Planning Committee: 09 November 2021 **Item Number:** 8

Application No: W 21 / 0802

Registration Date: 19/06/21
Town/Parish Council: Lapworth **Expiry Date:** 14/08/21
Case Officer: Lakeisha Peacock
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Land north of Bakers Lane, Knowle, Solihull, B93 8PT
Construction of new canal side moorings at Helmsley Court Farm, Bakers Lane, Knowle with associated access and parking arrangements for the provision of 13 car parking spaces (part-retrospective application) FOR Mr Flaherty

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The application is being present to Planning Committee due to objections from Lapworth Parish Council and Chadwick End Parish Council and the number of objections received from members of the public.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks retrospective planning permission for the construction of new canal side moorings at Helmsley Court Farm, Bakers Lane.

The proposal includes the construction of new canal side moorings with associated access and parking arrangements for the provision of 13 car parking spaces.

For the avoidance of doubt, the application differs from that granted in 2010 be way of the location of the moorings (approximately 36 metres further south from the existing canal bridge), a slight extension in the length of the proposed moorings (approximately 6 metres) and revised access and parking arrangements. Works associated with the current application have been carried out since the granting of permission since 2010 and as such the application is considered to be retrospective.

The wider application site has planning permission for a forestry business.

THE SITE AND ITS LOCATION

The application site contains a parcel of land located to the north side of Bakers Lane, fronting onto the Grand Union Canal and the Black Boy Public House, Knowle, Solihull. To the north of the site is the existing Canal Club. Vehicular access is provided to the south off Bakers Lane, with pedestrian access provided across the existing canal bridge via a footpath link.

The application site is located with land designated as Green Belt, located between Knowle and Chadwick End.

PLANNING HISTORY

W/10/0135: Construction of new canal side moorings and spreading of spoil onto adjoining land. Granted at Planning Committee 26th April 2011

W/19/1831: Application for a Certificate of Lawfulness to confirm that a lawful material commencement has been made on the development subject of planning permission reference W/10/0135 (*Construction of new canal side moorings and spreading of spoil onto adjoining land*) in compliance with Condition 1 and all other pre-commencement conditions were discharged. Granted

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS18 - Green Belt
- BE3 - Amenity
- TR1 - Access and Choice
- BE1 - Layout and Design
- TR2 - Traffic generation
- TR3 - Parking
- FW2 - Sustainable Urban Drainage
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Objection in respect of the impact on the Green Belt and breach of previous planning permission

Chadwick End Parish Council: Objection in respect of the principle of development, impact on the Green Belt and car parking provision and management

Canal and Rivers Trust: No objection, subject to a condition relating to a landscaping plan including planting, an external lighting scheme and arrangements for waste disposal. No navigational safety concerns.

WCC Highways: No objection upon the receipt of further information, subject to conditions. Considered that the intensification of the use unlikely to be of a scale that would be materially detrimental to highway safety. Conditions requested in respect of securing the car park management system.

WCC Ecology: No objection, subject to conditions securing a Construction Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP).

Health & Community Protection: No objection

CPRE: Objection on grounds of inappropriate development in the Green Belt, harm to rural character of the area, harm to amenity of local residents, together with concerns over lack of objections from Highways Authority and Environmental Health Officer.

Public Response: 25 objections received raising the following concerns:

- additional traffic flow on rural lane; impact on highway and pedestrian safety; potholes will be worsened; the number of vehicles accessing the site will not be managed; nearby roads cannot cope with additional traffic
- inadequate parking for the number of moorings.
- loss of outlook
- loss of habitat and hedgerow and detrimental impact on protected species
- impact on flood risk
- incorrect information submitted relating to the access to the site
- detrimental impact on the openness of the Green Belt
- original works to the site were never completed and the site is an eyesore / out of keeping with its setting
- detrimental impact on neighbouring properties in terms of additional noise and disturbance
- boats are being permanently moored outside
- buildings have been constructed on site
- construction works could impact on structure of nearby properties
- lack of information regarding waste disposal
- illegal moorings on the site
- piling of spoil adjacent to and over the public footpath has caused flooding
- insufficient information provided to assess the application
- littering

ASSESSMENT

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

Paragraph 145 of the National Planning Policy Framework (NPPF) states that local planning authorities should plan to enhance the beneficial use of the Green Belt, as well as retain and enhance landscapes, visual amenity and biodiversity. This is also reflected in Policy DS18 of the Local Plan, which states that the Council will apply national planning policy to proposals within the Green Belt. Paragraph 149(b) of the NPPF supports the provision of outdoor sport and recreation facilities, provided the facilities preserve the openness of the Green Belt and do not conflict with the purposed of including the land within it.

The principle of development is considered to be established under planning permission ref: W/10/0135 for moorings, of which the location is amended under this current application. There have been no material changes in policy in relation to the provision of outdoor recreation facilities within the Green Belt which would

alter the conclusions in the previous assessment of the scheme. In addition, weight is given to the proposals not including the provision of buildings, with moorings and associated parking provision proposed only. For the avoidance of doubt, the proposed development does not include the residential occupancy of moorings, the same as the previous application and this is also to be secured by condition. The proposed increase in depth to the proposed moorings and relocation are considered to be appropriate in scale in relation to the character and openness of the Green Belt and the surrounding area. The proposal is considered to be of a suitable scale for the development proposed and will enhance the use of the area.

In respect of the proposed parking provision, a minimal area is provided for informal parking arrangements. Given this arrangement, the proposed parking provision is considered not to infringe on the openness of the Green Belt, with no permanent structures proposed.

As such, it is considered that the openness of the Green Belt is retained by the proposals, with an appropriate outdoor recreation use for the area proposed.

Overall, therefore, the proposed development is considered to be acceptable in principle and in accordance with Paragraphs 145 and 149 of the National Planning Policy Framework and Policy DS18 of the Local Plan.

Design and impact on Character and Appearance of the Area

Policy BE1 of the Warwick District Local Plan seeks to ensure development proposals are of a high quality and contribute positively to the character of the local area.

In respect of the design of the moorings and associated parking and access arrangements, much of this is in relation to the existing area of spoil in relation to works associated with the scheme, and the impact on the surrounding area in terms of landscape and visual amenity. This will be discussed further within the report.

The proposed scheme overall, subject to associated conditions with landscaping and planting, is considered to be appropriate in design for the proposed use. The proposal associated with this site does not consist of any additional buildings that would infringe on the open character of the Green Belt and surrounding local area. As such, the impact of the proposal is considered to be acceptable on the character of the local area, subject to further discussions regarding the landscaping of the scheme.

In regard to the proposed car parking area, this is to be an informal parking area and therefore, visually, is considered to have a minimal and acceptable impact on the character of the local area. Conditions securing details of the proposed materials are considered to be appropriate to ensure that the development integrates with the character of the surrounding area, and does not visually dominate with the area, given the Green Belt designation.

The proposals, therefore, subject to conditions, are considered to be in accordance with the principles of Policy BE1 of the Local Plan.

Impact on Residential Amenity

Policy BE3 of the Warwick District Local Plan seeks to ensure development proposals do not result in an adverse impact on the amenity of neighbouring residential dwellings or significantly impact the amenity of existing and future occupiers of the development site

In respect of the proposed development, it is acknowledged that the proposals will add a further use to the wider use of the site as a forestry business, though it is important that this application should be considered on its own merits. The Environmental Health Officer has been consulted on the proposals and has raised no objection in respect of an increase in noise or air quality issues as a result of the proposed development.

As such, it is considered that the proposed development, in respect of noise and air pollution, would not adversely impact users of surrounding facilities

Overall, therefore, the proposed development is considered to comply with Policy BE3 of the Local Plan.

Parking and Highway Safety

Policies TR1 and TR2 seek to ensure development proposals provide safe, suitable and attractive access routes for pedestrians, cyclists and other users of motor vehicles. These policies also seek to ensure proposals do not result in an increase in traffic generation that would result in highway safety concerns. Policy TR3 of the Warwick Local Plan seeks to ensure parking provision associated with development proposals is reflective of the local area and is in accordance with the Parking Standards SPD.

In respect of the use of the site, the Highways Authority have been consulted on the proposal and have concluded that while the development may result in an intensification of the use of the public highway, it is unlikely that the scale of the possible intensification of the highway would be harmful to highway safety. Given this assessment, it is considered that the proposals would not result in an increase in traffic generation detrimental to the safety of the surrounding highway network and is acceptable in relation to Policy TR2 of the Local Plan.

With regard to the proposed access and parking arrangement, differing from the scheme approved in 2010, the proposal subject of this application seeks to provide allocated, informal parking arrangements, rather than relying on third party provision within the wider network. The access to the site is considered to be acceptable, providing sufficient visibility splays, and is considered to be a safe and suitable access in relation to highways terms. In regard to the use of this access, this is to be controlled and limited by the use of a security fob or security arrangement which prohibits unauthorized access other than those attending the mooring. The access is designed to link to an existing pedestrian footpath leading to the moorings only, ensuring that it is not possible to deliver boats to the moorings directly. These provisions are considered to be acceptable, with no objection raised by WCC Highways. The proposed parking provision and access is considered to be acceptable.

The proposed development is therefore considered to provide a safe and sufficient access and parking arrangement, that would not be detrimental to the safety of the surrounding highway network. The proposal is therefore considered to comply with Policies TR1, TR2 and TR3 of the Local Plan and the Parking Standards SPD.

Landscape and Ecology

Policy NE2 of the Local Plan seeks to protect designated biodiversity assets and protected species, ensuring they are not adversely impacted by development proposals.

The County Ecologist has not objected to the application but has requested a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) be secured by condition due to the context of the application site. These long-term plans have also been proposed due to the retrospective nature of the scheme, of which it is noted that there is an existing large spoil pile dominating the site.

Given the context of the application site, it is considered imperative that any proposed scheme incorporate high quality landscaping and planting. A scheme is to be secured by condition to manage the spoil pile, and well as include planting to suitably screen the proposals, in order to ensure that the development does not have a negative impact on the character of the local area, or the openness of the Green Belt.

Overall, therefore, subject the securing of conditions, the proposed development is considered to be in accordance with Policy NE2 of the Local Plan.

Drainage

Policy FW2 of the Local Plan seeks to ensure development proposals provide suitable sustainable drainage methods.

It is acknowledged that there is an existing concern regarding the spoil pile causing surface water runoff associated with the scheme. It is considered appropriate that a condition securing the management of this pile, both in relation to drainage and landscaping, be secured to any planning permission. A management plan for this is considered to satisfy the requirements of Policy FW2 of the Local Plan.

The proposed development, therefore, subject to relevant conditions, is considered to comply with Policy FW2 of the Local Plan.

Waste

The proposed development consists of non-residential mooring and as such it is unlikely that owners will generate any large levels of waste on site, with it expected that this be taking with them. Indeed, the terms of using such a mooring will specify the need for individuals to behave responsibly in this regard. The fact that many of the moorings will be individually owned will help to police any such activity. It is therefore considered that overall, the proposal is unlikely to result in a significant increase in the generation of waste on site.

Summary

The development proposals are considered to constitute appropriate development within the Green Belt. In addition, the proposals are considered not to result in a harmful impact on the character of the local area, residential amenity or surrounding highway network. The proposals are in accordance with the aforementioned policies, and the application therefore recommended for approval.

CONDITIONS

1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 262800-5 and MANOEUVERING PLAN- U-TURN IN REV. A, and specification contained therein, submitted on 26th April 2021 and approved drawing(s) Large Scale Parking Detail and specification contained therein, submitted on 20th July 2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

2 The car parking area hereby permitted shall not be created unless and until samples of the materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

3 The car park hereby permitted shall not be brought into use unless and until a car park access control and management system has been implemented to: (a) prohibit unauthorised access other than by those legitimately attending the mooring or in connection with the forestry business; (b) manage parking demand and (c) prohibit access by unsuitable vehicles, with details of the control and access system to be submitted and agreed in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall only be operated in strict accordance with the approved details. **Reason:** To ensure safe and controlled access to the site in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

4 The development hereby permitted shall not be brought into use unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

5 No further development than already commenced and recorded by the LPA shall be carried out until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species (*detail as appropriate, e.g., badgers, bars, breeding birds and otter*) and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

6 No further development than already commenced and recorded by the LPA shall be carried out until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used, and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **REASON**: To ensure a net biodiversity gain in accordance with NPPF.

7 No further development shall be carried out until details of the arrangements for the retention and restitution of the topsoil over the area of spoil deposit have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To protect the character and appearance of this area of green belt, in accordance with Policy DS18 of the Local Plan.

8 No lighting or illumination shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

9 The boats moored in the facility hereby permitted shall not be used for permanent residential accommodation. **REASON:** To protect the character of the Green Belt, in accordance with Policy DS18 of the Local Plan.