

**Application No:** W 09 / 1258

**Town/Parish Council:** Lapworth

**Registration Date:** 13/10/09

**Case Officer:**

Penny Butler

**Expiry Date:** 08/12/09

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**Land adjoining Sands Farm, Old Warwick Road, Lapworth, Solihull, B94 6HL**

Proposed inland waterways marina including marina facilities building and boat workshop, new road access, associated foot paths, landscaping and car parking  
FOR Sands Farm (Hockley Heath) Ltd

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This application was included on the agenda for the May 24th Planning Committee with a recommendation to grant but was withdrawn from the agenda, following an appeal decision for a marina in a green belt location within Solihull Borough (Grove Farm) had been received in the previous week, where the inspector had dismissed the appeal since she concluded the harm to the green belt was not outweighed by very special circumstances. A further appeal decision for a second marina in the green belt within Solihull Borough (Stripes Hill Farm) has since been dismissed for similar reasons.

Since the meeting, the applicant has submitted further evidence on need, and further representations have been received opposing the development. The report has been updated to reflect these and correct some earlier omissions.

The implications of the Grove Farm and Stripes Hill Farm appeal decisions for the assessment of the application at Sands Farm are set out in this report. The revised assessment concludes that these decisions are a significant material consideration which has led to a changed recommendation, which is now one of refusal.

**SUMMARY OF REPRESENTATIONS**

**Lapworth Parish Council:** 'OBJECTION oversized in rural area, development would cause increased traffic on already inadequate road, major concern regarding access in Wharf Lane with increased traffic ( including fuel and waste removal vehicles) over very narrow rural road with hump backed bridge and narrow access onto a major highway.

Concern about amount of spoil to be spread to the depth of 1.5 metres!

Considerable local concern and opposition to the development with no evidence of demand for such a facility.'

**Hockley Heath Parish Council:** 'objection - At the parish council's meetings of the 17th inst the planning application was discussed in some detail and information from adjoining parish councils and parishioners were read and noted, whereas this parish council has no specific objections we do support the concerns that have been raised by the other consultees that you have received responses from, ie: traffic noise, and the scale of the project.

The Parish council have requested that they be informed of all future deliberations concerning this application which may either be by post or to the parish councils email address it is the opinion of this council that the application has implications to its parishioners thereby qualifying it as a consultee.'

The Parish Council have since written further to confirm that they do raise objection to the application.

**Public Response:** Many residents of the immediate area and of Hockley Heath have written to object together with a small number of objections from further afield. 207 letters have been received, some of them signed by more than one person, and several people have written more than once.

Many of the objections are long and include many different points, so the following is necessarily a succinct summary of the points made.

Objection is raised on the following grounds:

- encroachment on the green belt: very special circumstances to outweigh inappropriate development are insufficient, the proposal is too big, in the wrong place and would have a detrimental impact on the rural landscape. Serious impact on openness. It would be disproportionate in relation to surrounding development, and more suitable sites are available. An area of farmland would be left isolated. The proposal would form a precedent;

- traffic: lanes in the area are very narrow, and there is a narrow humpback bridge. The proposed entrance is wrongly sited, and insufficient car parking is proposed. The monitoring of traffic described in the accompanying report is flawed, Spring Lane junction too close to marina access, heavy traffic with boats and cranes;

- residential amenity: there would be serious loss of residential amenity to the many surrounding dwellings, due to increased noise, increased traffic, noise from canal boats and maintenance operations, loss of privacy, risk of uncontrolled litter, odours and vermin, intrusion of pontoon lighting;

- flooding: vast areas of hardstanding would increase run-off, there would be disruption to local land drainage systems, which would worsen existing flooding problems. The spreading of spoil on adjoining fields would increase flooding to local properties;

- policy issues: proposal contrary to planning policies, including PPG2 Green Belts, the Core Strategy, and policy DAP1, the sequential test submitted by the applicants is flawed, insufficient evidence of need, with inadequate statistical evidence;

- impact on the landscape: dramatic impact on Arden landscape, spreading of the spoil will lead to an alien landscape (with no landscape enhancement put forward in mitigation), remaining trees from Forest of Arden threatened, lighting would have detrimental impact on countryside;

- impact on wildlife: badgers, buzzards, deer, etc seen on site. Spreading of spoil would be detrimental to wildlife, loss of trees and hedgerows;

- impact on canal: very narrow canal, already congested, risk of diesel/oil spills into canal;

- other issues: impact on existing boatyard businesses, not just adjoining, but for far along the canal, loss of amenity for Ramblers, Police already have inadequate resources to protect area without additional problems.

A separate letter submitted on behalf of the Residents Marina Opposition Group has also been submitted containing grounds of objection on grounds of

inappropriate development in green belt; applicants flawed interpretation of green belt policy has resulted in failure to submit "very special circumstances"; development will have dramatic effect on openness of green belt; development will encroach on countryside and blur town/country distinction to south-east of Hockley Heath; applicant has failed to present detailed and convincing evidence of need or that the site at Sands Farm is sequentially preferable; proposals are contrary to local plan policy RAP13; development will be detrimental to landscape and character/appearance of the area; living environment of local residents will be significantly damaged as a result of the development; design rationale for marina has not been made explicit. They have also submitted further extensive research disputing the evidence put forward by the applicant regarding boat licence figures and their implications, location of marinas and their vacancy rates, and forecasts for growth.

The operator of Swallow Cruisers, the boat yard with 32 on-line moorings which adjoins the site has objected reiterating many concerns listed above, but specifically they consider there is no evidence of need, and that at the current rate of increase of new boats coming on to the system, no further marinas will be needed for a decade or more. The proposal would overshadow their boatyard, increase boat traffic which will impact their moorings and add to peak time congestion at locks to the south. The provision of further moorings which are not required will cause existing businesses to fail.

A petition, signed by 26 local boat owners has been submitted, supporting the objections.

Two local residents and one narrow boat owner have written in support of the proposals: the development would bring new life to the village and would support local businesses. There are insufficient existing moorings for boat owners and many would welcome the project but are fearful of being identified.

**Members of Parliament:** Former MP James Plaskitt has written to support the neighbours' objections. The development would encroach on the green belt, there is insufficient evidence of demand, poor access, impact on existing boat yard. Marina development would better be located in Warwick and Leamington where it would tie in with urban employment and regeneration strategies.

Caroline Spelman (Meriden) objects on grounds of green belt, loss of natural habitat, traffic safety, congestion on the canal, noise and light pollution to local residents. A further letter of 19 May 2011 reiterates these objections.

Jeremy Wright (Kenilworth and Southam) - has written on 1.7.2010 and a further letter dated 19.5.2011 raising objection and reiterating his concerns on lack of need, harm to landscape and traffic safety issues.

Nadhim Zahawi (Stratford) has written to support residents concerns and raises objection on landscape and traffic grounds

**Hockley Heath Residents' Association:** object on the grounds that the proposed development is too large for the infrastructure of the village, inappropriate development in the green belt, impact on visual amenity, increased traffic, increased boat traffic on canal.

**Cllr Meeson** (Solihull MBC Leader/Ward Councillor for Dorridge and Hockley Heath) objects on grounds of loss of green belt, increased traffic, dangerous

road junctions, national policy on development of marinas yet to be determined. A further email dated 23.5.2011 reiterates these objections and notes the dismissal on appeal of the case at Grove Farm off Jacobean Lane Knowle.

**Cllr Andy Mackiewicz** (Solihull MBC Councillor for Hockley Heath) objects on grounds of green belt and the effect upon the village of Hockley Heath.

**Cllr George Atkinson (Stratford on Avon Ward Councillor for Tanworth)** considers access onto Wharf Lane is wholly unsuitable for the traffic likely to be generated by the development and supports the other numerous objections that have been made to the development.

**WCC (Highways):** 'The Transport Assessment submitted with the application shows that, overall, the impact on the public highway will not be to the detriment to highway safety. With regard to construction, once construction vehicles are on site, there will be no movement onto the public highway until construction has ceased. The temporary haulage route affords the required level of visibility in both directions from the junction, and an acceptable forward visibility. A submitted speed survey details that 888 vehicles travelled along Wharf Lane, within the vicinity of the proposed access, with an 85th%ile speed of approximately 40mph. Therefore the required visibility splays on Wharf Lane are 120 metres. Upon completion of the development, again from submitted data within the Transport Statement, the peak trips will be on a Sunday with a calculated trip generation of 33 movements for the peak hour. Taken into account with the above speed survey data, an increase of approximately 3.5% in vehicular movements along Wharf Lane is expected on the Sunday.'

(N.B. WCC have been asked to explain the above percentage figure contained in their consultation response.)

There is therefore no objection to the proposal, subject to conditions on access to the site, visibility splays to Wharf Lane and Stratford Road, positioning of gates, provision of turning area, impact on ditch/drain. Notes are recommended on works within the limits of the public highway, highways works agreements and public footpath.

**WCC (Archaeology):** no objection, subject to condition on a pre-commencement archaeological investigation.

**Stratford -on-Avon District Council:** ' The scale and impact of the development is such that cannot be said to preserve the openness of the green belt. Objection is therefore raised to the harm that the development would cause to the openness of the green belt.

**Solihull Borough Council** have been consulted on the application - no comments have been received

**British Waterways:** the construction of marinas is supported by BW as they 'support the use of the waterways for tourism and leisure, and are part of the waterway infrastructure and therefore, are vital for the long term sustainability of the waterway network.'

'There is national shortage of secure offline moorings and this lack of supply of moorings was first raised in early versions of PPG 17 on Planning for Sport and Recreation. Demand for boat ownership on BW waterways has grown steadily at

average 2.4% p.a. over the past 5 years to April 2006. Demand has increased amongst all age groups but particularly amongst the over 50s. Demographic forecasts suggest that growth in boat ownership will accelerate over the next 10 years, with 11,700 additional mooring berths required on BW owned/managed network by 2015.'

'Expansion in mooring capacity is generally constrained by factors such as water supply and navigational safety. The location of the proposed development is unlikely to generate any navigational safety issues. Furthermore, from information provided by the applicant and detailed assessment of water resources and boat traffic modelling in this locality, British Waterways can confirm that the local waterway infrastructure will be able to accommodate the proposed new development. Therefore, in light of these detailed assessments and the reasons cited above, British Waterways supports the proposed development as a navigation authority.'

**Ramblers' Association:** no objection.

**Warwickshire Police:** no objection.

**WCC (Footpaths):** no objection.

**WCC (Ecology):** no objection, subject to conditions on pre-commencement badger survey, details of bat mitigation measures, details of proposed lighting scheme, details of a construction environmental management plan, details of a landscape and ecological management plan, and details of protection of existing trees. Notes are recommended on: bats, nesting birds, protected species (badgers, reptiles and great crested newts), otters, water voles, contamination of canal waters, planting to be indigenous species, of local provenance.

**Warwickshire Wildlife Trust:** the site is of comparatively low bio-diversity value, and the surveys submitted with the application are considered sufficient. Conditions similar to those recommended by the County Ecologist are recommended.

**Environment Agency:** no objection. 'The actual percentage of the site to become hardstanding is relatively small with plenty of space to attenuate any extra flows. The discharge from the newly drained areas will be limited to greenfield rates and attenuation will be provided within the site to contain run off up to the standard 100 year storm intensity plus a 20% additional climate change allowance.'

**CPRE:** raise strong objection on grounds of lack of very special circumstances for development of site in green belt, out of character with area of countryside, major impact on animal and plant life, felling of trees and loss of hedgerows, additional traffic on Wharf Lane, lack of need for marina as there is over provision of between 15-20%.on other mooring sites.

## **RELEVANT POLICIES**

- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)
- Planning Policy Guidance 2 : Green Belts
- Planning Policy Statement 7 : Sustainable Development in Rural Areas
- Planning Policy Statement 25 : Development and Flood Risk
- Planning Policy Guidance 13: Transport
- Planning Policy Statement 4 : Planning for Sustainable Economic Growth
- Warwickshire Landscape Guidelines SPG
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Ministerial Statement of 23 March 2011 on "Planning for Growth"
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

## **PLANNING HISTORY**

The site was the subject of a previous similar application (W08/1409) which was withdrawn as it had not been supported by the necessary Environmental Statement. There have been no other significant applications on this land.

## **KEY ISSUES**

### **The Site and its Location**

The site includes much of the triangle of land, south of Hockley Heath, between the Stratford-upon-Avon Canal, the District boundary with Stratford-on-Avon (adjoining the A3400, Stratford Road) and Wharf Lane.

The site has an area of 13 hectares and currently consists of flat arable/grassland, with hedges and trees to the field boundaries. Access to the northern part of the site, from the B4439, Old Warwick Road, is over a metal lift bridge, which provide agricultural access over the canal. At the southern end, the site abuts Wharf Lane, which is a narrow lane running between Stratford Road and Old Warwick Road. Apart from the public footpath which crosses the site, these are the only two 'public' frontages of the site. The remaining part of the site boundary, on the eastern side, follows field boundaries and the Canal and on the western side, follows the Warwick/ Stratford-on-Avon District boundary, which is about 70m east of Stratford Road.

Residential properties closely adjoin the application site to the north, on the southern boundary of Hockley Heath. There are further dwellings at the southern end of the site, along Stratford Road and on either side of Wharf Lane. The buildings at Sands Farm (in separate ownership), on the other side of the canal, adjoin to the east.

### **Details of the Development**

The main part of the proposed marina would have its access from the canal opposite Sands Farm. From here the first part of the marina would be dug out

from the field, this part accommodating approximately one third of the overall mooring capacity. The shape of this part of the marina follows the existing field pattern, so that existing hedge lines are, for the most part, retained. Access to individual boats would be along jetties.

From here, further westwards, towards Stratford Road, a narrow section of new waterway separates the first from the second part of the marina. This second part would account for the remaining two-thirds of the mooring spaces, also shaped to retain existing hedgerows and field boundaries. Each part of the marina basin would have marginal shallows to provide wetland wildlife habitats, and a total of 212 narrow boats will be accommodated.

Access to the site would be from Wharf Lane, where a new access would be formed adjoining number 6 Wharf Lane. At this point a 3.3m driveway, with passing spaces, would be formed, with woodland plantations on either side, leading into the southern part of the marina. In this area would be a long-term car parking area (with 24 spaces), a workshop area, with staff parking, compound and slipway. The boat workshop would be 180sqm in area. Further parking (46 spaces) would be provided on land between the two parts of the marina basin. Here, also, a facilities building (227 sq. m.) incorporating an administrative area, showers, toilets, laundry and a small chandlery is proposed. Each of the buildings would be constructed with a brick plinth, horizontal wooden boarding above, and a slate or tile pitched roof. Doors would be of vertical boarded timber. The applicant has indicated that external lighting on the site will be low level low wattage pontoon lighting to enable people to reach their boats and low level bollard lighting in the car parks. The buildings will have external lights marking doorways.

The excavation to form the marina is not excessive, as the level of the canal is only about one metre below the land level at the entry point, although a little higher elsewhere. The marina will be constructed with soft reeded edges to simulate a natural lake. The resulting spoil would be entirely disposed of on site, with the maximum depth of fill being 1.3m. The fill would not extend as far as the hedgerows, with a 4 metre margin left clear, so that their future would not be compromised. In order to accommodate the amount of spoil anticipated, the area of fill would need to extend over all the fields of the site, (respecting their hedgerows in each case) stretching over to the district boundary to the west, the canal to the north and Wharf Lane to the south. The raised fields would be treated as plateaux with gentle slopes down towards the hedgerows.

Construction access to the site would be from Stratford Road, along a temporary haulage route. The intention is that the work would be completed within seven months with the earth moving vehicles retained on site for the duration of the works.

The application is supported by the following reports:

Planning Statement, Character Appraisal and Design Statement, Traffic Assessment, Transport Statement, Ecological Appraisal and Protected Species, Great Crested Newt Survey and Habitat Assessment, Reptile Survey, Otter and Water Vole Survey, Badger Survey, Tree Survey, Bat survey, Nocturnal Bat Survey, and Flood Risk Assessment. Together these document form the major part of the Environmental Assessment.

## **Assessment**

## Green Belt

The starting point is the assessment of the development in terms of national green belt policy. The applicants' case is that the proposed development is not inappropriate development in the green belt and is consistent with one of the key purposes for which green belts are designated- the encouragement of outdoor sport and recreation. Canal boating is a leisure pursuit and mooring facilities for boats may only be provided alongside a canal. Essential facilities to support this type of use are therefore not inappropriate and no facilities which are not essential for the outdoor recreational pursuit of boating are being proposed. Buildings are kept to the minimum size to support genuinely ancillary requirements for boat owners and the navigation of their boats. The marina would be an open area of water which in itself would not reduce the openness of the green belt and the boats would be low level with a transient impact on the local environment, with the site itself having strong existing landscape containment which mitigates impact on the green belt.

It is, however, considered that the proposals represent inappropriate development in the green belt as PPG 2 "Green Belts" does not list inland marinas as one of the categories of development regarded as appropriate. A major engineering operation is involved across some 13 hectares of farmland, together with erection of buildings of approx. 400 sq.m. in area and its result would be a material change of use of the land and elements of built development to create a large scale marina facility.

Para. 3.4 of PPG 2 does allow for "uses of land which preserve the openness of the green belt and which do not conflict with the purposes of including land in it". The site, however, would be occupied by a plethora of boats, and the comings and goings associated with them, together with the presence and movement of vehicles of the boat owners would have a significant impact on what is an undisturbed rural landscape. This would represent an encroachment on an area of countryside and would not maintain "openness" which is the most important attribute of green belts.

The PPG makes it clear in para 3.2 that inappropriate development is by definition harmful to the green belt. It further states that it is for the applicant to show why permission should be granted and that "very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

Given my conclusion that the development is "inappropriate" in terms of green belt policy since it does not preserve openness, it is necessary to assess the strength of the very special circumstances put forward by the applicant to justify departing from policy. In this respect, the applicants were asked to provide a statement of very special circumstances but given their stance that the development is not inappropriate in the green belt, (since in essence they consider it facilitates outdoor recreation and maintains openness), have produced a twenty four page "Statement of Material Considerations" - February 2010 in support of their proposals. This statement contains the following key elements:-

- overall trends relating to need/demand for offline moorings
- availability of sites to meet need/demand



- other material considerations, principally the locational advantages of the site, its landscape containment and the economic and tourism benefits likely to accrue.

Subsequent revised statements on need have been submitted, the most recent in October 2011, which include figures up to the year 2010/2011.

## **Need and Demand**

The applicants statement summarises the strong supporting context from a national perspective for enhancing the use of the nation's waterways network to maximise its potential, alongside evidence of a shortage of off-canal moorings for the rising number of licensed boats. BW publications encourage private investment in offline marinas and mooring sites due to the operational, navigational and practical limitations with online moorings. BW point out in the consultation response on the application that demographic forecasts suggest that growth in boat ownership will accelerate over the next 10 years, with demand increasing particularly in the over 50's. In 2005 BW estimated that 11,700 additional mooring berths will be required on the national canal network by 2015 (based on a 4% per annum increase), although BW confirmed vacancy rates of total moorings of 15.6% nationally, (and the applicant points out that many vacant berths are not considered fit for purpose by boaters). This is because they may not be secure, or long enough for newer larger boats. The BW National Statement of support for New Marina Development (issued in 2006) confirms that "marinas and mooring basins are an integral part of the waterway infrastructure and therefore are essential facilities to support the use of the waterways for tourism and leisure, encouraged by the government and to ensure the long term sustainability of the waterway network as a public asset".

A further updated statement dated February 2011 submitted by BW confirms that their 2006 forecasts of new boats coming onto the canal network has proved to be accurate with the overall rate of increase in boat licences of around 4% over the 4 year period up to 2010, notwithstanding the smaller increase in 2009/2010 of 1.7% due to the economic downturn. The applicant submitted a further updated statement on need in September 2011 which contains figures again endorsed by BW, but this lists the 2009/2010 increase as 3%. This statement confirms that the economic downturn has impacted on the growth rate of boat licences which have fallen each year from 7% in 2006/2007. Recently produced figures for 2010/2011 show a further drop in new boat licences to an increase of 0.9%, but in the longer term the applicant expects that licences will continue to rise at an average of 2.4% per year following the annual average increase of the past 20 years. BW forecasts are now being reviewed but they give no firm date for publication and they are not likely to be produced in the near future.

In relation to need at the local level, the applicant has submitted several specific need statements in relation to the Stratford Canal which BW have subsequently confirmed in writing as containing accurate statistics (although they will not comment on the analysis and interpretations made). The latest local need statement points out that the number of boats on the West Midlands canal network increased at a higher rate than the national trend. Over the past 5 years there has been a national increase in boat licences of 21.5%, with an average of 4.3%, whilst locally in the West Midlands there has been an increase in this period of 49.9% with an average of 10%. For 2009/2010 the increase was 6.7% (for the previous two years, as figures are not available from 2008/2009), and for 2010/2011 the increase was 7.1%. Using a conservative

estimated annual growth rate of 3.4% (the smallest annual increase of boat licences in the West Midlands between 2007/2008 and 2009/2010), and assuming that the number of moorings remains static, the applicant projects that some 812 additional berths are required by 2015 in the West Midlands. There are currently some 2 development proposals in the region which amount to some 219 berths so that there is still a shortfall on the West Midlands canal network of around 613 berths. This figure has been revised up from 560 in their June statement of need, taking into account the actual increase for 2010/2011.

The applicants' need statement also emphasises that there are currently no offline facilities on the Stratford Canal which is a very popular boating waterway and attractive to tourists. A BW Boater survey (2009) is referred to which confirms that boaters choose their home mooring primarily for its attractiveness, location on the waterway network, site security and quality of facilities. Boaters are prepared to travel on average up to 46 miles to their mooring or up to 56 miles in the case of a marina exceeding 50 berths. The survey also indicated that boaters with a towpath mooring travel an average of 24 miles and those with a lay-by or basin mooring travel 35 miles, indicating that boaters have no option but to travel such large distances to marinas due to a lack of such facilities. The lack of available berths in the south of the country and lack of navigable waterways there also has a bearing on average travel distances. The applicant further points out that a marina in the location proposed will thus be attractively located, close to a large population (1 million within a 20 mile radius) and provide a secure environment for boaters, whilst helping to reduce on line moorings which reduce the enjoyment of cruising on the canal network. They also explain that there are no other marinas within a days travel of Sands Farm, due to the way that travelling distances are calculated taking into account "lock miles".

In summary, the main elements of the applicants' submitted "needs" case are

- the overall national context of marina facilities being an integral part of the waterway network and assisting in the viability and future of the canal network
- the demand for additional offline moorings on the West Midlands canal network given trends in licensed boats and shortfall in provision of additional berths up to 2015
- the desirability of reducing online moorings along the canal to reduce congestion and navigational difficulties
- the current lack of marina facilities along the Stratford Canal, and within a days travel of Sands Farm
- the endorsement by BW for a marina in this location and their conclusion in their consultation response to the application that the proposed development is unlikely to generate any navigational safety issues and that the local waterway infrastructure will be able to accommodate the proposed new development , therefore giving their support to the application.

The planning system is often required to assess matters of "need" and make provision for facilities which satisfy an existing or predicted need. In the present case, it is accepted that provision of offline moorings results in less pressure on the navigable canal waterway and BW's policy is to reduce licences for on line moorings by 1 for every new 10 additional offline moorings made available. The provision of the proposed marina would therefore have the beneficial effect of reducing on line moorings in the vicinity. BW policy would mean that should the marina be built 21 on-line moorings would be removed within a 30 mile radius within 12 months of the marina opening.

Assessing the "need" case is difficult and the Local Residents Marina Opposition Group point to their own survey information for existing mooring facilities in the area which indicate existing vacancies of over 15% with higher rates of vacancies at larger new marinas and lack of any of independent evidence of need from boat owners. They point to lack of progress on other large marina developments in the region, growing concerns about congestion on the waterways in the South Midlands and the large number of marina developments within 56 miles in the planning process which could provide as much as 1,906 berths, excluding the two proposals within Warwick District (at Sands Farm and Lowsonford). Within the 56 mile radius, and a days travel, there are 86 marinas and off-line mooring facilities with a vacancy rate of 15%, and 18 of these are within Warwickshire. They also refer to BW postcode data for numbers of boats moored and numbers of boat licence holders resident in particular postcodes which do not demonstrate unmet demand, and also BW data on the reduction in lock usage on the Stratford Canal. Recent representations also point to the 2011 BW Annual Report which refers to increases in new berths giving boating customers far more choice in mooring locations and increased competition for marina operators, and also to their correspondence with British Waterways Marinas Limited Managing Director who confirmed occupancy rates in their own marinas as having dropped to 75% to March 2011, "caused in the main by the very competitive market, lack of new boat building and over supply of moorings brought to the market by new developments". Numbers of boat licences are not a reliable measure of growth since not every new licence equals a new boat due to a clamp down on unlicensed boats. They also point to the fact that the submissions made by the applicant, and BW, lack consistency and infer that this raises doubts over its credibility.

The applicants case relies on general overall trends relating to rising numbers of boats on the network, backed up by current BW data ; the actual availability of offline moorings on the West Midlands network and the likely proposed provision as evidenced by schemes that have planning permission which are capable of implementation. BW have confirmed that they agree with the applicants need statement in respect of the Stratford Canal and the general thrust of current evidence that there will be a shortfall of offline moorings to meet the predicted need, up to 2015, given the actual number of developments elsewhere which currently have planning permission, and the projected annual increase in licensed boats on the West Midlands canal network.

Both the applicant and BW have made further responses to the residents evidence of lack of need and maintain the key elements of their case that the number of licensed boats on the canal network is increasing and that there remains a shortfall in the number of offline berths against predicted demand in the West Midlands region.

### **Grove Farm and Stripes Hill Farm appeal decisions**

On the strength of the "need" case, the inspector for Grove Farm does not accept that there is an existing need nationally for additional moorings, but concludes that "the position in the West Midlands is not so clear" although is "not persuaded that there is a pressing need at this time". The current economic climate makes future demand less certain and the rate of growth of craft licences has lessened with only a 1.7% increase in the year to March 2010, compared to an average of 4% for the preceding four years. Predictions of a

shortfall of offline moorings in the south of the West Midlands are based on 2007 data and do not take account of the economic downturn.

For the Stripes Hill Farm appeal, on the matter of general need, the inspector concludes "it has not been demonstrated that there is a general need for the proposed development, and as such this matter has little weight". She accepts that, had growth continued at the predicted rate of 4%, and not taken into account new permissions, there would be pressure on existing berths, however, up to date figures show declining rates of growth. The national surplus of moorings, declining narrow boat production, reductions in sales of BW berths, and their sale prices and anecdotal evidence supports this picture of a lack of national demand. The inspector also considered there to be no causal link in the appellants socio-economic research depicting a suppressed demand for licences, and their analysis of waiting lists to show preference rather than need. In terms of local need, the inspector considered that distances travelled demonstrated no causal link to lack of marinas, being likely to reflect individual preferences for particular cruising areas or facilities on the network. Opportunities for outdoor recreation would not outweigh green belt policy, and advantages for boat movements, the topography of the site, and good water reserves carried little weight.

It should be noted that the most recent BW need submissions supplied in connection with the Sands Farm application was June and September 2011, whereas the Grove Farm inquiry was held in January/February 2011, and the Stripes Farm inquiry held in July and September 2011. BW acknowledges the national surplus of moorings but concludes in its more recent statements that the surplus is less than previously indicated and points out that the national figure masks areas where demand is greater such as the West Midlands. BW current figures indicate a 0.9% increase in licensed boats on the canal network in 2010/2011 which is a significant decrease over the previous year 2009-2010 with its 1.7% increase, and this was not presented to the Grove Farm inspector. The actual available evidence of specific need in relation to the West Midlands network, which showed a 7.1% increase in licences in 2010/2011, and 6.7% for 2009/2011 was not presented to the inspectors for Grove Farm or Stripes Farm, and neither was the applicants projected shortfall of 613 berths by 2015.

### **Availability of sites to meet Need/Demand.**

Against this overall context of need/demand, the applicant has undertaken a sequential test assessment of the whole length of the Stratford Canal which runs from Kings Heath Birmingham to Stratford - a distance of 25 miles of which 5 1/2 miles are within Warwick District and wholly within green belt. This involved an initial desktop assessment of potential sites against a number of criteria followed up by site inspections of the more suitable sites, including proximity to settlements, topography, safe vehicle access, adequate site area and a range of physical characteristics. This concluded that there were three sites potentially suitable for a marina development supporting in the region of 100 berths- Sands Farm, Poundley End Farm Lowsonford ( for which there is an application with the Council but undetermined) and Heathfield Farm, near Hockley Heath which was considered to be the least favourable option as it is furthest from any village amenities. Given the linkage of the Stratford Canal with the Grand Union at Kingswood, it is also necessary to assess whether there are alternative sites which are available, suitable and viable within Warwick District along the Grand Union which could help meet the identified need/demand. Currently, there are no such sites which are being promoted or available.

The sequential test also has to have regard to the availability of sites in the other local authorities adjacent to the WDC boundary- Solihull MBC and Stratford DC, which could help meet the forecast demand for offline moorings. In the case of Solihull Borough, there are two recent marina proposals on the Grand Union Canal at Stripes Hill Farm (223 berths) and land off Grove Farm, Jacobean Lane (140 berths) near Knowle, both of which were recently dismissed at appeal (referred to above). No proposed marina sites have come forward within Stratford District.

### **Other material considerations**

Other key material considerations which are considered by the applicant to weigh in favour of the development include the connectivity of the site with the settlement of Hockley Heath and the benefits to businesses and employment through job creation at the marina itself, increased visitor spend; wider tourism promotion benefits to the West Midlands region; and the ecological and environmental enhancements proposed which increase habitat diversity, hedgerows and woodlands, thereby enhancing the green belt.

In relation to the economic case, up to 4 full time and 9 part time jobs could be created at the marina alongside the indirect job opportunities that may be created within the local economy. Given the marina is a short walk from the centre of Hockley Heath, there are a number of businesses e.g. shops, restaurants and pubs that could potentially benefit directly from patrons of the marina. The applicants statement of case also refers to a specific analysis undertaken by BW in connection with marina development proposals within Solihull Borough which concluded that the economic benefits of a 200 berth marina have been calculated to include £421,084 retained income per annum within a 20 mile radius.

### **Conclusion on Green Belt Policy**

The overriding judgement, therefore is whether the material considerations advanced by the applicant amount to "very special circumstances" that are sufficient to outweigh the general presumption against development in the green belt, as set out in PPG 2. The relevant paragraph is 3.2 which states .."very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations". This is essentially a balancing exercise where the strength of the applicants case as a whole must be weighed against the presumption against inappropriate development in green belt areas. The Planning Authority must be satisfied that the very special circumstances that have been demonstrated clearly outweigh the harm to the green belt by reason of inappropriateness and any other harm, in this case to openness.

I am of the view that the actual harm to the Green Belt in the case of the Sands Farm application is mitigated by the contours of the land, the relationship of the proposed marina basins to the waterway and the landscape containment of the site which all help to reduce visual harm to the green belt. However, the harm to the green belt is still substantial with regard to the size of the development and the number of boats it will permit which will harm openness, and this is in addition to the harm by reason of inappropriateness.

The very special circumstances put forward by the applicant are that there is evidence of need based on projected growth figures for the West Midlands area, no other significant off line mooring facilities on the Stratford canal, no sequentially preferable sites, this is a sustainable location close to a settlement which will have ecological and environmental benefits.

The issue of need in the local area has recently been examined by two inspectors, who found that a clear and compelling case had not been made. In relation to the Grove Farm appeal, the inspector acknowledged that the position on the need for additional moorings in the West Midlands was not clear, and was not persuaded that the need was so pressing that the harm to the green belt was outweighed in that specific case. The inspector for the Stripes Farm appeal did not accept that there is a general need for the development and did not consider that a clear case had been made for moorings in the West Midlands.

The applicants case for the application, and for its need has been considered, but in light of the inspectors conclusions on the evidence of 'need' I do not believe that a compelling and robust case has been made, to the extent that the harm to the green belt would be outweighed. The absence of any offline moorings or more suitable alternative sites outside of the green belt is therefore afforded less weight as a very special circumstance.

Notwithstanding my conclusion on this consideration, there are likely to be small scale economic benefits arising from the creation of a marina in this location and that this factor must be afforded a degree of weight in the overall balancing exercise. In this context, it is appropriate to refer to the recent ministerial statement on "Planning for Growth" which DCLG have confirmed is "capable of being regarded as a material consideration". The statement requires inter alia that .. in determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS 4) and that they can give clear reasons for their decisions". Whilst there are also ecological and environmental benefits, these would be required in any event to satisfy existing policies of the Local Plan and are not considered to merit being regarded as very special circumstances.

In conclusion, very special circumstances have not been demonstrated to justify this inappropriate development and this thereby fails the test of green belt policy in PPG2.

### **Suitability of Location**

RAP 13 "Directing new Outdoor Sport and Recreation Development". is also relevant to the principle of the development. A key purpose of the policy is to direct major leisure and recreation uses to sustainable urban locations. "Major" is defined as those uses which are likely to attract significant numbers of participants or spectators. Where it can be demonstrated that such uses cannot be accommodated in the urban area, sites that are adjacent to the urban area can be considered, where it can be shown that they are easily accessible for cyclists and pedestrians and adjacent to public transport services. In the present case, the site adjoins a settlement - Hockley Heath - and is within walking distance of the centre of the settlement. There is also an hourly bus route linking Birmingham with Stratford - the X20 which runs along Stratford Road close to the site. I am satisfied, therefore, that the site is an accessible

one which meets a key requirement of RAP13. In relation to canal side related developments, there is a limited reference within RAP 13 in para. 8.82 which states that "small scale mooring facilities are likely to be appropriate in the rural area. However, large scale marinas with associated buildings are more likely to be appropriate in urban areas". Given there are no current sites available within the District's urban areas for a development of this size and given the location adjacent to the settlement of Hockley Heath and the accessibility of the site by public transport, the proposal is considered to comply with policy RAP 13.

### **Site Specific Considerations**

The key aspects relating to the impact of the development are considered to be:-

- Landscape, ecology and sustainability
- Highway, traffic and parking issues
- Drainage and flooding
- Impacts on the amenities of local residents

#### Landscape, ecology and sustainability

The application site extends over some 13 hectares of countryside and will encompass two marina basins with a surface water area of 2.85 hectares, with a number of adjacent fields where excavated material will be placed to a depth of up to 1.3 metres. The marina will be constructed on the non-towpath side of the canal and the view from the canal will be via the entrance into the first smaller basin, from where a narrow linking waterway will lead into the larger second basin towards the Stratford Road. The marina will have soft edges to the two basins planted with coir rolls, consisting of reeds and other aquatic plants. When filled to capacity, the marina will accommodate 208 boats with the majority of the berths used for those who wish to permanently moor their boats at the marina and 12 berths for short term visiting boats. Two single storey buildings are proposed- a general marina facilities building and a workshop building for boat repairs and maintenance. Other "hard" elements of the scheme include the roadways and car parking (78 spaces) surfaced in macadam, the concrete hard standing fronting the workshop and crushed recycled bricks for the footpaths.

Given the site levels, the mooring basins and the boats within them would be below existing ground level and below sight lines from nearby viewpoints. The placing of the excavated material on the fields surrounding the basins will further screen the development.

In ecological terms, WCC Ecology are satisfied that the necessary habitat and species surveys have been carried out in accordance with appropriate methodology and to an acceptable standard. Given the lapse of time since the original species surveys were carried out, WCC ecology have been reconsulted and have confirmed that no further surveys are deemed necessary at this time. The proposal will mainly impact on an area of arable land generally considered to be of low ecological value, although some important hedgerow (70 linear metres) will be lost. It is noted that the amount of hedgerow to be lost has been minimised within the plans and at least double the amount lost will be newly planted, thereby compensating for the initial loss. Accordingly, no ecological objection is raised to the proposals by WCC, subject to a number of conditions. Part of the applicants case is that the construction of the marina will bring about

a significant gain in habitat diversity by replacing arable fields which are of low value for nature conservation with a much more diverse series of habitats, including woodland, new hedgerow, improved grassland and aquatic margins.

In relation to landscape impact, the site is within the Arden Parklands landscape whose salient characteristics are set out in the Warwickshire Landscape Guidelines which has been adopted by the Council as Supplementary Planning Guidance. The overall character and qualities of the Arden Parklands landscape is described as an enclosed, gently rolling landscape defined by woodland edges, parkland and belts of trees.

The proposed development will introduce a degree of artificiality into the current natural undulating landscape particularly from the raising of levels on the fields adjacent to the marina basins and resulting creation of plateaux but overall, given the relatively enclosed nature of the site and the strengthening of its landscape containment by new planting, it is considered that the development can be satisfactorily assimilated into the rural landscape.

The proposals include heating the utilities building through the use of geo-thermal heat extraction system from marina water, solar panels for hot water and use of recycled materials where possible.

#### Highway, traffic and parking issues

The application is accompanied by a Transportation Assessment which sets out the transport implications of the 208 berth marina both in relation to the construction and operating phases. The access route into the site is off Wharf Lane where there is adequate visibility in both directions, without the need to remove hedgerows, whilst the construction traffic will access the site through a newly constructed haul road, which takes access from the site to an existing access off the A3400 Stratford Road. This is for the construction period only and will be removed after the completion of the works. WCC have confirmed that in their view the temporary haulage route affords the required level of visibility in both directions from the junction and an acceptable forward visibility. The haulage route is able to be constructed across land adjoining the application site as a temporary feature under permitted development rights for Temporary Buildings and Uses (Part 4 of the General Permitted Development Order) and an agreement under the Highway Act will be required with the Highway Authority to ensure the access onto the public highway is constructed to acceptable standards. Part 4 requires that the land on which the temporary works have been undertaken is reinstated to its original condition once the operations on the application site have been carried out.

Predicted traffic movements are based on figures provided by BW for other marinas which show a pattern of maximum car parking on Sunday afternoons in August. The conclusion is that the peak hour traffic flow would be on a Sunday afternoon with 33 vehicle movements, with approx. one third of this during the weekday peak hour traffic flow.

WCC have examined the Transportation Assessment and are satisfied that the traffic impact can be accommodated within the local highway network and will not be to the detriment of highway safety. Given this response from the Highway Authority, I conclude that there are no highway reasons on which planning permission can reasonably be refused.



72 parking spaces are proposed as part of the development, which would give a ratio of one parking space per 2.9 boats. A figure of 68 spaces is arrived at through a forecast of traffic movements and parking requirements within the submitted traffic assessment, based upon other inland waterways marinas and BW traffic surveys. Whilst there are no applicable parking standards for marinas, I have no reason to consider that this would not be reasonable, and in any case there would be some space for over spill parking within the workshop area.

### Drainage and flooding

In relation to these aspects, the responses of the relevant statutory authorities are of major relevance. Environment Agency criteria require the completion of a flood risk assessment and this has been submitted and referred to them and no objections are raised to the development. The marina is a dug basin which will provide additional water capacity should flooding become prevalent in the local area. BW have assessed the technical aspects of the marina facility through the normal consultation process and their response is also one of no objection.

The application is accompanied by a Drainage Strategy based on sustainable principles with a series of swales used to regulate surface water run off from adjacent fields and collected and directed towards the field drainage ditch alongside the site's eastern boundary and onto an attenuation pond near the Wharf Lane frontage. Any outfall from the pond will discharge into this field drain. In essence, the strategy is designed such that the swales and attenuation of the run off will limit flows from the site to a rate comparable with its "greenfield" behaviour up to and including the 1 in 100 year plus 20% for climate change.

Localised flooding from surface water run off onto Wharf lane is a well known phenomenon and derives from heavy rainfall and from water run off from the agricultural land filling the drainage ditch which runs along the north side of Wharf Lane. A supplementary note prepared by the applicant relating to land drainage matters confirms their awareness of local drainage patterns. Currently the site falls generally from north-west to south-east, with approx 6m level difference across the site. The soil is clayey and drains poorly in prolonged wet weather. Water tends to be shed towards the southern edge of the site. The marina basin will cut across the land drainage flow path from much of the northern part of the site, whilst also replacing former fields with open water. The effect will be to lessen the surfaced area draining southwards. Within the fields that are to take the excavated material, the layout and form of the spoil mounds will need to accommodate existing flow paths and altered gradients will be of a scale that will make little difference to rates of run off. The applicant is of the view that existing field ditches around these fields will ensure that flows will be contained.

Given the above and the absence of any objection from the Environment Agency, it is considered that the development complies with guidance contained in PPS 25 and Local Plan Policy DP11.

### Impact on amenities of local residents

A large number of local residents have raised objection to the scheme on a number of environmental grounds, including noise and disturbance, both from the use of the marina and from associated traffic movements. Privacy and loss of

residential amenity from the lighting required across the site are also significant concerns.

The nearest residential properties are along Wharf Lane, where no. 6 lies immediately to the west of the site's proposed vehicular access. The larger marina basin is approx. 80 metres away from the site's western boundary along the main A3400 Stratford Road, where there are a number of properties on the opposite side of the road. There are some properties to the east of the Stratford Road whose curtilages adjoin fields where excavated material will be placed. The nearest Stratford Road property to the western marina basin (The Rosery) will be over 100 metres away from the nearest boat berth. In relation to 6 Wharf Lane whose eastern boundary adjoins the main site entrance, the development will result in a loss of amenity to that property through the traffic movements associated with the use of the marina. However, predicted traffic movements set out in the Transport Statement based on survey data from similar sized facilities elsewhere are not considered to be excessive and there will be a densely planted (minimum 10 metre wide) woodland buffer between the dwelling curtilage and the marina access road. Given the traffic volumes and the mitigation proposed, the loss of amenity is not considered to be so detrimental that a refusal reason could be substantiated.

Impacts on residential properties will be during both the construction and operating phases of the marina. The excavation and deposit of soil will only be for a temporary period (estimated to be 6 weeks) and planning conditions can be imposed to regulate any impacts to an acceptable level. Given the distances involved to the nearest dwellings, noise and disturbance from the marina is not considered to be such that planning permission could be refused on these grounds. There will be a small increase in traffic along Wharf Lane as a result of the development but, in my opinion, not of a scale which would detrimentally affect the amenity of local residents such that planning permission should be refused on these grounds.

### **Overall conclusion**

In site specific terms, the proposal is not considered to give rise to harm to ecological interests or to unacceptably harm the amenity of local residents in relation to noise, disturbance or visual intrusion. The highway implications of the proposals are also considered to be acceptable and there are no grounds to refuse permission based on drainage and flooding considerations, given the response of the relevant agencies. However, in light of the recent appeal decisions and the inspectors conclusions on the evidence of need for moorings, I am of the view that the applicant has not demonstrated very special circumstances that outweigh the harm caused by this inappropriate development in the green belt. The recommendation is therefore to refuse this application.

### **RECOMMENDATION**

REFUSE for the following reason:-

### **REFUSAL REASONS**

- 1 The site is situated within the Green Belt and Planning Policy Guidance Note 2 states that, within the Green Belt, the openness of the area will be protected. It also contains a general presumption against "inappropriate" development in Green Belt areas and lists specific forms

of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the Guidance and, in the Planning Authority's view, very special circumstances sufficient to justify departing from this policy have not been demonstrated.

The District Planning Authority has taken into account the Environmental Statement, the further information submitted, representations made by bodies required by the EIA regulations to be invited to make representations, and all representations made by any other person about the environmental effects of the development.

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