Forest Local Plan (1998) which states that “The Council will grant planning permission for developments associated with the recreational function of the Lee and Stort navigations provided that :- (i) ....., (ii) there is no adverse impact upon river water levels”. In light of the identified requirement for a detailed water resources assessment we therefore consider that at present there is insufficient information to consider the acceptability of the planning application in relation to its impact upon the hydrology of the navigations around Roydon Marina. We must therefore **object** to the proposal. We would be happy to provide further advice once the outcome of the detailed assessment is known.”*

Accordingly it was agreed with the applicant to put the determination of the planning application on hold until this was resolved.

The CRT has now confirmed that the more detailed water resources assessment has been completed and that the assessment showed that the proposal is acceptable in principle at this location and that, at the time of the assessment, there was sufficient water resource available to accommodate the increase in boat traffic generated by the scheme. They however emphasise that there are further stages in the Trust’s process that the applicant will need to go through before they are able to reach agreement with them.

The CRT also reiterates that the hydrology of the navigation is a planning matter that must be taken into consideration in determining the planning application.

In the absence of any objection from the canal and Rivers Trust and no evidence that the development will have any adverse impact on the waterway it is considered that the development accords with Policy RST7 of the adopted Local Plan.

#### Loss of the Open Water

There is some concern that this proposal will result in 90% of the water area of the lake being utilised for mooring, leaving only a very small area of open water, which perhaps diminishes the attractiveness of the marina and the surrounding area. However, this lake is only one in a number of similar expanses of water that are within the vicinity and that are accessible within the LVRP and it is not considered that the reduction in open water at this location will reduce the attractiveness of the Park for visitors. The Park Authority comments have been set out in full at the beginning of the report and they consider that a smaller extension would be more acceptable, whilst agreeing that the use is compatible with the aims of the Park.

On balance it is not considered that the reduction in open water is sufficient grounds to refuse the application. The concentration of boats within this one location which is well screened and self contained means that the remainder of the water bodies in the locality can remain largely undeveloped and free of moorings which could be viewed as a benefit to the park as whole

#### Residential Use

The proposal is for the boats at the marina to be occupied only for recreational purposes. Use of the marina for residential mooring (houseboats) would have significantly more impact on the locality, as residents would be dependant on road access and local facilities and there would be significant highway implications. Additionally, use for permanent residential accommodation would be clearly contrary to Green Belt Policy and sustainability policies. There are existing



conditions on the marina which restrict occupation to ensure that the marina is only used for recreational purposes. Several objectors have argued that existing conditions are being flouted and that the boats are lived on. A recent Enforcement investigation found that Housing Benefit claims had been made to the Council for 2 boats at the site, indicating that they are being used residentially. As a result the marina operators have terminated the mooring lease for the 2 boats in question. In addition the marina has provided (as required by the conditions) evidence relating to the permanent addresses of the boat owners and further investigations are ongoing to check the validity of these. Should any other breaches of the occupancy conditions are found, then appropriate action will be sought. None of those raising concerns over permanent residential use have been able to state which boats their concerns relate to, and from site visits, there is no clear evidence of widespread breaches.

#### *Adequacy of facilities*

Concerns have been raised with regard to the adequacy of the sanitation facilities and waste storage and collection within the site. It is considered that the level of provision proposed is acceptable but as with all such provision its effectiveness is dependent on the management of the site. It is in the marina operator's interests to ensure that their facilities are maintained and emptied and waste is collected, in order to keep the marina attractive to customers. . However conditions can be attached to ensure that further details of foul water disposal and of the refuse collection regime are submitted for agreement prior to the first use of the marina extension and thereafter maintained.

#### *Drainage and Flood Risk.*

The Council's Land Drainage team were consulted on the application and raise no objection based on the Flood Risk Assessment that was submitted and the Environment Agency have also raised no objection to the proposal subject to conditions regarding foul and surface water drainage.

#### **Conclusion:**

In conclusion the development due to the impact on openness of the boats moored and cars that may be parked, (rather than the physical works proposed) will not preserve the openness of the Green Belt and is therefore inappropriate development. However the need for moorings to serve the recreational needs of London and the South East, and the suitability of this site to provide for that need with minimal works, is considered sufficient to amount to very special circumstances that outweigh the relatively limited harm to the Green Belt and any other harm from the development.

This is a development that supports open air, rural tourism and leisure, in a logical and appropriate location within the Lee Valley Regional Park, and it is recommended for approval subject to conditions.