

**AGENDA MANAGEMENT SHEET**

**Name of Committee** Regulatory Committee

**Date of Committee** 3rd April 2007

**Report Title** Kingsbury Water Park – Education Outdoor Activity Centre

**Summary** The application proposes the construction of an education outdoor activity centre at Kingsbury Water Park, Bodymoor Heath, Kingsbury.

**For further information please contact** Richard Forbes  
 Planning Officer  
 Tel. 01926 412247  
 richardforbes@warwickshire.gov.uk

**Would the recommended decision be contrary to the Budget and Policy Framework?** Yes/No

**Background Papers** Application details received 19th December 2006.  
 Letter from North Warwickshire Borough Council received 10/1/2007.  
 Letter of representation from local resident received 22/1/2007.  
 Letter from the Environment Agency received 29/1/2007.  
 Ecological Survey Report received 5/2/2007.  
 Letter from Resources Directorate received 7/2/2007.  
 E-mail from North Warwickshire Borough Council. Environmental Health dated 14/2/2007.  
 Letter from Adult, Health and Community Services dated 20/2/2007.

**CONSULTATION ALREADY UNDERTAKEN:-** *Details to be specified*

Other Committees  .....

Local Member(s)  Councillor Mrs J Lea - No comments received at  
 (With brief comments, if appropriate) 20th March 2007.

Other Elected Members  .....

Cabinet Member  .....  
 (Reports to The Cabinet, to be cleared with appropriate Cabinet Member)



- Chief Executive  .....
- Legal  I Marriott – comments incorporated.
- Finance  .....
- Other Chief Officers  .....
- District Councils  North Warwickshire Borough Council – Objection see paragraph 2.
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  See paragraph 2.

**FINAL DECISION**                      **YES/NO**      *(If 'No' complete Suggested Next Steps)*

**SUGGESTED NEXT STEPS :**

*Details to be specified*

- Further consideration by this Committee  .....
- To Council  .....
- To Cabinet  .....
- To an O & S Committee  .....
- To an Area Committee  .....
- Further Consultation  .....

**Regulatory Committee - 3rd April 2007**

**Kingsbury Water Park – Education Outdoor Activity Centre**

**Report of the Strategic Director for  
Environment and Economy**

**Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the construction of an education outdoor activity centre at Kingsbury Water Park, Bodymoor Heath, Kingsbury, subject to the conditions and for the reasons contained in **Appendix B** of the Report of the Strategic Director for Environment and Economy.

Application No : NW8/06CC042.

Submitted by : The Strategic Director of Resources on behalf of Cabinet.

Received by : The Strategic Director for Environment and Economy on 19/12/2006.

Advertised Date : 4/1/2007.

The Proposal : Construction of an Education Outdoor Activity Centre. Works to include: construction of 373 m sq centre with associated facilities, erection of fencing, creation of car parking area and creation of new access to site. [Submitted under Regulation 3 of the Town and Country Planning Regulations 1992.]

Site & Location : 0.584 ha of land at Kingsbury Water Park, Bodymoor Heath, Sutton Coldfield, Kingsbury. [Grid ref: 202.966].

See plan in **Appendix A**.

---

**1. Application Details and Background**

1.1 The application seeks consent for a single storey outdoor education centre building that would cover a floor area of around 373m<sup>2</sup>. This building would be pitched roofed and faced partly with green metal profile cladding and partly with cedar cladding. Whilst the roof would also be finished in green metal material.

1.2 In addition the following facilities would also be provided:-

- (i) A smaller pitched roofed equipment store (31.3 m<sup>2</sup>).
- (ii) A screen fenced compound including the equipment store.
- (iii) Car/minibus/ coach parking area served by a new vehicular access.

1.3 The main building would incorporate the following accommodation:-

- (i) Storage rooms.
- (ii) Meeting room.
- (iii) Lecture room.
- (iv) Changing rooms.
- (v) Drying room.
- (vi) Office.
- (vii) Staff/kitchen room.
- (viii) WC.

1.4 Previously consent was given for an Environmental Education Centre under Planning Permission Reference NW8/02CC071. This was located within the main complex of the park close to the visitors centre. However, this permission was never implemented due to a number of reason detailed as follows:-

- (i) Concerns regarding the size of the site and additional car parking.
- (ii) Further concerns regarding traffic entering the main Park entrance at peak times.
- (iii) Health and safety concerns regarding close proximity of user groups and activities to members of the public and general visitors.
- (iv) Issues and difficulties regarding the separation and segregation of school children and the public. The separation of the centre would enable overall safety to be improved.
- (v) The centre was driven by joint funding that never materialised.
- (vi) The existing visitor centre has a different client group and service objective. The space and infrastructure here makes it difficult to deliver an instruction focused, environmentally friendly, controlled outdoor activity programme for school groups.

## **2. Consultations**

- 2.1 **North Warwickshire Borough Council** – Objection on Green Belt grounds. The Borough Council does not consider that all of the facilities are all essential for outdoor recreation and duplicate facilities have already been provided within the park.
- 2.2 **Kingsbury Parish Council** – No comments received.
- 2.3 **Councillor Mrs J Lea** - No comments received, as at 20th March 2007.
- 2.4 **Libraries, Adult Learning and Culture** - surveys relating to protected species are required.
- 2.5 **Environment Agency**– No objections subject to conditions.

## **3. Representations**

- 3.1 One letter of objection received from the occupier of Moor Ash Barn, the nearest property to the proposal on behalf of the residents of Moor Ash Barn, Rose Cottage and Ivy Cottage. Objecting on the following grounds:-
- (i) Loss of privacy in an area thought to be free of development when the property was bought from Warwickshire County Council (WCC).
  - (ii) Objecting on location and use rather than building design and scale which appears to be sympathetic.
  - (iii) Privacy and tranquillity of rear garden would be spoilt.
  - (iv) Property value would be affected.
  - (v) Security issues, such a building and use may attract a criminal element at night, particularly if recreational equipment or computers are to be stored.
  - (vi) Increased road traffic, Moor Ash Lane is often mistaken as an access to the Water Park and used as parking for the Park without incurring charges.
  - (vii) The access road to the proposed centre can be busy especially in the summer when caravans are being towed.
  - (viii) Water sports should not be carried out on the lakes most immediate to the residential properties on Moor Ash Lane.
  - (ix) Such a centre would be best sited within the area of the main entrance along with other activities.

## **4. Observations**

### **Site and Surroundings**

- 4.1 The site is located within Kingsbury Water Park to the west of the M42 away from the main visitors complex. It is accessed via a private road off Old Bodymoor Heath Lane.
- 4.2 The site is an open grassland paddock bounded by hedgerows. The north and western boundaries of the site, adjacent to the access road, are characterised by dense hawthorn hedging between 3 and 4 metres in height. In order to gain vehicular access to the site some of this hedgerow would need to be removed.
- 4.3 The eastern boundary of the site forms the rear boundary of a residential property, Moor Ash Barn, a refurbished two storey barn. The boundary is marked by a ditch with a dense 5-6 metre high tree line. Whilst the southern boundary is characterised by a dense tree belt with dense under storey bounding open countryside. The entire site lies within the adopted West Midlands Green Belt.

### **Neighbours' Amenity**

- 4.4 The nearest property is Moor Ash Barn which has its rear garden bounding the site. The residents objections to the scheme are outlined above.
- 4.5 The site boundary in this location benefits from dense hedgerow screening which is around five to seven metres deep including a drainage ditch. During the winter the lack of leaves means that the property and garden area can be seen, although the view is somewhat obscured by the density of the tree belt. During the summer months, the centre would be completely obscured by this hedgerow.
- 4.6 The residential property has rear extruding side wings which are single storey only with the main rear wall of the two storey element being at least 30 metres from the boundary. The rear garden of the property is adjacent to the boundary.
- 4.7 The proposed main centre building is set in the site by 11 metres and the compound would be surrounded by 2 metre high close boarded fencing. This fencing would be closest to the boundary of the property and screen both the compound and the centre building. The proposed centre and the residential property are at a similar ground level and as such overlooking and loss of privacy would not be a major issue in relation to the enjoyment of the adjacent residential property and its garden area.
- 4.8 In addition, the objectors have raised concerns relating to traffic movements and overspill onto the adjacent lane which is used as an access for the residential properties. The users of the facility would be school groups that would access the site directly with the remainder of the traffic relating to staff working at the centre. It would be very unlikely that any of this parking would overspill outside the boundaries of the site onto other roads within the vicinity.

- 4.9 The centre is intended to be used mainly during daylight hours on week days and as such impacts would be limited to sociable hours. Considering all the above, the impacts on neighbours amenity are considered to be acceptable.

### **Green Belt**

- 4.10 The site is located within the West Midlands Green Belt and as such national and local Green Belt policy applies. The relevant policies include National Planning Guidance outlined Planning Policy Guidance Note 2: Green Belt, Policy GD6 of the Structure Plan and Core Policy 4 and Policy ENV2 of the adopted local plan.
- 4.11 The structure plan and local plan policies refer to the use of policies outlined in PPG2 when determining proposals for development within the Green Belt. The PPG states that there is a general presumption against inappropriate development within them. Such development will not be accepted unless very special circumstances exist that substantially outweigh any harm caused to the Green Belt.
- 4.12 Paragraph 3.4 of PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is to be used for a limited number of specific purposes. One such use is for “essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it”. In order to qualify what is meant by essential facilities paragraph 3.5 states that “essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation”. As such the crux in determining if such buildings constitutes inappropriate development is whether the accommodation they provide is limited to essential facilities only.
- 4.13 PPG17: Planning or Open Space, Sport and Recreation also reiterates that non-essential facilities should be treated as inappropriate in the Green Belt. The PPG cites examples such as additional function rooms, which would go much wider than the development proposed.
- 4.14 The building is limited to single storey and the various rooms serve the function of changing rooms, outdoor equipment stores, meeting rooms/lecture room, minimal staff /instructors office, toilets and drying room. When considering what is essential due regard must be given to the nature of activities that would be undertaken. In this case outdoor recreation activities carried out by young people require briefing facilities and qualified instructors which also require accommodation to work from and organise activities. As water sports would be carried out drying facilities would also be required. Since an objection from the Borough Council has been received, a letter of further justification has been submitted outlining various health, safety and staff welfare issues that require specific accommodation provision.

- 4.15 The Borough's objection focuses in part on their interpretation that the scheme would go further than providing purely essential facilities, going well beyond the example of small changing rooms. However, this is only an example and does not take into account the specific requirements of activities that would be carried out at the centre.
- 4.16 From the information provided, the facilities appear to be essential for this kind of facility to operate and, in general, the outdoor activities supported by the centre preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt as outlined in PPG2.
- 4.17 The scale, massing and bulk of the centre building is single storey and of relatively modest dimensions. Whilst the design of the building reflects the setting being rural in character and is relatively unobtrusive. As such it could be considered that the proposal is not inappropriate development within the Green Belt as defined within PPG2.
- 4.18 However, even if it were not concluded that the development was inappropriate, in Green Belt terms, the benefits associated with the development would signify very special circumstances that outweigh any harm to the Green Belt. These very special circumstances relate to the health and education benefits for young people using the facility.
- 4.19 It should also be noted that the centre sits within and would utilise the large area of the water park. When the size of the building is considered within this setting it would be of a small scale and appropriate to its location.
- 4.20 The second objection on Green Belt grounds, relates to the duplication of facilities already on the Park. As explained above the centre previously approved under planning permission NW8/02CC071 has not been implemented and as such the duplication of facilities would not occur.
- 4.21 In addition, the Borough argues that the centre should be sited adjacent to the existing visitors centre building complex to minimise the impact on the openness of the Green Belt. Since receiving the objection, the applicant has submitted further information supporting siting the facilities away from the main building complex on health and safety concerns, parking and traffic movements into the main park entrance at peak times, segregation of the majority of park users and schoolchildren on safety grounds.
- 4.22 It must also be noted that the proposal is located adjacent to a small number of redundant farm buildings that have been converted to residential accommodation, and a tourist caravan and camping site, incorporating a site facilities building. Therefore, to some extent the centre is sited close to other buildings in order to help reduce the impacts on the openness of the Green Belt.

### **Contaminated Land Issues**

- 4.23 The Environment Agencies response has acknowledged that the site is located within 270 metres of three landfill sites that have now been restored. Because



of this the Borough's Environmental Health officer has requested for a ground investigation survey be conducted. A condition is proposed to cover this.

### **Ecology**

- 4.24 Due to the possibility of certain species being found on the site the County Ecologist has requested further surveys of the site. Conditions are proposed to meet this requirement.

### **Planning Policy**

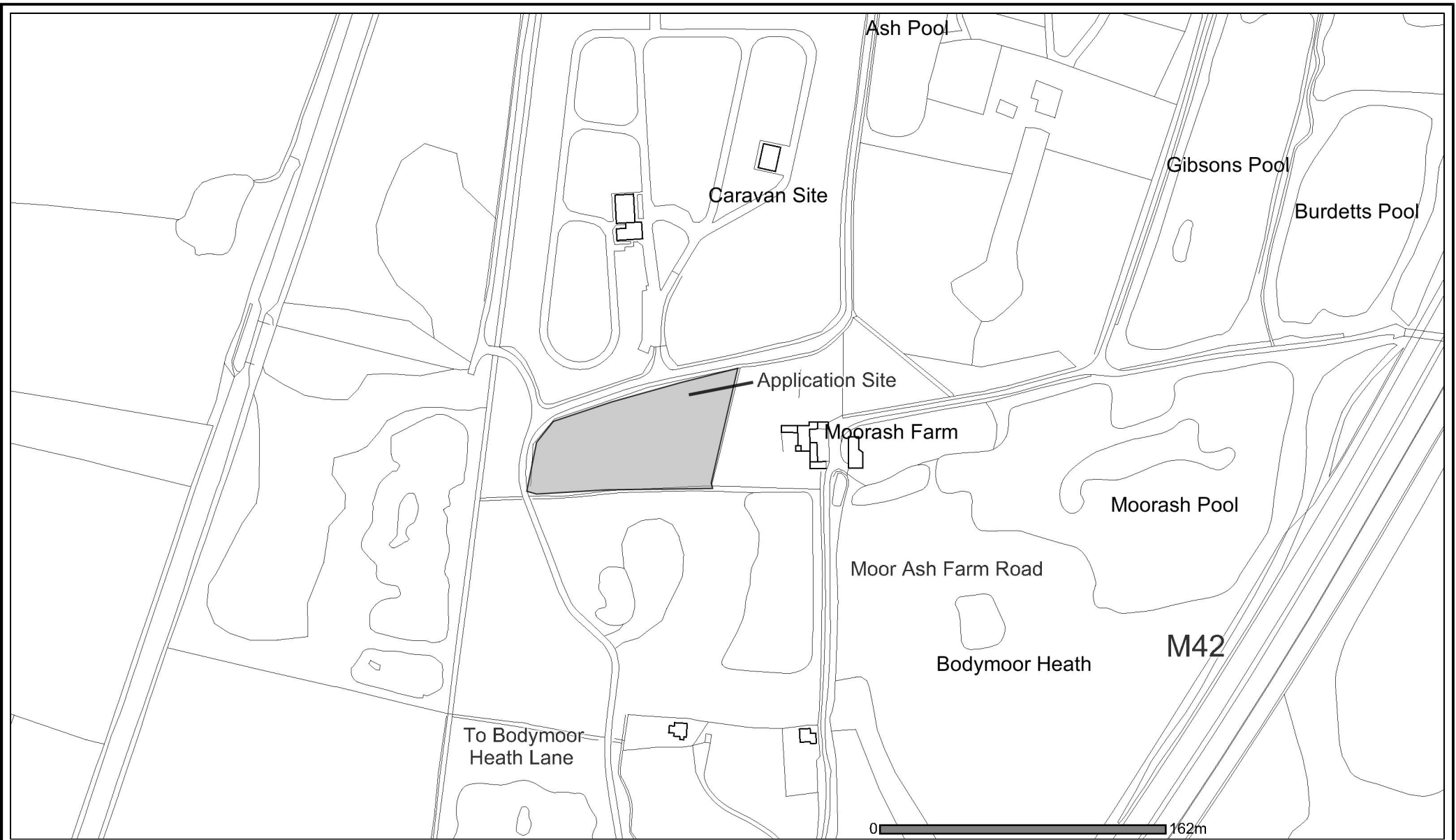
- 4.25 Core Policy 3 of the adopted local plan states that "outside the development boundaries and except where other policies of the Plan expressly provide, development will be limited to that requisite for agriculture, forestry or other uses that can be shown to require a rural location". The proposal requires a rural location for the activities associated with its use and as such would be supported by the policy.
- 4.26 The impact on the Green Belt has been reviewed in detail above. It was concluded that the development would be acceptable as it represents either appropriate development within the Green Belt or inappropriate development that would be justified by very special circumstances, as required in PPG2.
- 4.27 PPG17 acknowledges that certain types of sport and recreation activities rely upon water and specific natural facilities. This states that "planning permission should be granted but only where the impact of sports and recreational on natural features can be minimised". In this case the activities would make use of the water and accessible countryside within the Water Park. The situation of the site is relatively rare within the county.
- 4.28 Policy ENV3 of the Local Plan addresses nature conservation and encourages the use of conditions to ensure that species are protected. Such conditions would be attached to any permission.
- 4.29 Policy ENV6 addresses the development of land that maybe affected by contamination. As the site is located within close proximity to a number of old landfill sites. Ground investigations, and any required remedial work, would be required under a planning condition.
- 4.30 Policy ENV11 seeks to protect the amenities enjoyed at neighbouring properties. This issue has been discussed addressed above and it was concluded that the impact on neighbours' amenity would be acceptable. Therefore, the proposal would not be contrary to this property.

## **5. Environmental Implications**

- 5.1 The proposed development would introduce new development into a rural area within the Green Belt. However, the proposal is limited to a small scale single storey building which is well screened by existing screening and located within relatively close proximity of built development and is used for a recognised appropriate purpose. As such the impact on the environment and wider landscape would be acceptable.

JOHN DEEGAN  
Strategic Director for Environment and Economy  
Shire Hall  
Warwick

20th March 2007



Scale 1: 3000

Ref No. NW8/06CC042

Drawn Richard Forbes

Regulatory Committee - 3rd April 2007

Subject

**Kingsbury Water Park - Outdoor Activity Centre**



John Deegan  
Strategic Director for  
Environment and Economy  
Shire Hall, Warwick, CV34 4SX

Reproduced from the Ordnance Survey map. With the permission of the HMSO Controller Licence No. 100018285. (c) Crown Copyright.

## Regulatory Committee - 3rd April 2007

### Kingsbury Water Park – Education Outdoor Activity Centre

Application No: NW8/06CC042

#### Commencement Date

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section S1 of the Planning and Compulsory Purchase Act 2004.

#### General Operations

2. The development hereby permitted shall not be carried out other than in accordance with the details submitted with application reference No: NW8/06CC042, the design and access statement, sustainability agenda, and Drawing Numbers 2296-103 Rev C and 2296-104 Rev D in accordance with any samples or details approved in accordance with these conditions.

**Reason:** To ensure development is carried out in accordance with the planning permission hereby granted.

3. No development shall take place until samples of the external materials to be used in the construction of the walls and roof of the buildings hereby permitted have been submitted to and approved in writing by the County Planning Authority. The development shall then be carried out in accordance with the approved details.

**Reason:** To ensure the satisfactory appearance of the completed Development.

4. Before the development is commenced the site shall be investigated for ground conditions, soil and groundwater contamination and landfill gas in accordance with details to be submitted and approved by the County Planning Authority. Details of all results, assessment and measures needed to render the development safe shall be submitted to and approved by the County Planning Authority before the development is implemented. All such measures shall be implemented before the development is commenced or in accordance with a timetable to be agreed with the County Planning Authority.

**Reason:** To ensure that the occupants and users of the development are not subjected to any risks from land contamination.

5. Prior to the first use of the centre, external lighting details, including hours of operation shall be submitted to and approved in writing by the County Planning Authority. The development shall then be carried out in accordance with the approved details.

**Reason:** In the interest of the residential and visual amenities of the locality.

6. Within 3 months of the commencement of development a scheme of landscaping incorporating native species shall be submitted to the County Planning Authority. Once approved, the scheme shall be implemented during the first available planting season following the commencement of the development. Any tree, shrub or hedge planted in accordance with the approved scheme shall be maintained and any plants which within five years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the County Planning Authority.

**Reason:** In the interests of the residential and visual amenities of the area.

7. The development hereby permitted shall not commence until a bat survey of the site has been carried out in accordance with a timetable and methodology proposed by a suitably qualified individual, that has first been approved in writing with the County Planning Authority. Should the survey indicate the presence of bats on the site then a scheme to accommodate their presence and to mitigate any adverse impact which the development may have upon their local population shall be submitted to and approved by the County Planning Authority before the commencement of development. The development shall be carried out in accordance with the provisions of the scheme.

**Reason:** To ensure that protected species are not harmed by the development and appropriate biodiversity enhancements for Local Biodiversity Action Plan species can take place.

8. The development hereby permitted shall not commence until a great crested newt survey of the site has been carried out in accordance with a timetable and methodology proposed by a suitably qualified individual, that has first been approved in writing with the County Planning Authority. Should the survey indicate the presence of great crested newts on the site then a scheme to accommodate their presence and to mitigate any adverse impact which the development may have upon their local population shall be submitted to and approved by the County Planning Authority before the commencement of development. The development shall be carried out in accordance with the provisions of the scheme.

**Reason:** To ensure that European protected species are not harmed by the development.

9. The development hereby permitted shall not commence until a reptile survey of the site has been carried out in accordance with a timetable and methodology proposed by a suitably qualified individual, that has first been approved in writing with the County Planning Authority. Should the survey indicate the presence of

reptiles on the site then a scheme to accommodate their presence and to mitigate any adverse impact which the development may have upon their local population shall be submitted to and approved by the County Planning Authority before the commencement of development. The development shall be carried out in accordance with the provisions of the scheme.

**Reason:** To ensure that protected species are not harmed by the development.

10. No development shall take place on site until the retained trees and bramble thicket has been protected by fencing and enclosures, full design details of which shall have been submitted to and approved by the County Planning Authority prior to their installation on site, and the approved tree protection scheme shall be retained in situ and in the approved form for the duration of construction work.

**Reason:** To ensure appropriate protection of trees together with retention of hedgehog nesting sites.

11. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the County Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed.

**Reason:** To prevent pollution of the water environment.

12. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

**Reason:** To prevent pollution of the water environment.

### **Note**

The fenced area referred to in Condition No 10 should include a buffer zone of at least 2-3 metres between the development and the edge of the tree canopy. It is important not to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the tree roots, which may well prove fatal.

## **Development Plan Policies Relevant to this Decision**

Warwickshire Structure Plan 1996 – 2011 – GD6 Green Belt.

North Warwickshire Local Plan 2006 - Core Policies 3 and 4, Policies ENV2, 3, 6 and 11.

## **Reasons for the Decision to Grant Permission**

It is considered that the development hereby permitted would not be inappropriate development within the Green Belt, as it represents essential facilities for outdoor sport and outdoor recreation that preserves the openness of the Green Belt does not conflict with the purposes of including land within it. Even if the development represents inappropriate development very special circumstances exist that outweigh any harm to the openness of the Green Belt. In addition there are no other material considerations that would justify withholding planning permission.