

To: The Deputy Leader and Members of the Planning and Development Board

Councillors Simpson, Bates, Bell, Chapman, Dirveiks, Fowler, Gosling, Hayfield, Hobley, Humphreys, Jarvis, Parsons, H Phillips, Reilly, Ridley and Ririe.

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719237 via e-mail – democraticservices@northwarks.gov.uk

For enquiries about specific reports please contact the officer named in the reports.

The agenda and reports are available in large print and electronic accessible formats if requested.

PLANNING AND DEVELOPMENT BOARD AGENDA

8 JANUARY 2024

The Planning and Development Board will meet on Monday 8 January 2024 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

REGISTERING TO SPEAK AT THE MEETING

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to democraticservices@northwarks.gov.uk or by telephoning 01827 719226 / 719221 / 719237.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber; or
- (b) attend remotely via Teams.

The Council Chamber has level access via a lift to assist those with limited mobility who attend in person however, it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they may need to mute the sound on YouTube when they speak on the phone to prevent feedback). The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

- 4 **Minutes of the meeting of the Board held on 11 December 2023** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Planning Applications** - Report of the Head of Development Control

Summary

Town and Country Planning Act 1990 – applications presented for determination.

- a **Application No: PAP/2023/0516 - Bus Station Car Park, Station Street, Atherstone**

Notification for tree works in a conservation area

- b **Application No's: PAP/2023/0421 and PAP/2023/0422 - W H Smith And Sons (tools) Ltd, Water Orton Lane, Minworth, Sutton Coldfield, B76 9BG**

PAP/2023/0421 - Engineering operations to facilitate the construction of new industrial unit comprising ground re-profiling, installation of storm and foul water drainage provision, demolition of existing buildings and structures

PAP/2023/0422 - Demolition of existing buildings and structures to facilitate the erection of a new industrial unit (Use Class B2) associated with battery technology for the production of electrically powered vehicles; canopy, ancillary storage and office use, re-profiling of site levels, erection of two silos, water sprinkler tanks, pump house, provision of photo-voltaic roof panels, service yard including security barrier, associated parking including cycle shelters and landscaping

The Contact Officer for this report is Jeff Brown (719310).

6 Infrastructure Funding Statement - Report of the Head of Development Control

Summary

The report outlines the Council's Infrastructure Funding Statement for 2023.

The Contact Officer for this report is Jeff Brown (719310).

7 Exclusion of the Public and Press

To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

8 Exempt Extract of the Minutes of the meeting of the Planning and Development Board held on 11 December 2023 – copy herewith to be approved as a correct record and signed by the Chairman.

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

11 December 2023

Present: Councillor Simpson in the Chair

Councillors Bates, Bell, Chapman, Dirveiks, Fowler, Gosling, Hayfield, Hobley, Humphreys, Jarvis, H Phillips, O Phillips, Reilly, Ridley and Ririe

Apologies for absence were received from Councillor Parsons (Substitute O Phillips)

Also in attendance was Councillor D Wright who, with the permission of the Chair, spoke in support of Minute No 56d (Fir Tree Farm, Breach Oak Lane, Fillongley, CV7 8DE)

53 **Disclosable Pecuniary and Non-Pecuniary Interests**

When considering Minute No 56g (Workshop, Manor Road, Mancetter, CV9 1QL) Councillor Ridley declared a non-pecuniary interest by reason of being a customer of the applicant and took no part in the discussion or voting thereon.

54 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 6 November 2023, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

55 **Budgetary Control Report 2023/24 Period Ended 31 October 2023**

The Interim Corporate Director – Resources reported on revenue expenditure and income for the period from 1 April 2023 to 31 October 2023. The 2023/2024 budget and the actual position for the period, compared with the estimate at that date, were given, together with an estimate of the outturn position for services reporting to the Board.

Resolved

That the report be noted.

56 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a That in respect of Application No's PAP/2023/0062 and PAP/2023/0334 (Whitehall Farm, Atherstone Road, Hartshill, Nuneaton, Warwickshire, CV10 0TB)**
 - a) PAP/2023/0062 – In accordance with the location plan received on 13 September 2023 and the proposed plans and elevations received on 1 August 2023, the development may proceed; and**
 - b) PAP/2023/0334 - In accordance with the location plan received on 17 August 2023 and the proposed site plan, floor plans and elevations received on 31 July 2023, the development may proceed;**

[Speaker: James Hammond]

- b That in respect of Application No CON/2023/0019 - (Land 290 Metres North West Of Greenacre, Caldecote Lane, Caldecote, Warwickshire) the Council objects to the proposal on the grounds that the landscape mitigation is inadequate to reduce the cumulative significant visual, landscape and heritage harms caused. The proposal does not therefore accord with policies LP14 and LP15 of the North Warwickshire Local Plan 2021. Additionally, it has not been demonstrated that the proposal would not give rise to adverse noise impacts, as such it does not accord with policy LP29(9) of the 2021 Local Plan;**
- c That in respect of Application CON/2023/0026 (Twycross Zoological Park, Burton Road, Norton Juxta, Twycross) the Council has no objection in principle but lodges a holding objection at this time as it has not been shown that access to this site cannot be achieved from the A444, thus eliminating the potential for traffic to use Orton Hill and having to travel through the North Warwickshire rural highway network;**
- d That Application No PAP/2023/0093 (Fir Tree Farm, Breach Oak Lane, Fillongley, CV7 8DE) be granted subject to conditions to be agreed by the Head of Development Control in consultation with the Chairman and Opposition Spokesperson;**

[Speakers: Charles Holt and John Nightingale]

- e That Application No PAP/2022/0522 (Land Adjacent To Dog Inn, Marsh Lane, Water Orton) be granted subject to the conditions set out in the report of the Head of Development Control;**

[Speaker: Altine Elias]

- f That Application No PAP/2023/0057 (Packington Lane Farm, Packington Lane, Coleshill, B46 3JJ) be granted subject to the conditions set out in the report of the Head of Development Control and the completion of a legal agreement revoking the Certificate at Brook Farm without a claim for compensation; and**
- g That in respect of Application No's PAP/2023/0280 and PAP/2023/0283 (Workshop, Manor Road, Mancetter, CV9 1QL)**
 - a) PAP/2023/0280 – The extension be granted subject to the conditions set out in the report of the Head of Development Control; and**
 - b) PAP/2023/0283 – Car Sales be granted subject to the conditions set out in the report of the Head of Development Control but with a review of condition number 7 regarding online sales to be agreed by the Head of Development Control in consultation with the Chairman of the Board together with the Opposition Spokesperson.**

[Speaker: Craig Phillipson]

57 The Levelling Up and Regeneration Act 2023

The Head of Development Control drew attention to the enactment of this piece of major planning legislation.

Resolved:

That the report be noted and that further reports be brought to the Board in due course outlining the details of the changes to the preparation of local plan policy and the determination of planning applications.

58 Tree Preservation Orders - Land East of Chase Cottage, Purley Chase Lane, Mancetter

The Head of Development Control sought to replace an existing temporary order, once lapsed on 22 December 2023, with a second order that included twenty individual trees within the previous Group order. The second Order took into account the representations received on the initial Order.

Resolved:

- a That the issue of a Tree Preservation Order for the protection of 20 trees on land to the east side of Chase Cottage Purley Chase Lane Mancetter be confirmed; and**

- b That the previous Group order at Chase Cottage, Purley Chase Lane, Mancetter not be confirmed.**

59 Appeal Update

The Head of Development Control brought Members up to date with recent appeal decisions.

Resolved:

That the report be noted.

60 Exclusion of the Public and Press

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by paragraphs 5 and 6 of Schedule 12A to the Act

61 Authorisation to seek Injunction to prevent further unauthorised development and begin prosecution proceedings

The Head of Legal Services brought Members up to date with recent developments.

Resolved:

- a That authorisation to begin injunctive proceedings to prevent further unauthorised development of land, for the reasons outlined in the report of the Head of Legal Services, be granted: and**
- b That authorisation to begin prosecution proceedings for breach of the existing court order be granted.**

62 Consideration of Enforcement Notice

The Head of Development Control brought Members up to date with recent developments.

Resolved

- a That the Council considers that it is expedient to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 for the reasons set out in the report of the Head of Development Control;**

- b That the final details for the description of required works and the associated Notice Plan, be delegated to Officers; and**
- c That the compliance period from the date of the Notice be agreed.**

M Simpson
Chairman

Agenda Item No 5

Planning and Development Board

8 January 2024

Planning Applications

Report of the Head of Development Control

1 Subject

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 Purpose of Report

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications.

3 Implications

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 5 February 2024 at 6.30pm in the Council Chamber

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:
https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
5/a	PAP/2023/0516	1	Bus Station Car Park, Station Street, Atherstone Works to trees in a Conservation Area	General
5/b	PAP/2023/0421 & PAP/2023/0422	4	PAP/2023/0421-Engineering operations to facilitate the construction of new industrial unit comprising ground re-profiling, installation of storm and foul water drainage provision, demolition of existing buildings and structures. PAP/2023/0422 Demolition of existing buildings and structures to facilitate the erection of a new industrial unit (Use Class B2) associated with battery technology for the production of electrically powered vehicles; canopy, ancillary storage and office use, re-profiling of site levels, erection of two silos, water sprinkler tanks, pump house, provision of photo-voltaic roof panels, service yard including security barrier, associated parking including cycle shelters and landscaping.	General

General Development Applications

(5/a) Application No: PAP/2023/0516

Bus Station Car Park, Station Street, Atherstone,

Notification for tree works in a conservation area

for Warwickshire County Council.

Introduction

This item is referred to the Board as the land is owned by the Borough Council.

The Site

The application site is the bus station car park located on Station Street in Atherstone. The trees are within Atherstone Conservation Area on land owned by the Borough Council.

The Proposals

It is proposed to:

- T1 Norway Maple (2KN8) - crown lift to 4.5m from ground level all round.
- T2 Ash (2KN9) - crown lift to 4.5m from ground level all round, sever ivy clear to 2m from ground level.
- T3 Eucalyptus (2KNA) - crown lift to 5m from ground level all round.
- T4 Eucalyptus (2KNB) - crown lift to 5m from ground level all round.

The location of these trees is illustrated in Appendix A

Representations

Atherstone Town Council – No comments to make.

Observations

The trees are not protected by virtue of an Order, but because they are located within a Conservation Area. As such this is not a formal application for Consent to undertake works, but a notification of proposed works. The Council's remit here is either to agree that an Order should be made for the trees, or that it should not. In this case the work will only be for the proper maintenance and upkeep of the trees at the bus station car park. The Warwickshire County Council Tree Officer has also made no objection to the work proposed. It is therefore not appropriate to make an Order.

As the application has to be determined within six weeks of receipt, in consultation with local members, the Chair and Vice-Chair of the Planning and Development Board together with the Opposition Spokesperson, the decision that work may proceed has already been taken and the recommendation below is to confirm this.

RECOMMENDATION

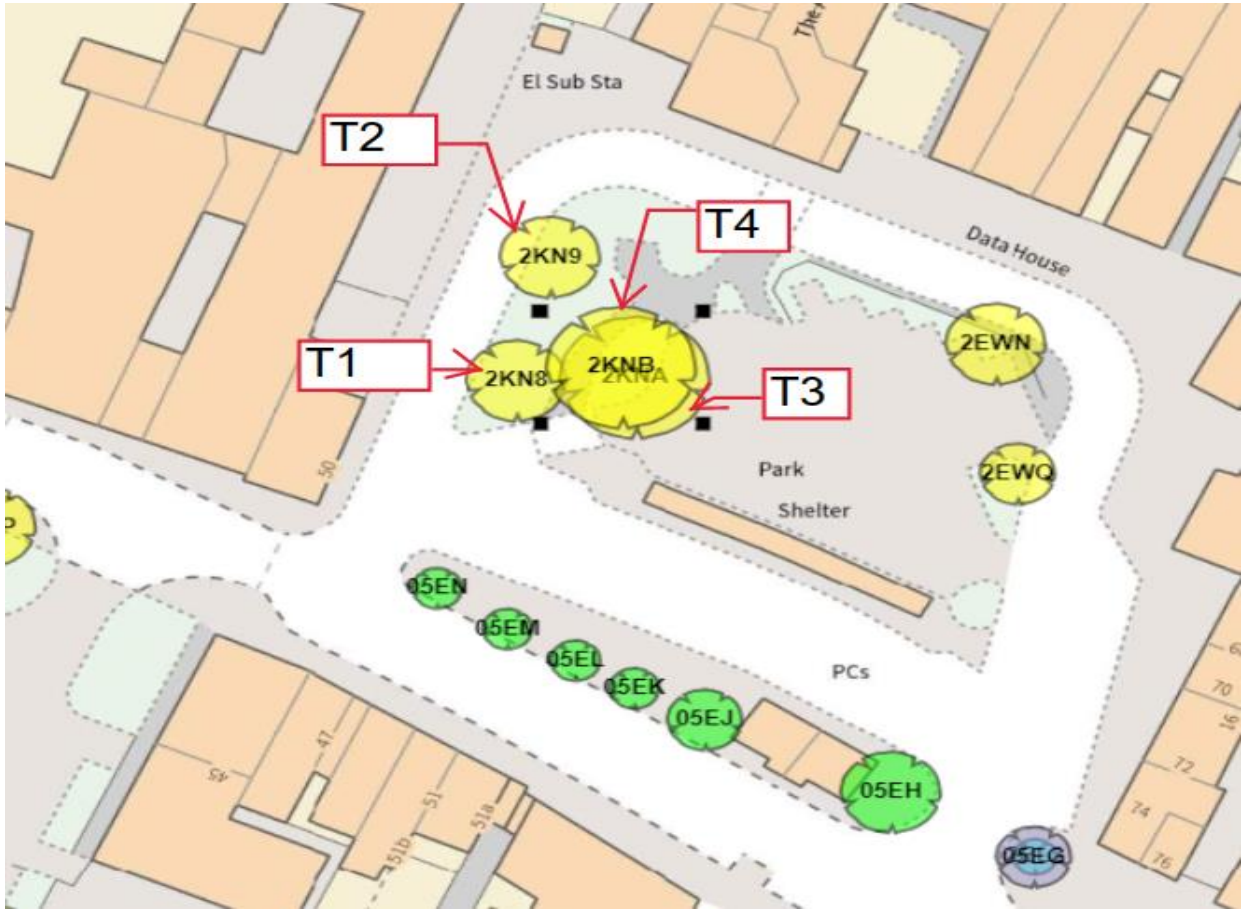
That it be confirmed that the works may proceed subject to the following:

1. For the avoidance of doubt, this permission is only in relation to the trees mentioned within the Notification (PAP/2023/0516) and located upon the site address (Bus Station Car Park, Station Street, Atherstone) and detailed within your Tree Sketch Plan, entitled – “Atherstone Bus Station plan” Received 16/11/2023 The works shall be confined to the following:
 - T1 Norway Maple (2KN8) - crown lift to 4.5m from ground level all round.
 - T2 Ash (2KN9) - crown lift to 4.5m from ground level all round, sever ivy clear to 2m from ground level.
 - T3 Eucalyptus (2KNA) - crown lift to 5m from ground level all round.
 - T4 Eucalyptus (2KNB) - crown lift to 5m from ground level all round.

Notes:

1. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.
2. There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
3. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 ""Trees in relation to design, demolition and construction - Recommendations"".
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework

APPENDIX A



General Development Applications

(5/b) Application No's: PAP/2023/0421 and PAP/2023/0422

W H Smith And Sons (tools) Ltd, Water Orton Lane, Minworth, Sutton Coldfield, B76 9BG

- a) PAP/2023/0421-Engineering operations to facilitate the construction of new industrial unit comprising ground re-profiling, installation of storm and foul water drainage provision, demolition of existing buildings and structures.**
- b) PAP/2023/0422 Demolition of existing buildings and structures to facilitate the erection of a new industrial unit (Use Class B2) associated with battery technology for the production of electrically powered vehicles; canopy, ancillary storage and office use, re-profiling of site levels, erection of two silos, water sprinkler tanks, pump house, provision of photo-voltaic roof panels, service yard including security barrier, associated parking including cycle shelters and landscaping.**

both for WHS Plastics

1. Introduction

1.1 The receipt of these applications was referred to the Board in November in order to enable Members to have an early understanding of the proposals prior to their determination. That report is attached at Appendix A. A site visit has also been undertaken and a note of this is attached at Appendix B. Both Appendices should be taken as being an integral part of this determination report.

1.2 As pointed out in that last report, there may need to be a referral of the case to the Secretary of State because of the proposals being "green belt" development, as defined by the 2021 Direction. This matter is dealt with later in the report.

1.3 The applicant is proposing a Unilateral Undertaking under Section 106 of the 1990 Planning Act with the Birmingham City Council in order to add to and upgrade road signage in Water Orton Lane.

1.4 The Board is advised that there has been no change to the Development Plan since November. The National Planning Policy Framework (the "NPPF") was updated in mid-December 2023. However, the changes do not affect the approach to new development proposals within the Green Belt. The Board should also be aware that the Biodiversity Gain Requirements (Exemptions) Regulations will come into force during January.

2. Consultations

Warwickshire County Council as Highway Authority – No objection as the access is in the Birmingham City Council's area.

Warwickshire County Council as Lead Local Flood Authority – It raised an initial objection and required a significant amount of additional detail and clarification. This has been provided by the applicant and forwarded to the Authority in the form of an updated

Flood Risk Assessment. At the time of preparing this report, the County Council has yet to respond. The Board will be updated at the meeting.

Warwickshire Ecologist – The initial response did not indicate an objection in principle but asked for a number of additional surveys be undertaken together with a full Bio-Diversity Impact Assessment using the relevant metric. All of this has now been completed and is with the County Ecologist at the time of preparing this report. Members will be updated at the meeting.

Warwickshire Archaeologist – No comments received.

Warwickshire Arboriculturalist - No objection to the Arboricultural Method Statement submitted to protect existing trees that are to be retained.

Environment Agency – The Agency has asked for more detail given the proximity of the River Tame and its flood defences. The Board will be updated at the meeting. It has received the same updated documentation as the Flood Authority.

Birmingham City Council (Highways) – No objection subject to conditions.

Environmental Health Officer – No objection subject to conditions.

Cadent – No objection in principle

National Rail – It has provided a schedule of detailed operational matters which the applicant will need to address if the proposal goes ahead.

3. Representations

Water Orton Parish Council – The Council is supportive but wishes to see:

- better cycle connections into the village.
- A traffic management plan for the use of the Vesey Bridge.
- A new bus stop in the village.
- Named contacts in a Construction Management Plan.

Water Orton Heritage Conservation Society refers to the following matters:

- The heritage asset at the Vesey Bridge should not be harmed.
- The building is tall.
- There should be no river pollution.

There are two letters of objection. The matters raised refer to:

- There is already noise emanating from the present use of the site.
- There will be greater light pollution.
- The building is too high, rising above the existing one.
- There are issues with the use of the Vesey Bridge

4. Observations

a) The Green Belt

- 4.1 The site is in the Green Belt. Here, the NPPF says that inappropriate development is harmful to the Green Belt and that it should not be approved except in very special circumstances. The substantive proposal here is that described in the application for a new building. The construction of new buildings is defined in the NPPF as being inappropriate development and thus there is a presumption here to refuse this proposal. However, the NPPF does define a number of exceptions and the Board will need to consider whether any of these might apply here. There are two “exceptions” which might do so – where the new building is a replacement and secondly, if it comprises the partial or complete redevelopment of previously developed land, whether redundant or in continuing use. Each of these will now be reviewed.
- 4.2 In this case, the replacement building would be in the same Use Class as the existing – a B2 General Industrial Use as defined by the 2020 Use Classes Order. The proposal is explicitly for a B2 Use and the lawful use of the land is a B2 use – see section 4 of Appendix A. As such the proposal passes the first test under this exception. The second test is that the replacement building is not materially larger than the one it replaces. There is no definition of “materially larger” in the NPPF, but Local Plan policy LP3 says that each case should be treated on its own merits and that both quantitative and qualitative assessments should be made. The justification for the policy suggests that a 30% volume increase could be taken as a guide for the quantitative assessment. In this case, the volume of the existing building on the site is around 18,850 cubic metres and that of the new one is around 91,500 cubic metres – just under a 400% increase. If a 30% increase is “accepted” on top of the existing, giving the “existing” figure a volume of around 24,500 cubic metres, that would still represent a 350% increase. It is considered that as such, this increase is material in quantitative terms.
- 4.3 The significance of looking at each case on its merits is important here. This is because the existing lawful use for wooden pallet recycling and its previous use for coal bagging, were both operating with significant levels of open storage on the site. This has been verified by the Council through the issue of a Certificate of Lawfulness for open storage in 2019. The last occupier has confirmed the scale of that storage – see Section 4 of Appendix A. This storage thus took up space in three dimensions and was also essential to the operation of both of the previous B2 uses on the site. It is considered proportionate and reasonable that this can be taken into account in the assessment of whether there is a “materially” larger outcome with this proposal. Members will recall that the Council has adopted this approach at other Green Belt sites - the Builders Yard in Common Lane, Corley, Corley Nurseries and more recently in the former Daw Mill Colliery Planning Inquiry. In the latter case, the Planning Inspector did not reject this approach. Discussion with the applicant, and based on the evidence submitted, it has been agreed that there should be a volumetric allowance for the open storage of some 46,000 cubic metres. If this is added to the existing building, plus the 30%, the total is around 70,

600 cubic metres. This is still below the 91,500 cubic metres of the building proposed – still just under a 30% increase. The 30% should not be counted twice and thus it is still considered that in quantitative terms the new building should be treated as being materially larger than the combined size of the existing building and its associated operational open storage areas.

- 4.4 Looking now at the qualitative issues, then the new building would be partly on the same footprint as the existing, thus satisfying one of the issues identified in Policy LP3. There would be a visual improvement too given the unkempt and derelict state of the existing building and the open yard, even when it was fully operational. However, the massing and scale of the building would be materially different with it extending over a far greater area than the existing. Moreover, outside storage was variable and thus the perception of the yard as being “full” will have changed over periods of time. In all of these circumstances it is considered that the new building would from a qualitative point of view still be materially larger than the existing.
- 4.5 As a consequence of the above analysis of the first exception, the replacement building would be materially larger than the existing and as such it is inappropriate development in the Green Belt.
- 4.6 The second exception is whether the proposal represents the complete redevelopment of previously developed land (“PDL”). PDL is defined amongst other things in the NPPF as being “land, which is or was occupied by a permanent structure including the curtilage of the developed land”. This is the case here. The exception is however conditional. The test for the proposal not being inappropriate development, is that it would not have a greater impact on the openness of the Green Belt than the existing development. The test is quite explicit – the comparison is against the “existing” development. Whilst the existing building is on the site, the majority of it, is an open yard. This is the base-line against which the comparison should be made. There is no definition of openness in the NPPF, but National Planning Guidance recommends that an assessment should be made up of four elements. The first is a spatial element. Here a substantially larger building would be proposed – not only in footprint but also in volume. Its massing would also be substantially different. The appearance of the site would be spatially materially changed. The second element is a visual one. The new building would materially change the appearance of the site. The building would be larger, taller and cover a greater area. The third element is to assess the levels of activity of the proposed development. The site is presently unoccupied and thus there would be a material change in both vehicular and human activity. Finally, the development would be permanent and not temporary. As a consequence of these four matters, by fact and by degree there would be a greater impact on the openness of the Green Belt. The proposal, when assessed under this exception would be inappropriate development in the Green Belt.

- 4.7 Hence, when assessed against the tests applicable to both exceptions, the proposed new building would be inappropriate development in the Green Belt.
- 4.8 Members are reminded that there are two applications submitted – one in essence is for the new building and its associated infrastructure plant and structures, and the second for the engineering operations on the ground to accommodate this. Under the NPPF, engineering operations might not be inappropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 4.9 In this case, the proposed operations are for ground works including demolition together with new drainage infrastructure in order to accommodate the new building and its service yard. The proposals do not include any changes to the embankments presently surrounding the site. As a consequence, it is considered that these operations if considered separately would preserve the openness of the Green Belt as they are all surface works within the site's perimeter embankments. Indeed, the demolition would enhance openness. There is neither a conflict with purposes of including land within the Green Belt.
- 4.10 In conclusion therefore, the proposals when taken as a whole do comprise inappropriate development in the Green Belt. Substantial weight is thus to be afforded to this definitional harm.
- 4.11 It is also necessary to establish what the actual Green Belt harm might be on the ground. When all of the assessments above are taken into account, it is considered that there would be moderate actual Green Belt harm. It would not be limited harm, because of the quantitative assessment made in paragraph 3.3 and the change acknowledged in para 3.6. However, it would not be as great as significant harm, because of the potential consequences on the openness of the site arising from the lawful use of the site and the 2019 Certificate of Lawfulness.

b) Other Harms

i) Heritage Matters

4.12 There are no heritage assets on the site. The two that are nearest to the site are the Grade 2 star Listed Vesey Bridge – some 300 metres to the east and the Water Orton Conservation Area, the western boundary of which is some 400 metres distant.

4.13 Local Plan Policy LP15 says that the quality, character, diversity and local distinctiveness of the Borough's historic environment will be conserved and enhanced. In order to do so an assessment has to be made of the potential impact of the proposals on the significance of heritage assets that might be affected by new proposals. The applicant has provided such an Assessment. Each asset will be looked at in turn.

4.14 The Council is under a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of its Conservation Areas. The significance of the Water Orton Conservation Area is that it recognises the historic core of the village which lies between the River Tame and the railway line on raised ground,

but where there was a river crossing at the Vesey Bridge. It is proposed to extend it further to the south to include the villages' later evolution. The nearest part of the Area to the proposed development is over 400 metres away. The application site has no historical link to the Area and in between is the residential estate of Mercer Avenue which itself stands on higher ground. The application site thus also plays no part physically or visually in the setting or the significance of the Area or its proposed extension. The intervening land will remove any visual impact arising from the height of the new building. As a consequence, no harm is caused.

4.14 The Council is also under a statutory duty to have special regard to the desirability of preserving a listed Building or its setting or any features of special architectural or historic interest which it possesses. There are such buildings in the vicinity of the site.

4.15 The Vesey Bridge referred to above is a Grade 2 Star Listed Building. It marks the location of the original river crossing and is thought to have replaced an earlier structure in 1520. It is now a narrow sandstone masonry structure that has been repaired over time with the current parapets dating from the 19th Century. Notwithstanding its proximity to the village, it has a largely rural and isolated setting in the river valley with a well wooded backdrop. It thus has historical, architectural and visual significance. The nearest part of the development is some 280 metres to the west and the proposed new building would be taller than its neighbours and come closer to the bridge than the existing arrangement. There is however a tree belt in between and additional planting is proposed. At present, these trees screen views and also because of the distances involved and the topography, the application site does not impose or intervene into the setting of the Bridge. However, the top of the proposed building and the increased levels of light, may well become visible when looking west from the bridge. However, given the distances involved, the intervening trees and that the night-time lighting levels here reflect the urban/commercial development further to the west, this would cause less than substantial harm to the setting of the bridge.

4.16 There are three other Grade 2 Listed buildings in the older part of Water Orton within the existing Conservation Area, all on Old Church Road. These are the medieval cross in the grave-yard on the northern side of the road; the 15th Century timber framed house known as The Chestnuts and the nearby Wakefield House probably of early 16th Century origin but with mainly 17th Century additions. Both would have been in the centre of the original settlement and have rural characteristics and are reminders of the agricultural prosperity of the village. Combined, these all have historical, architectural and community significance for the village. The proposed building would not be visible and would not affect the setting of these assets which is really restricted to their local area.

4.17 In conclusion therefore, in respect of the potential heritage impacts of the proposals, this would amount to the less than substantial harm to the setting of the Vesey Bridge.

ii) Residential Amenity

4.18 Local Plan Policy LP29 (9) says that new development should avoid and address unacceptable impacts on neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution.

4.19 The main concerns here are the potential noise and light emissions arising from the proposed redevelopment of the site. In terms of its setting, then as already referred to, the site has a lawful B2 General Industrial Use including significant areas used for open storage and with no working hour restrictions. It also adjoins a well-used railway line. Residential properties immediately back onto this railway line – at Smiths Way – and these stand at a much higher level than the line and the site due to the embankment which is well covered with trees. Their rear elevations are around 110 metres from the new building. There are also residential properties, some 200 metres to the east, at Mercer Avenue. There is tree cover between them and the site. There have been complaints about noise emissions from the use of the site – particularly at night when the wooden pallet use was in occupation.

4.20 The proposal does provide an opportunity to improve existing and particularly the former noise environment of the site. This opportunity provides the removal of a substantial area of open storage yard which was wholly used by previous occupiers; the main service/loading and unloading areas would be on the north side of the new building and a secondary loading area at the rear would be enclosed within a canopy. The proposed building would also be taller than an existing building to the south and that extends beyond the rear of the proposed building and its parking area. In general terms the existing building to the south together with the taller, purpose-built proposed building would act as a noise buffer.

4.21 The Council's Environmental Health Officer has reviewed the applicant's noise assessment and agrees that there would be a betterment. That can be protected through the use of planning conditions which set noise thresh-holds and which would require further assessment once the exact specification for the new plant is known.

4.22 In terms of the lighting impacts, then the proposal includes a detailed lighting strategy which essentially enables different light standards to be adopted at different locations. The highest standard would be along the northern elevation with its docking bays and within the rear canopied storage yard. A variety of different heights would thus also be used for the lighting columns.

4.23 The Council's Environmental Health Officer considers that there would be minimal lighting impact beyond the application site boundary and thus has no objection to the proposed strategy.

4.24 In all of these circumstances, it is considered that the proposal would accord with Policy LP29 (9).

iii) Landscape

4.25 Policy LP14 of the Local Plan says that new development should look to conserve, enhance and where appropriate restore landscape character so as to reflect that as described in the North Warwickshire Landscape Character Assessment of 2010. In this case the site is within the "Cole Valley" landscape area, described as being a broad flat valley dominated by busy roads, which is contained by urban areas with substantial industrial influences, but with remnants of isolated and fragmented arable and pastoral landscape.

4.26 In these circumstances and particularly with regard to the immediate setting of the site and past uses, it is considered that the sensitivity of the site to change is low and thus the proposals could be integrated into this landscape without adversely affecting the characteristics of the whole of the Landscape Character Area. The scale, appearance and use of the proposed development is compatible with the landscape of the setting of the site. Any new landscape mitigation would enhance this conclusion by re-enforcing the established perimeter woodlands.

4.27 The proposal would thus accord with Local Plan policy LP14.

iv) Design and Appearance

4.28 Local Plan policy LP30 says that new development should respect and reflect the existing pattern, character and appearance of its setting. This is the case here given the appearance of the immediate surroundings and the neighbouring similar buildings. The building would not stand alone or be isolated from its neighbours.

4.29 Moreover, the building would integrate into its location without any long term adverse visual effects. It is likely that it will be glimpsed from a short section of Water Orton Lane, but the whole of this range and complex of buildings is significantly well screened by established woodland when travelling along the Lane. The height of the building is the most significant difference in the appearance of this building, but the site itself is low lying, below the top of the railway embankments to the south and the rising ground between it and the village to the east. The houses to the south of the railway embankment back onto that embankment and stand at a much higher level than the site which together with the heavily landscaped nature of that embankment will mitigate against any significant visual impact. Overall, it is considered that there would be only minimal harm and thus that the proposal would satisfy policy LP30.

v) Highway Matters

4.30 Local Plan Policy LP29(6) says that safe and appropriate access should be provided for all users of new development. The purpose of Policy CP01 of the Water Orton Neighbourhood Plan is to “limit any adverse impact of traffic on the village and its residents”. The NPPF advises that planning permission should not be refused on highway grounds unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Here the existing arrangements onto Water Orton Lane are actually within the administrative area of Birmingham City Council. It is therefore the relevant highway authority in this case, not the Warwickshire County Council.

4.31 The applicant considers that the potential traffic generation from the development would be between 12 and 15 two-way movements in the respective peak periods, with around 180 daily two-way trips. It is said that the previous occupier generated around 160 two-way daily movements. Additionally, the lawful use of the land is for unrestricted general industrial use and a new occupier here could well generate similar levels of traffic. Given this background, the proposal does not offer any changes to those existing access arrangements.

4.32 The City Council has not raised an objection as it considers that there is unlikely to be a severe impact on the surrounding highway network given the planning circumstances of the site and the projected activity arising from the proposal. It also welcomes the additional wayfinding/road signage that is to be the subject of the Unilateral Agreement.

4.33 Whilst the access is in the City Council's remit, the actual site is in Warwickshire. The County has no objections to the internal site layout arrangements, nor to the Construction Traffic Management Plan which has all traffic entering and leaving the site from the west – from Minworth.

4.34 The parking arrangements and provision satisfy the Council's requirements as set out in Local Plan policy LP34.

4.35 One of the most significant matters raised and understandably so, is to ensure that there is no impact on the Listed Vesey Bridge as a consequence of increased use. The physical characteristics of the bridge and the existing consequential Traffic Regulation Order restrict additional traffic arising from this proposal using it. At present too, there is signage on Water Orton Lane in the vicinity of the site's access warning of the traffic restrictions on the "bridge" and the existing site access does enable space for vehicles to turn, so as to avoid the "hazard". The Construction Transport Management Plan avoids the use of the bridge and the applicant will ensure contractors and eventually drivers attending the site are aware of the concern. The applicant is also proposing to enter a Unilateral Undertaking under Section 106 of the 1990 Act, to add to and "upgrade" the warning signage. This is not a direct requirement as a consequence of the proposal and thus should not carry any weight in the final planning balance. However, it is a welcome offer.

4.36 The proposal overall therefore is considered to satisfy policy LP29 (6).

vi) Ecology and Bio-Diversity Matters

4.37 Local Plan policy LP 16 says that the quality, character, diversity and local distinctiveness of the natural environment is to be protected and enhanced as appropriate relative to the nature of the development proposed and net gains for bio-diversity should be sought where possible. Members should be aware that the new Regulations referred to in para 1.4 above would not "exempt" these proposals from the 10% bio-diversity nett gain requirement.

4.38 The applicant's ecological appraisals identified no nationally designated nature conservation sites within two kilometres of the site. There were however twenty non-statutory sites within that distance. The appraisal found that habitats found on the site consisted mainly of hardstanding and "neutral grassland" with other scrub land – all in poor condition - but with lines of perimeter trees which were in moderate condition. The appraisal found that there was unlikely to be any significant impact on protected species.

4.39 In the initial response from the County Ecologist, it was agreed that the proposals would not be expected to impact on either of the statutory sites. In respect of the non-statutory sites, particularly those connected to the River Tame and Water Orton Sidings, mitigation measures including an eight-metre, wide buffer, will however be needed during the construction period to prevent pollution and soil/dust deposition as well as appropriate filters in the drainage system to prevent polluted surface water entering the River Tame. The County Ecologist also agreed that there would be unlikely to be significant impacts on species, but that a number of mitigation measures will be required as precautions – e.g. bird and bat boxes. The additional survey work however would confirm this. As such, an Ecological Management Plan will need to be conditioned.

4.40 In terms of meeting the 10% bio-diversity nett gain requirement, the County Ecologist's comments are yet to be received, but it appears that an appropriate Assessment has been submitted. If this is the case, then the proposed landscaping plan includes the introduction of a number of different species in order to improve the condition of the surrounding habitats. The applicant considers that overall, these proposals would result in a 35% net gain in habitat bio-diversity, together with a 80% nett gain in hedgerow bio-diversity. The Ecological Management Plan would include the measures to monitor and manage these gains.

4.41 If these matters are confirmed by the County Ecologist, then that will be of substantial weight, with no overall adverse bio-diversity impact and with proposed mitigation and landscaping proposals which would achieve the necessary enhancements and meet the new requirements. As such the proposal would then satisfy the requirements of Policy LP16.

vii) Drainage and Flooding

4.42 Local Plan policy LP33 requires amongst other things that new development within Flood Zone three includes a number of mitigation and precautionary measures. As previously reported, the site is predominantly within Flood Zones 2 and 3 and the NPPF states that "less vulnerable" development is compatible within the Zones without the need for exception testing. It is agreed with the applicant that the proposal would be a "less vulnerable development". Members will have noted that the existing perimeter flood embankments are to remain in situ and that the finished floor level of the building is to be raised above the existing ground level – one of the reasons for the height of the building. Additionally, the redevelopment of the site does provide a significant opportunity to install a more bespoke drainage system than presently exists. As a consequence, it is anticipated that there will be no objections in principle from the relevant Agencies.

4.43 However the advice from both the Environment Agency and the Lead Local Food Authority is still awaited. That advice will carry significant weight.

viii) Other Matters

ix) The Harm Side of the Planning Balance

3.44 The cumulative level of harm in the planning balance in this case is thus made up of the substantial definitional Green Belt harm caused, the moderate actual Green Belt harm, the less than substantial heritage harm and minimal visual harm.

c) The Applicant's Material Planning Considerations

4.45 The harm identified above has to be assessed in the final planning balance, against the planning considerations put forward by the applicant on the other side of that balance. In this case he has identified the following matters.

4.46 The main consideration advanced is the content of Local Plan Policy LP11. Amongst other things, this says that there is a need to broaden the employment base of the Borough and to improve the employment choices and opportunities of local people. Additionally, there is a need to protect all employment land and to support the expansion of established businesses subject to there being no significant and demonstrable harm. This policy is supplemented by policies CPO1 and 3 in the Water Orton Neighbourhood Plan which both refer to the same considerations. The policies are also said to align with the NPPF in its support for economic growth taking into account local business needs as well as wider opportunities.

4.47 The applicant points out that the proposal is an industrial B2 use, rather than a B8 distribution use, and the building would accommodate a new production facility associated with the electrification of the motor industry. Some 60 skilled manufacturing jobs are to be created as well as skills within the existing business being retained in order to support the new facility. The end product is an essential component for battery powered vehicles and thus the proposal would also assist in achieving the wider environmental objectives of the Council through its Climate Action Plan. The proposal would therefore broaden the employment opportunities in the Borough as well as make use of previously developed land that has a lawful industrial use.

4.48 Other considerations include the opportunity improve the appearance of the area as well as to enhance the bio-diversity of surrounding land within the ownership of the applicant.

4.49 It is considered that these considerations when treated together should carry substantial weight.

d) The Final Planning Balance

4.50 Members now have to assess the final planning balance. The "test" here is whether the weight attributed to the planning considerations put forward by the applicant, "clearly" outweigh the cumulative level of harm caused, in order to amount to the very special circumstances necessary in order to support this inappropriate development in the Green Belt.

4.51 It is considered that they are. This is because the actual level of Green Belt harm likely to be caused is of moderate weight with no other significant harms being caused. This is outweighed by the substantial weight given to the proposal wholly satisfying Development Plan policy in respect of economic regeneration through its re-use of previously developed land within a lawful general industrial use and for its contribution to the climate change agenda. The benefits of the proposal as put forward by the applicant would also outweigh the less than substantial heritage harm identified.

Recommendations

- a) That the Board is minded to grant planning permission for both applications and that as a consequence, they are both referred to the Secretary of State as being “Green Belt development” under the 2021 Direction to see if he wishes to call-in either of them for his own determination.
- b) If there is no intervention, then planning permissions are granted subject to the following conditions, together with other conditions arising from the final consultation responses from the Environment Agency, the Lead Local Flood Authority and the County Ecologist.
- c) If either the Environment Agency, the Lead Local Flood Authority or the Ecologist maintains an objection, the cases are referred back to the Board, notwithstanding the response from the Secretary of State.

PAP/2023/0422 - The Redevelopment of the Site

1. Standard three year condition
2. Standard plan numbers condition:
 - a) Plan numbers 7281/004A, 005A, 006, 007A, 009C, 010C, 012A, 014A, 015, 018C, 16B and 10948 all received on 19/10/23 together with the tree protection plan and the planting plan numbered 11828L/PP/001A, both received on 29/11/23.
 - b) The Arboricultural Method Statement received on 26/10/23.
 - c) The Lighting Strategy ref: 2522/E3 dated 8 September 2023 received on 19/10/23.
 - d) The Construction Transport Management Plan received on 13/11/23.
 - e) The Demolition Method Statement received on 19/10/23.
 - f) The Bio-Diversity Impact Assessment prepared by Harris Lamb and received on 28/11/23.
 - g) The Framework Travel Plan received on 19/10/23.

Pre-Commencement Conditions

3. No development shall commence on site, including demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. In particular the Plan should detail the proposed measures to monitor and mitigate emissions of noise, vibration (piling) and dust during both construction and demolition periods. In terms of noise and vibration, reference should be made to BS5228 Parts 1 and 2. The Plan shall state that no construction or demolition work shall take place, other than for unforeseen emergency work, before 0800 hours and after 1800 hours on Mondays to Fridays; before 0800 hours and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays. The Plan that is approved in writing shall be adhered to at all times during the demolition and construction periods.

REASON

In order to protect residential amenity

4. There shall be no development above slab level until a Noise Impact Assessment, based on BS4142, has first been submitted to the Local Planning Authority. The Assessment shall specifically address the installation and location of internal and external fixed plant and machinery, together with measures that are to be introduced to ensure that noise levels do not exceed the limits set in Condition (3). Development shall then only proceed in accordance with any mitigation measures that have been approved in writing by the Local Planning Authority.

REASON

In order to protect residential amenity

5. There shall be no development above slab level until a Landscape and Ecology Management Plan ("LEMP") has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be in general accordance with the submitted Planting Plan and Table One of the Bio-Diversity Impact Assessment, both approved under condition (2) above. The LEMP shall include:

- a) A description and evaluation of the features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) The aims, objectives and targets for the management regime.
- d) Descriptions of the management operations for achieving the aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period).
- g) Details of the monitoring needed to measure the effectiveness of management.
- h) Details for each element of the monitoring programme
- i) Details of the persons or organisation(s) responsible for implementation and monitoring.
- j) Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives and targets.
- k) Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage.
- l) The legal and funding mechanisms by which the long-term implementation of the LEMP will be secured by the developer and the management body(ies) responsible for its delivery.
- m) How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above, shows that the conservation aims and objectives set out in (c) above are not being met, so that the development still delivers the full functioning bio-diversity objectives of the originally approved scheme.

REASON

In order to enhance and deliver bio-diversity gain and ecology benefits.

Other Conditions

6. The rated noise level, as defined in BS4142:2014+A1:2019, from the operation of the development hereby approved, shall not exceed the background noise level at the curtilage of any noise sensitive property, existing or consented at the time of the application. For the avoidance of doubt, background noise levels are defined in Table 11 of the Delta-Simons Noise Impact Assessment (ref: 101714.591889 11th September 2023.)

REASON

In order to protect residential amenity

Notes:

- a) The Local Planning Authority has met the requirements of the NPPF in this case through the issue of a positive outcome with full engagement with the applicant in order to overcome technical concerns raised by statutory consultations as well as to seek amendments so as to mitigate adverse environmental impacts.
- b) The applicant is advised to contact Network Rail at the earliest opportunity as the proposals may impact on existing operational railway assets. Such impacts may include glare from solar panels as well as the use of vibro-impact machinery used the construction of the building.
- c) Cadent Gas Ltd own and operate gas infrastructure in the area. Prior to the carrying out of works, contact must be made with Cadent in order to submit details of the planned works ensuring that requirements are adhered to – www.linerearchbeforeyoudig.co.uk.

PAP/2023/0421 – The Engineering Operations

1. Standard Three Year Condition

2. Standard plan numbers --- plan numbers 7281/007A; 006, 009C and 18C together with 10948 all received on 19/10/23 and the Tree Protection Plan received on 29/11/23.

The Arboricultural Method Statement received on 26/10/23.

The Construction Transport Management Plan received on 13/11/23.

The Demolition Method Statement received on 19/10/23.

The Asbestos Demolition Survey received on 19/10/23.

The Fire Statement received on 19/10/23.

3. No development shall commence on site, including demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. In particular the Plan should detail the proposed measures to monitor and mitigate emissions of noise, vibration (piling) and dust during both construction and demolition periods. In terms of noise and vibration, reference should be made to BS5228 Parts 1 and 2. The Plan shall state that no construction or demolition work shall take place, other than for unforeseen emergency work, before 0800 hours and after 1800 hours on Mondays to Fridays; before 0800 hours and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays. The Plan that is approved in writing shall be adhered to at all times during the demolition and construction periods.

REASON

In order to protect residential amenity

Notes:

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- c) Cadent Gas Ltd own and operate gas infrastructure in the area. Prior to the carrying out of works, contact must be made with Cadent in order to submit details of the planned works ensuring that requirements are adhered to – www.linerearchbeforeyoudig.co.uk

General Development Applications

(5/e) Application No: PAP/2023/0422

WHS Plastics, Water Orton Lane, Minworth

Demolition of existing buildings and structures on site to facilitate the erection of a new industrial unit (Use Class B2) associated with battery technology for the production of electrically powered vehicles; canopy, ancillary storage and office use, re-profiling of site levels, erection of two silos, water sprinkler tanks, pump house, provision of photovoltaic reef panels, service yard including security barrier, associated parking including cycle shelters and landscaping.

a) PAP/2023/0421

WHS Plastics, Water Orton Lane, Minworth

Engineering operations to facilitate the construction of new industrial unit comprising ground re-profiling, installation of storm and foul water drainage provision, demolition of existing building and structures.

both for

WHS Plastics

1. Introduction

- 1.1 These two applications relate to the same site and are treated together. They are reported to the Board at the discretion of the Head of Development Control in view of their significance in a Green Belt location. The report provides an introduction to the proposals prior to a final determination report being brought to the Board at a later date.
- 1.2 The report describes the site and outlines the proposals together with summarising the supporting documentation. The most important planning policies relevant to their determination will also be identified, as well as any other material planning considerations.
- 1.3 Members should be aware that because of the location of the site in the Green Belt, there may need to be a referral to the Secretary of State under the 2021 Direction should the Board resolve to support the proposals. If not, then the applications can be determined by the Council.

2. The Site

- 2.1 WHS Plastics is already established as an industrial site comprising four large buildings and other land to the west of Water Orton lying between the railway line to the south and Water Orton Lane to the north. There are settlement ponds to the west and then the larger warehouses on the Minworth Estate. The Minworth treatment works are to the north beyond Water Orton Lane and the residential outskirts of Water Orton at Mercer Avenue are some 200 metres to the east beyond open land and woodland. On the other side of the railway line is a steep embankment on the other side of which are other residential properties in Smiths Way – some 110 metres distant.
- 2.2 The River Tame flows through the premises between the buildings and Water Orton Lane with a minor tributary to the south.
- 2.3 The actual site for the proposals is flat and lies to the east of the main building and north of another. It is presently occupied by an existing warehouse with canopies, servicing areas and large external storage areas, as well as some smaller outbuildings and cabins. There is also a perimeter mound around the northern, eastern and southern boundaries.
- 2.4 A general location plan is at Appendix A.

3. The Proposals

- 3.1 The supporting documentation indicates that WHS Plastics has been given the opportunity to work with Jaguar Land Rover on a mass production electrification project. This is a requirement to produce 64 to 80 million plastic parts a year. This has led to the need for a new production facility. This would be a purpose-built building to full fill the energy and cleanliness specifications required to produce the parts.
- 3.2 The new building would be around 6000 square metres in footprint (53 by 112 metres) with a B2 General Industrial Use classification. The overall height with the low-pitched roof would be 17.6 metres and there would be solar panels within its southern side. The materials to be used would match those of the Company's existing buildings here – predominantly a range of grey. It would be located on the site of the former warehouse and yard as referred to above once this building has been demolished. The car park (59 spaces) and offices would be located at its western end with the service yards, loading bays and lorry park at its eastern end. There would 24/7 working at the new building.
- 3.3 All access would be via the existing arrangements into Water Orton Lane.
- 3.4 The applicant estimates that 60 jobs would be created.

5e/28

3.5 The overall layout as described above is at Appendix B with the elevations at Appendix C.

4. Background

4.1 The site of this proposed building has in the past been used as a coal bagging plant and more recently by a Company involved in the recycling of wooden pallets (Kingsbury Pallets).

4.2 The main building here is dated and it can be seen at Appendix D.

4.3 A Certificate of Lawfulness was granted by the Council in 2019 for the yard to be used for open storage purposes – see Appendix E.

4.4 In respect of this, a letter accompanies the application which says that Kingsbury Pallets did use this yard for the open storage of pallets up to 44 in height. The letter and an attached plan are at Appendix F.

4.5 The demolition of the main building is permitted development under Class B of Part 11 of Schedule 2 to the General Permitted Development Order 2015 as amended. The Council has not sought details for prior approval under the conditions attached to Part 11. A Section 80 Notice under the Building Act 1984 for consent of the method of demolition has been issued.

4.6 Members will be aware that Water Orton Lane as it exits the village crosses the Vesey Bridge around 200 metres to the east. This has access restrictions, and it is also a Grade 2 Listed Building.

5. Supporting Documentation

5.1 A Statement of Community Involvement describes the pre-application consultation undertaken by the applicant with the local community. This refers to a Public Exhibition held in the Library on 6th September between 1430 and 1930 as well as a website. Around 30 residents attended. The main concerns raised included potential HGV movements through Water Orton over the Vesey Bridge, noise from the service yards and light spillage into residential property.

5.2 A Noise Impact Assessment identifies sensitive residential receptors in Mytton Road and Smiths Way to the south and Mercer Avenue to the east. It concludes that provided noise from fixed plant does not exceed 45dB in the daytime and night-time there should be no adverse impacts, including no adverse impacts arising from traffic noise.

- 5.3 A Landscape and Visual Impact Assessment has been undertaken and identifies the site as being within a visually well contained setting enclosed by industrial buildings and the rail embankment together with the mature vegetation to the north and east. The wider setting is described as being a mix of industrial and residential uses interspersed with regenerating green infrastructure and the Severn Trent Treatment Works. There is limited vegetation cover on the site with rough grassland along its eastern boundary. The overall conclusion is that the proposals would represent a negligible change to the immediate setting being part of a much larger brownfield site. In the wider setting, there would be little perceived change to the character of the area as the scale and appearance of the development is compatible within the landscape. In respect of the effect on the visual environment, then the Appraisal concludes that the development could be integrated into the location without long term adverse visual impacts. There would be glimpses of the new building from around the site, but it would be seen in its wider context with similar other buildings.
- 5.4 A Lighting Assessment concludes that a scheme has been designed so as to limit both glare and light spillage. This includes LED light sources; appropriately coloured lights, hoods and shields, different specifications for parts of the site and timed periods for when they are used.
- 5.5 A Fire Statement drafts out the Fire Risks and Actions necessary in the event of fire at the site.
- 5.6 A Transport Assessment describes the local highway network, which identifies the limitations of Water Orton Lane to the east with the Vesey Bridge and the engineering works recently constructed at the Marsh Lane/Minworth Road junction to deter HGV traffic travelling north along Water Orton Lane. It also concludes that the site is well-connected for access by walking and cycling as well as for bus services. The Assessment is based on use of the existing arrangements onto Water Orton Lane which is concluded as being adequate for the proposed traffic generation. At present, the access caters for 120 two-way HGV movements and 40 LGV two-way movements a day. The proposal would add 20 two-way daily movements a day. Overall, the Assessment concludes that there would not be "severe" harm caused to the capacity of the local highway network. In respect of local concerns, it does however show a commitment to improve and add signage so as to further deter/warn traffic from turning right towards Water Orton and to warn traffic from the west not to continue beyond the site access. 59 car parking spaces are included, as well as 20 cycle spaces, 6 motor-cycle spaces and 19 HGV spaces. 8 LEV points are proposed.

- 5.7 A Construction Traffic Management Plan is proposed on the basis of a 10month construction period and based on the condition that there is to be no used by HGV's or LGV's on the Vesey Bridge. Hence all construction traffic would turn right into the site from the Minworth direction and left out towards Minworth. This would be conditioned into the contractor's contracts and there would be on-site management to prevent backing-up. A temporary compound will be needed on the site to be located within the curtilage of the site boundary along with staff visitor car parking. Construction hours would be 0800 to 1800 on weekdays. 0800 to 1300 on Saturdays with no Sunday and Bank Holiday working. Deliveries are to be made between 0800 and 1800.
- 5.8 There are several documents submitted relating to demolition works and procedures.
- 5.9 An Alternative Site Assessment has been submitted. It sets out the operational requirements for the new building and then reviews whether an alternative site might meet these requirements. The Assessment describes the case-law relating to such Assessments. The review of sites was within a five-mile radius of the WHS holding and looked at over 180 locations of which only one met the operational requirements – a site in Erdington. This was not considered suitable because there needed to be significant demolition, the site was adjacent to residential areas and the distance from current operations – 6.7 miles.
- 5.10 An Ecological Impact Assessment concludes that the proposal would not have any impact on any statutorily designated sites of nature conservation interest with no such sites within two kilometres of the site. The site does not support similar habitats to non-statutory sites within two kilometres and given the distances involved and the nature of the intervening development there would neither be no significant impact on these sites. In terms of impacts on habitats on site, then the Assessment describes the site as being predominantly hardstanding and buildings with unmanaged grassland and scrub to the east. The final landscaping proposals should therefore be able to maximise the biological value of the site and achieve measurable on-site bio-diversity gain. In respect of species, then the site has low potential for the presence of greater crested newts and badgers, but mitigation measures should be introduced in respect of bats, reptiles and riparian mammals.
- 5.11 A Flood Risk Assessment identifies the proximity of the main branch of the River Tame as being between 5 and 40 metres north of the site and another small branch of the river around 10 metres south of the site's boundary. There are formal flood defences at present along the banks of the River Tame to the west, southwest and northeast of the site, but these would not afford flood protection to the site. However, there are site-specific flood defence embankments along the northern, eastern and southern perimeters of the site itself. The site is predominantly in Flood Zones 2 and 3. The proposal being for less vulnerable

5e/31

development would be compatible within these Zones. Because of the flood defences which are higher than the design flood level, the risk of fluvial flooding is said to be low. The Assessment identifies groundwater flooding as the greatest risk because of the proximity of the Tame and the underlying geology. However, there is no historical evidence of this occurring. The flood defences are proposed to be replaced with new ones positioned closer to the built development than the existing bunds. Additionally, the finished floor levels are to be raised to create a flood-free building. The change to the bunding will reduce the risk of a breach and also provide additional floodplain capacity that may reduce the flood risk elsewhere. The surface water drainage strategy proposed shows that the runoff would be attenuated within a surface water attenuation basin to discharge at the greenfield rates into the Tame at two locations by gravity. This will be assessed by the Lead Local Flood Authority. There is an existing foul water pumping station to the west of the access road and it transfers flows to the adopted foul sewer along Water Orton Lane via a rising main. The development would connect to this system via a new rising main.

- 5.12 A Planning Statement draws these matters together and puts them into a planning policy context. The proposed site is said to be "previously developed land" and thus the exception in the NPPF relating to the complete redevelopment of such land in the Green Belt as not being inappropriate development is reviewed. It concludes that the proposal falls under this exception. With no other harms recorded from the documentation above, the Statement argues that in line with the NPPF, it should be supported as sustainable development.

6. Development Plan

The North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP3 (Green Belt), LP6 (Additional Employment Needs), LP11 (Economic Regeneration), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP23 (Transport), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management), LP34(Parking) and LP35 (Renewable Energy)

Water Orton Neighbourhood Plan - CP01 (Expansion of Existing Businesses) and CP03 (Traffic Impacts)

7. Other Material Planning Considerations

Birmingham Development Plan 2017

The National Planning Policy Framework 2023 – ("NPPF")

The North Warwickshire Landscape Character Appraisal 2010

The Water Orton Conservation Area Designation Report

The Town and Country Planning (Consultation) (England) Direction 2021

8. Observations

- 8.1 The site is in the Green Belt and thus the key consideration will be for the Board to determine whether or not this is inappropriate development in this location. The applicant considers that it is, as he says it falls under one of the NPPF exceptions – that relating to the complete redevelopment of previously developed land. This conclusion will need to be assessed. If the Board agrees then it will have to determine whether or not there is likely to be any significant and demonstrable harms caused that would outweigh the general support for that appropriate development. If not, then the Board will still need to assess the other harms caused and then undertake the final planning balance of establishing whether the considerations put forward by the applicant “clearly” outweigh the cumulative harms caused so as to amount to the very special circumstances that can support the case.
- 8.2 This assessment will then determine whether the matter is referred to the Secretary of State under the 2021 Direction.
- 8.3 The main harms that are likely to arise and need investigation are noise and lighting together with traffic impacts on the local highway network. Given the proximity to the River Tame, flooding issues will need to be considered as well the need to provide bio-diversity gain.
- 8.4 It is recommended that Members visit this site so as to better understand the setting and thus the planning implications of the proposals.

Recommendation

That the report is noted and that the Board undertake a Site Visit prior to determination.

APPENDIX A

PAP2523/0422

REVISED
PAP2523/0422
PROPOSED SITE LOCATION PLAN







 New Facility
 Water Oulton
 Proposed Site Location Plan
 7261 - 7 Rev A

APPENDIX B



Schedule of Accommodation

Item	Area (sqm)	Volume (cu m)
Ground Floor Water	2,280 sqm	297 cu m
First Floor Water	2,280 sqm	297 cu m
Production / Workshop	2,510 sqm	3,342 cu m
Total	7,070 sqm	3,936 cu m

Parking: 250 spaces incl. 200 disabled spaces
 150m cycle spaces
 100m motorcycle spaces
 Plus 100m / trailer spaces
 Application Site Area: 3.76 acres / 1.52 hectares







 New Facility
 Water Oulton
 Proposed Site Layout Plan
 7261 - 18 Rev B

APPENDIX C

PAP/2023/0422



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

NOTICE TO PROCEED WITH
DESIGN CONCEPT
RECEIVED
19/09/2023
PLANNING & DEVELOPMENT
DIVISION

SCHEDULE OF MATERIALS

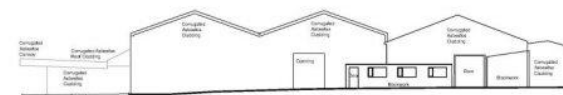
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- Interior Wall: ...
- Floor: ...
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- Roof Deck: ...
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- Roof Purlin: ...
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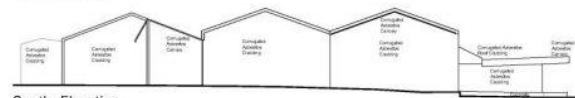
New Facility
Water Orion
Proposed Elevations
7281 - 16 Rev A

APPENDIX D

PAP/2023/0422



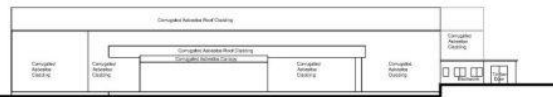
North Elevation



South Elevation



East Elevation



West Elevation



New Facility
Water Orion
Existing Building Elevations
7281 - 11

APPENDIX E



PAP/2023/0422

APPENDIX 5 Decision Notice PAP/2018/0707

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
19/09/2023
**PLANNING & DEVELOPMENT
DIVISION**



North Warwickshire
Borough Council

Mr Peter Frampton
Framptons
Oriol House
42 North Bar
Banbury
OX16 0TH

Jeff Brown BA Dip TP MRTPI
Head of Development Control Service
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Switchboard: (01827) 715341
Fax: (01827) 719225
E Mail: PlanningControl@NorthWarks.gov.uk
Website: www.northwarks.gov.uk

Date: 02 January 2019

The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
The Town & Country Planning (General Development) Orders
The Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended)

DECISION NOTICE

Certificate of Lawfulness Application

Application Ref: PAP/2018/0707

Site Address

Kingsbury Pallets, Water Orton Lane, Water Orton, B76 9BG

Grid Ref: Easting 417006.82
Northing 291353.66

Description of Development

Certificate of lawfulness for existing use for B2 (General Industrial) & B8 (Storage or Distribution) use

Applicant

W H Smith & Sons (Tools) Limited Retirement Benefits Scheme

Your application was valid on 5 December 2018. It has now been considered by the Council. I can inform you that:

I hereby certify that on 5 December 2018, the use described in the First Schedule to this Certificate, in respect of the land specified in the Second Schedule to this Certificate and edged red on the plan attached to this Certificate, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

Evidence has been submitted to show that on the balance of probability the use has been continuous on this site over the last ten years.

FIRST SCHEDULE

Use of the site for B2 (General Industrial) and B8 (Storage and Distribution).

SECOND SCHEDULE

The land shown edged red on the Certificate Plan at Water Orton Lane, Water Orton. B76 9BG.

Authorised Officer _____

Date 2 January 2019

Page 1 of 2

NOTES

1. This Certificate is issued only for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and thus, is not liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use described in the First Schedule, and to the land specified in the Second Schedule, identified on the attached plan. Any use which is materially different from that described or which relate(s) to other land may render the owner liable to enforcement action.
4. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://planning.northwarks.gov.uk/portal>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/site/scripts/contact.php>).
5. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>.

Authorised Officer _____

Date 2 January 2019

Page 2 of 2

APPENDIX F

framptons

PAP/2023/0422

APPENDIX 6 Kingsbury Pallets letter dated 9th August 2023





kingsbury
pallets

Kingsbury Pallets Ltd
Rush Lane
Dosthill
Tamworth
B77 1LT
T: 0121 747 7766
W: www.kingsburypallets.co.uk
E: sales@kingsburypallets.co.uk

[REDACTED]
WHS Plastics
Water Orton Lane
Minworth
B76 9BG

9TH August 23

Dear Brad,


Re: WHS Plastics Site 5-

Following our recent telephone conversation regarding the time I tenanted the above site I can confirm the following;

1. Kingsbury Pallets Ltd tenanted this site from April 2004 to April 2021. We were in full occupation of the site during this period.
2. I can confirm that during this period we never experienced any part of the site flooding at any time.
3. During our occupation we stored new & reconditioned pallets stacked 44 number high.

If you need any further information please let me know.

Regards

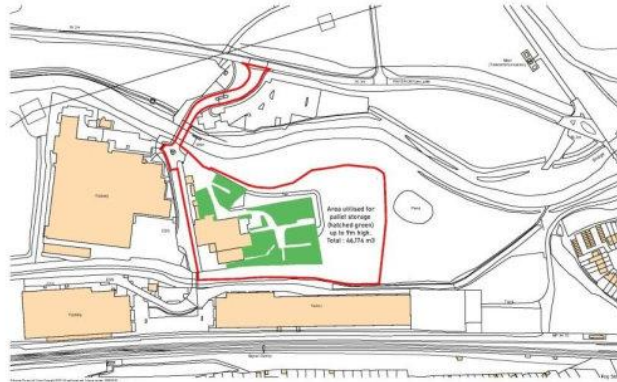

[REDACTED]
Managing Director

Registered in England Number 3148552
Registered Office: Rush Lane, Dosthill, Tamworth, B77 1LT

5e/40

5b/32

15/09/2023
19/09/2023
PLANNING & ENVIRONMENT
DEPARTMENT



cja architects
ARCHITECTS
15/09/2023
19/09/2023
PLANNING & ENVIRONMENT
DEPARTMENT

WLS

New Facility
Water Onon

Existing Pallet Storage Plan
Scale: 1:1000
Date: 15/09/2023
19/09/2023
7281 - 17 Rev A

APPENDIX B

PAP/2023/0421 and 0422 WHS Plastics, Water Oton Site Visit - 9th December 2023 at 1030

Present: Cllrs Bell, Ririe and Simpson together with B Smith (applicant) and J Brown

1. Members were shown the plans for the proposal including a more general location plan so that they could see the wider setting, including the nearest residential areas and the other buildings on the site.
2. They then walked to the site itself and saw the existing buildings and the large open yard that had been used for outside storage. Whilst here, the levels were pointed out as were the surrounding perimeter bunds.
3. The surrounding vegetation and woodland areas were identified together with the trees that are on the north-facing slope of the railway embankment at the rear of residential properties here.
4. The existing building to the south was pointed out – its height and length. Comparisons with the proposed building and the existing buildings were also made.
5. Views from the site were outlined – particularly those to the south and to the east.
6. Members then went into the main building and were shown the plant and equipment inside the factory/workshops with an explanation of the operations that presently run from the here.
7. The visit concluded at around 1145.

Agenda Item No 6

Planning and Development Board

8 January 2024

**Report of the Head of
Development Control**

Infrastructure Funding Statement

1 Summary

1.1 The report outlines the Council's Infrastructure Funding Statement for 2023.

Recommendation to the Board

That the Statement be published.

2 Consultation

2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Introduction

3.1 The Council is required to publish an annual Statement on the value of contributions received under Section 106 Agreements and also to outline how they have been or will be spent. The 2023 Statement is attached at Appendix A. Members should be aware that this covers the financial year 2022/23.

3.2 The Statement includes three tables – one showing the value of the contributions that have been received by year and by the purpose of the contribution. A second shows what was spent in each year and the third identifies the balance remaining. For the avoidance of doubt, in the context of Table Two, the term “spent”, includes both monies actually spent by the Borough Council, as well as payments that have been forwarded onto to other Agencies and therefore removed from the Borough Council's accounts. Those latter payments may not as yet, have been expended by those respective Agencies.

3.3 The Statement makes it clear that it only covers those contributions that go towards infrastructure delivery which the Borough Council controls. The great majority of this is for the provision of affordable housing and for recreation/amenity facilities. Contributions for other services go directly to the delivery Agency, or are forwarded to the appropriate Agency via this Council. The County Council is the most affected Agency in this regard - particularly with the provision of education services. It too has to publish an annual Statement. For the information of Members, the County Council's 2023 Statement is attached at Appendix B. This shows that £119,082 was spent by the County Council in North Warwickshire in 2022/23.

- 3.4 This Council's Statement also indicates that the receipt of contributions is often phased throughout the implementation of a development and that it is thus very unusual for payment of the whole contribution prior to development commencing. This means that contributions may not be spent in the same calendar year in which they are received.

4 Report Implications

4.1 Financial Implications

- 4.1.1 The Council is not a Charging Authority for the Community Infrastructure Levy and hence it only receives contributions from Section 106 Agreements. The value of the contributions sought is outlined in the Council's Supplementary Planning Documents, or in those of other Agencies. Contributions can only be requested from larger developments. It is commonplace for contributions and expenditure not to align within the same financial year.

4.2 Legal and Human Rights Implications

- 4.2.1 The requirement to publish an Infrastructure Funding Statement was introduced in 2019. All contributions within Section 106 Agreements have to meet statutory requirements before they can be included in an Agreement. Very recent Planning legislation has been enacted to replace contributions arising from 106 Agreements and the Community Infrastructure Levy with a new Infrastructure Levy.

4.3 Environment, Climate Change and Health Implications

- 4.3.1 The existing statutory requirements are essentially that the contribution has to be for a planning purpose which is directly related the proposed development in order mitigate any adverse impacts of that development. This makes for more sustainable development.
- 4.3.2 The Council's Infrastructure Delivery Plan sits alongside its Development Plan and identifies the majority of the infrastructure that is being sought.

The Contact Officer for this report is Jeff Brown (719310).

Infrastructure Funding Statement

December 2023



**North Warwickshire
Borough Council**

1. Introduction

- 1.1 An Infrastructure Funding Statement (“IFS”) is an annual report published to provide a summary of all financial contributions arising from Section 106 Planning Agreements and Community Infrastructure Levy contributions (“CIL”) within a Local Planning Authority’s area over a year. The Borough Council is not a charging Authority under the CIL Regulations and this IFS therefore only relates to Section 106 Contributions.
- 1.2 Planning Obligations – also known as Section 106 Agreements – are legal Agreements which can be attached to the grant of a planning permission to mitigate against the impact of new development. Contributions can only be sought where they are directly related to the development, fairly and reasonably related in scale and in kind to the development and necessary to make the development acceptable in planning terms. Financial contributions can be used on-site or off-site according to the terms of the Agreement and are paid at times as set out in each respective Agreement.
- 1.3 The Borough Council is not a Unitary Authority and thus many of the contributions to mitigate the impacts of new developments are paid to the Council and then transferred to another Authority or Agency responsible for delivering that mitigation. In the Borough’s case, these are mainly transferred to Warwickshire County Council acting as the Highway, Public Health and Education Authority for the Borough. Other recipients are the local NHS Trust and the Police Authority. Contributions are also made direct to Warwickshire County Council without coming through the Borough Council.
- 1.4 The majority of the contributions retained by the Borough Council go towards the provision either directly or indirectly, of affordable housing and for recreation/amenity and leisure provision.
- 1.5 Contributions set out in Section 106 Agreements may not be realised if the associated development does not proceed. Payments are also often phased through the lifetime of a development and as a consequence, the contributions which are received in one year will not necessarily be expended in that year. Additionally, contributions are not usually paid until after a development has commenced.
- 1.6 Agreements often include repayment clauses if there is no expenditure undertaken in respect of contributions made by a developer.

2. Section 106 Contributions

- 2.1 Table One below summarises the total value of contributions received since 2014 by the purpose of the payment. It includes contributions that will be expended by the Borough Council as well as those to be forwarded to the County Council and other Agencies. It can be seen that the contributions to the

*Infrastructure Funding Statement
December 2023*

Borough Council are mainly for affordable housing as well as for recreation/leisure purposes. These contributions have been regularly received.

- 2.2 Table Two illustrates the expenditure from these contributions.
- 2.3 In respect of the affordable housing expenditure, this has been spent in part or in full, on the delivery of affordable housing provision in Church Lane, Corley, Cadman Close in Mancetter, the redevelopment of the former garage sites at Lister Road and Princes Road in Atherstone, the acquisition of plots at Spon Lane Grendon and St Helena in Polesworth and the redevelopment of the club site in Hurley. The more recent contributions have been directed to the acquisition of two houses in New Street in Dordon and the new build at Long Street and Coleshill Road in Atherstone.
- 2.4 In respect of open space and recreation expenditure, this has assisted the delivery of open space and recreation enhancements at Kitwood Avenue, Dordon and Boot Hill, Grendon together with Meadow Gardens and Rowland Way in Atherstone.
- 2.5 It should be noted that the contributions in Table One also include payment for the maintenance of new or existing facilities that are to be enhanced. They will thus not be available for new works. These payments will reduce over time.
- 2.6 Table Three identifies the contributions held, but yet to be spent. These will be expended by the Borough Council as set out in the next few paragraphs. Some will be transferred to the County Council and other Agencies as appropriate.
- 2.7 In respect of affordable housing (£126,817) from Table Three, this is to be retained for when a suitable scheme comes forward.
- 2.8 In respect of Open Space and Recreation (£1,017,007 from Table Three excluding the maintenance contributions) the majority is to be directed towards undertakings in Atherstone (the Royal Meadow Drive Recreation Ground and connections to it as well as the MUGA at the Queen Elizabeth School), Abbey Green Park in Polesworth and at the Boot Hill Recreation Ground in Grendon. Other smaller developments are programmed for Cole End Park in Coleshill, at Ridge Lane and in Warton. The figure also includes contributions towards new indoor provision in Polesworth.
- 2.9 The Council's Economic Development Strategy will inform how best to direct the outstanding figure to be spent on "skills and training".
- 2.10 The transport and cycle routes item (£90,000 from Table three) is to be spent to better connect the Birch Coppice and Core 42 employment sites with Dordon, through improvements to existing routes in conjunction with the County Council.

*Infrastructure Funding Statement
December 2023*

- 2.11 The planning and liaison items are directed to the designation of the Conservation Area at Caldecote and to a Baxterley Community Fund. The full amount (£10k) for the former has now almost been spent and the Area is to be formally adopted by the Council in January 2024.
- 2.12 There have been no refunds or repayments made to developers because of there being no expenditure within any respective time periods as set out in the Agreements.

*Infrastructure Funding Statement
December 2023*

Table 1: The value of the payment received & purpose of payment.

	Pre 14-15	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23	Total
Affordable Housing	180,900.00	259,676.00	635,700.00	38,250.00	115,516.41	34,522.00	-	160,000.00	146,553.00	84,680.00	1,655,797.41
Staff Training & Education	10,000.00	-	-	40,000.00	-	95,000.00	30,000.00	-	-	80,000.00	255,000.00
Transport & Cycle routes	-	-	-	50,000.00	-	40,000.00	-	-	-	-	90,000.00
Open Space etc.	592,461.87	27,039.76	152,582.55	376,305.00	10,000.00	41,442.45	105,512.84	177,649.50	231,647.92	72,477.17	1,787,119.06
Maintenance of Onsite open space	-	-	-	275,044.25	-	-	80,000.00	-	-	-	355,044.25
Planning Plus Liaison Committee	20,000.00	-	-	-	-	-	-	-	-	-	20,000.00
Footpaths	-	-	-	-	-	-	-	-	-	-	-
Leisure Facilities	-	-	-	-	-	-	-	-	-	-	-
Biodiversity	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-	-
George Elliott Hospital	-	-	-	-	-	-	32,283.00	62,122.00	127,504.00	53,620.00	275,529.00
Local GP Surgeries	-	-	-	-	-	-	-	12,583.00	21,267.96	-	33,850.96
Warwickshire Police	-	-	-	-	-	-	-	-	14,906.00	-	14,906.00
Warwickshire County Council	630,591.85	-	15,000.00	-	-	-	12,965.00	-	-	1,260.00	659,816.85
Wheeled Bins	-	-	-	18,421.00	17,331.60	-	-	-	4,680.00	-	40,432.60
	1,433,953.72	286,715.76	803,282.55	798,020.25	142,848.01	210,964.45	260,760.84	412,354.50	546,558.88	292,037.17	5,187,496.13

*Infrastructure Funding Statement
December 2023*

Table 2: The amount of the payment that has been spent

	Pre 14-15	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23	Total
Affordable Housing	-	-	73,600.00	884,850.00	175,792.41	154,522.00	-	-	-	240,216.00	1,528,980.41
Staff Training & Education	-	-	-	-	-	-	-	-	-	-	-
Transport & Cycle routes	-	-	-	-	-	-	-	-	-	-	-
Open Space Etc	524,325.26	-	5,731.00	4,491.35	-	4,675.00	22,364.76	65,488.54	19,251.73	123,783.52	770,111.16
Maintenance of Onsite open space	-	-	-	-	-	-	-	-	-	-	-
Planning Plus Liaison Committee	-	-	-	-	-	-	-	-	-	4,583.29	4,583.29
Footpaths	-	-	-	-	-	-	-	-	-	-	-
Leisure Facilities	-	-	-	-	-	-	-	-	-	-	-
Biodiversity	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-	-
George Elliott Hospital	-	-	-	-	-	-	-	-	85,896.00	136,013.00	221,909.00
Local GP Surgeries	-	-	-	-	-	-	-	-	12,583.00	-	12,583.00
Warwickshire Police	-	-	-	-	-	-	-	-	-	-	-
Warwickshire County Council	630,591.85	-	-	-	-	-	-	-	15,000.00	12,965.00	658,556.85
Wheeled Bins	-	-	-	-	-	-	-	-	40,432.60	-	40,432.60
	1,154,917.11	-	79,331.00	889,341.35	175,792.41	159,197.00	22,364.76	65,488.54	173,163.33	517,560.81	3,237,156.31

*Infrastructure Funding Statement
December 2023*

Table 3: The amount that has been committed but not spent

	Pre 14-15	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23	Total
Affordable Housing	180,900.00	259,676.00	562,100.00	846,600.00	60,276.00	120,000.00	-	160,000.00	146,553.00	155,536.00	126,817.00
Staff Training & Education	10,000.00	-	-	40,000.00	-	95,000.00	30,000.00	-	-	80,000.00	255,000.00
Transport & Cycle routes	-	-	-	50,000.00	-	40,000.00	-	-	-	-	90,000.00
Open Space Etc	68,136.61	27,039.76	146,851.55	371,813.65	10,000.00	36,767.45	83,148.08	112,160.96	212,396.19	51,306.35	1,017,007.90
Maintenance of Onsite open space	-	-	-	275,044.25	-	-	80,000.00	-	-	-	355,044.25
Planning Plus Liaison Committee	20,000.00	-	-	-	-	-	-	-	-	4,583.29	15,416.71
Footpaths	-	-	-	-	-	-	-	-	-	-	-
Leisure Facilities	-	-	-	-	-	-	-	-	-	-	-
Biodiversity	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-	-
George Elliott Hospital	-	-	-	-	-	-	32,283.00	62,122.00	41,608.00	82,393.00	53,620.00
Local GP Surgeries	-	-	-	-	-	-	-	12,583.00	8,684.96	-	21,267.96
Warwickshire Police	-	-	-	-	-	-	-	-	14,906.00	-	14,906.00
Warwickshire County Council	-	-	15,000.00	-	-	-	12,965.00	-	15,000.00	11,705.00	1,260.00
Wheeled Bins	-	-	-	18,421.00	17,331.60	-	-	-	35,752.60	-	-
	279,036.61	286,715.76	723,951.55	91,321.10	32,944.40	51,767.45	238,396.08	346,865.96	373,395.55	225,523.64	1,950,339.82



Annual Infrastructure Funding Statement 2022/23

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Introduction

Warwickshire County Council's ("WCC") Annual Infrastructure Funding Statement (AIFS) sets out the developer contributions secured and applied by WCC in relation to 2022/23 as required by the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. WCC does not collect Community Infrastructure Levy directly but does collect S106 contributions for developments in Warwickshire secured as part of planning obligations; this statement provides further details on those contributions. The following definitions are used to reflect the various stages of developer contributions:

- Agreed – Contributions that have been agreed within a signed legal document which have not yet been collected; in the majority of cases this is due to the trigger point within the agreement not being met yet
- Received – Contributions received by WCC, either non-monetary or monetary
- Allocated – Contributions that have been received by WCC and allocated internally to specific projects
- Spent – Monetary or non-monetary contributions that have been spent

WCC's future funding and investment plans for infrastructure are publicised within the medium-term financial strategy, annual budget and capital strategy. These documents are approved by full Council in February of each year and more information may be found at

<https://www.warwickshire.gov.uk/budget> and <https://api.warwickshire.gov.uk/documents/WCCC-708-483>.

1. Total amount of money to be provided under any planning obligation which was entered into during 2022/23

Infrastructure Type	Amount (£)
Community Facilities	227,734
Education	5,507,101
Green Infrastructure	812,541
Highways	4,613,024
Transport and Travel	1,403,922
Monitoring	14,480
Total	12,578,802

2. Summary details of non-monetary contributions secured during 2022/23

S106 Agreement	Land usage
20/00234/OUT	Biodiversity Offsetting

3. Money received from any s106 during 2022/23

Infrastructure Type	Amount (£)
Community Facilities	74,447
Education	13,086,416
Green Infrastructure	1,074,607
Health	815,781
Highways	2,969,557
Monitoring and Administration	26,963
Transport and Travel	1,266,474
Total	15,829,556

4. Total amount of money received before 2022/23 which has not been allocated

Infrastructure Type	Amount (£)
Community Facilities	0
Education	43,439,489
Green Infrastructure	2,369
Highways	10,332,325
Monitoring and Administration	0
Transport and Travel	192,522
Total	53,966,705

5. Total amount of money which was allocated but not spent during 2022/23

Infrastructure Type	Amount (£)
Community Facilities	21,0450
Education	7,033,733
Green Infrastructure	1,518,037
Highways	2,631,947
Monitoring and Administration	26,963

Transport and Travel	3,035,981
Total	14,457,111

6. Total amount of money retained at the end 2022/23

Infrastructure Type	Amount (£)
Community Facilities	1,632,958
Education	51,284,917
Green Infrastructure	5,525,704
Highways	15,629,511
Transport and Travel	8,499,739
Monitoring	68,241
Total	84,274,028

7. Contributions spent in 2022/23 by infrastructure type and project

Infrastructure Type	Project	Monies Spent (£)
Community Facilities	Leamington	1,405
	Lillington	494
	Shipston	2,860
	Wellesbourne	16,825
	Stratford	5,943
	Rugby	18,279
	Nuneaton	17,919
	Stockingford	487
	Mobile	4,626
	Whitnash	716
	Alcester	2,181
	Kenilworth	1,956
	Polesworth	886
	Total	74,557
Education	New School, The Gateway, Rugby	4,498,273
	New School, Oakley Grove, South Leamington	8,549,692
	Weddington Primary	122,107
	Campion School	1,964,291
	Whitnash Primary	820,478
	St Gabriel's C of E	129,990
	Long Lawford Primary	11,842
	Stratford Upon Avon Secondary	709,506
	Bridgetown Primary	57,113
	Quinton Primary	106,000
	Alveston C of E	59,588
	Clopton Nursery	40,000
	Radford Semele C of E	15,502
	Myton 6 th Form	144,210
	Bridgetown Primary	25,279
Sunbeams Preschool	57,450	

	Lighthorne Heath Primary	100,146
	Shipston High School	322,403
	Brownsover Primary	30,972
	Evergreen Primary	22,734
	Oakwood Primary	12,725
	Education Total	17,800,301
Green Infrastructure	Biodiversity Offsetting	
	Ahslawn Road, Rugby	84,986
	Warwick Road, Kineton	38,500
	Aventine Way, Rugby	605
	Cherry Orchard	387
	Ryton Pools	7,283
	Hell Hole	1,993
	Back Lane, Long Lawford	113
	Yarningale Common	677
	Brandon Wood	364
	Castle Parkland	59
	Potash Farm	146
	Payment of contractors	40,933
	Legal Fees	6,046
	Soil sampling and equipment	54
	Highlands Farm	14,300
	Biodiversity Total	196,489
	Highways	Highways
Hunters Lane Rugby		12,451
Avon Mill		470,987
A426 Rugby Town Centre Cyclway		2,705
Warwick Town Centre		10,361
A3400 Birmingham Road		1786
A46 Stoneleigh Junction		851,089
Bermuda Cyclway		1,046
Emscotee Road		37,303
Whitley South Cycleway		11,773
Traffic Regulation Orders		
A5000 Grendon Rd, Polesworth TRO Speed Limit		1,852
Speed Limit Signing, Alderminster		5,000
Welford Road, Long Marston		6,000
Newton Lane, Rugby, Speed Limit		5,000
Land off Burrows, Newbold-on-Stour		3,000
Weston House, Milcote Road, Welford on Avon		3,000
Ettington Road, Wellesbourne		3,000
Bishopston Lane, Stratford		19,143
Old Gated Road, Gaydon		2,000
A425 Southam Rd, Radford Semele	1,569	
Coventry Road, Lutterworth. Magna Park	6,000	

	Public Rights of Way	
	Allimore Lane, Alcester	3,250
	Bush Heath Lane, Harbury	10,150
	Long Marston	17,287
	Land East of Spring Lane, Radford Semele	420
	School Road, Salford Priors	3,416
	Insight Park, Southam	592
	Arden Heath Farm, Stratford	2,080
	Falkland Place, Temple Herdwyke	784
	Highways Total	1,493,044
Transport and Travel	Public Transport Services	
	Lower Heathcote Farm East of Europa Way	34,581
	Myton Road/Europa Way Phase 1	3,595
	Land at Grove Farm, harbury Lane, Bishops Tachbrook	22,844
	Long Marston Estate	134,383
	Long Marston Estate	126,249
	Land South West of Alcester Road, Stratford (Shottery) - Phase 1	22,863
	Banbury Road Southam	77,076
	Land north of Campden Road Shipston	58,635
	Meon Vale Long Marston	22,064
	Ettington Road Wellesbourne	46,355
	Land at Lighthorne Heath (Gaydon Lighthorne Heath GLH)	40,572
	Daventry Road and Welsh Road East	94,921
	Daventry Road and Welsh Road East	110,546
	Daventry Road and Welsh Road East	15,125
	Campden Road Shipston	16,172
	Campden Road Shipston	6,367
	Coton Park East, Gentian Way, Brownsover	916
	Coton Park East, Gentian Way, Brownsover	28,336
	Coton Park East, Gentian Way, Brownsover	126,193
	Newton Lane	7,640
	Newton Lane	8,687
	Land at Weddington Road and Church Road Nuneaton	16,917
	Land at Hill farm, Plough Hill Road (Galley Common)	10,209
	Land at Hill farm, Plough Hill Road (Galley Common)	56,582
	Land at Plough Hill Golf Centre	32,348
	Grendon Road Polesworth	8,476
	Trinity Road	104,952

	Schools Transport	
	Lower Heathcote Farm	96,220
	Woodside Farm, Leamington Spa	87,111
	Woodside Farm, Harbury Lane, Bishops Tachbrook	9,217
	Rugby Gateway R4	9,370
	Rugby Gateway	1,066
	Rugby Gateway R2	9,142
	Rugby Gateway R2	9,142
	South of Offchurch Lane	64,542
	Road Safety Education	70,263
	Bus Stops	
	Campden Road, Shipston on Stour	6,415
	Mancetter Road, Nuneaton	7,479
	Plough Hill, Nuneaton	976
	Waterloo Road, Bidford on Avon	3,629
	Orton Road, Warton	2,917
	Knights Lane, Tiddington	813
	Bishopton Lane, Stratford	4,615
Transport and Travel Total	1,616,521	
Overall Total	21,180,921	

Money Borrowed

In 2022/23 no S106 contributions were spent repaying money borrowed.

S106 Monitoring fees

WCC collects monitoring fees for each S106 agreement with contributions due to WCC. The fee is based on size of the development and the estimated officer time to monitor the agreed contributions.

8. S106 Monitoring Fees received in 2022/23

S106 Contribution	Amount Received (£)
Monitoring fees	14,480

9. CIL Received in 2022/23

CIL Contribution	Amount Received (£)
WDC	0
SDC	0

10. CIL Spent in 2022/23

CIL Contribution	Amount Spent (£)
WDC	0
SDC	0

Agenda Item No 7

Planning and Development Board

8 January 2024

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 8

Exempt Extract of the Minutes of the meeting of the Planning and Development Board held on 11 December 2023

Paragraph 6 – by reason of the need to consider the making of an order; and

Paragraph 7 - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

In relation to the item listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Julie Holland (719237).