

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

5 FEBRUARY 2024

The Planning and Development Board will meet on Monday 5 February 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 8 January 2024** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **General Fund Revenue Budget – 2023/24 Revised and 2024/25 Estimates, Fees and Charges** – Report of the Interim Corporate Director – Resources (Section 151 Officer).

Summary

This report covers the revised budget for 2023/24 and an estimate of expenditure for 2024/25, together with forward commitments for 2025/26, 2026/27 and 2027/28. It also includes a review of the fees and charges for Planning and Development with recommendations for increases. The planning fees have already increased but these charges are set by Government.

The Contact Officer for this report is Nigel Lane (719371).

- 6 **Review of Fees for Local Land Charges** – Report of the Head of Development Control.

Summary

This report proposes the increase of charges for applications for the Local Land Charges service provided by the Council.

The Contact Officer for this report is Erica Levy (719294).

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

Summary

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

- a **Application No: PAP/2022/0423 – Land to the South of Watling Street, Caldecote, CV10 0TS.**

Outline planning permission for Extension of MIRA Technology Park to comprise employment use (Class B2); associated office and service uses (Class Eg); storage (Class B8); new spine road; car parking, landscaping and enabling works.

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

- 8 **Street Votes Development Orders - Consultation Paper** - Report of the Head of Development Control

Summary

This report describes the Government's consultation paper on the introduction of Street Votes Development Orders.

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

- 9 **The Rugby Local Plan Review Issues and Options (Regulation 18) Consultation (October 2023)** – Report of the Chief Executive.

Summary

This report brings the Rugby Local Plan Review Issues and Options (Regulation 18) Consultation (2023) for consideration by Members.

The Contact Officer for this report is Mike Dittman (719451)

10 **Appeal Update** - Report of the Head of Development Control

Summary

The report brings Members up to date on a recent appeal decision.

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

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

8 January 2024

Present: Councillor Reilly in the Chair

Councillors Bell, Chapman, Clews, Davey, Fowler, Gosling, Hobley, Humphreys, Parsons, H Phillips, O Phillips, Ridley, Ririe and Smith

Apologies for absence were received from Councillors Bates (Substitute Davey), Dirveiks (Substitute O Phillips) Hayfield, Jarvis (Substitute Smith) and Simpson (Substitute Clews).

Also in attendance was Councillor Stuart

63 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared.

64 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 11 December 2023, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

65 **Planning Applications**

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

Resolved:

- a **That in respect of Application No PAP/2023/0516 (Bus Station Car Park, Station Street, Atherstone) it be confirmed that the works may proceed subject to the conditions set out in the report of the Head of Development Control;**
- b **In respect of Application Nos PAP/2023/0421 and PAP/2023/0422 (W H Smith And Sons (tools) Ltd, Water Orton Lane, Minworth, Sutton Coldfield, B76 9BG)**
 - a) **That the Board is minded to grant planning permission for both applications in principle 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 conditions, together with other conditions arising from the final consultation responses from the Environment Agency, the Lead Local Flood Authority and the County Ecologist; and**
- 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.**

[Speaker: Peter Frampton]

66 Infrastructure Funding Statement

The Head of Development Control outlined the Council's Infrastructure Funding Statement for 2023.

Resolved:

That the Board convenes a representative group of Members to meet to discuss 106 matters and that the County Council also be invited to attend. Additionally officers are asked to arrange for Member training on Section 106 matters.

67 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 item of business, on the grounds that it involves the likely disclosure of exempt information as defined by paragraphs 5 and 6 of Schedule 12A to the Act.

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

That the exempt extract of the Minutes of the meeting of the Planning and Development Board held on 11 December 2023, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

M Simpson
Chairman

Agenda Item No 5

Planning and Development Board

5 February 2024

Report of the Interim
Corporate Director - Resources (Section
151 Officer)

General Fund Revenue Budget –
2023/24 Revised and 2024/25
Estimates, Fees and Charges

1 Summary

- 1.1 This report covers the revised budget for 2023/24 and an estimate of expenditure for 2024/25, together with forward commitments for 2025/26, 2026/27 and 2027/28. It also includes a review of the fees and charges for Planning and Development with recommendations for increases. The planning fees have already increased but these charges are set by Government.

Recommendation to the Board

- a To approve the revised budget for 2023/24;
- b To approve the 2024/25 estimates, as presented in this report for inclusion in the overall Tax Set 2024/25 report for the Executive Board on 12 February 2024; and
- c To approve the fees and charges as detailed in Appendix C and section 5 of this report. Land charges fees are reviewed in detail in a separate report on this agenda and these recommended fees are included in Appendix C.

2 Introduction

- 2.1 In consultation with the budget officers and Directors this report presents the Planning & Development Board estimates for 2024/25 along with the revised budgets for 2023/24, the detailed figures are in Appendix A and B.

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- 2.2 At its meeting in November 2023, the Executive Board approved the Medium Term Financial Strategy (MTFS) for 2024-2028, which required savings of £2 million over a four-year period. This required budget savings of £500,000 in 2025/26 with additional savings of £500,000 in 2026/27 and £1 million in 2027/28. Only limited growth was built into the strategy therefore any additional expenditure will impact on the funding position.

- 2.3 The figures for the revised 2023/24 and the estimates for 2024/25 are presented in Table 1. The summary figures for the Planning and Development Board are presented at subjective level. Appendix A and B provide a more

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detailed breakdown of the figures. (The detailed cost centre pages are available but are not included as part of this report).

Table 1 - A Summary of the Boards budgets at subjective analysis level.

	Approved Budget 2023/2024 £	Revised Budget 2023/2024 £	Original Budget 2024/2025 £
Employee Costs	636,630	636,630	669,500
Supplies and Services	144,420	137,320	157,130
Gross Expenditure	781,050	773,950	826,630
Income	(770,380)	(687,990)	(859,500)
Net Controllable Expenditure	10,670	85,960	(32,870)
Departmental Support	148,130	148,130	163,050
Central Support	145,090	145,090	146,680
Capital Charges	16,390	16,390	16,390
Net Expenditure	320,280	395,570	293,250

3 Comments on the 2023/24 Revised Budget

3.1 The revised budget for 2023/24 is estimated to be £395,570 an increase of £75,290 on the original budget. The main reasons for variations are set out below:

3.2 Income

3.2.1 Fee income is currently behind the budgeted position for Planning £55,240 despite the fee increase from 6th December 2023 and Land Charges income is £21,110 below budget and this trend is expected to continue.

4 Comments on the 2024/25 Estimates

4.1 The 2024/25 estimates have been prepared, considering the following assumptions:

- A 4% pay award from 1 April 2024.
- Inflationary increases of 3% on supplies and services.
- An increase in income to reflect the increases included in the fees and charges report elsewhere on this agenda.

4.2 The estimated budget for 2024/25 is £293,250 a decrease of £102,320 on the revised 2023/24 budget. The main variation from the revised budget is set out below.

4.3 **Planning Income**

4.3.1 The fee budget is set at the higher rate due to the new price increases set by the central government, despite the reduction in income in last year the fee increase at 35% from December 2023 has had a positive impact on income in next years budget.

5 **Income – Fees and Charges**

5.1 The Council has reviewed fees and charges on an annual basis and increased by inflation if appropriate. Any other changes have tended to be on an ad hoc basis. Income Generation is an important part of the Medium-Term Financial Strategy (MTFS) with a budget of £3.4m in 2023/24 and as such members adopted a Fees & Charges Strategy with the following key guiding principles:

- All fees and Charges should be increased at least by September CPI unless there is a robust reason why this is not appropriate – Planning fees set by Government, requirement to demonstrate break even in terms of cost and charge, increase would have a detrimental impact on demand reducing income overall.
- The charge should at least cover the cost of providing the service, no subsidy.
- All services should be reviewed to explore opportunities for new charges.

5.2 The fees and charges for the Planning & Development Board are detailed in Appendix C. The Land Charges fees have not been reviewed for a number of years and they should be covering the cost of the service. A separate report on this agenda reviews the charges in detail and Appendix C of this report includes the fees recommended. The planning fees are not included in detail as these are set by central Government but did increase by 35% in December 2023 and from 2025 will increase by CPI.

6 **Risks to Services**

6.1 The key risks to the budgetary position of the Council from services under the control of this Board are:

- A change in the level of planning applications received. A fall in applications would lead to a reduction in planning income, whilst an increase in applications would increase the pressure on staff to deal with applications in the required timescales.
- The Government requires all planning applications to be dealt with within a specific timescale. If this is not achieved, the costs of the application must be borne by the authority. Whilst the Planning team deal with almost 100% of current applications within this time, there is always the potential for this to slip, leading to a decline in the Planning income level.
- There are potential additional costs for the Council in carrying out its planning function. If the Council loses a planning appeal, an award of costs can be made against the Council (the appellant's costs for the appeal). If the Council

consistently loses appeals it will become a designated authority, which means that prospective applicants can submit their applications directly to the planning directorate. This would mean the Council would lose the accompanying planning fee.

- The need to hold Public Inquiries into Planning Developments. Inquiries can cost the Council up to £50,000 each.

7 Future Year Forecasts

7.1 In order to assist with medium-term financial planning, Members are provided with budget forecasts for the three years following 2024/25. The table below provides a subjective summary for those services reporting to this Board:

	Forecast Budget 2025/2026 £	Forecast Budget 2026/2027 £	Forecast Budget 2027/2028 £
Employee Costs	689,130	709,230	729,920
Supplies and Services	178,520	201,410	205,650
Gross Expenditure	867,650	910,640	935,570
Income	(893,870)	(929,630)	(966,810)
Net Controllable Expenditure	(26,220)	(18,990)	(31,240)
Departmental Support	168,390	172,630	177,000
Central Support	150,120	154,840	159,760
Capital Charges	16,390	16,390	16,390
Net Expenditure	308,680	324,870	321,910

7.2 The forecasts given above have used several assumptions, which include pay awards of 4% in 2025/26 and 3% in 2026/27 and 2027/28, increases in contracts and general increases in supplies and services of 3% in all years.

7.3 These forecasts are built up using current corporate and service plans. Where additional resources have already been approved, these are also included. However, these forecasts will be amended to reflect any amendments to the estimates, including decisions taken on any further corporate or service targets.

8 Report Implications

8.1 Financial Implications

8.1.1 As detailed in the body of the report.

8.2 Environment, Climate Change and Health Implications

8.2.1 Continuing the budget strategy will allow the Council to manage its expected shortfall in resources without disruption of essential services.

8.3 Risk Management Implications

8.3.1 There are several risks associated with setting a budget, as assumptions are made on levels of inflation and demand for services. To minimise the risks, decisions on these have been taken using experience and knowledge of the past, informed by current forecasts and trends. However, the risk will be managed through the production of regular budgetary control reports, assessing the impact of any variances and the need for any further action.

The Contact Officer for this report is Nigel Lane (719371).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Planning & Development Board: Total

Appendix A

	Approved Budget 2023/2024 £	Revised Budget 2023/2024 £	Original Budget 2024/2025 £	Variance approved to Revised Budget Variance £	Variance Revised to Original Budget £
Employee Costs	636,630	636,630	669,500	-	(32,870)
Premises Related	-	-	-	-	-
Supplies and Services	144,420	137,320	157,130	(7,100)	(19,810)
Transport	-	-	-	-	-
Miscellaneous Expenditure	-	-	-	-	-
Earmarked Reserves	-	-	-	-	-
Gross Expenditure	781,050	773,950	826,630	(7,100)	(52,680)
Income	(770,380)	(687,990)	(859,500)	82,390	171,510
Net Controllable Expenditure	10,670	85,960	(32,870)	75,290	118,830
Departmental Support	148,130	148,130	163,050	-	(14,920)
Central Support	145,090	145,090	146,680	-	(1,590)
Capital Charges	16,390	16,390	16,390	-	-
Net Expenditure	320,280	395,570	293,250	75,290	102,320

Jeff Brown

Development Control

	Approved Budget 2023/2024 £	Revised Budget 2023/2024 £	Original Budget 2024/2025 £	Variance approved to Revised Budget Variance £	Variance Revised to Original Budget £
Employee Costs	588,530	588,530	617,070	-	(28,540)
Premises Related	-	-	-	-	-
Supplies and Services	134,450	127,350	146,860	(7,100)	(19,510)
Transport	-	-	-	-	-
Miscellaneous Expenditure	-	-	-	-	-
Earmarked Reserves	-	-	-	-	-
Gross Expenditure	722,980	715,880	763,930	(7,100)	(48,050)
Income	(754,300)	(671,910)	(842,780)	82,390	170,870
Net Controllable Expenditure	(31,320)	43,970	(78,850)	75,290	122,820
Departmental Support	127,120	127,120	145,430	-	(18,310)
Central Support	143,330	143,330	145,270	-	(1,940)
Capital Charges	16,390	16,390	16,390	-	-
Net Expenditure	255,520	330,810	228,240	75,290	102,570

Steve Maxey ENV

Environment

	Approved Budget 2023/2024 £	Revised Budget 2023/2024 £	Original Budget 2024/2025 £	Variance approved to Revised Budget Variance £	Variance Revised to Original Budget £
Employee Costs	48,100	48,100	52,430	-	(4,330)
Premises Related	-	-	-	-	-
Supplies and Services	50	50	50	-	-
Transport	-	-	-	-	-
Miscellaneous Expenditure	-	-	-	-	-
Earmarked Reserves	-	-	-	-	-
Gross Expenditure	48,150	48,150	52,480	-	(4,330)
Income	-	-	-	-	-
Net Controllable Expenditure	48,150	48,150	52,480	-	(4,330)
Departmental Support	9,480	9,480	15,290	-	(5,810)
Central Support	570	570	530	-	40
Capital Charges	-	-	-	-	-
Net Expenditure	58,200	58,200	68,300	-	(10,100)

	Approved Budget 2023/2024 £	Revised Budget 2023/2024 £	Original Budget 2024/2025 £	Variance approved to Revised Budget Variance £	Variance Revised to Original Budget £
Employee Costs	-	-	-	-	-
Premises Related	-	-	-	-	-
Supplies and Services	9,920	9,920	10,220	-	(300)
Transport	-	-	-	-	-
Miscellaneous Expenditure	-	-	-	-	-
Earmarked Reserves	-	-	-	-	-
Gross Expenditure	9,920	9,920	10,220	-	(300)
Income	(16,080)	(16,080)	(16,720)	-	640
Net Controllable Expenditure	(6,160)	(6,160)	(6,500)	-	340
Departmental Support	11,530	11,530	2,330	-	9,200
Central Support	1,190	1,190	880	-	310
Capital Charges	-	-	-	-	-
Net Expenditure	6,560	6,560	(3,290)	-	9,850

NORTH WARWICKSHIRE BOROUGH COUNCIL
 PLANNING & DEVELOPMENT BOARD
 SUMMARY OF GENERAL FUND REVENUE ESTIMATES

Appendix B

Code	Description	Actual 2022/2023 £	Approved Budget 2023/2024 £	Revised Budget 2023/2024 £	Original Budget 2024/2025 £
4009	Planning Control	115,241	207,530	262,770	135,470
4010	Building Control	45,500	46,910	45,850	62,840
4014	Local Land Charges	27,543	1,080	22,190	29,930
	Net Expenditure Development Control	188,283	255,520	330,810	228,240
4012	Conservation and Built Heritage	60,922	58,200	58,200	68,300
	Net Expenditure Environmental	60,922	58,200	58,200	68,300
4018	Street Naming and Numbering	(1,549)	6,560	6,560	(3,290)
	Net Expenditure Corporate	(1,549)	6,560	6,560	(3,290)
	Net Expenditure TOTAL	247,656	320,280	395,570	293,250

	2023/24 CHARGE	2024/25 CHARGE
	TOTAL CHARGE	TOTAL CHARGE
	£	£
LAND CHARGES		
Official Land Charges Register search (LLC1)	40.00	35.00
Each additional parcel of land	3.20	5.00
CON29 R Search	120.00	156.00
Each additional parcel of land	10.80	21.60
Full Search	160.00	191.00
Additional Question (CON290 / CON29 R) - first question	23.00	36.00
Each additional question	1.30	12.00
Common Land Enquiry (if submitted as part of search)	15.60	24.00
Personal searches by appointment	Free	Free
isolation should be sent to Warwickshire County Council		

NOTE ALL CHARGES HIGHLIGHTED IN YELLOW ARE EXPLAINED IN DETAIL IN THE REPORT ON THIS AGENDA - LAND CHARGES

STREET NAMING & NUMBERING

New Development (Residential and Commercial)	£140.00 application fee + £36.00 per property	£145.00 application fee + £40.00 per property
Amend a Development layout after confirmation (per plot)	36.00	40.00
Naming of a New Street	182.00	190.00
Rename/Renumber a PAF registered property (including adding a name)	78.00	82.00
Correcting an address anomaly	36.00	40.00
Confirmation letter to solicitors/others	30.00	32.00

PLANNING AND ADVERTISEMENT APPLICATIONS

These charges are set by central government and are contained within the Town and Country Planning Regulations. Details of current charges can be obtained from the Council's Development Control section :

Telephone	01827 715341
Fax	01827 719363
e-mail	planningcontrol@northwarks.gov.uk
Web site	www.northwarks.gov.uk

Agenda Item No 6

Planning and Development Board

5 February 2024

Report of the
Head of Development Control

Review of Fees for Local Land
Charges

1 Summary

- 1.1 This report proposes the increase of charges for applications for the Local Land Charges service provided by the Council.

Recommendation to the Board

1. That members approve the increase of fees for the Local Land Charges search activity in accordance with the schedule set out in the report at Paragraph 5.1.2, effective from 1 April 2024; and
2. To report to the Planning and Development Board six months from implementation to monitor the effects of the revised charging schedule.

2 Introduction

- 2.1 Local Authorities set fees for Local Land Searches on a cost recovery basis, as set out in The Local Authorities (England) (Charges for Property Searches) Regulations 2008.
- 2.2 In recent years fees have been amended annually through the addition of an inflationary uplift. However, this is a simplistic approach that may no longer be a true reflection of current service delivery costs, there have been some changes in how the service is delivered, and there are further changes anticipated for the coming financial year. A more comprehensive review is now prudent, to ensure that fee income has kept pace with the cost of delivering the service, to ensure that the service going forward is sustainable and to ensure that there is compliance with the 2008 Regulations.

3 Background

- 3.1 The Land Charges Service was formerly delivered by the Central Services Unit, within the service area of the, then, Assistant Director (Corporate Services). On 1 November 2021, following an Administration Review, the Land Charges Service relocated to within the Council's Development Control

Team, as a service responsibility of the Development Control Manager. The restructure altered the staffing resource of the service.

- 3.2 There is a legal obligation for District Local Authorities to maintain a register of local land charges. Local Land Charges are an outstanding financial claim, restriction, prohibition, decision, or information affecting a piece of land.
- 3.3 The Infrastructure Act 2015 provides for the transfer of responsibility for local land charges in England and Wales from local authorities to Land Registry. Under these provisions, Land Registry will provide a single, digital local land charges register for England and Wales. Discussions with the Land Registry to implement this transfer have commenced at North Warwickshire, but are presently held, pending the implementation of a new Land Charges IT system that will better facilitate the implementation and operation of the Land Registry delivered service. It is currently anticipated that the new IT system will be implemented towards the mid/end of the financial year 2024/25 and that the project with Land Registry will then be recommenced. Go-live with the Land Registry may commence at the end of the financial year 2024/25, but it may not be until the beginning of 2025/26.
- 3.4 It is anticipated that the Council's Local Land Charges register data (LLC1) will then only be obtained from HM Land Registry. However, the CON29 element of the Land Charges Service will remain with North Warwickshire Borough Council, and the Council will maintain the Register for ongoing transfer to Land Registry.

4 **Review**

- 4.1 As set out above, Local Authorities set fees for Local Land Searches on a cost recovery basis. The Local Authorities (England) (Charges for Property Searches) Regulations 2008 identify that costs relating to staff cost, the cost of performing internal transactions and costs associated with the creation and maintenance of records may be recovered.
- 4.2 Recent headline Local Land Charges budget figures are as set out below:

	ACTUAL	APPROVED	ACTUALS	ORIGINAL
	ACTUAL	BUDGET	TO DATE	BUDGET
	2022/2023	2023/2024	2023/2024	2024/2025
	£	£	£	£
GROSS EXPENDITURE	15,733.00	21,500.00	9,070.68	32,740.00
GROSS INCOME	(41,350.49)	(65,000.00)	(30,413.73)	(39,360.00)
NET CONTROLLABLE EXPENDITURE	(25,617.49)	(43,500.00)	(21,343.05)	(6,620.00)
Departmental Support	38,380.00	30,980.00	25,816.70	25,750.00
Central Support	11,480.00	10,300.00	8,583.30	7,500.00
Capital Charges	3,300.00	3,300.00	2,750.00	3,300.00
NET EXPENDITURE	27,542.51	1,080.00	15,806.95	29,930.00

4.3 The current fees are not recovering relevant costs and the former practice of applying an inflationary uplift to the current fee restructure requires review. In 2022/23, the service cost £27,542K more than was received in fee income. So far, in the 2023/24, the service has cost £15,807K more than was received in fee income. This is not sustainable, and neither is it necessary, given the provisions to allow for cost recovery. It should however be noted that an Authority cannot seek to recover all service costs, since the costs of in granting access to free statutory information and maintaining free statutory information are not recoverable.

4.4 Notwithstanding the service losses set out above, and that fees should be set having regard to actual costs recovery, given the failure to systematically review fees and charges over several years, a benchmarking exercise, of fees charged by neighbouring comparative local authorities, has been undertaken to inform decision making.

... 4.5 The results of the benchmarking are set out in **Appendix A**. The benchmarking shows that the North Warwickshire charges are commonly substantially lower than those of neighbouring authorities. The findings inform the recommendation to introduce an uplift in the charges, and help evidence that a significant change to the fee structure/fees is overdue.

... 4.6 The proposed charging schedule is set out in Financial Implications Section of the report below (at Para 5.1.2) and reproduced in the final column of the table in **Appendix A** (for easy comparator reference). It is proposed to increase the majority of fees charged.

4.7 In respect of Con290 Q22, that data is supplied by WCC at a recharge to NWBC. The current recharge is £15, but it will increase in 24/25 (new recharge rate is not yet known until WCC conclude budget setting). The present 2023/24 fee is £13 plus VAT. Officer time and service costs administering replies to this question are running at a financial loss. This

necessitates, and justifies, the proposed fee increase in respect of Con290 Q22.

- 4.8 There are other considerations that point towards the appropriateness of fee uplifts. Members should be aware that the service can anticipate a number of extra ordinary costs as a consequence of the changed working with Land Registry and the implementation of the new Idox Land Charges IT system which will contribute to the expense of service delivery.
- 4.9 Furthermore, going live with the Land Registry will necessitate new ways of holding the Register data, in that it will move to data being held geographically, rather than in textual form. This will mean re-engineering processes, to change the way in which we perform internal transactions with Environmental Health, Housing, Planning and Enforcement Health services, and externally with the Building Control Partnership , Drainage Authorities and Warwickshire County Council. These changes may incur implementation costs, but may result in savings from efficiencies in the longer term.
- 4.10 In the coming year or two, the Council will incur the loss of fee income from LLC1 work (when we go live with the Land Registry). This makes it more important that CON29 costs are properly recovered. Members will note, from the benchmarking in **Appendix A**, that our current charge for the LLC1 search is higher than that charged by other authorities. It is proposed to reduce the charge by £5.00 to make the charge more comparable to others, but also to stage, to some effect, the reduction in income. The reduction will be offset by the proposed fee increases for other search types.
- 4.11 Given that raising charges may affect the number of searches received, and that there are service delivery changes anticipated, it will be necessary to review the impact of changing the fee structure. For this purpose, it is proposed that a report be brought back to the Planning and Development Board six months from implementation, for monitoring purposes and to give consideration as to of whether any fees adjustments are required.
- 4.12 If members approve the new charges they would be implemented on 1 April 2024.

5 Report Implications

5.1 Finance and Value for Money Implications

5.1.1 Below is our current scale of charges: **Local Land Charges Fee 2023/2024**

LLC1	£40.00
Each additional parcel (LLC1)	£3.20
CON29 search	£120.00 (£100.00 + £20.00 VAT)
Each additional parcel (CON29)	£10.80 (£9.00 + £1.80 VAT)
Full Search (LLC1 and CON29)	£160.00
Additional questions CON29O	£1.30 (£1.00 +22p VAT)
Question 4	Free
Question 22	£15.60 (£13.00 + £2.60 VAT)
Additional questions in isolation	First question £23.00 (£19.17 + £3.83 VAT) Each additional question £1.30 (£1.08 + 22p VAT)

5.1.2 Below is the suggested revised scale of charges: **Local Land Charges Fee 2024/2025**

LLC1	£35.00
Each additional parcel (LLC1)	£5.00
CON29 search	£156.00 (£130.00 + £26.00 VAT)
Each additional parcel (CON29)	£21.60 (£18.00 + £3.60 VAT)
Full Search (LLC1 and CON29)	£191.00
Additional questions CON29O	£12.00 (£10.00+£2.00 VAT)
Question 4	Free
Question 22	£24.00 (£20.00 + £4.00 VAT)
Additional questions in isolation	£36.00 (£30.00 + £6.00 VAT) Each

5.1.3 Benchmarking against numerous Councils, identifies that some Local Authorities operate differing charges for commercial and residential property, and others charge differing fees for different elements of questions. It is not proposed to introduce these complexities, as the administration burden would be unjustified.

5.1.4 As set out in recommendation 2 and para 4.11 above, the effects of the charging schedule will be reviewed after 6 months of operation and adjustments made if required.

6.1 Safer Communities Implications

6.1.1 The maintenance of the Local Land Charges Register, and the operation of a searches service, form an integral part of ensuring the integrity and enforcement of land related controls and legislation, which contribute to safe communities.

7.1 Legal and Human Rights Implications

7.1.1 The Council has a legal duty to undertake certain functions, specifically maintaining a local land charges register and respond to local searches. The Local Authorities (England) (Charges for Property Searches) Regulations 2008 make provision for authorising local authorities in England and Wales to set their Local Land Charges fees based on full cost recovery. The Local Land Charges Fees (England) Rules 2018 (“the Fees Rules”) make provision for the fees payable for local land charges services. These Rules perform a similar function to the Local Land Charges Rules 1977 (S.I. 1977/985) made under the Local Land Charges Act 1975 (1975 c. 76) (the Act). The Act was amended by the Infrastructure Act 2015 (2015 c. 7) (the 2015 Act) to provide for the transfer of responsibility for local land charges from individual local authorities in England and Wales to the Chief Land Registrar (the registrar).

7.1.2 Where the Council has this duty it may charge for the associated service on a costs recovery basis. This report identifies that currently costs are incurred which are not being met by the current charging schedule and seeks to redress the balance.

7.1.3 In respect of those functions which it can charge for, the Council may only charge a sum which covers the cost of providing the service; it may not make a profit. The charges are anticipated to be commensurate with that limitation, and will be reviewed accordingly.

8.1. Links to Council’s Priorities

8.1.1 The implementation of these increased charges will contribute to help the Council maintain a balanced budget.

The Contact Officer for this report is Erica Levy (719294).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

APPENDIX A	NWBC 2023	Stratford on Avon DC 2023	Rugby BC 2023	Tamworth BC 2023	Lichfield DC 2023	Nuneaton & Bedworth BC 2023	Warwick DC 2023	PROPOSED NWBC 2024/25
Con 29R	100.00 (+VAT = 120.00)	120.00 (inc VAT)	98.10 (inc VAT)	Commercial 152.00 (+VAT) Residential 111.00 (+VAT)	Residential 90.00 (+VAT = 108.00) Non-residential 165.00 (+VAT = 198.00)	122.05 (inc VAT)	130.00 (+VAT = 156.00)	130 (+ VAT = 156.00)
Con 29 Additional parcels	9.00 (+ VAT = 10.80)	12.00 (inc VAT)	21.06 (inc VAT)	12.00 (+ VAT)	60 .00 (+ VAT = 72.00)	21.85 (inc VAT)	14.00 (+VAT = 16.80)	18 (+VAT = 21.60)
Non-standard enquiries	first question 19.17 (+VAT = 23.00) Each additional question 1.08 (+VAT = 1.30)	12.00 per 20 min research (inc VAT)	42.10 (inc VAT)	23.00 (+ VAT)		Additional written questions 31.92 (inc VAT) Individual required questions 1.92 (inc VAT)		
Con29O (all Qs)	1.00 (+VAT = 1.30) per question		14 (inc VAT) except Q's below	17.00 (+ VAT) per question			16.00 (+VAT = 19.20) per question	10.00 (+ VAT = 12.00) per question
Con29O Q22	13.00 (+ VAT = 15.60)	25.00 (inc VAT)	16.80 (inc VAT)					20.00 (+ VAT = 24.00)
Con29O Q4	free	free						free
Con29O Q21		free						
Con29O Q5-20		13.20 (inc VAT)						
Con29 Q1.1 (a-i)		19.80 (inc VAT)						

	NWBC 2023	Stratford on Avon DC 2023	Rugby BC 2023	Tamworth BC 2023	Lichfield DC 2023	Nuneaton & Bedworth BC 2023	Warwick DC 2023	PROPOSED NWBC 2024
Con29 Q1.1 (j-l)		9.90 (inc VAT)	19.30 (inc VAT)					
Con29 Q2			37.80 (inc VAT)					
Con29 Q3.7			16.80 (inc VAT)					
Con29 Q3.8			5.60 (inc VAT)					
Con29 Q3.9			5.90 (inc VAT)					
Con29 Q3.11			18.2 (inc VAT)					
Con29 Q3.13			1.80 (inc VAT)					
All Other Q's		6.60 (inc VAT)						
Additional questions in isolation (Con29O/Con29 R)	first question 19.17 (+VAT = 23.00) Each additional question 1.08 (+VAT = 1.30)	Various 6.60 – 25 (inc VAT)	Variou s 1.80 – 37.80 (inc VAT)		30.00 (+ VAT = 36.00)		32.00 (+VAT = 38.40)	30.00 (+ VAT 36.00) NB Cease to offer reduced rate for subsequent questions

	NWBC 2023	Stratford on Avon DC 2023	Rugby BC 2023	Tamworth BC 2023	Lichfield DC 2023	Nuneaton & Bedworth BC 2023	Warwick DC 2023	PROPOSED NWBC 2024
Full search LLC1 And Con29	160		127.30 (inc VAT)		Residential 120.00 (+ VAT = 138.00) Non- residential 205.00 (+ VAT = 233.00)	136.05 (inc VAT) electronic 138.05 (INC VAT) paper		191.00 (inc VAT for Con 29 element)
LLC1	40.00		29.20	31.00	Residential 30.00 Non- residential 35.00	14.00 electronic 16.00 paper		35.00
LLC1 Additional Parcel	3.20		5.84	1.05				5.00
Cancelled Searches		Fees for work completed plus £5 handling fee where applicable.						

Agenda Item No 7

Planning and Development Board

5 February 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, 4 March 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
7/a	PAP/2022/0423	1	<p>Land to the south of Watling Street, Caldecote, CV10 0TS</p> <p>Outline planning permission for extension to MIRA Technology Park to comprise employment use (Class B2); associated office and service uses (Class E(g)(ii)), storage (Class B8), new spine road, car parking, landscaping and enabling works.</p>	General

General Development Applications

(7/a) Application No: PAP/2022/0423

Land to the South of Watling Street, Caldecote, CV10 0TS

Outline planning permission for Extension of MIRA Technology Park to comprise employment use (Class B2); associated office and service uses (Class Eg); storage (Class B8); new spine road; car parking, landscaping and enabling works for

ERI MTP Limited

1.Introduction

1.1 The receipt of this application was reported to the Board in October 2022. That introductory report is attached at Appendix A and is to be treated as an integral part of this current report.

1.2 Members will be aware of the land allocated in the 2021 North Warwickshire Local Plan for “employment purposes” is outlined in its Policy LP39. The allocated land here is known in that Plan as Site E4 and there is a corresponding policy covering the conditions for its delivery. The current application site however, whilst comprising the whole of the E4 site, also includes additional land.

1.3 The Board will need to assess the current site against these conditions as well as being satisfied that the inclusion of the additional land can be supported.

a) Amendments

1.4 The most significant changes to the proposal since its submission, relate to the highway content of the proposals, both on-site and off-site. These have arisen from engagement with the three relevant Highway Authorities – National Highways and the Warwickshire and Leicestershire County Councils.

1.5 The most significant changes have affected the off-site junctions of Drayton Lane and Woodford Lane with the A5. The original proposals of October 2022 were for traffic lights to be installed at each junction. This was altered in late 2023 to both junctions only having left-in and left-out arrangements. This was then altered again in late December 2023 to both junctions remaining as present, but with speed mitigation measures being added to the A5. For the benefit of Members, these are now the highway arrangements that are submitted for determination. All of the final arrangements are set out in Appendix B. In summary they include:

- i) The diversion of Weddington Lane (the A444) through the site so as to connect to the existing “MIRA” roundabout on the A5. This would include a new roundabout on the A444 at the southern end of the site.
- ii) The replacement of the current “Red Gate” roundabout at the junction of the A444 and the A5 with a conventional design.
- iii) The consequential re-alignment of the A444 connection to this new roundabout behind the Red Gate Public House.

- iv) The consequential closure of Weddington Lane just south of its junction with Caldecote Lane so as to create a “cul-de-sac” off the new Red Gate roundabout.
- v) Continuous dualling of the A5 between the new Red Gate roundabout and the existing MIRA roundabout.
- vi) Dualling of the A5 on the western approach into the new Red Gate roundabout.
- vii) No changes to the present arrangements of the junctions of both Woodford Lane and Drayton Lane with the A5, but the introduction of a number of speed reduction arrangements on the A5.
- viii) Minor changes to the “Higham Lane” roundabout on the A5 to the east.

1.6 There are a number of other changes.

- i) More detailed information on the “open” corridors along the southern side of the site on the north side of the A444 so as to improve mitigation measures
- ii) A revision of some of the building heights in the south-west portion of the site closest to Caldecote.
- iii) Increased provision of footpaths and cycleways through the site.

1.7 For the benefit of Members the proposed Master Plan is set out at Appendix C.

1.7 A series of cross sections has also been submitted – Appendices D, E and F.

b) The Development Plan

1.8 There has been no change to the Development Plan since the date of the last report.

c) Other Material Planning Considerations

1.9 The National Planning Policy Framework (the “NPPF”) was updated in late December 2023. As a consequence, references to the NPPF in this report are to that edition.

1.10 The Caldecote Conservation Area was designated in January 2024. A copy of the Area is at Appendix G.

1.11 Additionally, the Bio-Diversity Gain Requirements (Exemptions) Regulations come into effect later in February 2024. These define a number of exemptions for the mandatory requirement for new development to provide a 10% nett bio-diversity gain. However, as this application was validated before the date of the Regulations, the mandatory net gain is not applicable.

d) Policy E4

1.12 For the benefit of Members, the allocated site is illustrated at Appendix H and Policy E4 is included in full at Appendix I.

1.13 The plan at Appendix J illustrates the extent of the allocated land within the current application site – “A” on the plan is the additional land and “B” the allocation.

2. Consultations

2.1 In view of the amendments made since the last report, the responses below, where appropriate, relate to the most up-to-date plans as referred to above.

National Highways – Awaiting final response.

Warwickshire County Council as Highway Authority – Awaiting final response.

Leicestershire County Council as Highway Authority – Awaiting final response.

Warwickshire County Council as Lead Local Flood Authority – Following receipt of further information and clarification there is no objection subject to conditions.

Environment Agency – No comments to make.

Warwickshire County Council (Infrastructure) – Contributions are sought to secure improvements to local bus services to support the forecasted demand in trips by sustainable means. In total this would be for a total of £1,355,474 over five years.

Warwickshire County Council (Rights of Way) – No objection subject to the relevant Orders being made to implement the partial extinguishment of AE 189 and its diversion.

Warwickshire County Archaeologist – The site lies in an area of significant archaeological potential and thus pre-determination evaluation is necessary. A Scheme of Investigation for a phased approach to this was submitted and agreed, resulting in trenches being dug over a first phase early in January 2023 and an Evaluation Report completed in February 2023. This phase included the land to the south of the A5.

Nothing was found so as to amend the overall layout as proposed. Further phased work can be conditioned.

Warwickshire Fire and Rescue Services – No objection subject to conditions.

Environmental Health Officer – No objection subject to conditions

Nuneaton and Bedworth Borough Council – No objections.

Hinckley and Bosworth Borough Council – No objection subject to there being no material impact on the strategic highway network. Highway construction works if approved will cause disruption and “rat running” if not programmed.

Warwickshire Police (Secure by Design) – A number of detailed design matters have been recommended in order to assist in reducing crime.

3. Representations

3.1 There have been a number of consultations as amendments have been made. Some representations have been maintained throughout, whereas others have changed as a consequence of the amendments submitted. Additionally, the consultation covered a wide geographic area and responses varied accordingly. It is therefore proposed to report responses by area.

i) Caldecote

3.2 Residents at Caldecote provided a combined response following receipt of the planning application and this was supplemented by a further seven individual representations.

3.3 The combined response supports the development in principle recognising the employment and economic benefits as well as the diversion of HGV traffic from the A444 through the site. However, there are concerns about the environmental impacts.

In particular these related to:

- The increase in the size of the application site over the Local Plan allocation, and
- As a consequence, the proposed new access roundabout being much further west along Weddington Lane (the A444).
- The buildings closest to the village need to be the lower ones with appropriate cladding, landscaping provision and minimal lighting.
- Existing hedgerows and trees need to be retained and enhanced particularly along the southern and western boundaries.
- Existing flooding issues should be addressed – at the Red Gate roundabout and close to the School House in Weddington Lane.

3.4 Other matters raised by the individual letters refer to:

- The proposal will have an all-round negative impact on the local rural area – it does not integrate into the landscape being a concreted urban area.
- There is reference to B8 development in the description and there are no “small incubator units” as required by the policy.
- The buildings will be up to 18 metres tall and be visible over an extensive area including higher ground at Hartshill.
- The impact on the Conservation Area will be adverse. It will not match the historic form and the overall appearance of Caldecote.
- Noise, air and light pollution particularly from 24 hour working and in respect of those residential properties closest to the site.
- The “amenities” such the coffee shops and recreation areas will not benefit the community.
- The increased traffic generation from up to 2500 employees will be felt throughout the local highway network and beyond. There is no confirmation of when and how the A5 is to be improved.
- This is only one of a number of developments that will affect traffic on the A5.
- There are concerns about the safety of the road arrangements.

- There will be no local or community employment benefits.
- There is a right to private and family life under the Human Rights Act which includes the home and its surroundings.

ii) Fenny Drayton

3.5 22 representations were received following consultation on the initial proposals as submitted – i.e., the traffic lights at Drayton Lane. These referred to:

- A longer term solution of this stretch of the A5 is needed
- Other solutions such as banning right hand turns might be safer or making Drayton Lane a cul-de-sac.
- Any changes to the Red Gate roundabout will have “knock-on” effects during construction and this will inevitably increase traffic through the village as a consequence. Mitigation measures are essential.
- Traffic lights will cause delays on the A5 thus encouraging diversions and short cuts on unsuitable rural roads. It might encourage greater use of Drayton Lane as it provides a safer access onto the A5.
- The new cul-de-sac next to the Red Gate will encourage fly-tipping.
- No traffic calming measures are proposed for the village.
- Access to existing premises at the Red Gate junction need to be clarified.

3.6 These representations were endorsed by Luke Evans, the MP for Bosworth.

3.7 15 representations were received following the first amendment – the left in and left out proposals. The following comments were made:

- It will increase traffic through the village.
- Existing businesses and farms that use Drayton Lane will have adverse business impacts because of longer journeys for both business traffic and for employees caused by consequential diversions.
- Temporary closure of the Lane in 2014 led to increased traffic through the village. This would re-occur.
- There will also be longer travel times and diversions for residents.

3.8 The representations from the existing businesses in Drayton Lane, are endorsed by the MP for Bosworth.

3.9 Comments on the second highway amendment are awaited and if received they will be reported at the meeting.

iii) Witherley

3.10 Witherley Parish Council objected to the original submission for the following reasons:

- There should be traffic mitigation in the surrounding villages to prevent drivers using the local rural network as diversions and short-cuts.
- The traffic light solution would increase the likelihood of this happening.

- The “new” cul-de-sac of the former A444 next to the Red Gate would become a site for fly tipping.

3.11 A further representation was received in respect of the initial submission. This reiterates the comments above as well as adding:

- Construction of the new Red Gate roundabout will encourage “rat-running” through the local lanes to Witherley.

3.12 Nine representations were received in respect of the first highway amendment including the left only turns at Drayton and Woodford Lane.

- These proposals will have the effect of diverting traffic away from these junctions, such that it would increase in Witherley and in Mancetter.
- Other solutions need to be looked at, starting first with the dualling of the A5.

3.13 Comments on the latest highway amendment are awaited and if received will be reported at the meeting.

iv) Mancetter

3.14 Mancetter Parish Council submitted comments following receipt of the highway amendment which included the left-in and left-out arrangements at the Woodford and Drayton Lane junctions. Its objection was to the consequential increase in traffic through Mancetter arising from necessary route diversions. This traffic would pass through the Conservation Area and also impact on the capacity of the Mancetter roundabout.

3.15 Comments on the second highway amendment are awaited and if received will be reported at the meeting.

v) Others

3.16 The Ramblers Association – No objection to the part diversion of footpath AE190, but there is an objection to the part extinguishment of AE189 as it would leave a redundant length of path.

3.17 There is still some concern expressed to the final highway arrangements as set out in paragraph 1.5 above by representatives of businesses who still feel that the arrangements at the new Red Gate roundabout will give rise to inconvenience and that any recommended contributions towards the cost of the A5 speed restrictions would be unlawful.

vi) Support

3.18 Five letters of support have been received from the West Midlands Combined Authority, the Mayor of the West Midlands, the West Midlands Growth Company, the Manufacturing Technology Centre and Invest in Coventry and Warwickshire. These all refer to the need for investment in the region; the advancement of low carbon, automotive technology, the manufacturing and high skills employment opportunities and the synergy with the existing MIRA campus on the other side of the A5 being of international standing.

4. Observations

a) Introduction

4.1 Members are aware of the planning policy background here as outlined in paragraph 1.2 above. The previous report at Appendix A, identified the three main considerations that need to be assessed. These are:

- a) What is the case for supporting the inclusion of the additional land?
- b) Secondly, does the proposal, including the additional land, still accord with the requirements of Policy E4 for the allocated portion of the application site?
- c) Finally, are there any harmful impacts caused by the proposals when treated as a whole, which would clearly outweigh any of the benefits that are claimed for supporting the proposals?

4.2 Each of these will be looked at in turn.

b) The Additional Land

4.3 Policy E4 allocated 42 hectares of land for employment purposes, but the application site extends this to 59 hectares – an increase of 40%. This additional land has been “added” to the south-west of the allocated land such that the southern site boundary extends much further westwards along the A444 – see Appendix J.

4.4 The explanation for the additional land was referred to in the initial report at Appendix A – paragraph 7.5 – indicating that it was needed in order to provide infrastructure works in order to enable the delivery of the allocation. The most important consideration here is the need to provide a new spine road through the site to a specification capable of it also becoming the route of the diverted A444. This dual function is to enable the closure of Weddington Lane at its northern end. This however was not a requirement of Policy E4. It came about following community consultation and gained support from the Warwickshire County Council as Highway Authority. It also had a beneficial impact on the design for the new “Red Gate” roundabout which was supported by National Highways. This was not anticipated at the time of drafting policy E4 and is thus new. In order to accommodate this new consideration, which is essentially a highway matter, the Highway Authority had to ensure that the A444 could be successfully diverted through the site so as to exit at the MIRA roundabout on the A5 and that the location of the closure of the A444 would provide the community benefits as expected. Its solution was to agree to the access into the site from the A444 being moved further west. Additional land was thus required to deliver this solution. This change in approach also enabled the new road to be positioned so as to allow the retention of existing drainage channels and existing hedgerows running north/south through the centre of the site. In respect of the former, this enables a more comprehensive drainage strategy. All of these considerations led to the extension of the allocated site in the current application at its eastern end.

4.5 From the applicant’s perspective, the shape of the allocated site constrained the delivery of larger scale plots capable of accommodating the requirements of the advanced manufacturing interests that were being expressed in the site. The line of the new spine road/A444 through the allocated land would also impact on the deliverability

of these plots and thus reduce the overall developable area. However, the new spine road does provide the opportunity for inclusion of the additional land at the western end of the application site, so as to enable the delivery of these plots throughout the site. The applicant points out that the allocation was for 42 hectares of employment land and the current application provides a developable area of 39 hectares thus meeting the Policy requirement. He says that the allocated site with the access onto the A444 at its far eastern end and running through to the MIRA roundabout, would significantly reduce the developable area available.

4.6 The issues for the Board here are to assess the balance between the various considerations identified above. The application site as a matter of fact is larger than the allocated site and thus does not accord with it. The Board will need to consider whether there are planning considerations here of such weight so as to override this non-compliance. It is considered that in principle there are two and they are outlined below. However, Members will also need to assess whether there are any adverse impacts arising from the inclusion of the additional land and thus place these into the final planning balance. This will be dealt with at the end of this report.

4.7 The considerations that give weight to the present application are firstly the policy background to this proposal. Local Plan policy LP39 allocates land amounting to 57 hectares for employment provision within the plan period. The allocation south of the A5 accounts for around 75% of that total allocation. It is thus the prime employment allocation in the Plan and the proposal as submitted would deliver the size of site to meet the allocation in terms of its developable area. Local Plan policy LP11 sets the overall objective for the employment provision on the allocated sites. It says that the delivery of employment uses should reflect the need to broaden the employment base in the Borough, improve employment choice and opportunities for local people. The current application is primarily a manufacturing proposal intended to complement the Research and Development focus and function of the adjoining MIRA Technology Park, providing the opportunity for investment to provide manufacturing facilities of a scale which are not otherwise capable of being delivered as part of the existing technology cluster. The current application thus represents the key site in delivering the objectives of Policy E11. Additionally, Policy LP6 deals with additional employment land over and above the allocations in Policy LP39. It says that significant weight will be given in decision making to supporting economic growth and productivity, particularly where there is evidence demonstrating an immediate need for employment land. The allocation in Policy LP39 provides that evidence in this case. As a consequence, the proposal as submitted would achieve the delivery of the primary employment objective of the Development Plan.

4.8 The second consideration is the highway background - the access into the site from the A444 being a changed circumstance that carries significant weight. It enables the diversion of the A444 through the site thus enabling the closure of Weddington Lane at its northern end, so that Caldecote becomes a cul-de-sac. This is an overall community benefit not only in highway terms, but also in environmental terms. The fact that the three Highway Authorities have not raised an objection carries substantial weight.

4.9 The representations from Caldecote particularly refer to the additional land and to the preference to have the access at the far eastern end of the site. These were early representations made at the time of the original submitted proposals. These had not been thoroughly worked out in highway terms so as to accommodate the detail of the

engineering arrangements of closing the northern section of Weddington Lane. The responses from the consultation on the final detailed amendments are awaited. From a highway perspective it is anticipated that there will be general support, but the inclusion of the additional land does give rise to other matters and these will be the environmental impacts. As indicated above, these will be identified and assessed below.

4.10 The inclusion of the additional land is thus supported in principle.

c) The Requirements of Policy E4

4.11 It is now intended to address whether the proposal, including the additional land, still accords with the requirements of Policy E4 for the allocated portion of the application site. The policy is set out in Appendix I.

i) The Proposed Uses

4.12 The Policy firstly sets out the employment uses that are to be included in the allocation. In light of the content of Policy E11 indicating the objective of broadening the Borough's employment base and the significance of the established neighbouring MIRA Technology Park and Enterprise Zone, the allocated land is proposed for B2 General Industrial Use as well as for Research and Development use under Use Class E(g)(ii). The policy particularly defines any B8 uses to be ancillary to these named Uses. The application has been submitted as such and the applicant has agreed to the inclusion of planning conditions to achieve this outcome.

4.13 The policy also sets out a requirement for "small incubator units" to be included. There is no such provision in the application. The applicant explains that during 2022, the large MIRA building fronting the A5 was the subject of comprehensive refurbishment and this created a substantial increase in incubation and low carbon innovation space - some 25000 square feet. This is said will complement the existing range of facilities at MIRA and provide the opportunity that was initially set out in Policy E4. The applicant says that it is not commercially viable to replicate these facilities on the application site as they would create competition. The real commercial need for the Technology Park is the provision of manufacturing space and the application site would provide this. Notwithstanding this explanation, the Board will need to assess what weight to attribute to this omission from the Policy. It is acknowledged that this is a commercial decision by the applicant. In overall terms however, it is not considered to be significant, as there will have been an increase in the floor space for these units, albeit on the north side of the A5, but importantly within the overall MIRA cluster, to which, if permitted, the application site will be part of. Additionally, provided the application is appropriately conditioned to B2 manufacturing use, there would be no overall dilution in the delivery of the higher skill employment opportunities being sought here through Policies LP11 and E4. Overall, therefore it is considered that the omission is of low impact.

4.14 The Policy then requires the provision of an overall Master Plan for the allocated site. This is to include a number of elements. Each will need to be addressed. Members are referred to Appendix C for a copy of this Plan.

ii) Heritage Impacts

4.15 The policy requires an assessment to be made of the impact of the proposals on the significance of the heritage assets within and close to the allocated site. Reference

is made to Policy LP15 of the Local Plan which requires proposals to conserve or enhance the quality, character, diversity and local distinctiveness of the historic environment. This policy requirement has been given additional importance as the application site is now larger than the allocated site and secondly, as reported above in para 1.9, Caldecote is now a designated Conservation Area. The application site and its proposed developable area are closer to this new Conservation Area, than the southern limit of the allocated site. Hence the additional importance referred to above. The impact on the setting of the Conservation Area will now be considered, before addressing the impacts on other heritage assets.

4.16 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 far western corner of the application site adjoins the Area – albeit as an extension of the main core of the Area. The main built form of Caldcote is some 800 metres from the edge of the proposed developable area. The historical significance of the Area lies in the fact that this is a pre-Norman settlement and its hall and church have been the focus of the historic manor from medieval times through to today. This consisted of a hamlet of farms and associated farm and estate workers cottages. The Hall saw an early skirmish in the Civil War, but in the late 19th century, the village was largely rebuilt and enlarged expanding its grounds to include new areas of parkland. Many of the original buildings have also been rebuilt to give its character seen today. The overall significance of the Area lies in the retention of the significant core of a former Victorian country estate with its associated main residence, the Hall, an older Parish Church, substantial ancillary outbuildings including stables set around a courtyard, its walled gardens, former schoolhouse and village hall, tenants terraced properties and the original farm and building ranges together with remnants of the former estate workshops. These are closely grouped together and surrounded by large, wooded areas, including a small parkland. The views over open agricultural land into and out of the settlement, add significantly to its character and appearance. These characteristics have historic value as well as architectural value with a traditional consistent estate style and appearance. There is a strong community value too as the hamlet has seen little change or expansion and it retains its isolation because of its limited access. The setting of the Area contributes substantially to this significance and the ability to appreciate its character and appearance as a whole – ie. its isolation, compactness and the open rural surroundings. It is for this reason that the designated Area is much larger than the actual built area of the hamlet.

4.17 Members will be aware that the NPPF indicates that in respect of harm caused to heritage assets, then there is either no harm, substantial harm or less than substantial harm. Case-law has shown that the “test” for there being substantial harm is very high and that it will occur when the significance of the asset is seriously reduced or substantially lost. At first sight, this may be the initial reaction given that the scale of the proposal and its component parts are “alien” to the small scale and very rural ambience of the hamlet. Representations have picked on this comparison. However, it is necessary to assess the proposals as a whole and thus to look at the proposed layout and parameters within the Master Plan including the mitigation proposed.

4.18 A number of matters are identified. Firstly, the distance from the core of the Area to the southern limit of the developable area is some 800 metres. There are a number of individual and groups of trees between the village and the closest of the proposed buildings. Importantly there are such groups to the north of the village and along the A444 such that intervisibility becomes limited. Secondly that part of the site on the northern side of the A444 would be heavily landscaped on and around new earth mounding, thus providing a significant buffer limiting intervisibility even further. Thirdly the heights of the buildings closest to this buffer within the development zones would be limited. Finally, the conditioning of service yards to the northern elevation of the units in this development zone would mitigate noise and lighting impacts.

4.19 Taken together these are considered to have a beneficial impact in materially reducing potential harm to the significance of the Conservation Area, particularly from its central core. The continuation of the landscaped buffers along the whole of the northern side of the A444 and along the western site boundary will also help in containing the built form to its developable area, thus minimising the visual impact from the Area and retaining the open land to the north of the hamlet. However, the rising land from the A444 to the A5 and the prospect of larger buildings along the A5 boundary and increased lighting here, will impact on the wider views in and around the northern parts of the Conservation Area. In other words, the wider setting around the Conservation Area will be affected. The applicant has submitted three cross sections which illustrate all of these matters – Appendices D, E and F.

4.20 It is considered that when the proposals are taken as a whole and in the knowledge of the background set out in paragraph 4.17, that the proposals will have less than substantial harm on the significance of the Conservation Area. Nevertheless, this harm still carries weight according to the NPPF and will need to be taken into account in the final planning balance.

4.21 There are also a number of Listed Buildings in Caldecote. These now need to be addressed.

4.22 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. The proposals do not directly impact of the built fabric of the Listed Buildings in this case and so it is the impact on their setting which needs to be assessed.

4.23 Two of the Listed Buildings in Caldecote are the Church of St Theobald and St Chad along with three chest tombs in its graveyard. The Church has Grade 2 star status and the tombs are all Grade 2. Together they have group value. It is not considered that the proposal impacts on the setting of this Group given the separation distances and intervening tree cover. The important approach to the Church from within the village is also unaffected, as views of the Church are constrained. The third Listed Building is an early 19th Century brick built Ice-House lying behind an earth mound some 400 metres south of the village within Ice House Spinney. It is not considered that the proposals impact on the setting of this asset, primarily because it is a subterranean feature on the southern side of the village some significant way from the development area with substantial intervening tree and woodland planting.

4.24 There are a number of non-designated assets within the village, including the current Hall, the large stable courtyard block, the walled garden and cottages, together with a number of the mock Tudor residential properties. The setting of these is very much as part of the Conservation Area and their significance lies in their grouping and function within the estate. The proposals retain this significance for the same reasons as set out above in paragraphs 4.18.

4.23 There are no known underground heritage assets on the site or in its vicinity. Because of the site running immediately along the southern side of the Roman Watling Street, the applicant has undertaken an archaeological evaluation for that part of the site in this area as it would be part of the first phase of the implementation of any permission granted. That survey work, overseen by the County Archaeologist discovered no significant “finds” to warrant alterations to the proposed Master Plan. Further investigative work will be undertaken in phases as the site is delivered, but the County Archaeologist is satisfied that a planning permission can be granted.

4.24 When all of these heritage matters are considered together, it is still concluded that the overall proposals would cause them less than substantial harm and that the development, in the terms of the wording of Policy E4 does, “as far as is practicable”, ensure that these assets are preserved or enhanced. However, even the less than substantial harm found will still be an identified harm, which will need to be addressed in the final planning balance.

iii) Sustainable Transport Measures

4.25 The policy requires “the provision of sustainable transport measures including cycle and footpath links along the A5” and “access to the cycle/pedestrian route to the south-east of the site”. A number of measures are included in the proposal – walking and cycle-paths linking the site to Nuneaton including a new cycle lane along the A444 that connects into the Weddington Way cycle route at Weddington and improvements for connections towards the A5 and Fenny Drayton – see Appendix B. The internal layout picks up in existing footpath lines as well as providing perimeter routes. There is no inclusion of cycle connections westwards along the A5, because according to the applicant, there are land ownership and physical constraints. Moreover, National Highways has not responded positively to this possibility. On the other hand, the County Council has asked for contributions to extend existing public transport provision into the site as routes already run from Tamworth to Nuneaton through the existing MIRA site to the north of the A5. As such, the internal spine road makes provision for bus stop lay-bys – see Appendix B. The issues involved in securing cycle access along the A5 are understood and as such, it is considered that on balance, there is a material increase in sustainable transport measures included in this application.

iv) Landscaping

4.26 The policy requires a significant landscape buffer to the southern and south-eastern boundaries of the site. These are shown on the Master Plan and are considered to be appropriately sized.

v) Solar Energy

4.27 The policy requires the maximisation of solar energy generation. The energy Statement submitted with the application, requires the provision of photo-voltaic panels on the roofs of the buildings. This can be conditioned. Additionally, the applicant has committed to ensure that the buildings would meet the “excellent” BREAAAM standard in respect energy efficiency – “Building Research Establishment Environmental Assessment Method”.

vi) Lighting Impacts

4.28 The policy requires controlling lighting effects so as particularly to minimise the impacts on Caldecote. As this application is in outline, it is important to set the parameters so as to provide the framework for the detail of subsequent reserved matters applications. In this respect those parameters will include the landscaping and separation buffers, limits on the heights of the buildings and a planning condition to ensure that service yards are not included on the southern side of buildings to be erected in the development areas to the south of the site – i.e. Zones 20 and 30 on Appendix C. A detailed technical specification for lighting throughout the site will need to be conditioned.

v) Conclusion on Policy E4

4.29 The proposals do deliver almost the 42 hectares of employment land but through a larger application site, without the provision of smaller incubator units and with less than substantial harm to heritage assets rather than no harm. The issue for the Board is whether these matters carry such weight either individually, or cumulatively, to warrant material non-compliance. On balance it is considered not. The prime objective is being met and the reasons for the increased size in the application site came about after adoption of the Local Plan and they bring material highway benefits to Caldecote. Additionally, the subsequent impacts of the increased site have been dealt with appropriately. The Board will need to make its own conclusion.

d) Other Matters

i) Highway Issues

4.30 Highway matters have been at the forefront of consideration of these proposals. Not only have they given rise to a number of different options to be considered, but they have also been tied up in the design and timing of future improvements to the A5 and they have been raised in practically all of the representations received. They too have affected a wide geographic area well beyond Caldecote itself.

4.31 Local Plan policy LP29 (6) says that all developments should provide safe and suitable access for all users. The NPPF says that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe – paragraph 115.

4.34 Given this policy background, it is of substantial weight therefore that the current arrangements have resulted from engagement with National Highways and the Warwickshire and Leicestershire County Councils as the three Highway Authorities involved. Their formal responses are awaited, but it is understood informally that there is no objection in principle.

4.35 It is thus considered that the proposal will satisfy Local Plan policy LP29(6) subject to the three Highway Authorities not objecting.

4.36 A number of matters need to be mentioned as issues and concerns have been raised throughout the progress of this application.

4.37 The first is that the Caldecote community preference for the closure of the A444 so as to prevent increased traffic flows on the road between the site access and the A5, has been included with full highway authority support. This has enabled the village to be accessed in essence as a cul-de-sac. An existing length of the A444 between the roundabout access into the site and almost up the Caldecote Lane would be closed to motorised traffic. It has also had the beneficial by-product of a highway redesign of the new Red Gate A5 roundabout which the Highway Authorities have preferred.

4.38 The second is that there are minor engineering works proposed at the Higham Lane roundabout so as to increase capacity.

4.39 The most significant other highway issues raised, were from further afield. These revolved around the choice of off-site works at the Woodford and Drayton Lane junctions to the A5 beyond and to the west of the Red Gate junction. These concerns came from the Fenny Drayton, Witherley and Mancetter communities. Whilst they all acknowledged the recognised present road safety issues at the two junctions, they also identified the very real prospect of increased traffic in their villages and on the surrounding rural highway network, particularly to the north of the A5, as traffic would try to avoid the initially proposed traffic lights at the junctions, or would unavoidably have to be diverted because of the later proposals for movement restrictions at the two junctions. The same issues would arise in Mancetter, as a consequence of increased traffic on the B4111. In all these communities and particularly for the second option, there were very real concerns about the adverse impact on established businesses because of the necessary diversions. This latter concern would have been a material consideration of significant weight for the Board, as it relates to the “agent of change” principle set out in paragraph 193 of the NPPF – i.e. potentially “unreasonable restrictions” arising for established businesses and community facilities as a consequence of new development.

4.40 As Members are aware from the introduction to the report, the final proposals do not now include any highway works to change the existing arrangements. The Highway Authorities have acknowledged the traffic consequences on the local communities arising from the two options proposed and have come to the conclusion that there should be no alterations. However, it is understood that National Highways is to undertake work for the prospective introduction of speed restriction measures on the A5 and thus the applicant would be asked to contribute to this work and its cost. As a consequence, the issues raised would not carry the weight sufficient to warrant non-compliance with Local Plan policy and the NPPF. In effect there would be no change from the existing.

4.41 However there are four matters that still arise as a consequence of this.

4.42 The first of these is that if approved, the construction period of the new Red Gate roundabout in particular, could have materially adverse impacts on the villages of Fenny Drayton and Witherley because of the roads in these settlements being used as diversion routes whether these are programmed or not. The communities recall the impacts at the time of construction of the present Red Gate roundabout. This is very much a highway matter and one for the respective Highway Authorities to deal with in full consultation with the two communities. However, the requirement for a planning condition relating to a Construction Traffic Management Plan is going to be needed for the whole development in any event as there will also need to be consideration given to the Caldecote residents.

4.43 The second issue is one that has been referred to in the representations from Fenny Drayton – this is the possibility of a short section of the A444 at the new Red Gate roundabout becoming redundant, but still prone to fly-tipping etc. The latest arrangements – copied at Appendix B – remove this possibility. The existing length of the A444 between the Redgate Public House and the properties on the other side of the road would still be accessed from this, but as part of a “loop” road from the re-aligned A444 to the north.

4.44 The third issue is that there are remaining concerns from the business that operates presently from the Red Gate roundabout. These relate to their existing access arrangements not being retained and thus causing inconvenience. The latest remodelled Red Gate roundabout however does maintain access into and out of the site in all directions. It is acknowledged that there will be increases in journey times because of the move on the new roundabout to the east and the new line of the A444. However, these are considered to be modest and there would be the benefit of a significant reduction in congestion on the A444 directly outside of the existing site entrance. The final comments of National Highways however are still awaited.

4.45 The final issue relates to whether the suggested contribution to the A5 speed restriction measures is compliant within the appropriate Regulations. It has been suggested that as this is a “project” that has not been scoped or costed, it is not compliant. National Highways has committed to a feasibility review of safety options for the Woodford and Drayton Lane junctions. The application proposals would have a material increase in traffic on the A5 and there is thus an increased road safety risk given the established accident record at these two junctions. There is thus an off-site highway impact here directly related to the scale of the application proposal. This is also evidenced through the alternative solutions promoted. As a consequence, it is considered that the potential for a contribution is compliant being necessary to make the development acceptable in planning terms; directly related to the highway impact of the proposal and reasonably related in scale as the contribution would be proportionate to the study as a whole.

4.46 It is thus in all of these circumstances that the Board can be advised that the current proposals do accord with Development Plan policy subject to there being no further objections from the three Highway Authorities.

ii) Landscape and Visual Issues

4.47 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 on the North Warwickshire Landscape Character Assessment of 2010. This aligns with policy LP1 which says that development must “integrate appropriately with the natural and historic environment”, and also with Policy LP30 which says that proposals should ensure that they are “well related to each other and harmonise with both the immediate and wider surroundings”.

4.48 This application site substantially includes land allocated for employment purposes. It has always been known that during the process of allocating this land for such purposes, that it would give rise to significant adverse visual and landscape impacts. It would thus always cause conflict with these policies. The wording of the policy E4 recognises this in respect of the heritage impacts – the development, “should as far as is practicable” ensure the assets are preserved or enhanced. It is considered that the same wording could apply to the landscape and visual context of the proposal. Indeed, one of the policy requirements as addressed above was for significant perimeter landscaping, particularly along the southern and south-eastern boundaries. The increased size of the site however is a material change, but it has enabled much larger landscaped buffers to be proposed. It is agreed with the applicant that even with these fully implemented and after time, the development would still be very prominent particularly from the A5, the A444 and from the higher ground to the south. As a consequence, there would be non-compliance with Policy LP14, but that there would be compliance with the Policy E4 wording, as the landscaping, “as far as is practicable”, does ensure mitigation.

iii) Flooding and Drainage

4.49 Local Plan policy LP33 requires water runoff from new development to be no more than the natural greenfield runoff rates and developments should hold this water back on the development site through high quality sustainable drainage arrangements which should also reduce pollution and flood risk to nearby watercourses. The NPPF at para 175 says that major developments should incorporate sustainable drainage systems and that these should take account of the advice from the lead local flood authority.

4.50 The October Board report described the Flood Risk Assessment undertaken by the applicant and the proposed drainage strategy - paragraph 3.18 of Appendix A. That includes substantial sustainable drainage arrangements along the southern boundary to the site. As mentioned in paragraph 4.4, the additional land has enabled larger and more effective arrangements here. In these respects, it is of substantial weight that the Environment Agency and the Lead Local Flood Authority have not objected to this strategy and the outline set out in the Flood Risk Assessment.

4.51 As a consequence there is compliance with Policy LP33.

4.52 There were two specific flooding matters referred to in paragraph 3.3 - surface water flooding in the field immediately to the north-west of the application site. This would appear to come from run-off from within that field which is not in the applicant's control and is thus the responsibility of the land- owner. The drainage strategy that has been agreed with the Lead Local Flood Authority for the MIRA site has been designed

to pick up drainage issues resulting from the application site itself. Members will be aware that the advice is that such drainage schemes should not be designed so as to resolve existing flooding issues. However, as progress is made on the actual detail of the drainage scheme, there may well be opportunities to consider this off-site situation.

iv) Ecology and Bio-Diversity

4.53 Local Plan policy LP16 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. The Board is also aware of the new Regulations that are to be introduced in February, but as identified above these would not affect the current application. Policy LP26 in any event requires a net gain.

4.54 The Preliminary Ecological Appraisal undertaken by the applicant showed that there would a reduction in the wildlife value of the site – paragraph 3.19 of Appendix A. It is proposed that the following measures are to be included in order to satisfy Policy LP16 as well as the new Bio-Diversity requirements – the woodland planting and attenuation measures along the south and west sides of the site and through its centre running from the A444 to the A5. It is acknowledged that these measures overall, would provide a net gain thus satisfying Local Plan policy LP16.

v) Residential Amenity

4.55 Local Plan policy LP29(9) says that new development should “avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality and other pollution”.

4.56 A number of the representations received, particularly from Caldecote residents, have referred to these matters as potentially having harmful impacts. The lighting and overshadowing factors here have been looked at above - paragraphs 4.26 and 4.48. It is also of substantial weight that the Environmental Health Officer has not objected to the overall proposal in terms of air quality and noise matters. However, conditions are recommended in order to monitor both air quality and noise emissions from associated plant and infrastructure.

4.57 Members will be aware that the majority of Caldecote residents reside in the village itself. There are however a few properties that are much closer to the proposal – those along the A444. Those on the west side of Weddington Lane between Caldecote Lane and the A5 are set well back from the A444 and have substantial surrounding tree cover. The overall impact of the proposal would be limited because of this, the separation distances and intervening proposed perimeter planting. Additionally, there would be the significant benefit of having the A444 becoming a cul-de-sac.

4.58 The small grouping of properties at the junction of Caldecote Lane and the A444 together with those on the eastern side of the A444 closer to the A5 will also significantly benefit from the highway proposals with substantially less traffic running in front of them with the consequential air quality improvement and reduction in noise levels. Visual impacts will be mitigated by the perimeter landscaping at their rear and this will materially also reduce direct noise and lighting impacts. There will however be a

change of outlook, with particularly greater visual containment at the rear of those at the junction itself – see the cross sections at Appendices D to F.

4.59 There are also properties on the south-western side of the A444 close to the new roundabout junction into the site. Whilst these properties will effectively have a new private access onto a closed section of the A444 as a consequence of the engineering required to design this roundabout, there would be greater levels of traffic passing in front, on the line of the new A444 because of the traffic generated by the proposals. As a consequence, an acoustic fence and landscaping is proposed to be inserted between the new private access road and the A444. The perimeter landscaping within the site along the northern side of the A444 will reduce visual impacts and planning conditions as previously noted will need to be added to ensure lighting details cause limited harm, as well as to ensure that service yards are on the north side of the buildings that are to be located here – see the cross sections at Appendices D to F.

4.60 On balance, it is considered that the proposals are proportionate, such that they do limit adverse harms on residential property.

vi) Conclusion on Other Matters

4.61 From the above it is considered that there are no adverse harms caused of such weight that they should result in a review of the proposals. Cumulatively the harms amount to the landscape and visual matters and the direct impacts on the residential amenities of the closest properties. Mitigation is proposed and it is considered that this is proportionate given that the application site is now larger than allocated and that the allocation itself was made in the knowledge that there would be landscape harm.

e) Section 106 Matters

4.62 As indicated above the Warwickshire County Council has requested a financial contribution towards securing improvements to local bus services to support the forecasted demand arising from this development. This would amount to £1,355,474 spread over five years from the date of the first occupation for business purposes of the first building to be completed under this planning permission. Members are aware that there is an existing hourly service running from Tamworth through Atherstone to the existing MIRA site and into Nuneaton. The request would be to enable an extension of this service through the application site. It is considered that this request is compliant with the appropriate Regulations as it is necessary to make the development acceptable given the content of Policy E4 – paragraph 4.25 above – as well as the content of the NPPF – paragraph 89 and paragraphs 114 to 117 – and to the Warwickshire Local Transport Plan 2011-26. It is also directly related to the development and is proportionate to the scale of the development as calculated by the County Council.

4.63 It is understood that National Highways will be seeking a contribution towards its feasibility study to introduce traffic speed restrictions along the A5 west of the site. It is considered that if so, then this request is policy compliant with Local Plan policies LP1, LP29 (6) and E4 together with the NPPF at paragraph 115. It is also directly related to the development in that it addresses adverse highway off-site impacts arising from the additional traffic generated by the proposal and will be proportionate in that it would not cover the whole cost of the study.

4.64 The applicant has indicated that he would wish to be involved in promoting access to manufacturing skills and training from North Warwickshire residents to build on established apprenticeship schemes and appropriate links to courses at nearby Colleges and Schools. Such arrangements would be policy compliant with Local Plan policies LP11 and E4 as well as the NPPF – paragraphs 85 to 87. It would be directly related to the development, and it would be proportionate to previous arrangements, when MIRA began its expansion on the northern side of the A5. A draft “initiative” is attached at Appendix K.

f) The Final Planning Balance

4.65 This application delivers the primary employment objective of the Local Plan. However, to do so it has had to include land beyond that allocated in that Plan. The reasons for doing so are a mixture of commercial reasons and practical highway and drainage reasons. The latter have had the benefit of enabling highway and environmental betterment for the majority of the residents in Caldecote. That being said however, the additional land has brought the development closer to the village and thus the visual and environmental impacts of the proposals would be greater than those arising from the smaller allocated land. These impacts have been addressed in the current application and it is considered that they are proportionate as they do have the positive effect of mitigating adverse impacts. Members however will appreciate that there will still be residual harms. This was recognised in the process of allocating the land and the wording of the relevant policy governing its delivery. As far as is practicable therefore, the adverse impacts of the larger site have been addressed.

4.66 The proposals have significant highway impacts both on and off-site, affecting communities well beyond the site. It is of substantial weight that it is now anticipated that all three Highway Authorities will not object to the final set of amendments. This is in respect of the specifications for the site itself, the enablement of the closure of Weddington Lane, the removal of earlier off-site highway solutions and that the proposals would not prejudice the strategic importance of the A5. It is anticipated that the final set of highway arrangements as reported here will be generally supported by the respective local communities.

4.67 In this case therefore there is a planning balance to assess. The cumulative harms identified include landscape and visual harm, the less than substantial harm to heritage assets and the harm to the residential amenity of a number of individual residential properties. On the other side of the balance are the delivery of the prime employment objective of the Development Plan and the highway and consequential environmental benefits for Caldecote. In the terms of the NPPF, these would also represent the “public benefits” which need to be weighed against the less than substantial heritage harm found. On balance, the recommendation is to support the proposal. Members may conclude that the balance lies the other way, or that they might wish to look further at a particular issue, or that they might wish to wait for the final comments of the three Highway Authorities. In any event, the prospect of planning conditions and the Heads of Terms for a Section 106 Agreement will need to be considered within any further assessment of the final planning balance.

Recommendation

- a) That the Board resolves to grant planning permission subject to:
 - i) the withdrawal of all objections from the three Highway Authorities;
 - ii) agreed planning conditions, and
 - iii) the completion of a Section 106 Agreement including the Heads of Terms as outlined in this report.

- b) That the planning conditions referred to in (ii) above, be delegated to officers in consultation with the Chairman, the Opposition Spokesperson and local Ward Members.

- c) That in the case of continued objections from any of the three Highway Authorities, the application be referred back to the Board for further consideration.

General Development Applications

(5/a) Application No: PAP/2022/0423

Land to the south of Watling Street, Caldecote, CV10 0TS

Outline planning permission for extension to MIRA Technology Park to comprise employment use (Class B2); associated office and service uses (Class E(g)), storage (Class B8), new spine road, car parking, landscaping and enabling works for

ERI MTP Ltd1. Introduction

1.1 This application is referred to the Board at this time as an introductory report recording its receipt, as well as outlining the proposals and their supporting documentation. The main issues to be assessed within a later determination report, will also be identified.

1.2 Members should be aware that the application site as defined by the red line, includes land within both of Hinckley and Bosworth Borough Council's and Nuneaton and Bedworth Borough Council's administrative areas. The respective areas are shown on Appendix A.

2. The Site

2.1 This comprises 59 hectares of agricultural land – comprising four fields - located around 3.5 km to the north-west of the centre of Nuneaton and bounded on two sides by the A5 to the north and the A444 to the south. There is agricultural land bounding the remaining sides.

2.2 On the other side of the A5 – which is dualled at this point – is the MIRA Technology Park. To the east beyond the intervening field is the “Weddington Way” – a public footpath running along the line of a former railway line extending from Weddington Lane (the A444) to the south, to the A5 to the north. This has significant tree cover along both sides. Immediately to the east

beyond this, are significant areas of newly completed residential development. To the south and west is open agricultural land with two clusters of residential development. The first is focussed around the Redgate roundabout with its public house and a former retail unit on the A5. In particular there is a frontage of residential development running along the south-west side of the A444 which is characterised by larger detached houses set some way back from the road within a significant woodland area. The second is the hamlet of Caldecote which is set back some 500 metres south of the A444. This comprises Caldecote Hall, now converted to residential apartments, several new detached houses, barn conversions with some office space and a terrace of smaller cottages. The Hall is set within a parkland setting with significant tree cover. Additionally, there are individual houses and pairs of semi-detached houses fronting either side of the A444. These are to the west of the site, but one group adjoins the western corner of the site, and a further group faces the application site from the south side of the A444.

2.3 The site slopes evenly down from the north with a gradient of around 1 in 40 leading to a height difference of around 14 metres AOD.

2.4 A public footpath – the AE189 - runs from the A444 to the A5 diagonally crossing the eastern part of the site. This is joined by the N7 linking the Weddington Way at its southern end.

A further path – the AE190 runs along the western site boundary.

2.5 A general location plan is attached at Appendix B which identifies these features.

3. The Proposals

3.1 This is an outline planning application seeking consent for the development as described in the header to this report. A total of 213,500 square metres of new development is proposed. All matters of layout, appearance, scale, design, landscaping and access for the development would be “reserved” for later approval. The proposals would require the demolition of the buildings at Elms Farm which currently sits centrally within the site.

3.2 In order to assist in the assessment of this proposal, the applicant has provided a “Parameters Plan” which if planning permission is granted, would become an approved document. It provides a framework for the implementation of any permission. This Plan is attached as Appendix C

3.3 It shows:

- Four development zones illustrating how the proposed floor area could be distributed through the site together with a limitation on building heights of 18 metres to the ridge of any roof.
- A spine road (to be the redirected A444) to pass through the site from the A444 to the existing roundabout on the A5 at the MIRA entrance. The line on the Plan is to be treated as “the most likely route” of this road. The Plan illustrates an arrangement to show how the A444 might be diverted with an off-set roundabout involving the re-alignment of the A444.
- A new cycle route through the site connecting the A444 with the existing cycle route at either end of the Weddington Way where it passes underneath the A5 and where it joins the A444.
- Strategic areas of new landscaping together with drainage attenuation ponds in the south-west of the site.
- The possible route of the diverted footpath at the far western end of the site and
- The possible location of bus stops along the spine road.

3.4 Also submitted is an Illustrative Masterplan, which is not part of the application, but it provides a broad indication of how the layout for the site might be delivered. This is attached at Appendix D.

3.5 The proposals also include significant highway works, including substantial off-site measures.

3.6 Apart from the use of the existing MIRA A5 roundabout to access the site from the north, there are three other areas involved.

3.7 Significantly, the proposals include the removal and redesign of the Redgate roundabout at the A5/A444 junction. Presently this is an elongated arrangement which would be wholly removed and replaced with a traditional four- arm roundabout. This would be located at the far eastern end of the current arrangement and extend into land to the north of the A5. As such, the A444 would be diverted from its present alignment so as to be routed around the north of the Redgate Public House. The A5 between this new roundabout and the MIRA roundabout would be improved to provide continuous dualling, and there would be dual access to the new roundabout from the Atherstone direction.

3.8 This is usefully illustrated on Appendix E.

3.9 Secondly, as part of the new three-arm roundabout on the A444, Weddington Lane would be diverted from its existing alignment just south-east of numbers 17/18 Weddington Lane, some 52 metres into the site. These two properties would then be accessed off the line of a new cul-de-sac which would be line of the A444 as now before re-alignment. This realignment and the roundabout form part of the proposal to direct all through traffic using the A444, to use the new A5/A444 spine road to the A5, thus facilitating the downgrading of Weddington Lane to a local access road. This “down-grading” between the site access and the Redgate roundabout would be supported by a package of traffic calming/management measures to redirect through traffic away from Caldecote. These measures would include signage, reduction in the speed limit from the new Redgate roundabout along Weddington Lane to the new roundabout from 50 to 30mph as well as traffic calming measures within the carriageway.

3.10 The arrangements here are illustrated at Appendix F

3.11 Thirdly, the Transport Assessment submitted with the application points out too that mitigation works at the Woodford Lane and Drayton Lane junctions further to the west of the Redgate roundabout also need to be considered. Both would become signalised junctions.

3.12 This is illustrated at Appendix G

3.13 The Master Plan sets out how the development might finally be implemented. This however will take some time to complete and its progress will depend on the package of highway measures set out above. The applicant is proposing two phases. Phase One in essence would comprise the highway works to the A5 and the new Redgate roundabout together with the development proceeding on the northern portion of the site wholly accessed off the A5 through the MIRA roundabout. This would deliver around half of the proposed floor space. The second phase would then implement the A444 changes to Weddington Lane thus introducing the new roundabout, so as to release the southern portion of the site for development.

3.14 As indicated above, the application is supported by a large amount of documentation.

3.15 An Economic Benefits Statement points out that the site is within the Coventry and Warwickshire Local Enterprise Area and that the development will be linked to the MIRA Technology Park to the north of the A5, providing around 2500 advanced manufacturing and R and D jobs linking into the wider West Midlands engineering network. The Statement describes an existing labour catchment area with a working age population of around 194,000. It says that the proposal will predominantly create jobs in the professional, scientific, technical and manufacturing sectors which currently comprise around 22% of the existing labour force in the catchment area, concluding that the proposal will match the existing employment profile. By way of example, it says that 44% of the jobs presently at MIRA are within the professional, scientific and technical sectors – increased from 28% from 2015 – concluding that the employment profile at MIRA highlights the infusion of employment diversity to the area and focussing on its growth potential. The Statement also compares this with a figure of 8% for these sectors in North Warwickshire, thus offering opportunity for employment diversification. A more detailed outline of the potential economic benefits is at Appendix H.

3.16 The Transport Assessment has been summarised above, but it provides a full technical appraisal and detailed background information which has led to the measures now being proposed. It is not intended to expand on these matters in this report.

3.17 A Landscape and Visual Impact Assessment is submitted. This says that the site is not within any local or nationally designated landscape areas but is representative of the wider predominantly agricultural landscape within which it is located. It thus acknowledges that the site is currently “open”, located in a rural setting and very visible both from the perspective of short and long- distance views. This is particularly so along the A5 frontage, as this corridor is on the highest part of the site. The Assessment identifies a number of consequential concerns – intervisibility from Caldecote; the presence of isolated residential property directly adjoining and very close to the site boundary, long distance views from Hartshill Hayes and the higher ground to the south including from Mancetter Road, Hartshill, the impact on users of the well-used Weddington Country Way running north/south beyond the site and the impact along the A5. The Assessment concludes that the proposed development would have an overall major adverse landscape impact if no mitigation measures are included. In respect of visual impacts, it concludes that there would be major adverse impacts when viewed from around the whole of the site with moderate impacts from more distant views from the south. The Assessment concludes that structural landscaping will have a positive impact but points out that this will take some time to become established, thus concluding that there would be adverse landscape and visual impacts in the short term (up to ten years) and also in the longer term (after ten years). Whilst impacts would reduce over time, the development would remain prominent particularly from the A5 and from the A444.

3.18 The Flood Risk Assessment concludes that the site is at a low risk of flooding from tidal, pluvial, fluvial, groundwater and artificial sources notwithstanding the watercourse that bisects the site. The underlying geology is considered to have low permeability such that infiltration for the disposal of surface water is unlikely. Surface water drainage from the site would thus run to the lowest part of the site in its south-western corner where substantive sustainable drainage systems are proposed – mainly a series of

swales, suppressions and drainage channels. Because of the change in levels across the site, two outfalls would be proposed into the watercourse on the site, one to serve the northern part of the site and the second to the south. There is an existing foul sewer which follows the eastern bank of the watercourse from north to south through the site. This is to be diverted and connected to a new length of trunk sewer to be provided in the new spine road and then connected into the existing sewer in Weddington Lane.

3.19 A Preliminary Ecological Appraisal identified no statutory site directly affecting the site but there was one - the Ensor's Pool SSSI - some 5km distant. No impacts were considered to be likely due to the separation distance and the intervening habitats. There are however 20 non-statutory sites within a kilometre of the site. Direct and potential impacts were identified on one of these – the Weddington Country Walk along the former railway line to the east – because of a proposed pedestrian link to this walk from the site. Protection measures will be needed to avoid adverse impacts on the nature conservation value of the Walk as a result of increased use and these will be provided through “buffer” landscaping between the site and the Walk. Overall, the development would result in a significant reduction in the wildlife value of the site – the loss of hedgerows, ponds and arable habitats. Bio-diversity gain through new measures need to be introduced through the development proposals, not only to replace but also to provide bio-diversity gain. Surveys show evidence of Great Crested Newts and Bats on the site, but no evidence of badgers and reptiles. Appropriate mitigation measures would be needed, and these would have to be licensed by Natural England.

3.20 A Heritage Assessment has also been submitted. This identifies a number of built heritage assets in Caldecote – the Church, the Hall and its garden. It concludes that the application site does not contribute as to how the assets are experienced as part of a Victorian Country Estate and Church. There are also considered to be limited intervening views between the assets and the site as a result of the enclosed character of the Caldecote, the intervening landscape and built form. The proposed landscaping also is said to create a “meaningful” buffer. The Assessment concludes that there would be no heritage harm caused to the settings of the identified assets.

3.21 An Archaeological Assessment finds that the site consists of four large, enclosed fields and a farm. Elms Farm is shown on the Tithe map of Caldecote from 1842 with the land remaining in agricultural use at least from the post-medieval period to today, but with some minor loss of hedgerow boundaries. The site also lies off the A5 Watling Street. Excavations along the line of the road have shown that the actual structure of the Roman road may lie within nearby fields and whilst recent new development was being constructed on the MIRA Technology Park itself, evidence of settlement along the road was also found. There is also a notable concentration of finds of Palaeolithic stone tools in the area. The site also lies close to the medieval village cores of Caldecote and Weddington. The report concludes that there is a moderate to high potential for pre-historic and Roman remains and a low to moderate potential for medieval and post-medieval remains within the site. Further intrusive on-site investigation is thus recommended. The development is said to have a negligible impact on the significance of the chapel at Lindley Park, a scheduled Ancient Monument to the north-west. The Elms Farm buildings are not Listed and are most likely to be 19th Century in date. However, they have historical value and should require recording prior to demolition.

3.22 The loss of Agricultural Land is addressed through a separate Assessment. The site has been farmed since records began, becoming less enclosed over time. It is in two ownerships. The far western end of the site is Graded 2 with the remainder being Grade 3 but no data is available to disaggregate this into 3a and 3b. The authors of the report have looked at soil surveys as well as have spoken to the farmers. These sources indicate that the land requires careful husbandry and is deficient in nutrients but that it “improves” towards the west. It is their conclusion that the majority of the land on the site would be at the poorer end of Category 3 such that the importance of the land is low to medium. Taking into account the better land to the west the report concludes that the quantity and quality of agricultural land taken would have a moderately adverse impact; that the adverse impact of land loss and severance on the agricultural business would be minor and that the impact on farm buildings and infrastructure would be negligible. It is recommended that the soils be re-cycled on site within the proposed green infrastructure.

3.23 A Preliminary Risk Assessment is submitted in order to assess potential ground contamination issues. It concludes that the overall rating for the site is “low” based on the setting of the site, its physical characteristics and the history of its use. This recognises the potential for contamination at the agricultural buildings at Elms Farm, from the historical rail line and an electrical substation. The recommendations set out the need for further intrusive ground investigations by way of planning conditions.

3.24 An Air Quality Assessment looks at both the construction and operational phases of the proposals. This work was conducted in 2019, thus pre-pandemic in timing, and the consultants consider this could be considered as a worst-case scenario base-line. Much of the impact on air quality during construction will arise from dust emissions because of the size of the development and the earthworks involved. The report identifies this as causing a medium risk. Mitigation measures are thus essential and should focus on their operation and management. At operational stage the Assessment concludes that pollutant concentrations will be below standard national thresholds, including those arising from additional traffic. Mitigation measures should include the provision of electric charging infrastructure for all vehicles; significant landscaping and tree planting, together with a monitored Travel Plan to support and encourage public transport access, cycling and pedestrian connectivity.

3.25 A Noise Impact Assessment uses the illustrative Master Plan as the basis for its work. The Report finds that the background ambient noise levels are dominated by the road traffic using the A5 and the A444. The assessment concludes that the construction phase could have potential adverse impacts on the amenity of the surrounding area, but that mitigation measures such as controlled working hours and acoustic barriers would reduce impacts. In the operational phase, the report concludes that there will be adverse impacts due to the reduced effectiveness of the structural landscaping in the initial years.

3.26 The applicant considers that the potential impacts arising from light pollution will be dependent on the final design details arising from the final layout and has thus not submitted an Assessment.

3.27 An Energy Statement concludes that the development can achieve 10% of the energy requirement on site coming from renewable sources – mainly through solar panels on the buildings.

3.28 A Design and Access Statement describes how the layout and appearance of the proposal has been arrived at, given all of the identified impacts and constraints that affect the site and its setting.

3.29 A Statement of Community Involvement sets out the scope of pre-application involvement with the local community and other Agencies and Bodies who will have an interest in the proposal. This included meetings; publication of a project website and communication channels, digital advertisements, letters and “flyers”, on-line public webinars and face-to-face meetings. This work took place in two phases – March 22 and in July 22 – and is described in detail in the submitted document. It also outlines how the proposal as submitted differs from the original pre-application proposals as a consequence of public engagement. The significant ones include the changes to the Redgate roundabout and the diversion of the A444 in response to issues about increased HGV usage on the A444 and increasing the area left free of development together with more woodland and mounding in the southwestern corner of the site and on the northern side of the A444 to reduce impacts on the established residential properties here.

3.30 A Planning Statement brings all of these matters together and assesses the proposal against the relevant local and national planning policy framework so as to address the final planning balance. The reasons for supporting the proposal are outlined whilst assessing this balance.

4. Background

4.1 The application site extends to 59 hectares of land. The North Warwickshire Local Plan 2021 under policy LP35 allocates 42 hectares of this as an employment allocation – around 70% of the current application site. Policy E4 of the Plan says that this allocation is to be used for Use Classes E(g)(ii) (Research and Development) and Use Class B2 (General Industrial Use), with B8 (Warehousing and Distribution) uses permissible only where ancillary or clearly secondary to these primary uses. Other policy requirements of Policy E4 will need to be addressed in the later determination report.

4.2 Appendix G provides illustrations of the extent of the allocated land superimposed on the application plans referred to earlier in this report.

4.3 The Council is currently looking to designate Caldecote as a Conservation Area. An initial Consultation on a draft Designation has commenced with an expiry date of 4 November 2022.

4.4 The draft Conservation Area boundary is shown at Appendix I.

5. Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Amount of Development), LP6 (Additional Employment Land), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP17 (Green Infrastructure), LP23 (Transport Assessment), LP27 (Walking and Cycling), LP29 (Development Considerations), LP30 (Built Form), LP35 (Water and

Flood Risk Management) and E4 (Land to the South of Horiba MIRA Technology Park and Enterprise Zone)

6. Other Material Planning Considerations

The National Planning Policy Framework 2021

National Planning Practice Guidance

The North Warwickshire Landscape Character Assessment 2010

Air Quality and Planning Supplementary Planning Document 2019

Draft Caldecote Conservation Area

The Coventry and Warwickshire Local Enterprise Partnership Strategic Reset Framework

The West Midlands Strategic Economic Plan

The West Midlands Local Industrial Strategy 2019

7. Observations

7.1 The application will be determined against the Development Plan unless material indications indicate otherwise. That Plan in this case is the North Warwickshire Local Plan 2021. This is up to date and it contains policies that are directly relevant to this proposal, in that policies LP39 and E4 allocate some 70% of the application site for employment purposes. The presumption therefore is that the proposal should be capable of support in principle. The hesitation in providing full support rests on the assessment of three matters.

7.2 Firstly, does the proposal accord with the policy requirements set out in the Local Plan for the allocated portion of the application site?

7.3 In order to assist the Board, the content of Policy E4 is attached at Appendix J. The three main elements that will need assessment are:

- whether the employment content of the application reflects the specific requirements of the policy;
- whether the proposals cause harm to significance of local heritage and non-heritage assets in Caldecote and Watling Street, and
- whether the proposal delivers a number of identified requirements including the provision of sustainable transport measures, significant landscape buffers, the control of light pollution and details of any smaller employment uses.

7.4 Secondly, what is the case for supporting the inclusion of the additional land?

7.5 The additional land amounts to an extension of 30% over the allocated site. This is a significant increase. The submitted plans show this to include the proposed surface water drainage infrastructure, a substantial area of landscaping together with the proposed highway arrangements of the southern access onto the A444 such as to divert this road through the site to the north. The applicant is effectively arguing that these are infrastructure works which "enable" the delivery of the allocation. The Board will need to evaluate the evidence behind that claim; whether alternative arrangements could have been introduced and whether the infrastructure now proposed gives rise to any direct or indirect harms.

7.6 Finally, are there any harmful impacts caused by the proposals when treated as a whole, that would clearly outweigh any of the benefits that are claimed for supporting the proposals?

7.7 The application has to be determined as submitted. The Board will need to understand the impacts arising from the proposal and whether these individually or cumulatively could cause harm that outweigh any of the benefits that might arise from the implementation of the proposal. The applicant's submitted documentation suggests that there would not be, but that will have to be fully assessed once the consultation responses from the various Agencies and Bodies have been received.

7.8 In particular it is considered that there are three areas that will need a thorough assessment.

7.9 Firstly, the applicant's Landscape and Visual Appraisal identified major adverse impacts without mitigation and continuing adverse residual impacts with mitigation. The Board will need to see if further mitigation, or amendments to the proposals should be made so as to reduce these residual impacts.

7.10 Secondly, the applicant's Heritage Statement suggests that there will be no harm to heritage assets at Caldecote. There was no reference to the active work currently being carried out on the designation of a Conservation Area here. Additionally, there was no explicit reference to noise and lighting impacts bearing in mind the 24/7 activity at the site or to the difference in levels with the A5 boundary being higher, together with the proposed building heights. A more thorough assessment is thus needed.

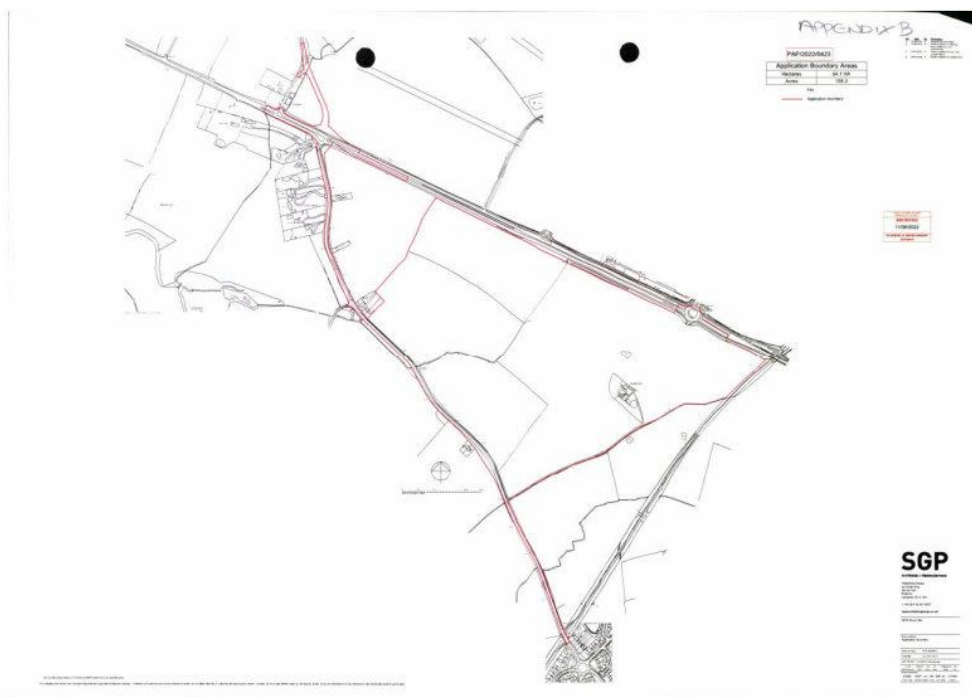
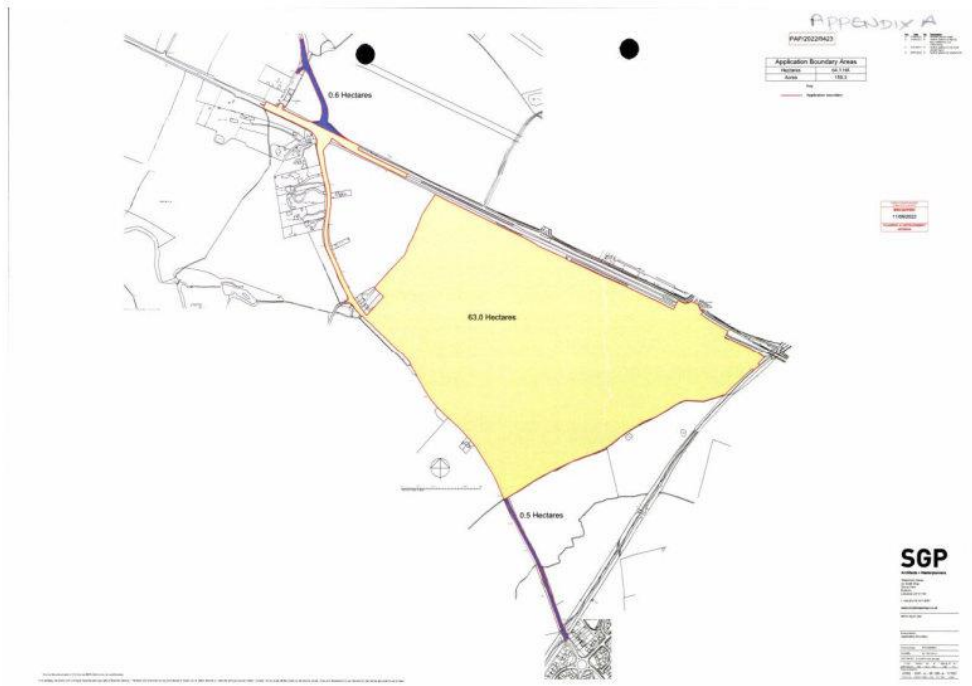
7.11 Finally, the highway proposals need to be fully justified to the satisfaction of the two Highway Authorities as well as to the Board. The proposals include substantial off-site works which were not identified in the Local Plan policy. In particular, the two main areas of interest are whether the diversion of the A444 through the site will actually achieve the objective of it being a "diversion", given that it is not a direct route, nor a short route and not on a "desire" line. Alternative routes will need to be assessed. The second is a consequence of this. How can the downgrading of the length of the A444 at Caldecote be guaranteed with the current arrangements bearing in mind that traffic will be travelling in both directions?

Recommendations

- a) That the receipt of the application be noted.
- b) That the Board visits the site prior to determination.
- c) That the applicant be requested to address the matters raised in the observations section of this report.
- d) That further progress reports are brought to the Board and
- e) That engagement with the other two Local Planning Authorities be arranged as and when appropriate.

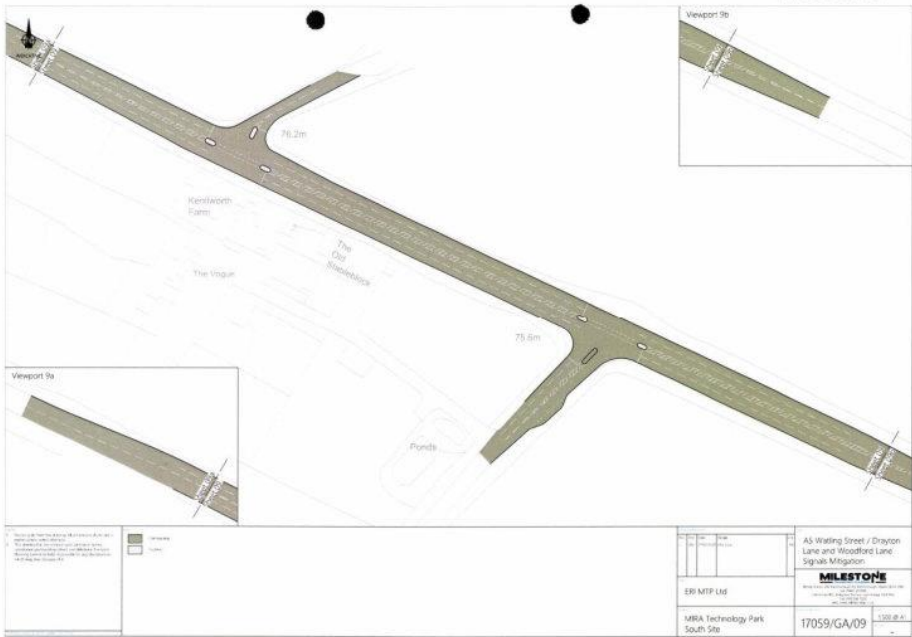
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6.0 ECONOMIC BENEFITS

- 6.1 The Proposed Development at MIRA Technology Park South Site, located within North Warwickshire Council, is the 'extension of MIRA Technology Park to comprise advanced manufacturing (Class B2); associated office and service uses (Class E); and storage (Class B8); new spine road; car parking; landscaping; and enabling works' at the site known as MIRA Technology Park, South Site'. This will comprise a total site area within the red line boundary is 59.5ha of which the total net developable area is 41.9ha and the total floor area proposed is up to 213,500m², equating to a site coverage of 35.9%.
- 6.2 Table 6.1 sets out the indicative area schedule, identify seven individual plots. The illustrative framework masterplan includes an indicative area schedule confirming that any ancillary E(g)(i), E(g)(ii) or B8 will be no more than 10% of the total building floor area.

Table 6.1: Indicative Area Schedule

Unit Ref	B2 Floor Area (m2)	Ancillary Uses Floor (m2)	Total Floor Area (m2)
1	15,793	1,579	17,372
10	16,722	1,672	18,394
20	23,782	2,378	26,161
21	34,373	3,437	37,810
22	29,264	2,926	32,190
30	56,669	5,574	62,243
31	17,187	1,765	18,952
Total			213,122

Construction Phase

a) Direct Employment and Associated GVA

- 6.3 The number of direct jobs generated during the construction period is calculated using the Construction Industry Training Board (CITB) Labour Forecasting Tool (LFT). Utilising the value, a start date, duration, and location, the LFT predicts labour demand on a month-by-month and trade-by-trade basis. Forecasts are based on historic data from past projects and updated as new data becomes available, taking account of time and location.

- 6.4 For the purposes of estimating the number of construction jobs, these have been calculated based on a construction cost provided by the Applicant. A construction period of 60 months has been adopted. The LFT has then been run using the indicative construction cost over the 60-month construction programme. Based on this the LFT estimates that 744 direct construction jobs could be supported each month over this period.
- 6.5 The LFT accounts for 28 occupation groups, split into the following work types:
- Design - those involved in design process, including senior managers and support staff with design organisations.
 - Management of construction - those staff involved with the management of the delivery of the construction or installation. This includes professionals employed for the construction stage or the projects; and
 - Construction operatives - those operatives involved in the delivery of the construction or installation.
- 6.6 Table 6.2 sets out the split across the three groups that make up the occupations assessed within the LFT. It emphasises the varied occupation profile and skill requirements across the sector. Demand for each occupation type will vary throughout the construction period.

Table 6.2: Construction Employment – Skills Profile

Construction Period Employment Sector	Skill Requirement
Design	<ul style="list-style-type: none"> • Senior, executive and business process managers; • Non-Construction professionals, technical, IT and other office-based staff; • Civil Engineers; • Architects; • Surveyors; • Other construction professionals and technical staff.
Management of Construction	<ul style="list-style-type: none"> • Senior, executive and business process managers; • Construction project managers; • Process Managers; • Non-construction professionals; • Construction trade supervisors; • Civil Engineers; • Architects; • Surveyors; • Other construction professionals and technical staff.
Construction Operatives	<ul style="list-style-type: none"> • Wood trades; • Bricklayers; • Building envelope specialists;

Construction Period Employment Sector	Skill Requirement
	<ul style="list-style-type: none"> • Painters and decorators; • Plasters; • Roofers; • Floorers; • Glaziers; • Specialist builders; • Scaffolders; • Plant operatives; • Plant mechanics; • Steel erectors; • Labourers; • Plumbing and heating engineers; • Logistics; • Civil engineering; • Non-construction operatives.

6.7 Direct employment activity throughout the construction phase will generate economic output, measured through the generation of GVA. GVA is a measure of economic output, distributed through retained profit and wages. Based on an average GVA per construction worker of around £67,900 per annum for North Warwickshire Oxford Economics¹², the Development could generate a direct GVA of approximately £52.6m per annum over the construction period (equivalent to £262.9m in total over the construction phase).

b) Indirect Employment and Associated GVA

6.8 In addition to the direct jobs created as a result of the construction and management of the Development, further indirect employment would be created as a result of spin-off and multiplier effects.

6.9 The level of indirect employment generated during the construction period has been calculated by applying the ONS Type 1 Employment Multiplier (2015) for construction (1.97) to the number of direct construction jobs. This could result in a further 751 indirect jobs being supported per month over the construction period. These supply chain jobs could support employment on a local to national scale.

¹² Oxford Economics, April 2021 Global Forecasting and Quantitative Analysis (2015-2020 average)

- 6.10 The indirect jobs are expected to generate £41.1m in economic output per annum, based on applying the UK average GVA per worker figure of £54,700¹³. This would equate to £205.5m in total over the 60-month construction period.

c) Total Employment and Associated GVA

- 6.11 Construction of the Development could therefore support 1,525 jobs per month (direct and indirect). This would provide a combined GVA of £93.7m per annum, and £468.4m in total over the construction period.

Operational Phase

d) Gross Employment (on-Site) and Associated GVA

- 6.12 Based on the current indicative area schedule, the Development will support approximately 2,500 gross FTE¹⁴, incorporating roles associated with advanced manufacturing (Class B2) R&D, along with associated office and service uses (Class E); and storage (Class B8) related employment. The current area schedule allows flexibility for detailed proposals to come forward in a bespoke manner depending on occupier requirements, which will influence the exact level of employment.
- 6.13 Based on the estimated operational employment profile at the adjacent MIRA Technology Park, this could yield over 1,125 jobs within professional, scientific, and technical related roles.
- 6.14 2,500 FTE jobs supported on-Site could generate a total GVA of £175.1m per annum based on an average regional GVA per worker (£70,000¹⁵) across the manufacturing sector.
- 6.15 2,500 gross on-Site jobs could support approximately 3,250 gross indirect jobs across the supply chain network, generating £177.9m in GVA per annum based on a national GVA per worker figure (£54,700).

¹³ Oxford Economics, April 2021 Global Forecasting and Quantitative Analysis (2015-2019 average)

¹⁴ Information provided by the Applicant

¹⁵ Oxford Economics, Global Forecasting and Quantitative Analysis (2015-2020 average)

e) Estimating the Net Direct Employment Effect to North Warwickshire

6.16 Whilst the Development will support at least 2,500 FTE jobs on-site, guidance from the HCA, Additionality Guide¹⁶ ("Additionality Guide") and more recently, HM Treasury Green Book¹⁷ ("The Green Book") establishes that the on-Site jobs created by the Development would most likely be subject to the following factors¹⁸

- **Substitution** - where firms substitute one type of labour for another to benefit from an intervention but do not increase employment or output;
- **Displacement** – the extent to which an increase in economic activity or other desired outcome is offset by reductions in economic activity or other desired outcome in the area under consideration or in areas close by; and
- **Leakage** - the extent to which effects "leak out" of a target area into others. For an intervention designed to increase employment in a particular area, leakage could take the form of increased employment in neighbouring areas.

6.17 The above factors applied are based on the nature of the uses envisaged, professional judgement and having regard to published data and or guidance in the Additionality Guide and Green Book. Based on this, the following assumptions have been made:

- The nature of the proposed uses is not likely to result in one type of labour being substituted for another (e.g., a full-time employee substituted for a government funded trainee) therefore substitution is not considered relevant.
- Given the importance of the sector to the area and future growth plans, it is assumed that displacement will be low and therefore the Additionality Guide's low displacement factor of 25% has been applied.
- Commuting data drawn from the 2011 Census has identified that around 34% of North Warwickshire's workplace population commute from within North Warwickshire. Based on this, leakage is considered to be a relevant factor and it assumed that 66% of the jobs created by the Development will be taken by people travelling in from places outside of North Warwickshire

¹⁶ HCA, Additionality Guide, 4th edition, 2014

¹⁷ HM Treasury, The Green Book: Central Government Guidance on Appraisal and Evaluation, 2020

¹⁸ HM Treasury The Green Book: Central Government Guidance on Appraisal and Evaluation, 2020, Page 95, Paragraph A2.9

f) Estimating the Net Indirect Employment Effect

- 6.2 The direct employment effect described above addresses a series of potential discounts to the jobs created total, in this case to arrive at an estimate of the number of jobs created that will be filled by North Warwickshire residents.
- 6.3 The indirect effect addresses employment opportunities that will be created elsewhere in North Warwickshire or beyond, for example, in convenience or food and drink induced by employee expenditure, or, through businesses supply chain expenditure.
- 6.4 Indirect employment effects result from jobs created in 'tradable' sectors only. Tradable is defined as a sector that produces goods and services which are produced locally but mostly sold and consumed outside the local area. Conversely, the outputs of 'non-tradable' sectors, are mostly delivered locally and do not create indirect employment effects.
- 6.5 The Development will deliver entirely tradable uses, maximising the indirect employment effect across both tradeable and non-tradable sectors. High, central, and low place-based employment multipliers are provided by The Green Book to reflect a different extent of supply-chain 'spin-off' employment effects which are detailed in Table 6.3. For calculating the multiplier effect of the Development, it is considered appropriate to use the central multipliers.

Table 6.3: Place Based Employment Multipliers

Direct Employment Category	Tradable	Tradable	High Tech Tradable	High Skilled Tradable	Public Sector
Effect on Employment Sectors	Non-tradable	Tradable	Non-tradable	Non-tradable	Private Sector
Central	0.9	0.4	1.9	2.6	0.25
Low	0.1	0.3	0.7	2.5	-0.7
High	1.6	0.6	4.9	3.0	1.3

Source: HM Treasury the Green Book 2020, Annex A2: Place Based Analysis, Box 26

g) Bringing it All Together: The Total Employment Effect and Associated GVA

- 6.6 The factors described above (substitution, displacement, leakage, and multipliers), are collectively referred to as 'additionality' factors. Table 6.4 details the application of the additionality factors to the Development's creation of 2,500 FTE gross jobs on-Site to derive a

net direct and indirect employment effect.

- 6.7 Of the 2,500 gross FTE created on-Site by the Development, it is calculated that 625 of these jobs will have been displaced from elsewhere within North Warwickshire and therefore net direct job creation of the Development is 1,875 FTE jobs to North Warwickshire.
- 6.8 It is calculated that 1,238 of the net direct jobs created by the Development will be filled by people who live outside of North Warwickshire and therefore the net direct employment effect to North Warwickshire residents is 638 FTE jobs, generating £44.7m per annum.
- 6.9 A further 829 net indirect FTE jobs will be created by the Development as a result of spin-off in the supply chain, generating £45.4m in GVA per annum.
- 6.10 The total net employment effect to North Warwickshire of the Development is 1,466 FTE jobs, generating a GVA of £90.0m annum.

Table 6.4: Total Net Employment Effect of the Development

	FTE
JOB CREATION, LOSS AND DISPLACEMENT	
Gross Jobs Created	2,500
Substitution	0
Displacement (25%)	625
Net Direct Job Creation	1,875
DIRECT EMPLOYMENT EFFECT	
Leakage (66%)	1,238
Direct North Warwickshire Employment Effect	638
INDIRECT EMPLOYMENT EFFECTS	
Multiplier	
Non-tradable sector, central effect (x 0.9)	574
Multiplier	
Tradable sector, central effect (x 0.4)	255
Indirect North Warwickshire Employment Effect	829
TOTAL NET EMPLOYMENT EFFECT	
North Warwickshire Employment Effect	1,466

Numbers subject to rounding

Business Rates

- 6.11 The Development will generate annual business rates contributing to the funding of local public services. Rateable values are provided by the Valuation Office and taking into consideration rateable values for comparable facilities within the local area, it is estimated that the current indicative floorspace could generate around £5.1m in annual business rates payments. This does not consider proposed car parking.

Summary

- 6.12 In conclusion, based on the current indicative area schedule MIRA Technology Park South Site will support approximately 2,500 jobs on-site. According to existing commuting patterns within North Warwickshire, of the 2,500 jobs, 638 jobs will be additional and support North Warwickshire residents, generating £44.7m in GVA per annum. The remaining 1,863 jobs will predominantly be taken by employees commuting from neighbouring areas. Given the Site's location this is not unrealistic.
- 6.13 The North Warwickshire Local Plan seeks to improve outward commuting levels. The wage profile of the Borough also suggest residents are currently commuting out of the area to access higher paid jobs. The MIRA Technology Park South Site development has the potential to draw back residents who currently commute out of the area. By contributing to a broader employment offer across the Borough, providing advanced manufacturing and R&D roles, the Development could support increased containment levels.
- 6.14 A brief review of the commuting pattern by those working within the existing MIRA Technology Park study area (MSOA Hinckley and Bosworth 008), suggests that around 70% of employees live within North Warwickshire, Hinckley and Bosworth and Nuneaton and Bedworth. This indicates that a high proportion of the 2,500 jobs created on-site at MIRA Technology Park South Site would support residents within the Labour Catchment Area, which encompasses the majority of those three local authority areas.

APPENDIX I

Caldecott Proposed Conservation Area
North Westwood Drive Ecological Corridor

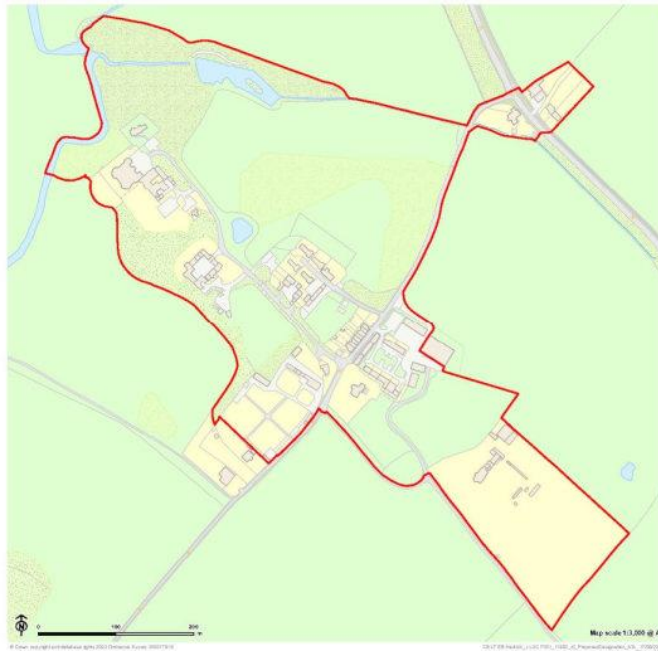


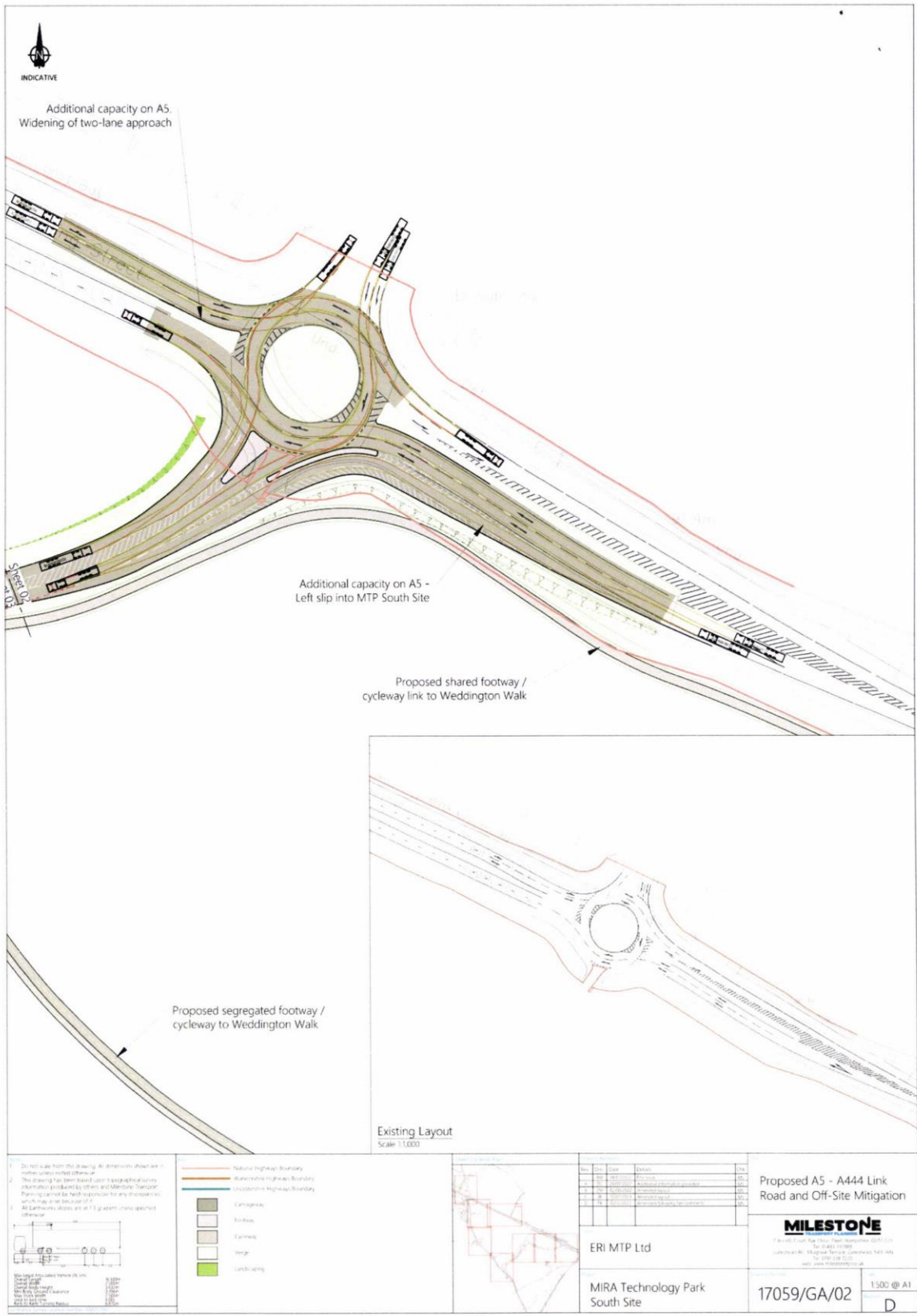
Figure 2.2: Proposed Conservation Area Boundary

Proposed Conservation Area boundary

5A/23

7a/43







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 3. All Earthworks shown are at 1:1 gradient unless specified otherwise.

- Boundary of Forward Visibility measured at approach
- Boundary of Forward Visibility measured at entry
- Boundary of Visibility to the right along
- Boundary of Visibility along
- Boundary of Forward Visibility
- Boundary of Visibility
- Boundary of Visibility
- Boundary of Visibility
- Entry Angle
- Existing Highway Boundary
- Proposed Highway Boundary
- Existing Highway Boundary
- Proposed Highway Boundary



No.	Date	Revised	By	For

ERI MTP Ltd

MIRA Technology Park
South Site

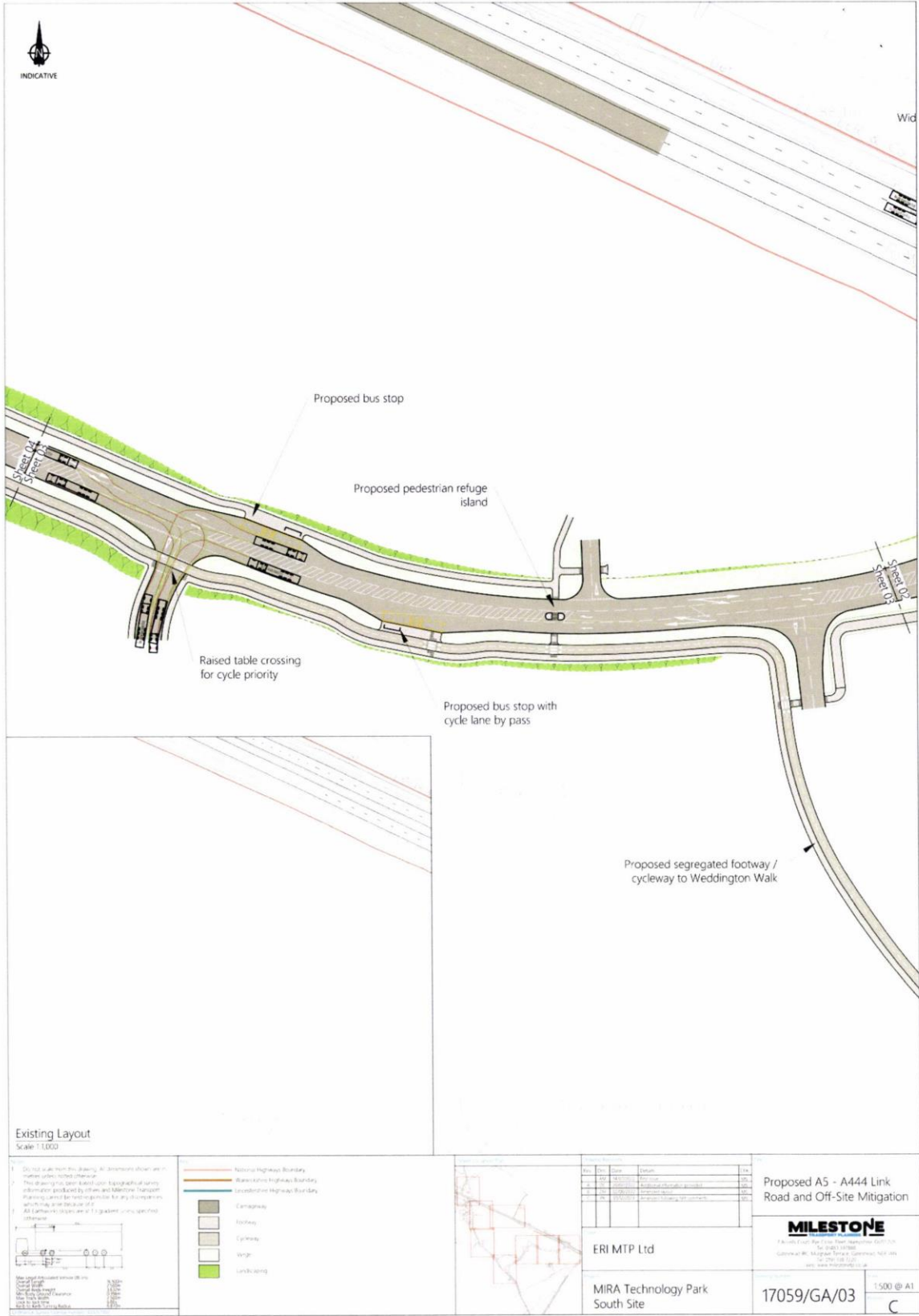
Proposed A5 - A444 Link Road and Off-Site Mitigation - Highway Visibility Splays

MILESTONE
Transport Planning

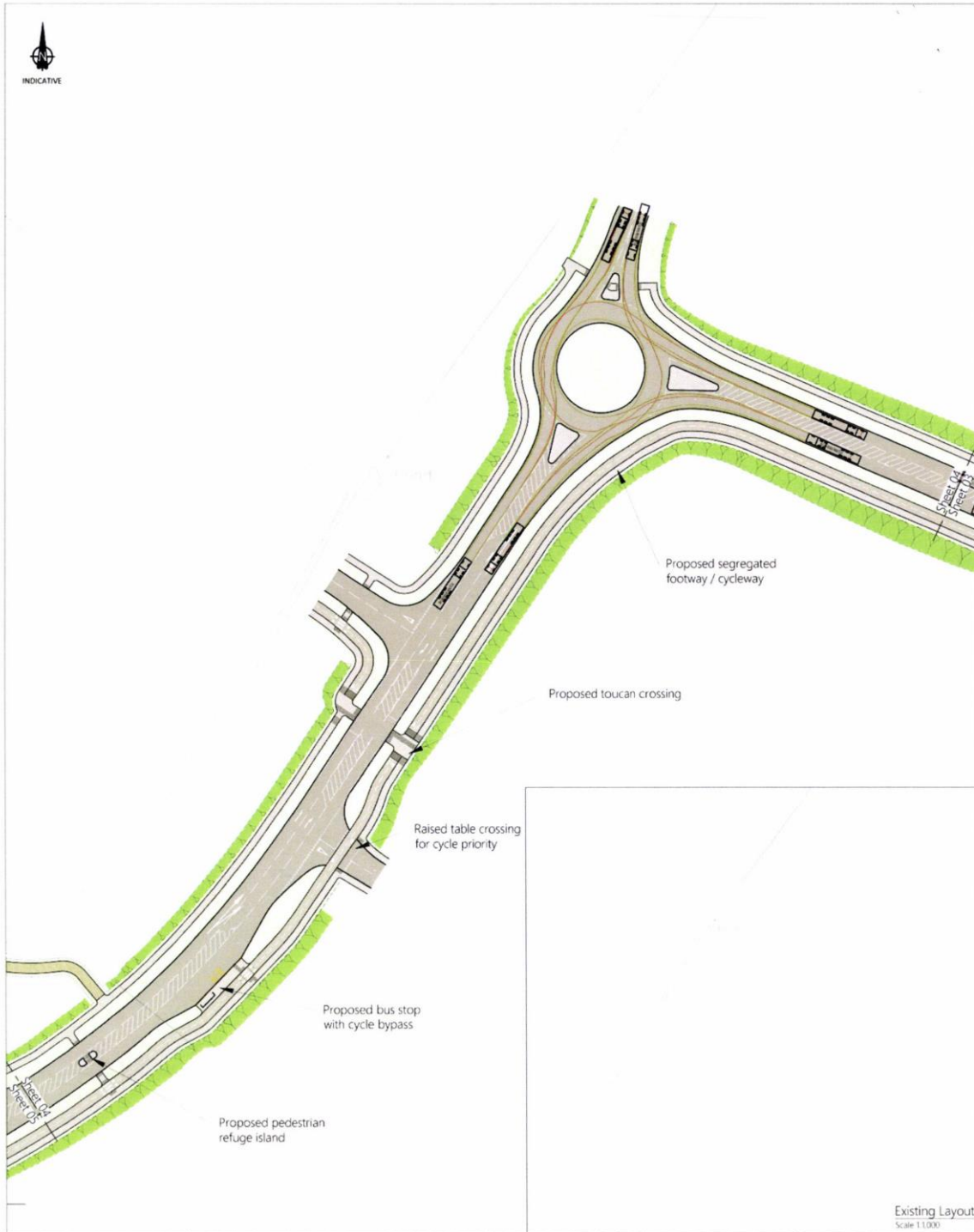
7 Park View, 1st Floor, Eastleigh, Hampshire, UK, SO50 9AQ
Tel: 01323 826100
Email: sales@milestone-tp.co.uk
www.milestone-tp.co.uk

17059/VIS/02

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 3. All Earthwork (strip) or at 1:1 gradient unless specified otherwise.

<ul style="list-style-type: none"> National Highway Boundary Strategic Highway Boundary Local Highway Boundary Carriageway Footway Carriageway Single Landscaping 	<table border="1"> <thead> <tr> <th>Rev</th> <th>Desc</th> <th>Date</th> <th>By</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Issue for Information</td> <td>10/01/2023</td> <td>ERI MTP Ltd</td> </tr> <tr> <td>2</td> <td>Issue for Approval</td> <td>10/01/2023</td> <td>ERI MTP Ltd</td> </tr> <tr> <td>3</td> <td>Issue for Construction</td> <td>10/01/2023</td> <td>ERI MTP Ltd</td> </tr> </tbody> </table> <p>ERI MTP Ltd</p> <p>MIRA Technology Park South Site</p>	Rev	Desc	Date	By	1	Issue for Information	10/01/2023	ERI MTP Ltd	2	Issue for Approval	10/01/2023	ERI MTP Ltd	3	Issue for Construction	10/01/2023	ERI MTP Ltd	<p>Proposed A5 - A444 Link Road and Off-Site Mitigation</p> <p>MILESTONE <small>7 Ashwell Road, Hemel Hempstead, Herts, UK Tel: 01438 730000 E-mail: info@milestone.co.uk www.milestone.co.uk</small></p> <p>17059/GA/04</p> <p>1:500 @ A1 D</p>
Rev	Desc	Date	By															
1	Issue for Information	10/01/2023	ERI MTP Ltd															
2	Issue for Approval	10/01/2023	ERI MTP Ltd															
3	Issue for Construction	10/01/2023	ERI MTP Ltd															



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- Boundary of Forward Visibility on approach
- Boundary of Forward Visibility measured at entry
- Boundary of Visibility to the right along existing carriageway
- Boundary of Existing Visibility
- Boundary of Visibility along
- Boundary of End visibility
- Boundary of Deflection
- City Angle
- National Highway Boundary
- District Active Highway Boundary
- Local Active Highway Boundary



No.	Date	Issue

ERI MTP Ltd

MIRA Technology Park
South Site

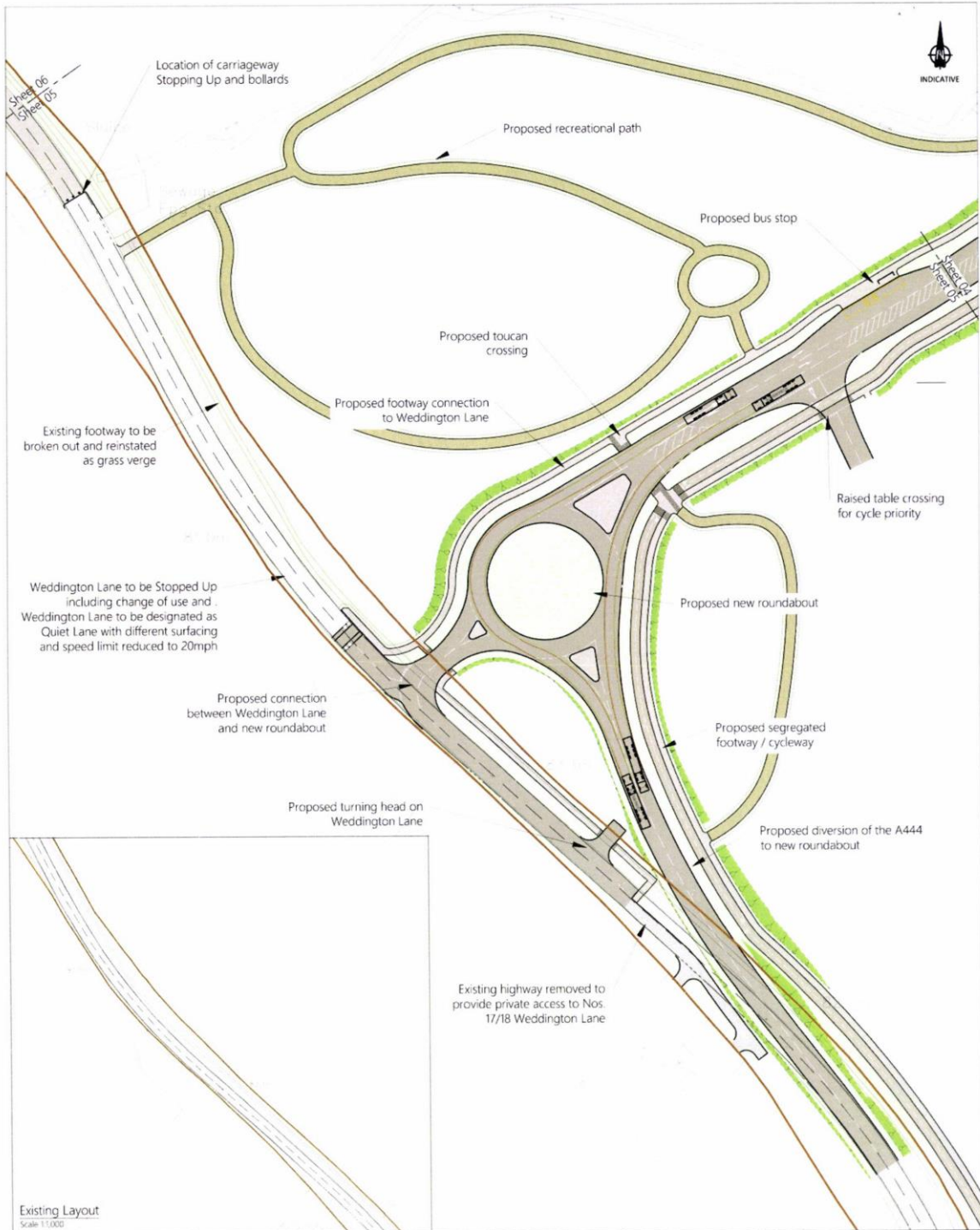
Proposed A5 - A444 Link
Road and Off-Site Mitigation
- Highway Visibility Splays

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	National Highway Boundary
	A444 Link Road Boundary
	Local Authority Highway Boundary
	Carriageway
	Footpath
	Cycleway
	Verge
	Landscaping



Rev	Date	Description	By
1	20/01/2015	Issue for approval	ERI MTP Ltd
2	20/01/2015	Issue for approval	ERI MTP Ltd
3	20/01/2015	Issue for approval	ERI MTP Ltd
4	20/01/2015	Issue for approval	ERI MTP Ltd
5	20/01/2015	Issue for approval	ERI MTP Ltd
6	20/01/2015	Issue for approval	ERI MTP Ltd
7	20/01/2015	Issue for approval	ERI MTP Ltd
8	20/01/2015	Issue for approval	ERI MTP Ltd
9	20/01/2015	Issue for approval	ERI MTP Ltd
10	20/01/2015	Issue for approval	ERI MTP Ltd

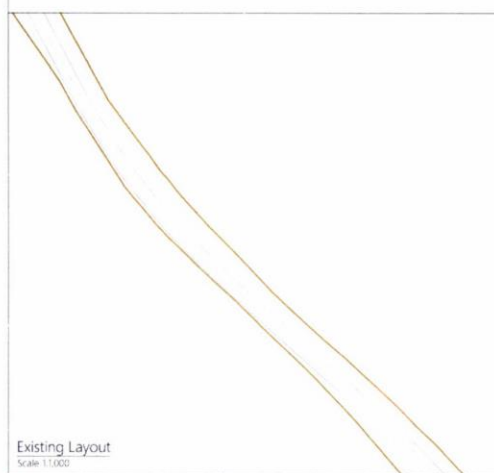
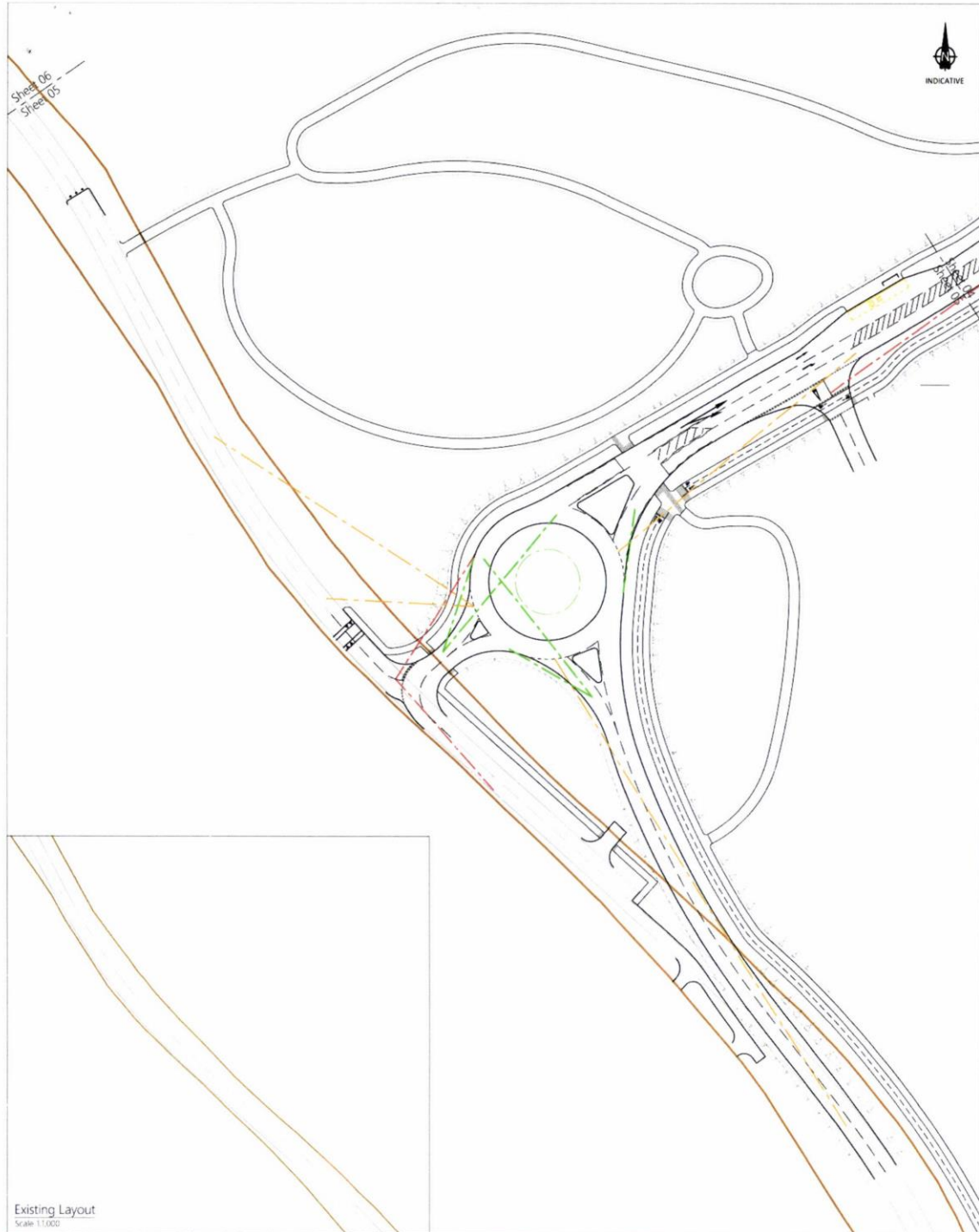
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MIRA Technology Park
South Site

Proposed A5 - A444 Link Road and Off-Site Mitigation

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The Specialist Planning Consultancy

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	Boundaries of Forward Visibility measured at entry
	Boundaries of Visibility to the right along circulating carriageway
	Boundaries of Visibility to the left along circulating carriageway
	Boundaries of Visibility along
	Boundaries of Visibility
	Boundaries of Driveways
	Empty Algae
	National Highway Boundary
	Motorway Highway Boundary
	Local Authority Highway Boundary

No.	Date	Details	By

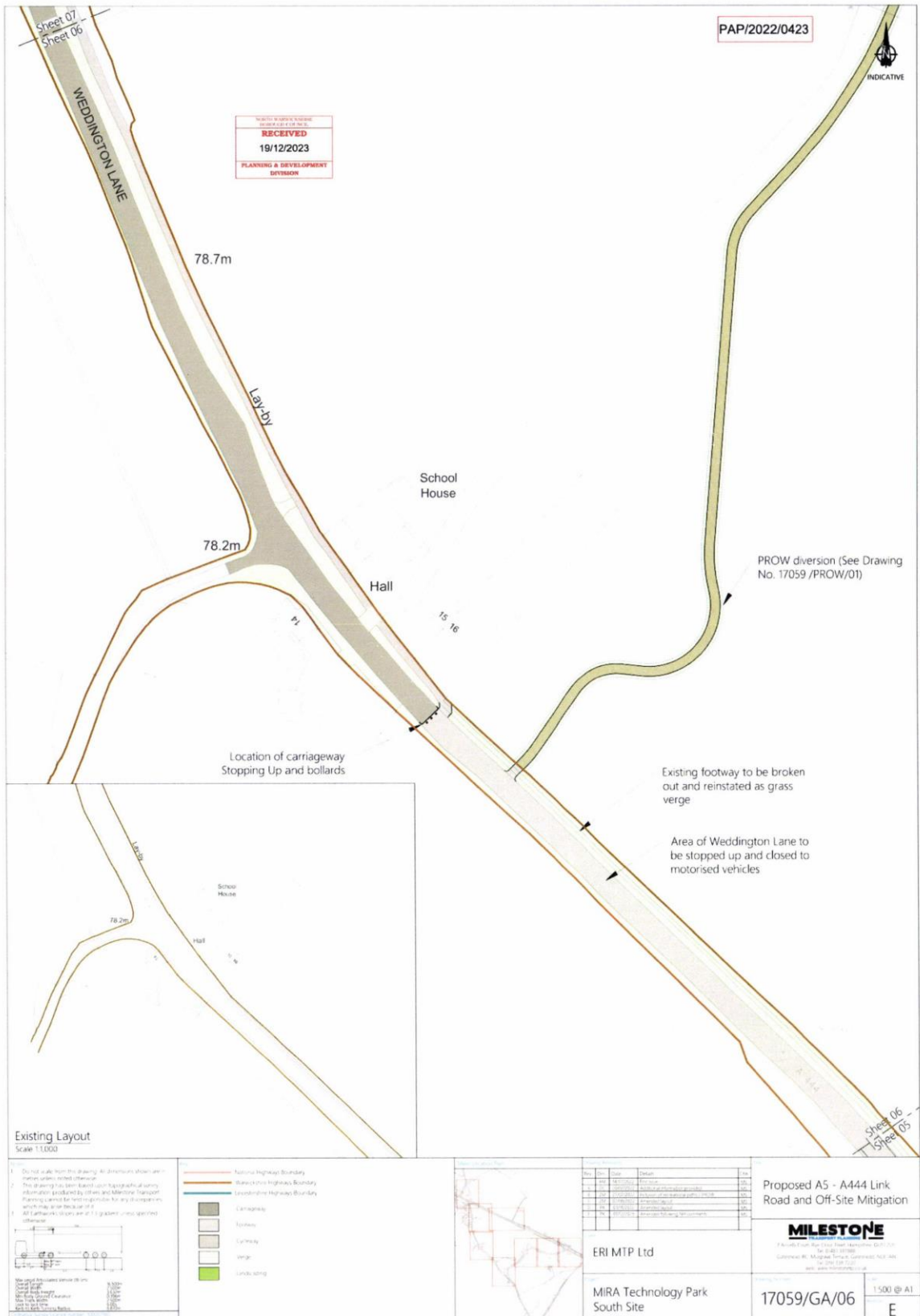
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 MIRA Technology Park
 South Site

Proposed A5 - A444 Link Road and Off-Site Mitigation - Highway Visibility Splays

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	National Highway Boundary
	Motorway Highway Boundary
	Levelling Highway Boundary
	Carriageway
	Footway
	Cycleway
	Verge
	Landscape



Rev.	Date	Description	By	For
1	19/12/2023	Issue for Planning	ERI MTP Ltd	PLANNING & DEVELOPMENT DIVISION
2	19/12/2023	Issue for Planning	ERI MTP Ltd	PLANNING & DEVELOPMENT DIVISION
3	19/12/2023	Issue for Planning	ERI MTP Ltd	PLANNING & DEVELOPMENT DIVISION
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10	19/12/2023	Issue for Planning	ERI MTP Ltd	PLANNING & DEVELOPMENT DIVISION

Proposed A5 - A444 Link Road and Off-Site Mitigation

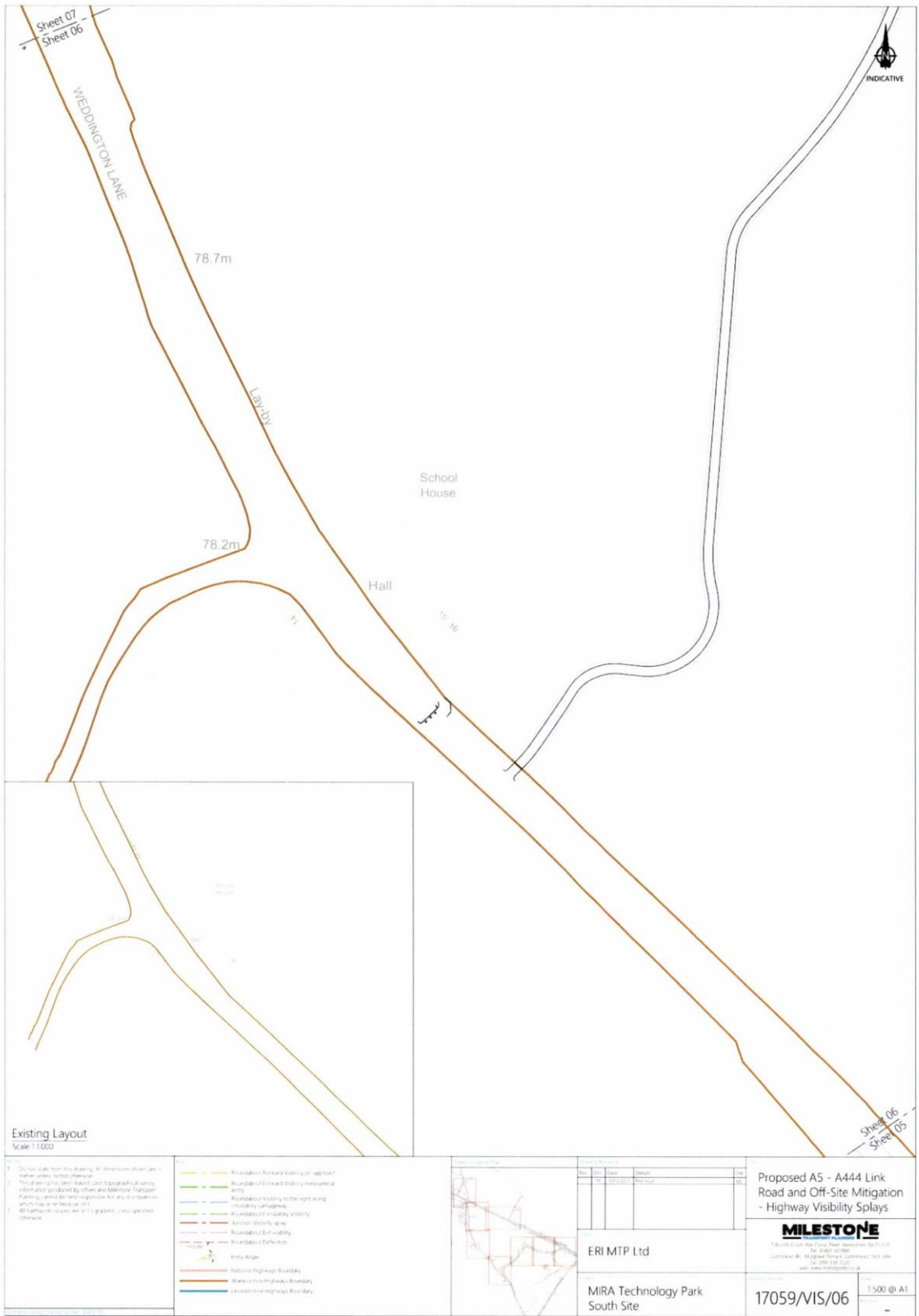
MILESTONE
 A member of the MIRA Group
 MIRA Technology Park
 South Site
 Wetherby, West Yorkshire LS23 7BQ
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 Fax: 01937 546401
 Email: enquiries@mirasite.co.uk
 Website: www.mirasite.co.uk

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South Site

17059/GA/06

1:500 @ A1
E



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	Roundabout Forward Visibility or approach
	Roundabout Forward Visibility measured at entry
	Roundabout Visibility to the right along visibility triangles
	Roundabout Visibility including visibility
	Approach Visibility at entry
	Roundabout Entry visibility
	Roundabout Deflection
	Entry Angle
	National Highway Boundary
	Watercourse Highway Boundary
	Proposed Highway Boundary



No.	Date	Detail	By
1	20/10/2018	Proposed	ERL

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MIRA Technology Park
South Site

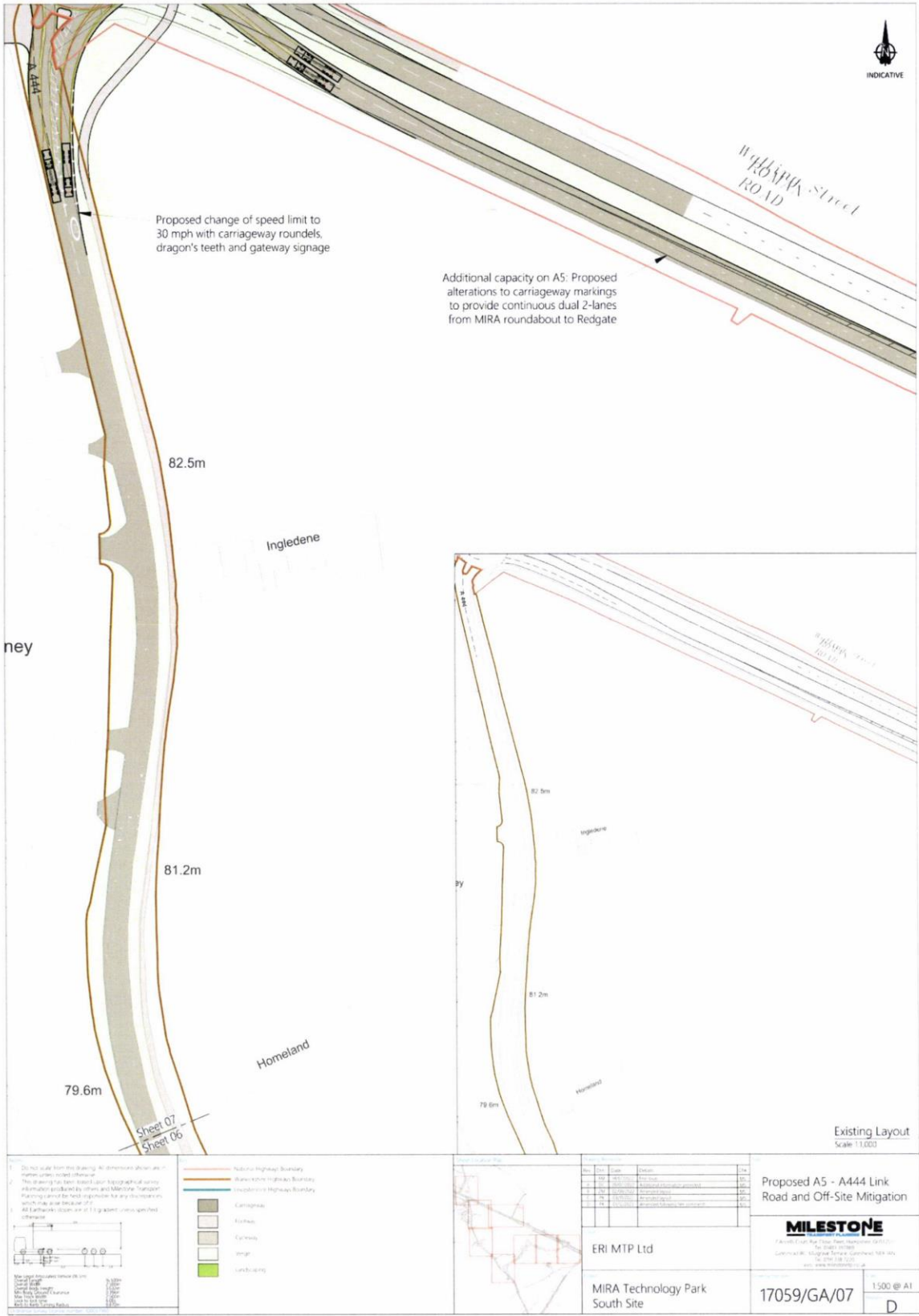
Proposed A5 - A444 Link Road and Off-Site Mitigation - Highway Visibility Splays

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1. BARNWOOD WAY, LONDON ROAD, BARNWOOD, BIRMINGHAM, B4 7DQ
Tel: 0121 415 7000
Customer Care: 0800 020 020
Fax: 0121 415 7001
www.milestone.co.uk

17059/VIS/06

1:500 @ A1



Proposed change of speed limit to 30 mph with carriageway roundels, dragon's teeth and gateway signage

Additional capacity on A5: Proposed alterations to carriageway markings to provide continuous dual 2-lanes from MIRA roundabout to Redgate

Existing Layout
Scale 1:1,000

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 Project No: 17059/GA/07
 Drawing No: 17059/GA/07-01
 Date: 20/08/2024
 Scale: 1:500 @ A1
 Author: [Name]
 Checker: [Name]
 Approver: [Name]

	Nature Highway Boundary
	Strategic Highway Boundary
	Local Highway Boundary
	Carriageway
	Footway
	Drainage
	Grass
	Landscaping



No.	Date	Issue	By
1	20/08/2024	Issue for approval	[Name]
2	20/08/2024	Issue for approval	[Name]
3	20/08/2024	Issue for approval	[Name]
4	20/08/2024	Issue for approval	[Name]
5	20/08/2024	Issue for approval	[Name]

ERI MTP Ltd

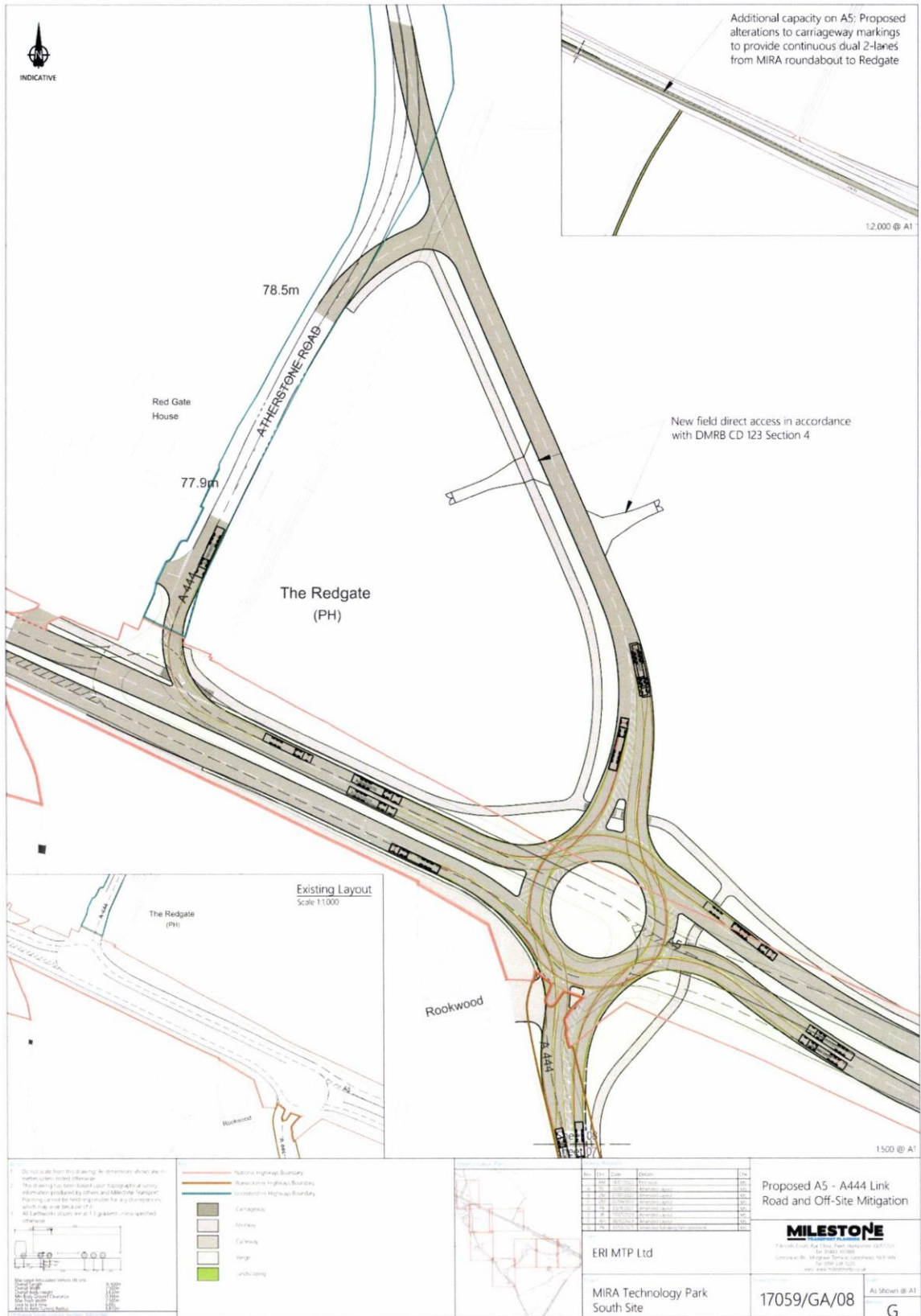
MIRA Technology Park
South Site

Proposed A5 - A444 Link Road and Off-Site Mitigation

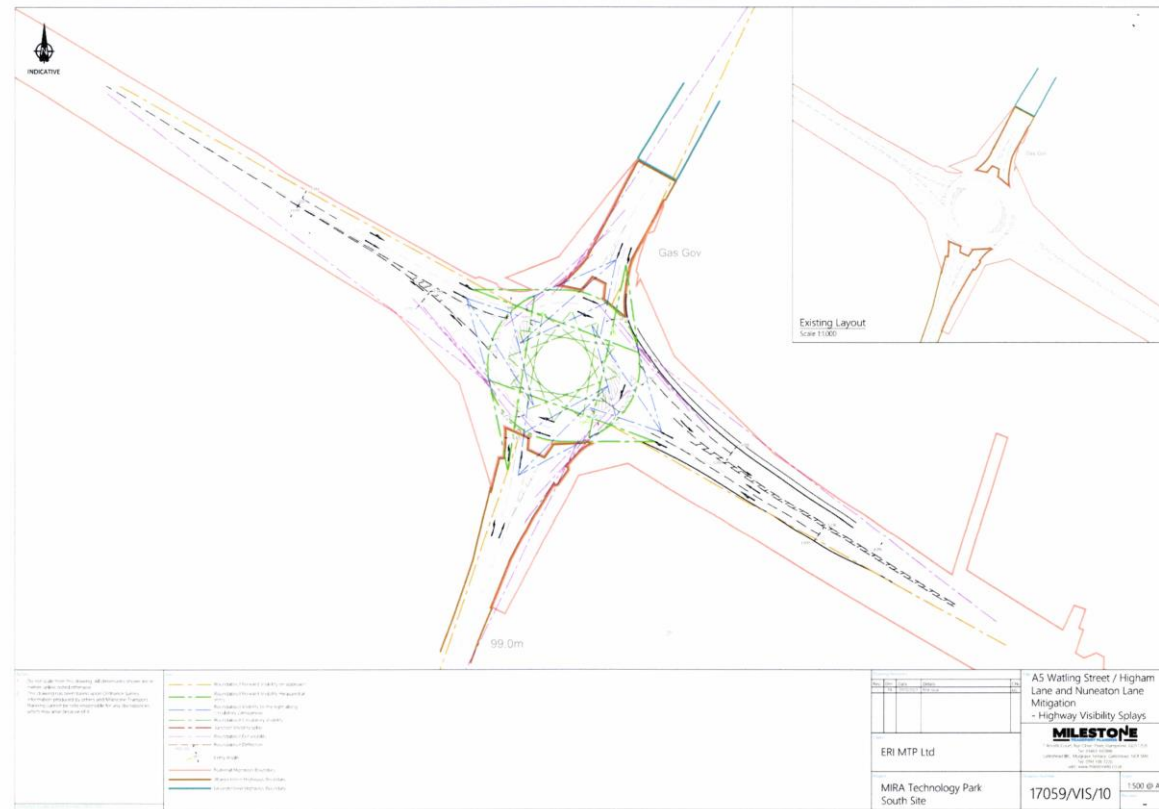
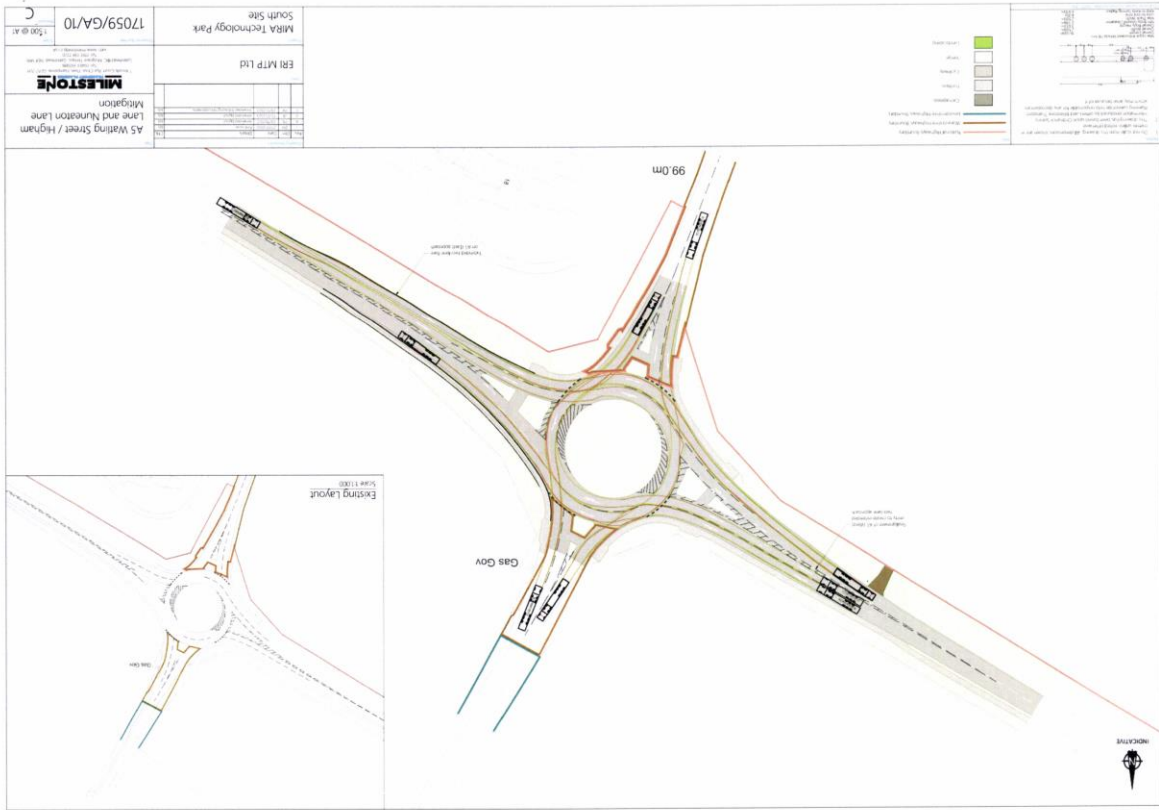
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17059/GA/07

1:500 @ A1
D









Key: P/2022/0423

Application boundary

Development Zones & parameters

- Existing hedgerows to be retained
- Existing hedgerows to be removed
- Attenuation ponds (indicative subject to detailed design)
- Entrance gateway features
- Link Road
- Link Road & cycle link (limit of deviation)
- Indicative jct access (subject to detailed layout)
- Bus stops
- Cycle route
- Footways
- Informal footpaths / 9m trail in landscape areas
- Zone for parking, circulation, servicing and ancillary structures, max height of any structure 10m.
- Existing PROW to be closed
- Existing PROW to be diverted
- Existing PROW to be retained
- Ecological Zone (biodiversity area with limited public access)
- Amenity Park (accessible to park occupiers and the local community - seating areas, trim trail, outdoor gym)

Overall Parameters:
 Total Net Developable Site Area - 39.3 Hectares
 Total Gross Internal Floor Area - 213,500 m²
 Use Class - B2 with secondary E (g) (i) (ii) and B8
 Max Height: 15m from PFL to Ridge

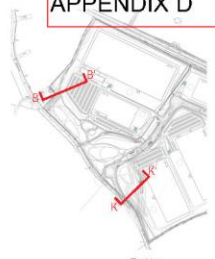
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05/10/2023
PLANNING & DEVELOPMENT DIVISION

SGP
Architects + Masterplanners

144, 1007 10 240 0007
www.sghgroup.co.uk
MIRA Road, 186

PAP/2022/0423

APPENDIX D



Section B-B'



Section K-K'



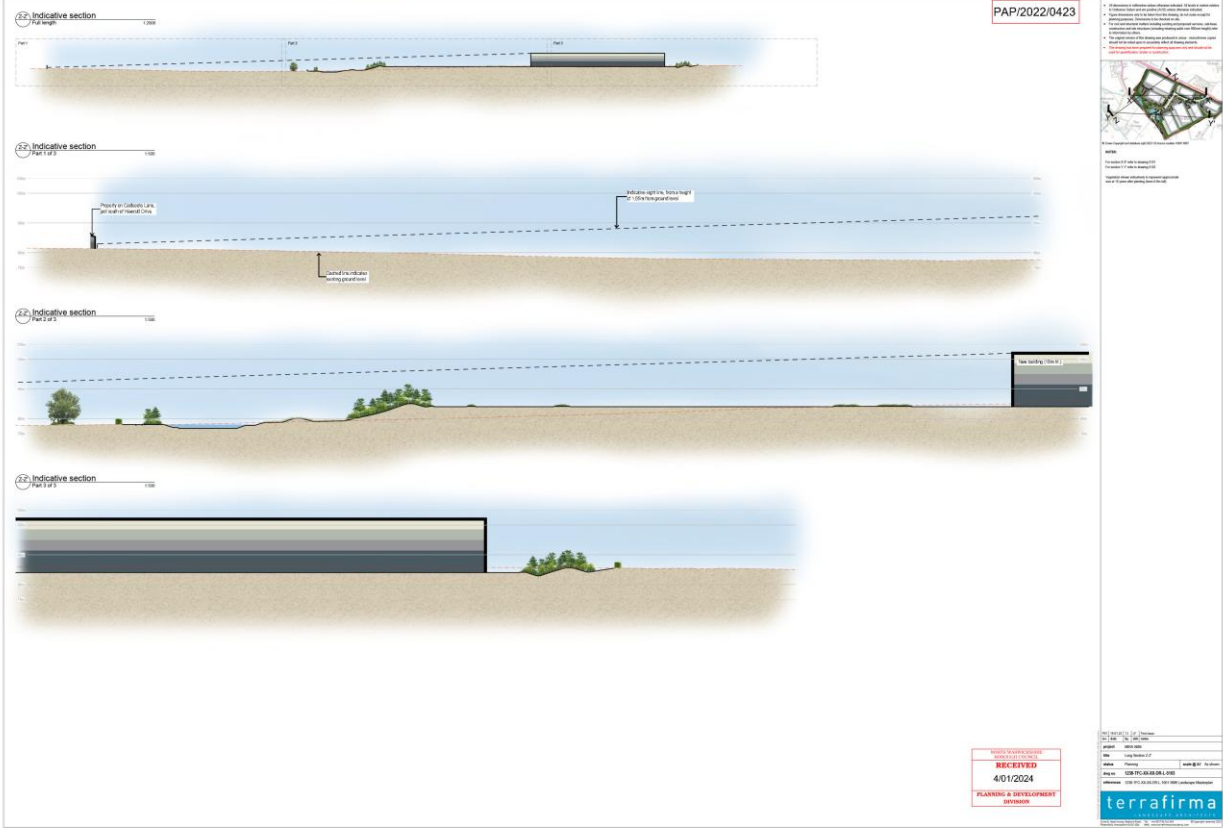
Project: MIRA SWS
 Drawing title: Illustrative sections
 Drawing no: 1238-TFC-XX-XX-DR-L-5002 1:500 @ A3
 Date: 18.07.22

NORTH WARRICKSHIRE
BOROUGH COUNCIL
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4/01/2024
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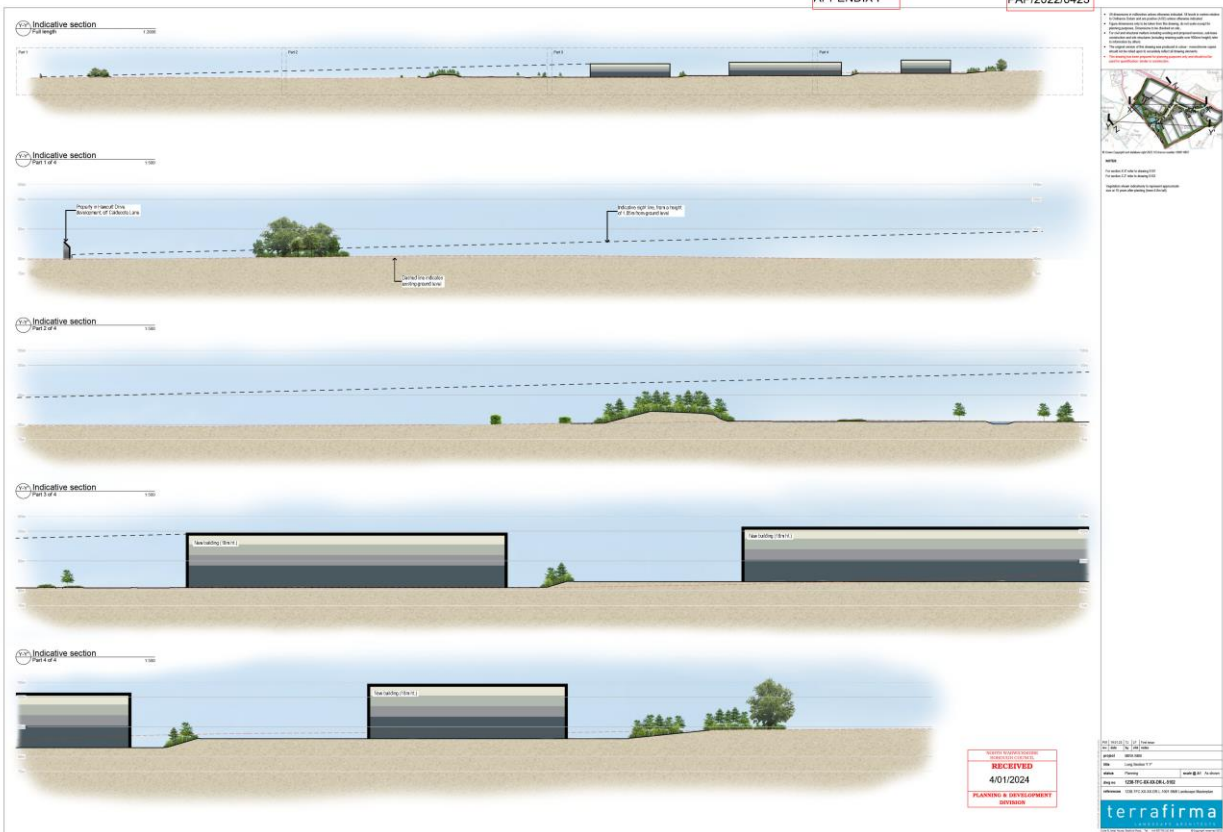
APPENDIX E

PAP/2022/0423



APPENDIX F

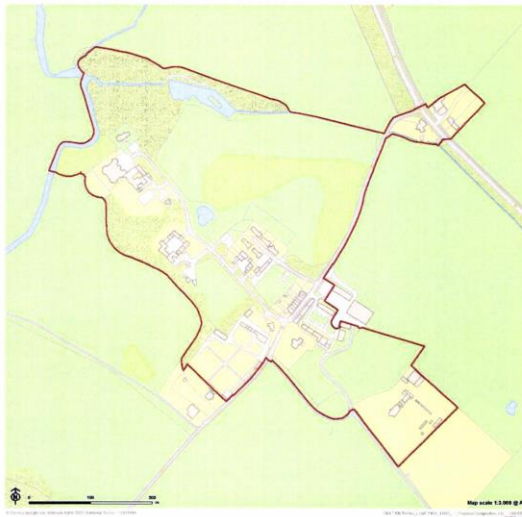
PAP/2022/0423



Summary

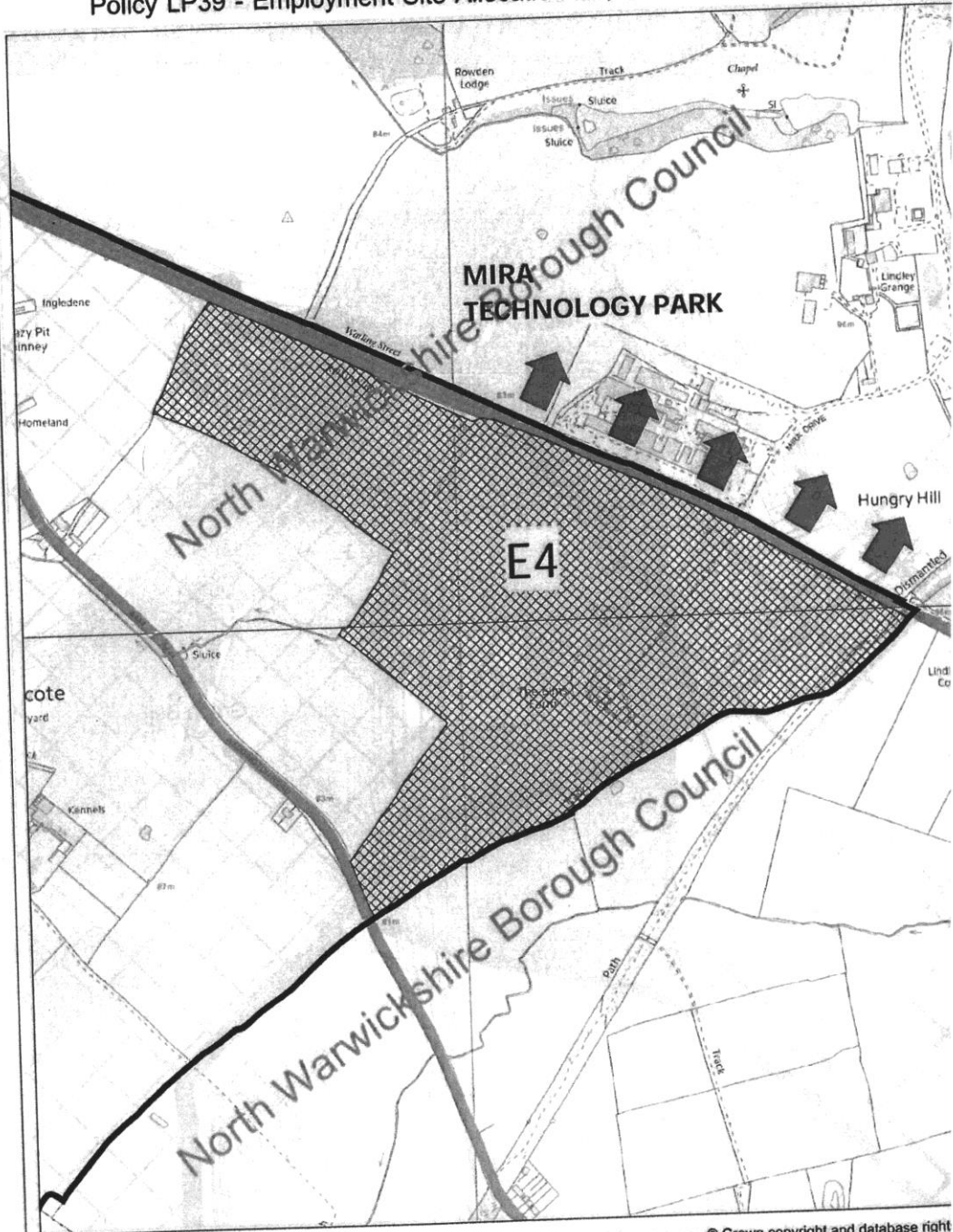
Caldecote Conservation Area
August 2023

Conservation Area Boundary



LUC | vi

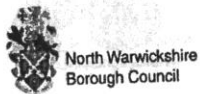
Policy LP39 - Employment Site Allocation E4, Land south of A5, MIRA



Date: 07-09-21
Scale: 1:8000

North Warwickshire Local Plan
Adopted September 2021
Site Allocation E4 - Minimum 42ha

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Ordnance Survey 100017910



- Location of MIRA Technology Park
& Enterprise Zone



- 14.49 The MIRA Technology Park & Enterprise Zone was established in 2013. The MIRA estate covers an area of approximately 874 acres (353 hectares) – roughly 1.05 by 1.55 miles (1.7km by 2.5km). The site has over 58 miles (95km) of test track, which along with its other specialist testing equipment make it a unique automotive testing facility within the UK. Although the majority of the site falls within the Borough of Hinckley & Bosworth the Borough Council has been working with HBBC and Nuneaton & Bedworth BC to ensure the benefits of its growth are far reaching.
- 14.50 The Local Plan production has given the opportunity to look at how further growth could be permitted which would exploit the different emphasis of jobs for the benefit of the Borough. This Plan supports the focus on advanced manufacturing and engineering consistent with the sub-regional vision established by the Coventry and Warwickshire Local Enterprise Partnership under the Strategic Economic Plan (SEP). Approximately 42 hectares has become available to the south of the main site. This land will be outside of the current Enterprise Zone. It will become known as the Southern Manufacturing Park (SMP)
- 14.51 Due to the nature of the Technology Park and because of the strong desire of the Borough Council to broaden its employment base the site will focus on E(g)(ii) (research and development) and B2 uses. B8 (warehouse and distribution) will not be permitted unless it is ancillary to the main use. The Borough Council sees this as a unique opportunity to build on the success of Horiba MIRA and does not wish to see this diluted in any way. Development will be carried out in accordance with a master plan.
- 14.52 Nurturing infant companies within the research and development arena is an important element of looking to the future and ensuring that focusing on maximising the benefits both for and from the developments taking place at MIRA (both north and south of the A5). Therefore, a key requirement is to provide a place where individuals / starter businesses with great ideas can come and try them out and take advantage of the location and expertise. Discussions will continue with the owner, CWLEP and WCC to determine the optimum size for an incubator building or buildings.
- 14.53 The site is located off the A5 which is a Roman Road. Therefore, before development takes place any potential archaeology of importance will need to be carried out in accordance with national policy guidance. The site is also close to the Caldecote estate and St Chads Grade II* listed Church. The wider landscape impact will need to be considered and taken into account in the final form and design of development.

E4 Land to the south of Horiba MIRA Technology Park & Enterprise Zone

Approximately 42 hectares will be allocated for E(g)(ii) (research & development) and B2 use classes, with B8 (warehousing & distribution) uses permissible only where ancillary or clearly secondary to the primary use to the south of the A5 at Horiba MIRA Technology Park & Enterprise Zone.

Small incubator units will be sought as part of the application.

B8 (warehousing & distribution) will not be permitted unless it is ancillary to the main use. Development will be carried out in accordance with a Master Plan to be agreed by the Borough Council. The Master Plan will include.

A) An Assessment will be required of the significance of heritage assets and non-heritage assets within and close to the site including the contribution of setting to that significance, with particular reference to Caldecote and Watling Street, to inform appropriate design of development on site. Development should, as far as practicable, ensure that those assets are preserved or enhanced in line with policy LP15.

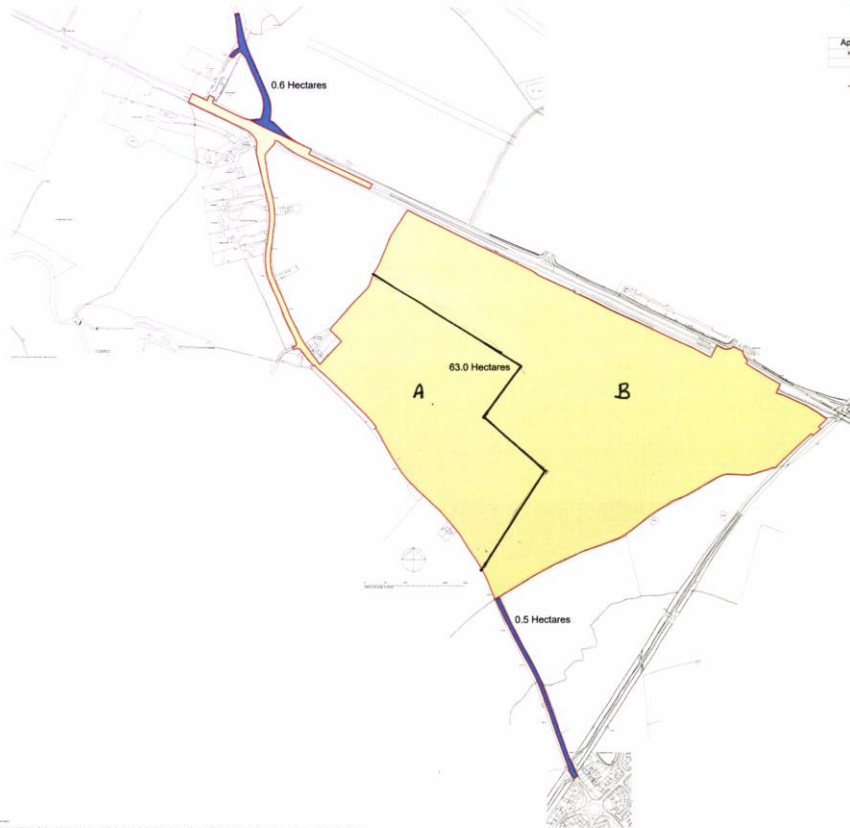
B) The Master Plan, to be agreed by the Borough Council, will include:

1. The provision of sustainable transport measures including a cycle and footpath link along the A5 to Atherstone and Mancetter; and
2. access to the cycle/pedestrian route to the south east of the site;
3. a significant landscape buffer to the southern and south eastern boundaries of the site;
4. means to maximise on site solar energy generation;
5. means of controlling lighting and in particular to minimise impact on Caldecote; and,
6. the location and type of any small incubator units.

APPENDIX J

PAP/2022/0423

Application Boundary Areas	
Hectares	63.1 HA
Acres	156.3
City	
Application boundary	



DATE: 11/08/2022

SGP

SGP
 SINGAPORE GREEN PAPER
 11/08/2022

**MIRA South Site – Skills and Employment initiative
Section 106 draft proposals**

Introduction – Regional Skills Gap

To enable industry level skills gaps to be supported, and the industry to grow, there needs to be a step change in how we provide skills solutions. Whilst traditional academic, and current industry academic routes meet the requirements of some of the current workforce, these mechanisms are simply not designed to respond to the magnitude of the need within the timescales required.

As the latest findings from the West Midlands and Warwickshire Local Skills Improvement Plan states:

50% of businesses surveyed identified barriers to increasing investment in skills and training. Most frequently, these are:

Money: **51%** - lack of budget for training
 Time: **21%** lack of staff time to oversee training; **19%** Lack of staff time to undertake training; **14%** lack of staff time for administration associated with training
 Uncertainty: **15%** Providers not offering what we require; **10%** uncertainty over what training is needed; **8%** uncertainty over the quality of external providers

The report states that “Particularly in automotive and aerospace manufacturing, employers want broad base engineering skills and more practical experience than current apprenticeships offer.

20% of survey respondents identified that Independent, funded support to identify skills needs and advise on suitable training provision would help them overcome barriers to increasing investment in skills and training

It is considered there is a strong need for a Special Purpose Vehicle to provide appropriate solutions for industry and integration, with appropriate training providers and academic provision is key. In particular, this would include the ability to attract and train delegates not currently employed within the industry in addition to the existing workforce. Creating a significantly larger labour pool, with training programmes design for the current and future needs of the industry on their journey to net zero. Training and academic partners are critically limited in their delivery as a result of shortage of tutors. The proposed virtual skills incubator would not only integrate businesses with a developing industry ready talent pipeline but also recruit and train a pool of tutors who can support the skills delivery and academic partners resources shortages.

Objective

The primary objective should focus on seeking to reduce this skills gap identified, and build on both the work carried out with the Warwickshire LSIP and the strong momentum generated by the skills initiative within the MIRA cluster. This allows a focus on the types of jobs likely to be created by the inward investment of companies locating at MIRA South Site, creating a pipeline of skills and training. This both attracts companies into the area through the skilled labour pool and also facilitates strong retention of a skilled employment base in North Warwickshire. The initiative should be scalable to evolve and grow as the programmes progress.

To maximise the value and output from funding, a virtual entity is considered most appropriate, which can then utilise existing (e.g. MIRA Technology Institute) and online skills locations and platforms. To establish and support delivery of this initiative, resources required for such a virtual entity would include:

- Resources – Entity Lead/Business Manager, Training Manager, Coord/Administration
- Business set up
- Online platform

Whilst funding would be needed to support the initiative, leveraging the skills training network and systems which exist through MTI would be the most effective strategy to establish the initiative and its delivery. The MIRA cluster is well placed to initiate this SPV with the 30+ years of industry skills provision, and partnership with FE and HE partners. Over the first 5 years of its existence MTI has received approx. 17,000 delegates and 42,000 visitors.

From the modelling carried out recently, considering employment and training costs of the delegates with industrial contribution, there would remain a funding gap. Funding could come in the form of local, regional or national skills funding plus the use of employer apprenticeship levy or similar.

It is proposed that a funding contribution is provided via a S106 obligation to progress this initiative, building on the Warwickshire Local Skills Improvement Plan (WLSIP) to fully understand the requirements of existing and perspective occupiers and identify the gaps in skills in relation to the cluster. This funding obligation is seen as a contribution to act as a catalyst to establish the initiative through the virtual entity to deliver the skills strategy. Once established the strategic direction, including sourcing additional funding, will be directed by a steering group with participation by representative from the key stakeholders, particularly North Warwickshire BC, Warwickshire and Horiba MIRA.

The funding would allow the skills strategy initiative to be established and deliver a programme of training in accordance with the recommendations of the Part 1 Study. This would be delivered in conjunction with a skills training advisor at NWBC and could be through apprenticeships, placement apprenticeships in businesses at MIRA, college courses or through the MTI (or contributing to adding capacity at MTI), or mixture of all. This could be similar in scope to the LEP funding programme for the North Site (which already demonstrates that MIRA can manage a programme of training investment and deliver the obligations themselves). To demonstrate the benefits of the programme in a way they can present to Stakeholders and employers, the Part 2 obligations will need to be quantified. This could be in the form of funding over a period of years or commitment to a number of courses/apprenticeships. To secure the S106 position, the form of funding over a defined period will likely be more definitive, and will allow the financial obligation to be carried by the developer of the site through a legal S106 obligation.

Outline structure of legal obligation

1. ERI MTP Ltd (the applicant/ developer) enters into a S106 agreement to provide a total funding contribution of [£] spread over a x-year period
2. A Steering Group to be established with representation from key stakeholders, namely the developer, N Warks BC, Warks CC and Horiba MIRA.
3. Within a period from first occupation, an SPV will be established and a strategy agreed for skills and employment focussed on the industry cluster.
4. From a period of [5] years from first occupation a contribution of [£XX,000pa] or equivalent [5] year aggregate will be provided to deliver an agreed strategy of skills and employment initiatives.
5. Application of funding and further fund raising to be agreed and managed by Steering group.

Agenda Item No 8

Planning and Development Board

5 February 2024

Report of the Head of Development Control

Street Votes Development Orders – Consultation Paper

1 Summary

- 1.1 This report describes the Government’s consultation paper on the introduction of Street Votes Development Orders.

Recommendation to the Board

That the Paper is noted and that the Council forwards its representations to the Government as set out in the report together with any comments that the Board wishes to add.

2 Background

- 2.1 The new Levelling Up and Regeneration Act introduces Street Vote Development Orders. Such Orders would grant a “planning permission” in relation to a defined street area for development specified in that Order. It is thus akin to the General Permitted Development Order.
- 2.2 The Government has published a consultation paper on the details of such Orders – e.g. definitions of a “street”; the number of properties involved, the means of adopting the Order via a street referendum etc. It also defines when and where such Orders would not apply. The consultation ended on 2 February 2024.
- 2.3 It is said that the goal of this process is to “encourage residents to bring forward proposals for new development that they would support, and which would make a contribution to their street”. It is said that this would create a predictable system, be accessible for people to use and bring forward development that has local support.

3 The Orders

- 3.1 In short, a group of residents, which meets the necessary requirements, will be able to get together with a proposal for planning permission to be granted for development on their street – e.g. the addition of an extra storey to properties; attic conversions, dormer windows or annex buildings. The proposal can be put forward by residents alone, or with outside assistance – e.g. an architect. The proposal will go to the Planning Inspectorate who would appoint an Inspector to “Examine” the proposals. If it passes this “Examination” it will be put to a referendum, run through

postal voting and administered by the Borough Council. When the required threshold of votes is met – potentially 60% - the Order can be made.

- 3.2 A qualifying group must contain individuals registered at an address enabling them to vote in a local Council election in the “street area”.
- 3.3 A minimum number within a qualifying group is 20% of the total number of individuals registered to vote within the “street area”. Street areas have to have a minimum of 10 residential properties and 100% of a ten-property street have to be in the qualifying group. There is then a decreasing sliding scale of %’s, for streets that have between 10 and 25 properties. The 20% threshold then applies for streets with more than 25 properties.
- 3.4 Qualifying groups will have to evidence full community and neighbourhood engagement.
- 3.5 A proposed Order will have to contain witnessed support letters from every person in the group; define the actual street area, describe the development to be included, provide impact assessments, evidence consultation with statutory bodies as well as the scope and outcome of the community engagement. An illustrated design code and detailed elevations will be mandatory.
- 3.6 A “street area” is to be “the properties on each stretch of road starting or ending at a cross- roads or as a minor road at a T- junction, or where there is a gap of more than 50 metres.” Other termination points are identified.
- 3.7 No Street Development Orders will be allowed in National Parks, SSSI’s; Green Belts, AONB’s and European Sites defined under the Habitats Regulations. The Secretary of State can extend this list.
- 3.8 Development to be excluded from the Orders includes development involving a listed Building.
- 3.9 The design requirements will have to have regard to heights; the impact on neighbours through the 45-degree line and other measures, ceiling heights, impacts on property not in the street area, densities and loss of green space. The proposals will also have to include a Transport Statement and Heritage Impact Assessments together with Flood Risk Assessments if appropriate.
- 3.10 There are also post-permission processes to follow – the paper suggests that commencement could be as late as ten years (because of the multiple owners involved) and the if the Inspector adds conditions, these would have to be discharged by the Local Planning Authority. Section 106 Agreements can be negotiated, but these Orders would be exempt from affordable housing provision/contributions.
- 3.11 There is no explicit reference in the paper to what happens if there is a breach of the Order. It is assumed that as this would be a breach of planning control, the Borough Council would be the enforcing Authority.

4 **Observations**

- 4.1 Members will have noted that these Orders will not apply to street areas in the Green Belt and thus will only be likely to be promoted in the Borough's established settlements. Moreover, the dispersed nature of residential property outside of these settlements will again limit their eligibility.
- 4.2 It is considered that this is a further "dilution" of the planning system which will add very little to the delivery of more homes, especially affordable homes, related infrastructure or the diversification of the Borough's employment base. It also adds a further layer of planning control. In terms of practicality, Members will be aware of existing neighbour issues with a good number of householder applications and the ambitions and aspirations of different households within any one street can vary substantially.

5 **Report Implications**

5.1 Financial and Value for Money Implications

- 5.1.1 There are no implications as the Council is not involved in the preparation of these Orders but there will be the administration involved in it overseeing the Referenda as is the case with Neighbourhood Plans. These costs will be taken from existing budgets.

6.2 **Environment, Sustainability and Human Health Implications**

- 6.2.1 There are safeguards included in the preparation and assessments of these Orders, but what weight will be given to them, and particularly the content of the Development Plan, is unknown. Moreover, the implications for breaching an Order are not set out.

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

Agenda Item No 9

Planning and Development

5 February 2024

Report of the Chief Executive

The Rugby Local Plan Review Issues and Options (Regulation 18) Consultation (October 2023)

1 Summary

- 1.1 This report brings the Rugby Local Plan Review Issues and Options (Regulation 18) Consultation (2023) for consideration by Members.

Recommendation to Sub-Committee:

- a That Members note and agree the observations raised on the Rugby Local Plan Review Issues and Options (Regulation 18) Consultation (2023); and**
- b That any additional comments Members may raise following consideration at this Sub-Committee be forwarded to Rugby Borough Council.**

2 Consultation

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

3 Rugby Local Plan Review Issues and Options

- 3.1 Current planning legislation requires that the policies of the adopted Local Plan should be reviewed every five years to see if they are up to date or whether they need changing or even rewriting to reflect changes to national policy or other matters.
- 3.2 Rugby Borough Council are currently consulting on the plan review (The Issues and Options Consultation) from Monday 30th October 2023 to Friday 2nd February 2024. An extension to the time period has been agreed with Rugby Borough Council to enable any additional members views and comments on the Issues and Options to be included in addition to the views and comments made by the Forward Planning team noted in the attached Appendix A, responding to the Issues and Options questions raised in the public consultation. The Local Plan review will be looking forward to 2041 in terms of addressing future needs, but also seeks views on whether a 2021-2050.

3.3 The full Local Plan and documentation can be found on the Rugby Borough Local Plan review - issues and options consultation page at - <https://www.rugby.gov.uk/local-plan-review#> with relevant documents and explanatory leaflet listed at - <https://www.rugby.gov.uk/w/local-plan-review-issues-and-options-consultation>. As part of the consultation process a separate Sustainability Appraisal Scoping Report is included. This document is not the Sustainability Appraisal Report. It forms the first stage in the preparation of the Sustainability Appraisal Report.

3.4 Rugby Local Plan Review Issues and Options are reviewing the following main issues;

- how the Borough Council can regenerate Rugby town centre
- where new housing developments can take place
- additional land for employment uses
- meeting the pitch needs of gypsies and travellers

New issues the Local Plan Review Issues and Options are considering

- embedding climate and nature policies throughout the plan
- driving up the quality of development with a new design code
- limiting concentrations of Houses in Multiple Occupation (HMOs)

4 Observations

4.1 The draft comments included in Appendix A focus on those planning issues and options most relevant to the sub-region and issues affecting both North Warwickshire and Rugby Borough.

4.2 One of the main issues considered most relevant to and affecting North Warwickshire in the Issues and Options consultation is that of strategic warehousing. Members should note that the Consultation document addresses this issue, including seeking views on;

- Why do we need to plan for large warehouses?
- the need for large warehousing on a Coventry and Warwickshire wide figure/basis rather than a figure for solely Rugby Borough?
- comparison of the need for employment land in the current plan compared to the HEDNA Coventry and Warwickshire sub-region?
- Noting the preparation of the West Midlands Strategic Employment Study (WMSESS) and asking how will the strategic warehouse figure be split between individual authorities?

As this is an approach the Borough Council has been seeking other partner local planning authorities within the Coventry Warwickshire sub-region to take or consider in their Local plan reviews it is considered North Warwickshire should welcome and support this approach.

4.3 As part of the options considerations Rugby Borough have also mapped and identified Potential strategic employment locations (see page 16 & 17 in the Issues and options consultation document, See Appendix B to this Report). At this stage these are broad locations, not sites. If land is put forward in these locations or elsewhere it will be assessed through the housing and employment

land availability assessment Rugby Borough intend to undertake later this year. In assessing locations transport impact and HGV routing will be considered, as will the Warwickshire Local Transport Plan. Views and comments are sought around this issue, which is a major step further than other local planning authorities have taken so far and should be supported.

- 4.4 In addition, support is also expressed over proposed options addressing Climate Change, Zero Carbon, ecosystem restoration and green infrastructure.
- 4.5 Comments have also been included in support of options proposed in relation to allocating sites specifically for industrial (B2) and light industrial (E(g)(iii)) uses and potential for “incubator” uses for new start-up businesses and supporting small to medium size employment sites and uses.
- 4.6 For those issues and options that relate primarily to Rugby Borough only, without wider planning issues that may impact on North Warwickshire, such as regeneration of the town centre, HMO policy and services and infrastructure within and serving the settlements of the Borough, no comments are made, as these issues are matters for Rugby Members and Officers to consider and determine. Nevertheless, in some cases the North Warwickshire responses provide our experiences and views as to how the issue highlighted was treated in the preparation and Examination of the Adopted North Warwickshire Local Plan.

5 In Summary

- 5.1 This Council is in general support of the Rugby Local Plan Review (Regulation 18) Issues and Options Consultation (2023) subject to the comments made above.
- 5.2 To note any further comments and observations Members may make towards the Rugby Local Plan Review Issues and Options Consultation (2023) and any strategic issues arising and potentially impacting on the plan and other partner local authorities.

6 Report Implications

6.1 Environment and Sustainability Implications

- 6.1.1 The Rugby Local Plan Review Issues and Options (Regulation 18) Consultation (2023) has a separate Sustainability Appraisal Scoping Report included as part of the consultation process.
- 6.1.2 The consultation states *“We could take a more supportive stance to both solar and wind energy by identifying areas in which we would support new wind and solar energy generation. These could include locations along the A5 and motorways including highway verges and central reservations.”* North Warwickshire Borough Council declared a climate emergency in 2019 and pledged to reach net-zero carbon emissions by 2030, as did Rugby Borough Council. Additionally, the UK has a net-zero target of 2050. To achieve net-zero,

significantly more renewable energy will be required and could be generated within the region.

6.2 Risk Management Implications

6.2.1 The requirements of the Duty to Co-operate policy are noted and the preparation of the Local Plan will need monitoring in order to assess any wider sub-regional pressures arising from policy approaches and development proposals in the emerging Local Plan. No further specific risk management implications noted.

6.3 Legal Implications

6.3.1 Although the Planning and Levelling up Bill proposed abolition of the duty to co-operate under the Planning and Compulsory Purchase Act 2004, it remains in force in relation to preparation of local plan documents. The Borough Council supports Rugby Boroughs intention to maintain current approaches and jointly work with or monitor other specified authorities and persons via effective and appropriate means (as must this Council) in the preparation of such documents.

The Contact Officer for this report is Mike Dittman (719451).

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Rugby Local plan review - issues and options consultation – North Warwickshire responses

Encouraging to note the information and explanation provided around the pressure from and growth of strategic logistics/warehousing proposals/uses.

The Borough Council support the comments made regarding WMSESS and need to address the strategic employment need on a subregional basis, including identifying potential strategic employment locations and highlighting the including contribution to meeting future need that will be made by the redevelopment of existing employment sites.

However, we note that the WMSESS will not be specifically identifying opportunity sites for potential future supply, rather identify opportunity areas/locations and criteria that can be used in assessing the appropriateness and suitability of site proposals.

Question Title and North Warwickshire responses as follows:

Q1. How much employment land should we be planning for?

A: Rugby should be addressing its identified Employment Land needs/requirements and an element of the sub-regional need identified in the HEDNA.

Q2. What type of employment land should we be planning for?

A: Again the HEDNA will advise, recognising the pressure to address strategic B8/Employment demands and there is considered to be a need for smaller to medium size sites to enable and accommodate start-up businesses and affordable opportunities for emerging and growing businesses.

Q3. Please provide any comments you have on the suitability of any of the broad locations listed above (or another location we have missed).

A: Locations are noted and North Warwickshire is supportive of the approach taken, subject to including Policy requirements for of development proposals to address highway improvements, including to strategic highway network, addressing wider than local pressures and growth (outside of and within the Borough), and delivering on-site lorry parking and driver servicing facilities (where appropriate). Proposals/Sites should also address their impact on wider than simply on-site or Borough impacts through discussions and negotiations with Strategic Highway Authorities (Highways England/National and County Highway Authorities).

Q4: How can we provide more space to allow existing businesses to expand?

The feedback we have received from local businesses is that there is a shortage of 'grow on space' in the borough to allow existing businesses to expand and incubator space for new start-ups.

A: Agreed and supported. Include an element of 'incubator' start up units as part of proposed site allocations, or as stand-alone sites with restrictive use/conditions?

Q5: We are minded to allocate sites specifically for industrial (B2) and light industrial (E(g)(iii)) uses. Do you support this and if so, where?

Yes

No

A: Subject to any sub-regional impacts to be addressed this approach would support supply and diversification of employment types and offer within the Borough, nevertheless ,this issue is for the emerging Local plan and Borough to determine.

Q5 cont'd: If yes, where?

A: Subject to sub-regional impacts to be addressed, this issue is for the emerging Local plan and Borough to determine.

Q6: Are there exceptional circumstances that mean we should amend Green Belt boundaries to meet the need for employment land?

Most of the broad locations shown on the map above lie within the Green Belt. We will consider whether there are exceptional circumstances which justify alterations to the Green Belt.

Yes

No

If yes, where?

A: Considered unable to provide an informed comment as this will be dependent on the merits of each case (exceptional circumstances) and the level of need evidenced at the time of any application or Local Plan site proposal. Future changes to Local Plan guidance and planning acts or regulations, and site delivery within sub-regional or regional sites elsewhere may also change the situation. If sub-regional and/or National need can be evidenced, then sites may currently be able to be released (subject to addressing highway and other development

Q7. Do you agree with our proposals to remove the primary shopping area and primary and secondary frontage designations in Rugby town centre? If yes, where?

Yes

No

A: North Warwickshire Borough have already faced this issue as a result of changes being introduced during the Examination of the new local plan. This resulted in the removal/dropping of primary and/or secondary shopping frontages. secondary shopping frontages. Nevertheless, the new

Q8: Which town centre sites should have site allocation policies and what should they say?

A: No comment , a Rugby Borough specific issue for the emerging local plan.

Q9: Should we introduce a policy that sets out the improvements to streets and spaces we want to see in the town centre?

Yes

No

If yes, where?

A: Supported. This may be useful, in the potential to help direct S106 financial contributions from development proposals/applications towards delivering specific Town Centre improvements where these are well related to, or supportive in enhancing the Site proposals? Linked to Climate Change and Well-Being policies within the Local Plan?

Q10: Should we define local centres? If yes, which centres should we include?

Yes

No

If yes, where?

A: North Warwickshire will not comment on which specific local centres as this is a matter for Rugby Borough, but agree with the Boroughs consideration of this approach. There is some potential, through new Local plan policies, to help maintain/protect defined local centres, or direct appropriate enhancements, services and infrastructure towards centres (notwithstanding the expansion 'pd' rights and relaxation of use classes currently introduced).

Q11: Are there other things the local plan should do to support local town centre regeneration?

Yes

No

If yes, where?

A: Direct other services and facilities toward identified centres and identify enhancement proposals or policies, that will benefit Centres and their local communities well-being, where appropriate or linked to major proposals to enable S106 cross funding from commercial or housing allocations/proposals that will benefit.

Q12. The council proposes to plan for Gypsy and Traveller pitches based on the ethnic need target of 79 pitches 2022-2037 identified in the GTAA 2022. Do you agree?

Yes

No

If yes, where?

A: North Warwickshire will not comment on which specific sites as this is a matter for Rugby Borough.

Q13: How can we find sites to accommodate the need for Gypsy and Traveller pitches?

Allocate sites for Gypsy and Traveller pitches as part of new employment land or housing developments

Regularise existing unauthorised sites

Create a new borough or county council-owned site

Other (please explain)

A: All approaches and proposals should be considered, to help both address need and reflect difficulties and sensitivities involved in identifying sites and enabling them/bringing them forward as potential allocations.

Q14: When allocating sites for pitches, what size of site should we be seeking to allocate?

A: North Warwickshire Borough have indicated within their adopted Local plan, a preference for smaller, family-based sites to address need and for larger sites to be limited (10 or less). This helps avoid site management difficulties and social issues arising, including conflict between communities within the traveller groups or with settled communities.

Q15: Should we adopt a negotiated stopping policy which allows caravans to be sited at a suitable location for an agreed and limited period.

Yes

No

If yes, where?

A: North Warwickshire will not comment on which specific sites as this is a matter for Rugby Borough. But it would be beneficial to the community and help avoid planning enforcement/trespass potential by having transit/emergency sites identified and available to direct the passing traveller communities towards.

Q16: The council proposes to introduce a policy to limit concentrations of HMOs within a 100m radius to 10% of dwellings, avoid non-HMO dwellings being

sandwiched between two HMOs and avoid three consecutive HMOs on a street. Do you agree with this policy?

- Yes
- No

If yes, where?

A: North Warwickshire have no comments on this issue as this is a matter for Rugby Borough Council members and officers.

Q17. We also propose to introduce a criteria-based policy that sets clearer standards for parking, refuse storage, and the adequacy of external and internal space for HMOs. Do you support such a policy?

- Yes
- No

If yes, where?

A: North Warwickshire have no specific comments on this issue as this is a matter for Rugby Borough Council members and officers, but fully support the approach being taken, particularly around parking and refuse.

Q18: Should we show areas of the borough in which wind and/or solar energy will be supported? If so, where?

- Yes
- No

If yes, where?

A: North Warwickshire have no comments on this issue as this is a matter for Rugby Borough Council members and officers.

Q19: If some new wind development schemes could be community owned by RBC residents, would that increase your support for this type of development?

- Yes
- No
- If yes, where?

A: North Warwickshire have no specific comments on this issue as this is a matter for Rugby Borough Council members and officers, but are supportive of communities receiving direct benefit from or direct involvement in sustainable renewable energy proposals.

Q20: We are minded to introduce a policy that supports other zero carbon energy infrastructure including battery energy storage and hydrogen energy infrastructure. Do you agree?

Yes
No

If yes, where?

A: The North Warwickshire Forward planning team support the approach proposed, subject to appropriate Development Management Controls, policies and caveats being applied, particularly to avoid adverse impacts where sites are high agricultural land value (Gd's 1 and 2), or Land with environmental, landscape classifications or other important local and statutory designations are affected/impacted, including addressing cross border situations. with adjoining local Authorities designations.

Q21: Should we adopt a minimum tree canopy policy for new development?

Yes

No

If yes, where?

A: North Warwickshire have no specific comments on this issue as this is a matter for Rugby Borough Council members and officers

Q22: Should we identify priority locations or allocate sites for biodiversity net gain for sites which are unable to provide all the net gain on site, if so, where?

Yes

No

If yes, where?

A: North Warwickshire have no comments or sites to suggest on this issue, as this is a matter for Rugby Borough Council members and officers, but note the benefit of identifying sites where biodiversity net gain can be achieved and delivered/provided locally.

Q23: Would you support the creation of an additional country park as part of delivering biodiversity net gain?

Yes

No

If yes, where?

A: North Warwickshire have no comments or sites to suggest on this issue, as this is a matter for Rugby Borough Council members and officers, but note the benefit of identifying a site or vehicle that will help delivery of biodiversity net gain within the Borough and benefitting Rugby residents.

Q24: Should we require developers to prioritise the delivery of biodiversity gain within close proximity to the development?

Yes

No

A: Yes

Q25: We are considering requiring all residential developments to be net zero. Do you agree?

Yes

No

A: See Answer to Q27. A matter for Rugby Borough Members and Officers. Use of National applied building Regulations introduced by statutory Government Regulations rather than Local Planning policies that are challengeable is seen as a more reliable and appropriate statutory approach to achieving this aim.

Q26: We are considering requiring all non-residential development to be net zero. Do you agree?

Yes

No

A: See Answer to Q27. A matter for Rugby Borough Members and Officers. Use of National applied building Regulations introduced by statutory Government Regulations rather than

Local Planning policies that are challengeable is seen as a more reliable and appropriate statutory approach to achieving this aim.

Q27: Are there other climate change policies we should be introducing?

A: Where impending changes to Building Regulations address the specific climate change issue (i.e. before the Adoption of a Local plan is programmed) it will not be necessary for a draft Local Plan to include policies that will, in effect, be overtaken by events and statutory regulatory requirements.

Nevertheless, where there is evidence to support increased standards to address Net Zero and Climate Change adaptations for new developments, and the time potential for national Legislation being introduced, finalised or developed is significant, then the opportunity is open for Local authorities to introduce local policies seeking or requiring higher than national development standards.

Q29: Should we produce design codes as part of our new local plan?

- Yes
 No

Q30: Which areas should design codes cover?

- Borough-wide
 Borough-wide divided into character areas (for example Rugby town centre, interwar suburb, Victorian terrace, village core)
 only for some neighbourhoods (please specify which) below
 only for large new development sites
Other (please specify)

A: North Warwickshire have no detailed comments on this issue as this is a matter for Rugby Borough Council members and officers. We would note simply that the National Planning Policy Framework (NPPF) highlights that local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide & Code. The 'LURA' Planning Act also effectively creates a 'requirement' on local planning authorities to create design codes.

Q31: How many new homes should we be planning for?

- Minimum local housing need
 The HEDNA 2022 need
 Other (please specify)

A: The HEDNA 2022 need.

Q32. The HEDNA sets out the need for social and affordable housing within the borough. Would you support RBC both improving existing and developing new social and affordable housing (like the regeneration of Rounds Gardens and Biart Place)?

- Yes
 No

A: North Warwickshire have no detailed comments on this issue as this is a matter for Rugby Borough Council members and officers but seeking to deliver affordable housing is supported.

Q33: Please provide any comments you have on the suitability of any of the broad locations listed above for new housing. Are there any locations that we have missed?

A: North Warwickshire have no specific comments on this issue as this is a matter for Rugby Borough Council members and officers

Q34: The HEDNA also recommends that we require all new dwellings in all tenures to meet optional Building Regulations M4(2) standards for accessible and adaptable dwellings, which are similar to the Lifetime Homes Standards. It also recommends that at least 10% of homes to meet the higher M4(3) wheelchair user dwelling standards (with a higher proportion needing to meet this standard in the affordable sector).

Do you support a requirement for all new dwellings to meet the additional Building Regulations standard for accessible and adaptable dwellings and for at least ten percent of dwellings to be suitable for wheelchair users?

Yes

No

A: North Warwickshire have no detailed comments on this issue as this is a matter for Rugby Borough Council members and officers but seeking to deliver accessible and adapted housing is supported.

Q35: Please provide any comments you have on the type and size of new homes we need.

A: It is considered important to increase the numbers and standards of adaptable homes to enable and address broad housing needs, widening the supply of types and tenures, reducing need for future adaptations and retrofitting particularly for an aging population.

Q36: Are there any other issues or policies (not covered by the questions above) that we should cover in the new plan?

Yes

No

If yes, what?

A: North Warwickshire have no further specific comments on other potential issues as this is a matter for Rugby Borough Council members and officers.

Q37: Do you support our intention to bolster our policies on sustainable travel?

Yes

No

Q38: Do you support a policy protecting stadia as community and sports facilities? If so, which stadia should we protect?

Yes

No

If yes, which stadia?

A: North Warwickshire have no further specific comments on this issue as this is a matter for Rugby Borough Council members and officers.



Potential strategic employment locations

Agenda Item No 10

Planning and Development Board

5 February 2024

**Report of the
Head of Development Control**

Appeal Update

1 Summary

1.1 The report updates Members on a recent appeal decision.

Recommendation to the Board

That the report is noted.

2 Appeal Decisions

a) Barn Fishery, Hartshill

2.1 This appeal follows the refusal of planning permission for the change of use of land for use as a residential caravan site for six touring vans, a hard standing and ancillary development. The reason for the application as stated on the application form was that the vans would be needed for three years whilst the occupiers converted the barn on the site to a dwelling in accordance with an extent planning permission. However, the grounds of appeal were lodged for a permanent gypsy traveller site. The Inspector followed the Inspectorate's Procedural Guide and dealt with the appeal proposal as detailed on the application form. In other words, it was NOT dealt with as a gypsy and traveller case.

2.2 The Inspector considered that the main issues were the effect of the proposal on the character and appearance of the area and whether the development is served by a safe access.

2.3 In respect of the first issue, the Inspector concluded that the site was detached from the main Kirby Glebe traveller site and by projecting further west, it detracts from the open landscape. He considered that it does not accord with Local Plan policies LP1 and LP14, in that it does not integrate within its setting.

2.4 In respect of the access issue, then he considered that there would be no conflict with Policy LP29 provided conditions were imposed on the grant of any planning permission.

2.5 However, as the Inspector considered that there was non-compliance with policies on the landscape and character issue, the appeal as a whole was dismissed.

2.6 The Council made an application for costs against the appellant because of the procedural fault expressed at para 3.1 above and because of the forced cancellation of the Hearing by the appellant. The Inspector has awarded the Council a partial award of costs.

...

2.7 Copies of the decisions are at Appendix A.

2.8 Officers will now seek to recover the costs as indicated and also follow through on the site investigation work now necessary following the dismissal of this appeal for the retention of this development on site.

3 Report Implications

3.1 Financial and Value for Money Implications

3.1.1 The only implication here is that the Council can claim some of its appeal costs, however this will be a limited amount, given the Inspector's definition of what the Council can claim.

4.2 Environmental, Sustainability and Human Health.

4.2.1 The decision is a firm endorsement of the Council's policies seeking the preservation and enhancement of its rural character and landscape. In this case too it assists in how we might treat the wider setting on this site.

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



Appeal Decision

Site visit made on 5 December 2023

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/R3705/W/23/3314041

Barn Fishery, Atherstone Road, Hartshill, Warwickshire CV10 0JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Willy McGinley against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2021/0044, dated 14 January 2021, was refused by notice dated 5 July 2022.
- The development is change of use of land to use as residential caravan site for 6 touring caravans, laying of hardstanding and ancillary development.

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by North Warwickshire Borough Council against Mr Willy McGinley. That application is the subject of a separate Decision.

Preliminary Matters

3. The description of the development given in the header above is taken from the application form. The supporting information submitted with the application set out that the six touring caravans would only be needed for three years whilst the occupiers (the appellant and his sons) converted the barn at the site to a dwelling in accordance with an extant planning permission. It was stated at that time by the appellant's agent that permission was sought for a temporary planning permission and not for a permanent gypsy caravan site, albeit the occupiers are Irish travellers. That is the basis on which interested parties were consulted and on which the Council made their decision.
4. The appeal submission however suggested the proposal was for a permanent gypsy traveller site and the appellant's agent confirmed that the development was not for a temporary use of the land. This is a fundamental change to the nature of the development. As set out in the government's Planning Appeals Procedural Guide "*the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage.*" On that basis, I have considered the scheme as originally detailed in the application.
5. At my site visit there were six touring caravans on site, of which four were roughly in the positions shown on the submitted plans, some toilet blocks and some hardstanding. Some caravans were on site at the time of the Council's

decision. I have considered the development on a retrospective basis. In addition, there was a large wood-clad day room on site and entrance gates with flanking piers and walls.

Main Issues

6. The main issues are the effect of the development on the character and appearance of the area, and whether the development is served by a safe access.

Reasons

Character and appearance

7. The appeal site is accessed by a long, partly unmade, track that passes through a large caravan site known as Kirby Glebe, with a total of 31 pitches spread either side of the track. The appeal site is to the west of Kirby Glebe.
8. Kirby Glebe is bordered by railway lines to the north and mostly open farm land to all other sides. Despite the few dwellings along Atherstone Road close to the access point, the wider setting is largely rural. Across the Kirby Glebe site there is a sense of consistency in the size of the plots and boundary treatment which clearly identifies each pitch. Indeed there is a close boarded fence of around 2m in height on the west side of Kirby Glebe, which creates a sense of separation from the surrounding land, including the appeal site.
9. The appeal site is also separated from Kirby Glebe by a substantial gap. Although the vehicular access extends from the west end of Kirby Glebe, there is a pond to the north side of the access and a field to the south. This acts a strong visual break between the caravans at the appeal site and those on the pitches within Kirby Glebe. Moreover this results in the appeal site appearing as being wholly surrounded by undeveloped land.
10. The site also differs from Kirby Glebe by being bordered by low post and rail fencing. This allows the caravans and other structures on site to be clearly seen from the public footpath that runs west of the site. There are some hedges on the field boundaries between the site and the footpath, but there are also significant gaps between them, notably near where the path is closest to the site. As such, in the context of the open and undeveloped land that surrounds the appeal site, particularly the fields between the footpath and the site, the caravans and other structures on site appear incongruous.
11. The principle of caravans in the countryside is not disputed, and it should not be necessary to wholly obscure the views of caravans. To that end, new hedge planting is proposed to run along the boundaries of the appeal site. However this should not be relied upon to alleviate the visual harm resulting from this temporary development.
12. Views from other positions are more limited, with the railway line blocking views from Nuneaton Road and thick hedging screening views from Atherstone Road and the Coventry Canal. The caravans on site are visible from some positions in the Hartshill Hayes Country Park and from the residential development at the northern edge of Hartshill, but this is at a considerable distance.

13. The extant planning permission for the conversion of the barn would result in the residential use of part of the appeal site, and that use would undoubtedly be visible from similar positions. But the development before me is distinctly different; extending further to the west, and hence closer to the public footpath, and involves more structures.
14. The North Warwickshire Landscape Assessment identifies the site as being within the Anker Valley sub-area which includes the open landscape of the broad valley as one of its key characteristics. The development, by being detached from Kirby Glebe, by extending over a greater area than the extent of the site subject of the existing permission, and by projecting further west than both, detracts from that openness.
15. Overall, even for the temporary period proposed, the development has a harmful impact on the character and appearance of the area. It therefore fails to comply with North Warwickshire Local Plan (NWLP) policies LP1, which sets out that development must integrate appropriately with the natural environment; LP30, which requires all development to respect the existing character and appearance of its setting; and policy LP14, which states that development should look to conserve landscape character. It is also contrary to policy DP1 of the Mancetter Neighbourhood Plan (MNP) which aims to ensure that development has regard to its setting and the character of the local area.
16. I have no evidence to demonstrate that the development conflicts with policy BE2 of the MNP referred to in the Council's decision. In particular it would not impact on any of the identified key views. Although NWLP policy LP10 is referred to in the decision notice and the Council's evidence, I consider this to have limited relevance to the proposal as the development is not for a Gypsy site, which is what the policy refers to.

Access

17. The access road serving the appeal site also serves the caravans at Kirby Glebe. It therefore already serves a considerable number of residents and was in regular use during my site visit. The first part is hardsurfaced and is wide enough for two cars to pass each other or for a vehicle to pass a pedestrian. The access onto Atherstone Road is by way of a dropped kerb, but it splays to either side and there is good visibility in both directions.
18. There is a bus stop to the south of the access with a small hardsurfaced waiting area. Although this area could only accommodate one or two people, it is unlikely that there would be more than that waiting at any one time given the relatively limited number of properties nearby. There was no evidence of this waiting area being overrun by vehicles. Overall, it is considered that the dimensions of the access are satisfactory to accommodate the limited additional traffic that could be generated by the development.
19. In recent appeals relating to the caravans at Kirby Glebe, the Inspector found that a condition could be imposed to resolve remaining concerns the Council had in respect of the access, including the lack of information of its construction, drainage details and raised or incorrect kerbs. Although I understand the deadline for compliance with these conditions has passed without them being discharged, I consider similarly worded conditions could be used in this case were I minded to allow this appeal, which could be enforced

by the Council. As the access is on land beyond the appellant's control, any condition would need to be a 'Grampian' style condition.

20. It is considered, therefore, that the development would, with suitable conditions in place, be served by a safe access. It would accord with NWLP policy LP29 which requires developments to provide safe and suitable access for all users.

Other Matters

21. The impact on the character and appearance of the area would not be permanent, in light of the justification originally given for the development. However, around three years have passed since the original submission and aside from works to the roof, removal of one internal wall and installation of electricity and drainage, no other conversion works appear to have taken place. Indeed, significant further work would be needed to make the barn habitable. Clearly, therefore, were the appeal to be allowed it would need to be for an additional period of time which would result in the caravans being on site for further time in addition to the years they have already been there. Consequently, the impact on the character and appearance of the area would also be extended. As such I give little weight to the temporary nature of the impact.
22. There are permitted development rights which allow the stationing of caravans during building works, and under such circumstances, there is no limit to the number of caravans or the length of time that the caravans may be stationed on the site. This is a valid fall back option. However, as acknowledged by the appellant, the laying of hardstanding and provision of toilet blocks go beyond what would be covered by those rights. Moreover, the provision of these additional works, plus the works that have taken place that were not described in the application, such as the day room and entrance structures, are all generally permanent works. As the fall back is vastly different to the current situation on site, I consider it not to be a likely option and therefore give it limited weight.
23. I have been provided with letters relating to the medical condition of the appellant's wife. However these do not demonstrate that remaining at the site is essential to support her care or wellbeing. I have therefore had little regard to this matter.
24. Evidence pertaining to the Council's supply of gypsy and traveller sites was provided with the appeal. However, this has had no bearing on my decision as the development is not for a gypsy or traveller site.
25. Irish travellers share the protected characteristic of race for the purposes of the Public Sector Equality Duty under s149 of the Equality Act 2010 which sets out the requirement to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not. I consider the harms resulting from the development, as identified above, would outweigh the benefits in terms of advancing equality.

Conclusion

26. Although the access would, subject to conditions, be safe, the effect on the character and appearance of the area means the proposal conflicts with the

development plan taken as a whole. There are no other material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

A Owen

INSPECTOR



Costs Decision

Site visit made on 5 December 2023

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Costs application in relation to Appeal Ref: APP/R3705/W/23/3314041 Barn Fishery, Atherstone Road, Hartshill, Warwickshire CV10 0SA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by North Warwickshire Borough Council for a full award of costs against Mr Willy McGinley.
 - The appeal was against the refusal of planning permission for a change of use of land to use as residential caravan site for 6 touring caravans, laying of hardstanding and ancillary development.
-

Decision

1. The application for an award of costs is partially allowed in the terms set out below.

Reason

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. It goes on to state that appellants are required to behave reasonably in relation to procedural and substantive matters in the appeal.
3. Firstly, the planning application sought permission for the provision of caravans whilst the barn on the site was converted. Permission was sought for a temporary 3 year period and it was expressly stated at that time that although the appellant was an Irish traveller, permission was not sought for a permanent gypsy site.
4. The appeal submission however indicated permission was sought for a permanent gypsy site and the appellant's agent confirmed this to be the case. The Planning Inspectorate advised the appellant that the appeal would be considered on the same basis as the application had been submitted, in accordance with government guidance, and my decision does this. No response by the appellant to this was received and the appeal proceeded on this basis. Though the appeal proceeded on a basis on which the appellant maybe did not now wish it to, it was not unreasonable for the appellant to allow the appeal to proceed.
5. The appeal submission in January 2023 included a draft statement of common ground (SoCG). The Council responded to this with their own draft SoCG in May 2023. The appellant failed to respond to this, nor to a follow up email in October 2023. I understand ill health on the part of the appellant's agent may have been responsible for some of this lack of engagement. Nonetheless, even

if some of the lack of engagement from the appellant was not due to ill health and therefore was unreasonable, it did not result in any wasted expense on behalf of the Council.

6. The appeal was originally due to be determined by a hearing on 5 December 2023. This date had been agreed with the main parties in September 2023. The appellant's agent notified The Planning Inspectorate, 12 working days before the hearing date, that he would be unable to attend the hearing due to a diary clash with another hearing. This admission, causing the hearing to be cancelled so close to the hearing date was unreasonable. Letters to interested parties notifying them of the details of the hearing had already been sent by the Council. The work involved in issuing these letters was therefore wasted.
7. The Council state that preparation for the hearing had already been done by the time the event was cancelled, and that this was more than that which would have been done for a written representation appeal. They also advise and that an advocate had been retained. However there is no substantive evidence of this. Moreover, the parties were given an opportunity to provide any additional comments following the change of procedure, and hence any additional work undertaken for the hearing could have been submitted in writing. Indeed a short additional statement was provided by the Council.
8. In summary, whilst the appellant has displayed unreasonable behaviour on a number of points, the only evidence before me of wasted expense incurred by the Council was the work involved in issuing notification letters to interested parties of the hearing. As such, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a partial award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Mr Willy McGinley shall pay to North Warwickshire Borough Council the costs of the appeal's proceedings, more particularly described in the heading of this decision, but limited to the costs involved in issuing notification letters to interested parties for the subsequently cancelled hearing.
10. The applicant is now invited to submit to Mr Willy McGinley, to whom a copy of this decision has been sent, details of these costs with a view to reaching an agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

A Owen

INSPECTOR