

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 719226 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

10 JUNE 2024

The Planning and Development Board will meet on Monday, 10 June 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 719237 / 719221 / 719226.

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.

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so 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 21 May 2024** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Submission of Polesworth Neighbourhood Plan for Public Consultation** – Report of the Chief Executive

Summary:

This report informs Members of the submission of the Polesworth Neighbourhood Plan and seeks approval to go out for a formal consultation in accordance with regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

The Contact Officer for this report is Sue Wilson (719499).

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

Summary

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

6a Application No: PAP/2024/0078 – Land north of Ivy Cottage, Freasley Common, Dordon.

Conversion of existing stables into residential dwelling utilising existing access and parking.

6b Application No: PAP/2018/0755 – Land to east of Former Tamworth Golf Course, North of Tamworth Road - B5000 and west of M42, Alvecote.

Outline application - Demolition of all existing buildings and construction of residential dwellings including extra care/care facility; a community hub comprising Use Classes E(a)-(f) & (g) (i) and (ii), F.2 (a) & (b), drinking establishment and hot food takeaway uses, a primary school, the provision of green infrastructure comprising playing fields and sports pavilion, formal and informal open space, children's play area, woodland planting and habitat creation, allotments, walking and cycling routes, sustainable drainage infrastructure, vehicular access and landscaping.

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

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

Summary

The report updates Members on recent appeal decisions.

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

8 **Exclusion of the Public and Press**

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

9 **Exempt Extract of the Minutes of the meeting of the Planning and Development Board held on 21 May 2024 – copy herewith to be approved as a correct record and signed by the Chairman.**

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

21 May 2024

Present: Councillor Bell in the Chair

Councillors Bates, Chapman, Davey, Dirveiks, Fowler, Gosling, Hayfield, Hobley, Humphreys, Jarvis, Melia, Parsons, H Phillips, Ririe and Smith

Apologies for absence were received from Councillors Ridley (Substitute Melia), Riley (Substitute Davey) and Simpson (Substitute Smith)

In the absence of the Chair and Vice-Chair it was proposed by Councillor Bates and seconded by Councillor Fowler that Councillor Bell chair the meeting.

1 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Hobley declared a non-pecuniary interest in Minute No 5b – Application No PAP/2024/0134 (Cow Lees Nursing Home, Asley Lane CV12 0NF) by reason of having a parent being considered for a place at the nursing home and took no part in the discussion or voting thereon.

2 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 8 April 2024, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

3 **Introduction of Charging Fee Schedule for Self and Custom Build Register**

The Chief Executive sought agreement to introduce a fee charging structure for entry onto North Warwickshire Borough's Council's Self-build and Custom Housebuilding Register and a further charge to remain on the Register on an annual basis.

Resolved:

- a That the introduction of a charging structure for entry onto the Self-Build and Custom Housebuilding Register, and a further charge to remain on the Register on an annual basis, be approved;**
- b That the operation of the Register, including the scale of the fees, be kept under review and monitored; and**

- c That comments and observations Members made towards the approach being undertaken for charging for inclusion on the Council's Self and Custom Build Register be noted.**

4 South Staffordshire Council Local Plan Review – Publication Plan (Pre-Submission plan) Regulation 19 consultation April 2024

The Chief Executive sought Members' agreement for comments on South Staffordshire District Council's Regulation 19 (Pre-Submission) Local Plan consultation.

Resolved:

- a That the comments on the South Staffordshire Local Plan review, Regulation 19 consultation be agreed;**
- b That the Regulation 19 Pre-Submission plan in relation to the focus on and allocations proposed towards addressing Strategic Employment needs be supported;**
- c That the objection, concerns and the Council's disappointment in the reduction made towards addressing the wider unmet housing needs of the GBBCHMA be raised; and**
- d That additional comments and points raised by Members at the Planning and Development Board be included.**

5 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/2024/0059 (32, Sycamore Avenue, Polesworth, Tamworth, B78 1NE) the Board confirms the conditional grant of planning permission in this case;**
- b That in respect of Application No PAP/2024/0134 (Cow Lees Nursing Home, Astley Lane, CV12 0NF) the report be noted;**
- c That Application No PAP/2024/0029 (Millfield, Common Lane, Corley, CV7 8AQ) be granted subject to the conditions set out in the report of the Head of Development Control;**
- d That Application No PAP/2023/0567 (Land 500 Metres South East Of Lea Marston Shooting Club, Haunch Lane, Lea Marston) be approved subject to the finalisation of a Section**

106 agreement in respect of matters (a) and (b) below and that the final wording of conditions be delegated to the Chairman and Opposition Spokesperson.

- a) the delivery of the noise bunds and associated works; and**
- b) requirements for landscape, drainage and ecological mitigation outside of the application area.**

[Speakers: Kevin Oakley, Guy Breedon and Clive Bentley]

6 Appeal Update

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

Resolved:

That the report be noted.

7 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.

8 Tree Preservation Order

The Head of Development Control sought authority for the protection of trees through the making and confirmation of a Tree Preservation Order.

Resolved:

- a That a Tree Preservation Order be made;**
- b That consultation be undertaken and that in the event of an objection being received to the Order, the matter be referred back to the Board, but that if no objections are received the confirmation of making an Order be delegated to Officers, in consultation with the Chairman, the Opposition Spokesperson and the local Members; and**
- c That a report confirming the Order be brought back to the Board.**

M Simpson
Chairman

Agenda Item No 5

Planning and Development Board

10 June 2024

Report of the Chief Executive

Submission of Polesworth Neighbourhood Plan for Public Consultation

1 Summary

- 1.1 This report informs Members of the submission of the Polesworth Neighbourhood Plan and seeks approval to go out for a formal consultation in accordance with regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Recommendation to the Board

That the Polesworth Neighbourhood Plan be publicised for a six-week public consultation.

2 Consultation

- 2.1 Councillors Whapples, Parsons, Chapman and Osborne have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Background

- 3.1 The Localism Act 2011 introduced a mechanism for local communities to produce neighbourhood plans. Once a neighbourhood plan is 'made' (adopted) it becomes part of the statutory development plan for that area and will be used, alongside local and national planning policy and guidance, to determine planning applications.
- 3.2 The Polesworth Neighbourhood Plan is brought to this Board as it is considered that it generally conforms to the development plan for the Borough. The final adoption of the Plan will be considered by Executive Board and Full Council in due course.

4 Submission

- 4.1 Polesworth is the tenth Neighbourhood Plan to be formally submitted to North Warwickshire Borough Council. A copy of the Neighbourhood Plan is attached as Appendix A. The Parish Council must also supply other associated documents to this Council, and these are attached as Appendices B and C. Appendix B is the Basic Conditions Statement which sets out how the Neighbourhood Plan has met a series of conditions to ensure the Plan meets a

minimum standard. Appendix C is the Consultation Statement setting out how the Parish Council, with its Neighbourhood Plan Group, have carried out consultation from their initial draft documents to the version now being submitted.

- 4.2 At this stage it is only the responsibility of the Council to make sure that the submitted Neighbourhood Plan meets the legal requirements which are:
- whether the Parish Council is authorised to act
 - whether the proposal and accompanying documents:
 - a. comply with the rules for submission to the Council;
 - b. meet the 'definition of a Neighbourhood Plan'; and
 - c. meet the 'scope of Neighbourhood Plan provisions'
 - whether the Parish Council has undertaken the correct procedures in relation to consultation and publicity
- 4.3 It is considered that the submitted plan accords with the legal requirements and so the Council should now publicise the plan in accordance with Regulation 16 of The Neighbourhood Planning (General) Regulations 2012.

5 Polesworth

- 5.1 Polesworth Parish Council applied to North Warwickshire Borough Council for designation of a Neighbourhood Plan Area and the designation was approved on 20th September 2017.
- 5.2 Since that time, the Neighbourhood Plan Steering Group under the direction of the Parish Council (as the Qualifying Body as set out in section 38A (12) of the 2004 Act) has been working toward the production of a draft Neighbourhood Plan. A number of meetings with officers have taken place to assist with the progression of the Plan.
- 5.3 Prior to formal submission of the Neighbourhood Plan to the Borough Council the Qualifying Body (Polesworth Parish Council) must first publicise it, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area; consult any consultation body referred to in paragraph 1 of Schedule of The Neighbourhood Planning (General) Regulations 2012 (as amended) whose interests may be affected by the proposals for a neighbourhood plan; and send a copy to the Local Planning Authority. As well as the details of the proposals for the Neighbourhood Plan it should include details of how and when to make representations on the Neighbourhood Plan.
- 5.4 As set out in Appendix C, the Parish Council undertook a Regulation 14 consultation for a minimum 6 week period on their draft Neighbourhood Plan up to 30th April 2023. They have now formally submitted the Plan to the Borough Council for its consideration and progression to Examination.

6 Next Steps

6.1 The following sets out the next steps in the production of the Neighbourhood Plan:

1. Receiving of details of those who responded to the Borough Council in the recent Regulation 14 consultation.
2. Following approval of this report officers will organise a consultation for a period of 6 weeks.
3. Any representations made during this period will be considered by an external examiner appointed by the Borough Council in consultation with Polesworth Parish Council.
4. Examiner's Report be completed.
5. Any recommendations in Examiner's Report to be considered by the Parish Council.
6. When recommendations have been incorporated into the Neighbourhood Plan the Borough Council will consider moving the Neighbourhood Plan forward to Referendum.
7. Referendum then to be held as soon as practicable.
8. If more than 50% vote "yes" the Neighbourhood Plan can then be formally made (adopted) by the Borough Council.

7 Report Implications

7.1 Finance and Value for Money Implications

7.1.1 The Borough Council can claim for up to £20,000 for each Neighbourhood Plan. This recognises the amount of officer time supporting and advising the community in taking forward a Neighbourhood Plan as well as paying for the examiner and referendum. It may also be used for other costs such as digitising the final made Neighbourhood Plan. The payment of £20,000 is claimed when the date for referendum has been set.

7.2 Legal and Human Rights Implications

7.2.1 As stated in the body of the report, the process must follow the legal requirements in regulations relating to Neighbourhood Plans. Once a Plan has been submitted to the Council together with all the required documentation, the Council must publish the Plan for consultation in accordance with those regulations and take the other steps referred to at paragraph 6.1.

7.3 Human Resources Implications

7.3.1 Staff time is provided by the Borough Council to support and advise the Parish Council and community in taking forward a Neighbourhood Development Plan. However, the amount of staff time will be limited, essentially to an advisory role, due to the other work priorities of the Forward Planning Team and that this role must be provided to the other Parishes who are also considering undertaking Neighbourhood Plans.

7.4 Environmental and Sustainability Implications

7.4.1 Each Neighbour Plan will need to consider the effects of the Plan's contents in terms of environmental and sustainability issues in accordance with the relevant regulations. Michael Wellock of Kirkwells submitted on behalf of Polesworth Parish Council to the Borough Council the Polesworth Neighbourhood Development Plan Screening for Strategic Environmental Assessment (SEA). In accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), a SEA Screening Document was prepared to determine whether the Polesworth Neighbourhood Development Plan should be subject to a Strategic Environmental Assessment (SEA). The Screening Document explored the potential effects of the proposed Polesworth Neighbourhood Plan and concluded that on the basis of the SEA Screening Assessment, the Polesworth Neighbourhood Plan would not result in significant environmental effects in relation to criteria set out in the SEA Regulations or the Habitats and Species Regulations.

7.4.2 The screening document was subsequently submitted to the statutory environmental bodies of Historic England, Environment Agency and Natural England for comment, in accordance with the SEA Regulations.

7.5 Links to Council's Priorities

7.5.1 The designation of the Neighbourhood Plan Designation Area will have links to the following priorities;

1. Enhancing community involvement and access to services
2. Protecting and improving our environment
3. Defending and improving our countryside and rural heritage

The Contact Officer for this report is Sue Wilson (719499).

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
1	PolesworthPC Neighbourhood Plan Team	PolesworthNeighbourhood Plan	February 2024
2	PolesworthPC Neighbourhood Plan Team	Basic Conditions Statement	February 2024
3	PolesworthPC Neighbourhood Plan Team	Consultation Statement	February 2024
4	PolesworthPC Neighbourhood Plan Team	Screening Assessment	February 2024



POLESWORTH PARISH NEIGHBOURHOOD PLAN

2022-2033

Regulation 16 Submission Draft (February 2024)

Foreword

Thank you for taking the time to get involved in shaping the future of Polesworth.

The Polesworth Neighbourhood Plan (PNP) has now reached the second formal consultation stage (the “Regulation 16” consultation). **This consultation runs from [dates to be inserted]**. North Warwickshire Council are responsible for the Regulation 16 consultation, but we at the Parish Council would urge all those with an interest in the future of the area to take the time to consider the contents of the PNP and make your views known to the Borough Council. You can do this by:

[Details to be inserted]

When complete the PNP will allow residents, businesses and other organisations to get involved in setting planning policies for the future of Birchmoor, Polesworth and Warton. The PNP will also sit alongside other planning policy documents, including the North Warwickshire Local Plan, and be used to help make decisions on planning applications.

The Regulation 16 draft plan has been prepared by a working group of parish councillors and committed residents and has been revised to take on board comments made during previous consultations. The neighbourhood plan includes policies to protect our green spaces, recreation areas, landscape, community facilities and local heritage assets.

Your views matter so please take the time to read the plan and policies map and make your views known.

Once again thank you for your time and we look forward to receiving your comments.

Dave Parsons

Chair of the Neighbourhood Plan Committee

Table of Contents

	Page
Foreword	2
Table of Contents	3
1.0 Background.....	4
2.0 Polesworth Neighbourhood Plan Key Issues, Vision and Objectives.....	7
3.0 Polesworth Neighbourhood Area	11
4.0 Planning Policy Context	18
5.0 Neighbourhood Plan Policies	25
6.0 How to comment on this document.....	50
Appendix 1. Local Green Space Assessment.....	52
Appendix 2. Non-designated Heritage Assets.....	69
Glossary	117

1.0 Background

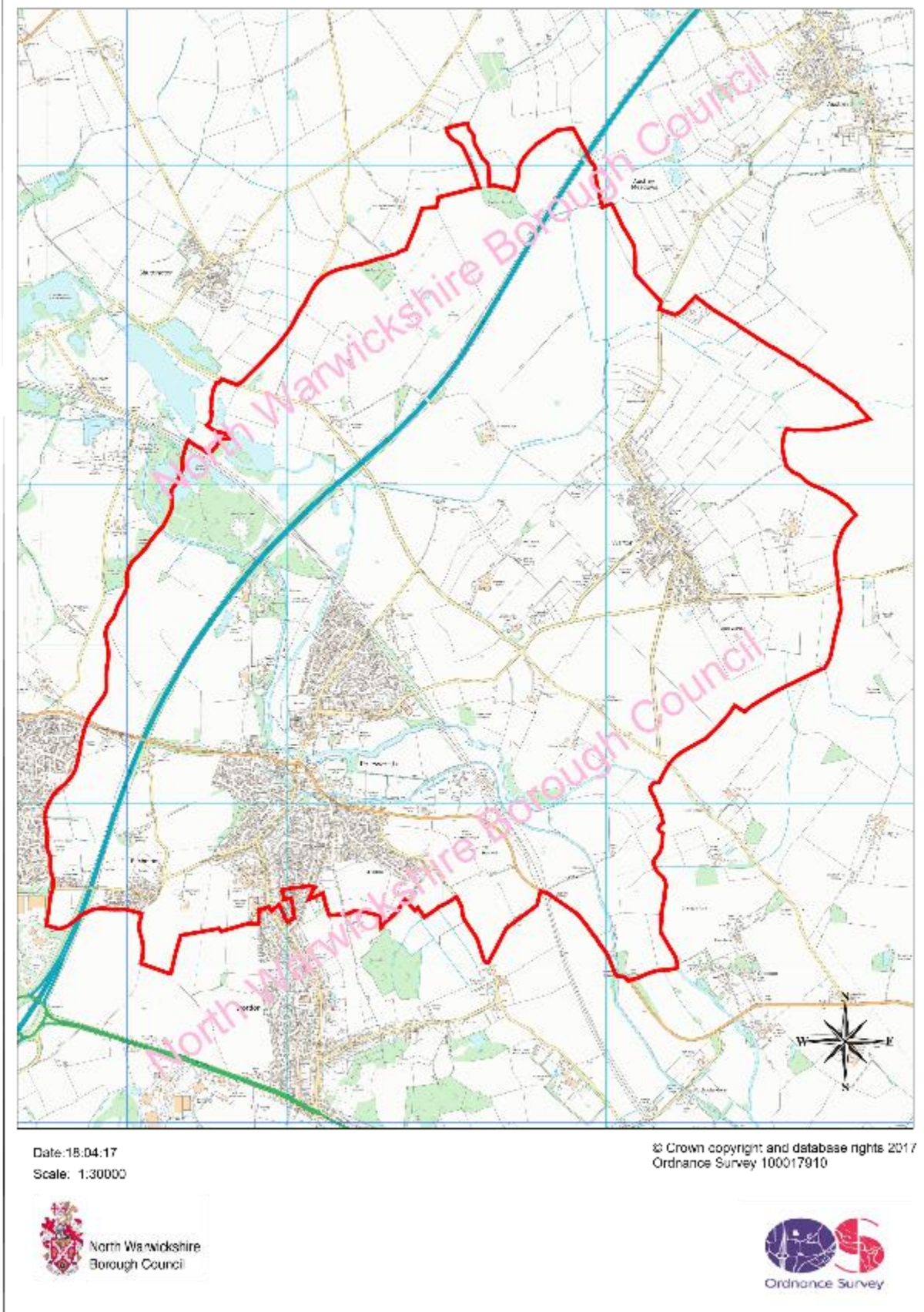
- 1.1 The Localism Act 2011 gave Parish Councils the power to prepare neighbourhood development plans to help guide development in a community's local area. Through this Polesworth Neighbourhood Plan (PNP), local people in Polesworth parish now have the opportunity to help shape future development in the area. This is because planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.2 When complete the PNP will sit alongside the local authority area's North Warwickshire Local Plan (NWLP) this was adopted in September 2021. Neighbourhood plans must be in general conformity with the strategic planning policies contained in the development plan (the NWLP) for their area. The Draft PNP has, therefore, been prepared to be in general conformity with the NWLP.

Neighbourhood Plan Process and Preparation

- 1.3 Polesworth Parish Council, as a qualifying body, believe neighbourhood planning is an important power for local people to use and decided to prepare a neighbourhood plan for the area. The Parish Council applied to North Warwickshire Borough Council (NWBC) for the parish area to be designated as a neighbourhood area on 11th April 2017. The application for designation was approved by NWBC on 20th September 2017¹. The designated Neighbourhood Area covers the parish council area and is shown on Figure 1.

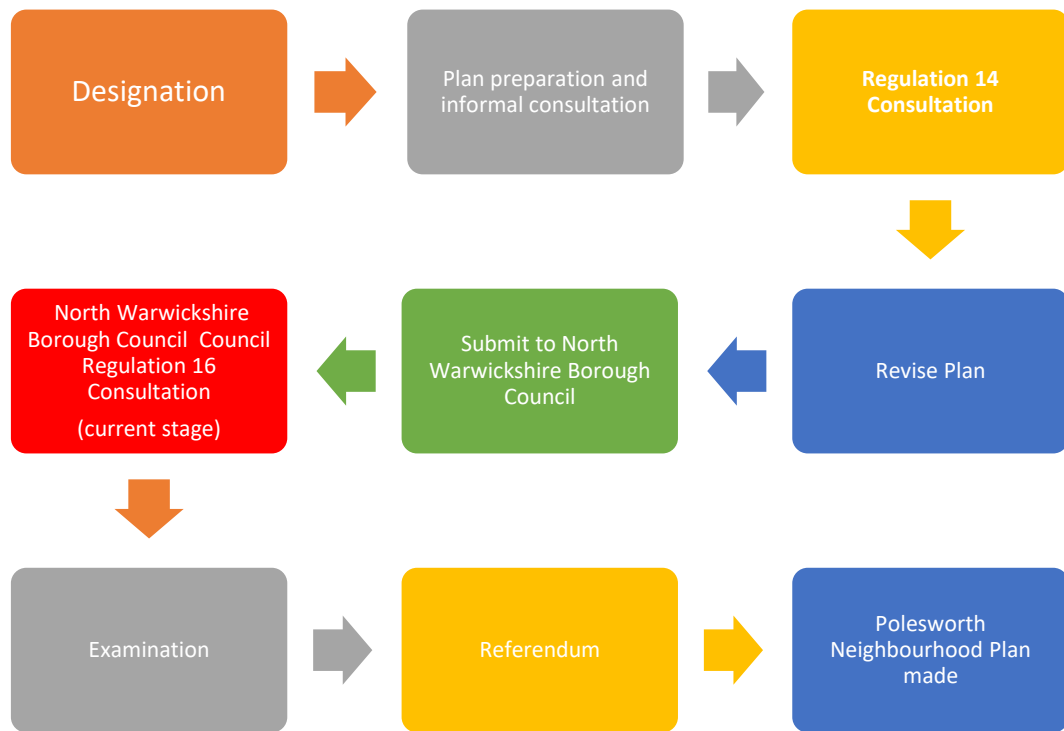
¹ https://www.northwarks.gov.uk/downloads/file/6825/polesworth_parish_council_-_approved_designation_decision

Figure 1. Polesworth Designated Neighbourhood Area (source: North Warwickshire Borough Council https://www.northwarks.gov.uk/downloads/file/6826/polesworth_parish_council_-_approved_area_designation)



1.4 A Neighbourhood Plan Committee (NPC) comprising Parish Councillors and local residents was established to progress work on the plan. If you are interested in getting involved in the Neighbourhood Plan or would like more information, please contact us at yourplan@polesworth-pc.gov.uk. Further information on the background and work undertaken so far on the PNP, including the results of the surveys and information on consultation events can be found at <https://polesworth-pc.gov.uk/plan>. The steps in preparing a Neighbourhood Plan are set out in Figure 2 below. The PNP is now being published for the second period formal consultation – the “Regulation 16” submission consultation.

Figure 2. Neighbourhood Plan Preparation Process



1.5 The Regulation 16 consultation runs from [dates to be inserted by NWBC]. Your views matter so please take the time to read the plan and policies map.

[Consultation details to be inserted by NWBC].

2.0 Polesworth Neighbourhood Plan Key Issues, Vision and Objectives

Early Consultation and Engagement

- 2.1 Over the past few months the Neighbourhood Plan volunteers have been running a survey to understand what people like about the area, what they don't like, and what concerns residents most about the future.



- 2.2 The Survey produced 165 online responses and 127 written responses. These are some of the facts about who responded.
- Just over 50% have lived here for over 20 years.
 - 20% had lived here for less than 5 years.
 - 58% were female.
 - And whilst responses were spread across the age ranges, 38% were over 65, and 56% were between 25 and 65.

- 2.3 One of the key things we asked residents was to tell us what was most important to them about the area. 10 areas were identified, and residents were asked to rank them:

Quality of Environment and Green Spaces

Business and Employment

Community Facilities and Services

Retail

Transport, Traffic, and Moving Around

Heritage, Character and Distinctiveness

Building and Development

Health and Wellbeing

Leisure and Recreation

Education and Training

- 2.4 Most people ranked the quality of the **Environment & Green Spaces, and Health and Wellbeing** as their highest priority. In the comments we received this was also clearly the main priority area. Overwhelmingly when we asked people what they liked about their neighbourhood they talked about walking, open spaces, fresh air and countryside. Specific areas mentioned were Pooley Park, the river and canal, and other green spaces such as the playing fields at Warton.



- 2.5 Also highlighted through the comments were those on **the Heritage, Character & Distinctiveness** of the area, with references made to the local carnivals, fairs and festivals as being important parts of community life.
- 2.6 The thing that most people ranked as less important for the area was, surprisingly, **Building and Development**. Whilst the PNP cannot prevent development identified in the NWLP. Almost all responses identified recent development and the pressure this placed on local infrastructure such as doctors and schools, and lack of transport links as being problems that need to be addressed. We especially noted the concerns over safety at several junctions, including on the bridge and in Warton, and we also received many comments about “parking on the bridge”.
- 2.7 Discussions, comments and feedback were also collected from several engagement events. These included:

Polesworth

Scouts - Pooley Hall, 24th June 2021

Hall Court, 21st August 2021

Fire Station Open Day, 25th September 2021

Warton

Office Public House car park, 21st August 2021

"Picnic in the Park", 19th September 2021

Birchmoor

Game Cock Public House car park, 21st August 2021

"Picnic in the park" and Scarecrow Festival, 25th September 2021

Key Issues

2.8 The Key Issues that have been identified by the NPC for the PNP are set out below:

- **Green spaces**
- **Quality of Environment**
- **Heritage**
- **Character and Distinctiveness (Landscape)**
- **Services and Facilities**
- **Infrastructure**

2.9 The first formal consultation – the “Regulation 14” consultation – was held in March/April 2023 and the comments made and how these have been taken on board in this submission version of the PNP can be found in the Consultation Statement that accompanies this draft of the plan.

Vision

2.10 The PNP will help to address some of these key issues with the aim of achieving our Vision for Polesworth in 2033. Why 2033? This is the same plan period as that for the North Warwickshire Local Plan, neighbourhood plans must be prepared to the same time period as the strategic planning policies for the area.

2.11 The Parish of Polesworth is a semi-rural area within the District of North Warwickshire. Polesworth has three separate communities - Birchmoor, Warton and the largest settlement of Polesworth itself.

2.12 Each community is predominantly residential with their own distinct geography, heritage and natural environment.

2.13 This Vision Statement has been developed from extensive community consultation – to which the main theme of the responses emphasised the importance of protecting the green spaces within and surrounding each community. This is because it is the village atmosphere which residents hold dear, and which attracts the majority of new residents to come and live in the area.

2.14 However it is acknowledged that growth will occur within Polesworth parish, this growth must be a significant factor in the future planning of the parish and must not be at the expense of the “village feel” the residents of the area wish to see retained.

2.15 Therefore the Polesworth Neighbourhood Plan (PNP) Vision is:

“In 2033, Birchmoor, Warton and Polesworth will be distinct, attractive and green places to live in rural North Warwickshire. The physical and social attributes that go to make Polesworth parish a sought after place to live, such as green spaces, countryside and built heritage will have been retained, whilst housing and economic growth has been seamlessly integrated into the existing local community and environment.”

Polesworth Neighbourhood Plan Objectives

2.16 To achieve this Vision we have identified the following objectives for the PNP:

OBJECTIVE 1 – To protect and enhance green spaces.

OBJECTIVE 2 – To ensure new development creates a high quality, beautiful and sustainable buildings and places that reinforce the identity of Polesworth, Warton, Birchmoor and the surrounding countryside.

OBJECTIVE 3 – To protect and enhance the built and natural heritage assets of the area.

OBJECTIVE 4 – To support vibrant village centres and protect and enhance local services and facilities.

OBJECTIVE 5 – To ensure new development integrates as seamlessly as possible within its surroundings and minimises impact on existing communities.

OBJECTIVE 6 – To preserve the distinctive nature of our communities through preserving gaps / areas of separation between all of our existing communities and especially the neighbouring communities of Tamworth and Atherstone.

3.0 Polesworth Neighbourhood Area

Introduction

- 3.1 The designated neighbourhood area is shown on Figure 1, Polesworth parish consists of three separate and distinct settlements, Polesworth, Warton and Birchmoor. Each has its own history and distinct character.

The area today

- 3.2 Polesworth Bridge Street is the main shopping centre with shops to accommodate most everyday purchases. There is a Health Centre backing onto High Street which is currently rarely used and is therefore underutilised. The Practice retains the lease but due to difficulty with recruiting GPs is unable to staff and fully utilise this facility. There is a clear need for this provision at this location as the main GP surgery is based around two miles away in Dordon and bus services from the neighbouring villages of Warton (which does not have a direct service to Dordon), Birchmoor and beyond serve Polesworth far more frequently than Dordon. Consequently, improvements to the medical centre and provision in Polesworth would lead to a much needed improvement in service and improvement in terms of access for the population covered by this Neighbourhood Plan. There were 8 industrial units near the Tithe Barn which were for small enterprises and start up facilities for entrepreneurs which were well utilised, but these have now been turned into a small gym facility. There were a number of industrial premises along Pooley Lane and on the site of Pooley Pit which are no longer available for rent and will be demolished when the HS2 cuts through. Other industrial premises have been sold and houses built on them. The only industrial premises remaining are along Grendon Road, this is where the canal boat yard used to be.



- 3.3 Warton was a small village which grew because of housing development when the farms were sold off. Council houses were built along Orton Road about 1950 and more built in the 1960s and early 1980s. The older properties in Little Warton Road were Coal Board houses. The village originally was on the crest of the hill with the smaller settlement along Orton Road known as Little Warton. Gradually the settlements merged from the 1920s/30s and the name Little Warton remains as a road name only. Since 2015 there have been five new housing developments and a sixth is in construction. This is significant development pressure on a small village

and beyond planned allocations. Warton has a primary school, one shop, a club and a public house but has few other facilities, residents having to travel for butchers, greengrocers, hairdressers, all other household purchases. There is no public transport to the doctors' surgery in Dordon. There are no facilities for industrial usage, and it has until recently retained its village character. Although Bramcote is officially part of Polesworth it is seen to be part of the village and HS2 will run near the M42 there.

- 3.4 Birchmoor has a club, public house and St Johns Methodists Church, residents having to travel for all household purchases and health services. The village has been divided by the M42 motorway and the HS2 development will cause much disruption during its construction and divide the village even more. The large lorry park development planned to the south and yet to be granted planning permission would if to be given the go ahead potentially detract from this village/hamlet environment.

History

Early History

- 3.5 The first humans to visit the area were early nomadic tribes who left traces of their presence along the river valley. There was also an iron hill fort located on the south side of the valley on Hoo Hill and a meeting place, possibly pre-Roman on the north side of the valley on Stipers Hill.
- 3.6 Traces of a Roman building were found in various archaeological digs in Polesworth near the site of the present Parish Church. There is documentary evidence of an anchorite called Edith living on the banks of the Anker in the late 600s to early 700s and after her death she was revered as a saint and evidence of a community which looked after her shrine there and possible site of a Minster Church was found during the archaeological digs on the site from 2011-2013. There is little evidence of any habitation in Warton at this time and none at Birchmoor, although the areas of Bramcote and Pooley seem to have Saxon origins. This area was in the Forest of Arden and although there may have been other small, cleared areas the majority of the landscape was forested.

Norman Conquest to the Dissolution of the Monasteries

- 3.7 In the middle of the 1100s a large Abbey was built near the river in Polesworth and a township built up around it. Tax was paid by a number of households in the 1300s which denotes its prosperity as one of the largest townships in Warwickshire. Bramcote was a thriving Hamlet with a number of households also paying large amounts of tax in the 1300s; neither Warton nor Birchmoor is recorded as paying any tax at this time which probably denotes an empty landscape. Warton is mentioned in deeds of Polesworth Abbey as a wooded area. Polesworth benefited from the weekly market held in the shadow of the Abbey precincts in High Street, the yearly three day fair and the many pilgrims who visited the shrine of St. Edith. The Saxon Hall standing at Pooley, although much altered and added to over the intervening years, was replaced by a semi fortified brick built house by Sir Thomas Cockayne in 1509, possibly the earliest brick built house in Warwickshire.



Dissolution of the Monasteries to the Present Day

- 3.8 Parish Registers give details of baptisms, marriages and burials since they began in 1632 which show a small number of households present at Warton and Pooley. Evidence from wills shows these to be small scale farmers. Birchmoor seems to have been mainly an empty moor and heath landscape. There are few mentions in the parish registers until the late 1700s of any occupants. Indeed, the Hearth Tax in 1662 gives no mention of any houses there at all.
- 3.9 Birchmoor's main claim to fame is the fact that Joseph Gilliver came from there. He was a breeder of fighting cocks and was the cock master to both King George III and IV. He named the area Cockspur, a name by which it was known until quite recently. There is a public house in Birchmoor named the Gamecock Inn which refers to this part of the history of Birchmoor and may predate Gilliver's time.
- 3.10 The main change at Birchmoor came with the sinking of the mine shaft which was off the Hermitage Lane between the Tamworth Road and present day Birchmoor itself, this was originally called the Cockspur mine. The seams were excavated under the Watling Street and led to the closing of the shaft in Birchmoor and the opening of the new one, named Birch Coppice, across the Watling Street to be closer to the richer coal seams. New houses for the miners were built along New Street and in the 1800s a mission church was built which is still in use for Christian worship today. A Methodist church was built some time afterwards at the bottom of New Street but went out of use and was demolished, the land being used as a car park opposite the Club.
- 3.11 Bramcote existed as a small hamlet, although its size had shrunk since the Reformation, until the beginning of the 19th century when the landowner developed more intensive farming in the area and the only trace of any habitation apart from the modern farm buildings is the Grade II listed Bramcote Hall.

- 3.12 Polesworth survived the Reformation although evidence from wills shows it began to decline. However, it became a very prosperous township in the 1700s and early 1800s with all the facilities one would expect to find in a townships at that time. The Goodere family who purchased the Polesworth estate from the crown after the Reformation held the land until 1747. The family were patrons of the arts and attracted many prominent poets such as Ben Johnson, John Donne and Michael Drayton – who worked at Polesworth Hall, on the site of the present vicarage, as a page. Both Drayton and Donne mention Polesworth in their writings. They all viewed it as the epitome of idyllic rural charm. Shakespeare is also reputed to have been a page in the Goodere household and many of his plays contain references to places nearby. Indeed Hollingshead, whose chronicles he used for his historical plays, was tutor at Bramcote Hall at this time and may well have been known to him.
- 3.13 Sir Francis Nehersole, who inherited the estate through his wife Lucy, built a school for boys and girls in Polesworth in 1655 after founding the school in 1638, where scholars from the ecclesiastical parish could gain an education. The nuns at Polesworth had run a school before the Reformation and records show that between thirty to forty children were educated there at one time.
- 3.14 Polesworth up to the early 1800s remained mainly an agricultural area but there was also small scale coal mining. The 1662 Hearth Tax gives 43 houses in the township, many of which were large properties and by 1800 there were many prosperous families. The canal was cut through in 1770s which opened up the transport of agricultural produce to a wider market and also opened up the area south of the river to wider occupation. The river flooded regularly and cut the township in half when the valley floor became impassable. The opening of the railway in 1847 gave access to an even wider market for goods and services.
- 3.15 The Polesworth mine, opened in the 1700s was opposite the Bulls Head public house and employed a number of local men. With the sinking of the deep shaft at Pooley came the need to employ more men and so there was a distinct shift in the mid-1800s from agricultural workers in the area to mine workers as evidenced by the Census figures for 1841 and 1861.
- 3.16 A large wharf was built to take the coal along the canal and with the development of railway engineering a railway was built to take the coal from the Birch Coppice mine all the way across the straight fields at Birchmoor and down to the wharf at Polesworth. Canal boat building was taking place along the Grendon Road in Polesworth, and a large pipe works was built near the Polesworth coal mine which used the clay from the hill behind which shows in the landscape of the area as the excavations ended at what is now the crest of The Gullet. The wharf was filled in and a housing estate now stands on the area of the pipeworks and the mine.



- 3.17 So the status of Polesworth changed from being a prosperous market township to a mining village with some other industries developing. Many of the tradespeople moved away and although there were still people of independent means there were fewer tailors, haberdashers, butchers, hat makers, dressmakers etc and more malsters, victuallers, coal huggers, publicans and coal miners. It was during this change that the non-conformist churches developed. Both the Baptist and Independents (Congregationalists) build their churches in 1828, with the Methodists building there's in 1857. There is evidence of a Baptist congregation in Polesworth since the early 1800s, but the first evidence of Independents is when the church was built along High Street. The Methodists seem to emerge when the Tamworth church was being rebuilt in 1850 and people from the congregation went to local villages to preach and encourage new congregations to develop. They quickly gained converts and used a blacksmiths shop as a chapel until they could build their own church in 1857.
- 3.18 The Hearth Tax records for Warton show that in the mid-1600s at least 24 households were part of a scattered settlement, some of which were larger farmhouses and some poorer dwellings for farm workers. 17 households suffered losses in the Civil War period when they were required to give free quarter to parliamentary troops, with 12 households also losing horses, other items were also stolen by Scottish troops. The village had a thriving Baptist congregation from the early 1800s with a church and attached burial ground being built in 1812. This closed in 1953 and was demolished in 1972/3 to make way for housing. The Primitive Methodists had a congregation in Warton from 1828 to 1845 and grew up again in 1892 with a chapel being built in 1898. It closed in 1932 and the building still stands today although much altered. Polesworth Church was the established church that served the ecclesiastical area with all services and baptisms, marriages and burials taking place there, but Warton had a church built in 1841 and was served by a curate until it became a separate ecclesiastical parish in 1849.



- 3.19 Polesworth remained a small compact township up to the mid-1800s with houses on medieval burgage plots arranged along the High Street with some development along Bridge Street, the old hollow way for the medieval township. The main thoroughfare was from and to the north and east. After the Reformation and certainly after the canal was cut through the road to the south of the river, now the B5000, was developed.



- 3.20 Polesworth was a large estate with one landowner, some plots of land had been sold off, but the majority was still owned by the Chetwynd family of Grendon. When the estate was split up and sold in 1912 this released land for development for housing for workers in the growing industries. Individual plots were purchased along High Street, Station Road, Grendon Road, Dordon Road and Fairfields Hill in the years between the two wars and Council housing was also provided on the estates at St. Helena and Coronation Avenue. There had also been a number of 'yards' of poor housing developed during the late 1700s and early 1800s which were demolished in the late 1950s and early 1960s. This period also included the expansion of Council housing providing homes at reasonable cost and good quality. The middle 1960s saw the building of two large private sector estates called Transale Heights and Castle Park and the demolition of houses along Grendon Road and the erection of blocks of council flats. Further infilling took place encompassing the old pipeworks and mine area opposite the Bull public house with the old canal wharf being filled in; along Birchmoor Road, Sunset Close, Waterside and Rickyard Close. Recently more infilling has taken place and also the erection of the estates on the eastern end of Grendon Road on what were green sites with more housing in the pipeline to extend up to the Dordon boundary on that side of the township.

4.0 Planning Policy Context

- 4.1 Neighbourhood plans must be consistent with national planning policies and advice; and be in general conformity with the strategic planning policies for the area. It is therefore important that as the PNP is prepared, the emerging draft policies reflect this higher-level planning framework.
- 4.2 National planning policy is set out in the National Planning Policy Framework (NPPF)² published in revised form in December 2023. This sets out in paragraphs 7 and 8 that the purpose of the planning system is to contribute to the achievement of sustainable development, and that the planning system performs an economic role, a social role and an environmental role.
- 4.3 The benefit of neighbourhood planning is set out in paragraph 29 of NPPF:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies¹⁸.”

Footnote 18: Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

- 4.4 Strategic planning policy is set out in the North Warwickshire Local Plan (NWLP) (adopted September 2021).
- 4.5 The NWLP seeks to achieve the following Strategic Vision for North Warwickshire:

Rural North Warwickshire: a community of communities. A place where people want to live, work and visit, now and in the future, which meets the diverse needs of existing and future residents is sensitive to the local environment and contributes to a high quality of life. A place which is safe and inclusive, well planned, built and run and offers equality of opportunity and good services for all.

The rural character of North Warwickshire will be retained and reinforced to ensure that when entering the Borough it is distinctive from the surrounding urban areas.

The Borough will accommodate development in a balanced and sustainable way, placing a high priority on quality of life, ensuring the protection, restoration and enhancement of valuable natural and historic resources and providing the necessary supporting infrastructure.

New homes, new employment proposals, local services and community facilities will be integrated carefully into the Borough’s existing areas respecting local distinctiveness. The majority of the development will be focused on the Market Towns and Local Service Centres.

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Employment generation will benefit local residents and ensure long lasting benefits to the Borough, including improved skills, reducing out commuting and regeneration of industrial estates where appropriate.

Housing catering for the needs of residents will be provided in order to give choice of tenure and location and will be located to take advantage of good public transport accessibility and to help maintain and enhance the vitality and viability of settlements.

Existing communities will retain their distinctiveness and identity through good quality, inclusive design. New development will be designed to a high quality following urban design, sustainable development and construction principles and giving high importance to the public realm as well as good access and provision of Green Infrastructure, open space, sports and recreational facilities.

Important natural and historic areas and buildings help to create the distinctive character and identity of the Borough and its settlements are protected and enhanced.

- 4.6 A series of Strategic Objectives for the NWLP flow out of the Spatial Vision. All of the NWLP objectives are interlinked and so should be read together. Similarly, the NWLP policies flow from these. **Neighbourhood plans must be in general conformity with the strategic priorities in the local plan.**

The Strategic Objectives of the Local Plan are:

- 1 To secure a sustainable pattern of development reflecting the rural character of the Borough
- 2 To provide for the housing needs of the Borough
- 3 To develop and grow the local economy for the benefit of local residents
- 4 To maintain and improve the vitality of the Market Towns
- 5 To promote rural diversification
- 6 To deliver high quality developments based on sustainable and inclusive designs
- 7 To protect and enhance the quality of the natural environment and conserve and enhance the historic environment across the Borough
- 8 To establish and maintain a network of accessible good quality Green Infrastructure, open spaces, sports and recreational facilities
- 9 To ensure the satisfactory provision of social and cultural facilities

- 4.7 The final key overarching element of the NWLP is the spatial strategy. Paragraph 7.2 of the Local Plan sets out that:

“The Spatial Strategy is a key component of the Local Plan for delivering a sustainable way of living and working and considering the appropriate distribution for development. It seeks to allow development to take place in a controlled pattern throughout the Borough. The pattern of development has been influenced by considering how the Borough functions, as well as the impact of surrounding cities and towns. Future development will take place in accordance to the size of the settlement taken, with its range of services and facilities and is influenced by considering if the settlement is in or outside of the Green Belt. This will mean that the majority of development will take place in the larger settlements, with more limited development in the smaller rural settlements and in particular those not in the Green Belt.”

- 4.8 For the purposes of the Local Plan Spatial Strategy – Polesworth with Dordon are classified as a Main Town (Category 1). Warton is classified as a Category 4: Other Settlements with a development boundary. Policy LP2 sets out the development appropriate to each level of the settlement hierarchy.

LP2 Settlement Hierarchy

Development within the Borough will be proportionately distributed and be of a scale that is in accordance with the Borough’s settlement hierarchy. Development will be commensurate with the level, type and quality of day to day service provision currently available and the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers.

In Categories 1 to 4 settlements development within development boundaries will be supported in principle. Development directly adjacent to settlement boundaries may also be acceptable, including that which would enhance or maintain the vitality of rural communities, provided such development is proportionate in scale to the relevant settlement and otherwise compliant with the policies in the plan and national planning policy considered as a whole (including in respect of Green Belt protections)

Category 1: Market Towns of Atherstone with Mancetter and Polesworth with Dordon and the Green Belt Market Town of Coleshill

Category 2: Settlements adjoining the outer boundary of the Borough

Development will be permitted directly adjacent to built up areas of adjoining settlements if:

- a) the site lies outside of the Green Belt or Strategic Gap
- b) development would integrate clearly with wider development
- c) has a clear separation to an existing North Warwickshire settlement to ensure the character of North Warwickshire settlements are preserved; and,
- d) linkages are made to existing North Warwickshire settlements to ensure connectivity between places especially via walking and cycling

Category 3: Local Service Centres – Baddesley with Grendon, Hartshill with Ansley Common, New & Old Arley, Kingsbury, Water Orton

Category 4: Other Settlements with a development boundary - Ansley, Austrey, Curdworth, Fillongley, Hurley, Newton Regis, Piccadilly, Ridge Lane, Shuttington, Shustoke, Warton, Whitacre Heath, Wood End

Development within development boundaries will be supported in principle. Development directly adjacent to settlement boundaries may also be acceptable. All development will be considered on its merits; having regard to other policies in this plan and will cater for windfall housing developments usually on sites of no more than 10 units at any one time depending on viability, services and infrastructure deliverability.

Category 5: All other locations

All Development

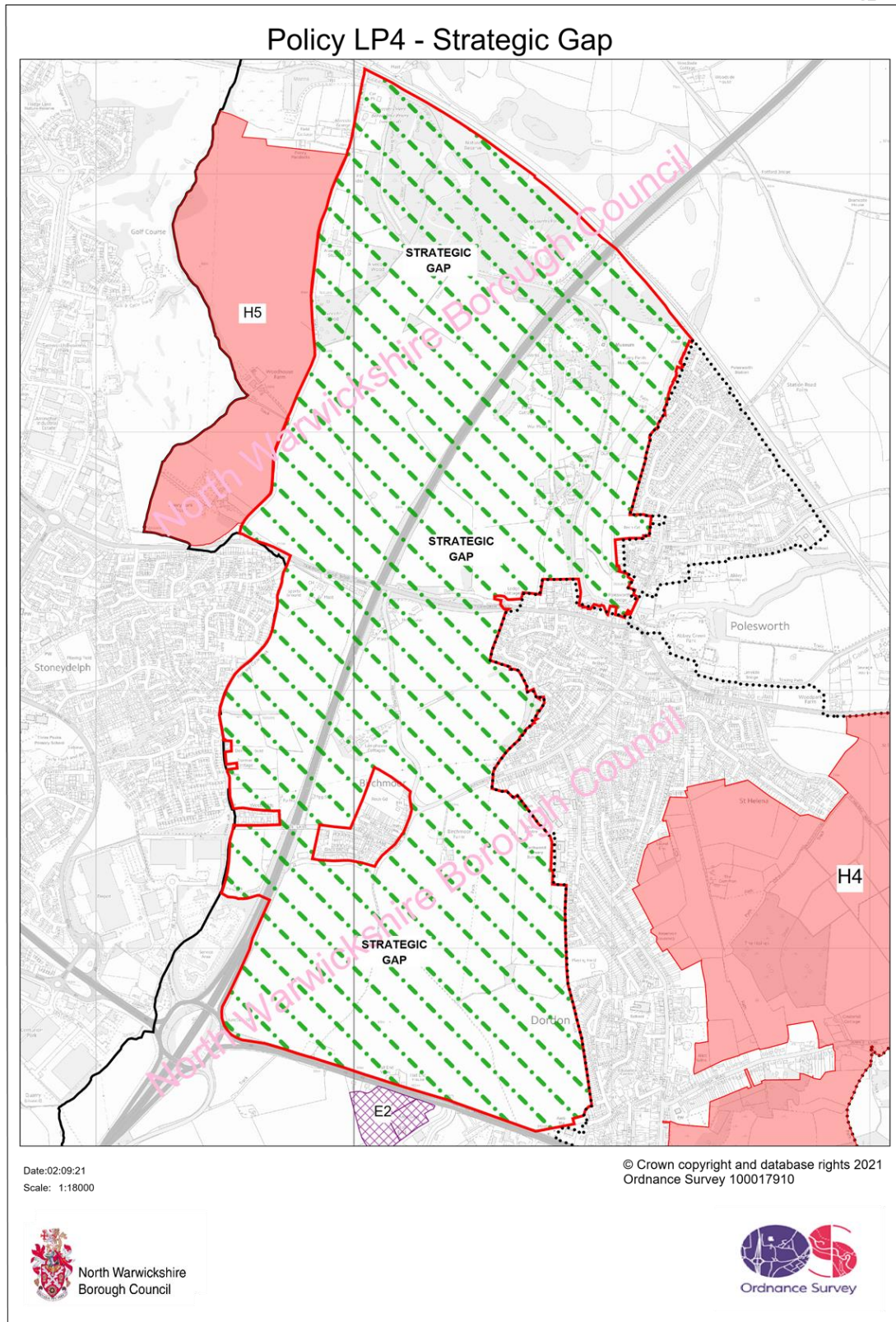
In all other locations development will not generally be acceptable, albeit as set out above that there may be some instances where development may be appropriately located and would enhance or maintain the vitality of rural communities under this category. Special circumstances should exist to justify new isolated homes in the countryside such as rural workers' needs, the optimal viable use of a heritage asset, the re-use of redundant buildings enhancing its immediate setting, the subdivision of an existing residential dwelling, or development of exceptional quality or innovative design or for rural exception sites in line with national planning policy. All such development will be considered on its merits and with regard to other policies in this plan.

- 4.9 Due to Polesworth with Dordon's location there is a close relationship with Tamworth, to avoid coalesce with Tamworth a strategic gap is identified in the NWLP (Figure 3). Birchmoor sits within this strategic gap. The planning policy for the strategic gap is:

LP4 Strategic Gap

In order to maintain the separate identity of Tamworth and Polesworth with Dordon, a Strategic Gap is identified on the Policies Map in order to prevent their coalescence. Development proposals will not be permitted where they significantly adversely affect the distinctive, separate characters of Tamworth and Polesworth with Dordon. In assessing whether or not that would occur, consideration will be given to any effects in terms of the physical and visual separation between those settlements.

Figure 3. Polesworth with Dordon/Tamworth Strategic Gap

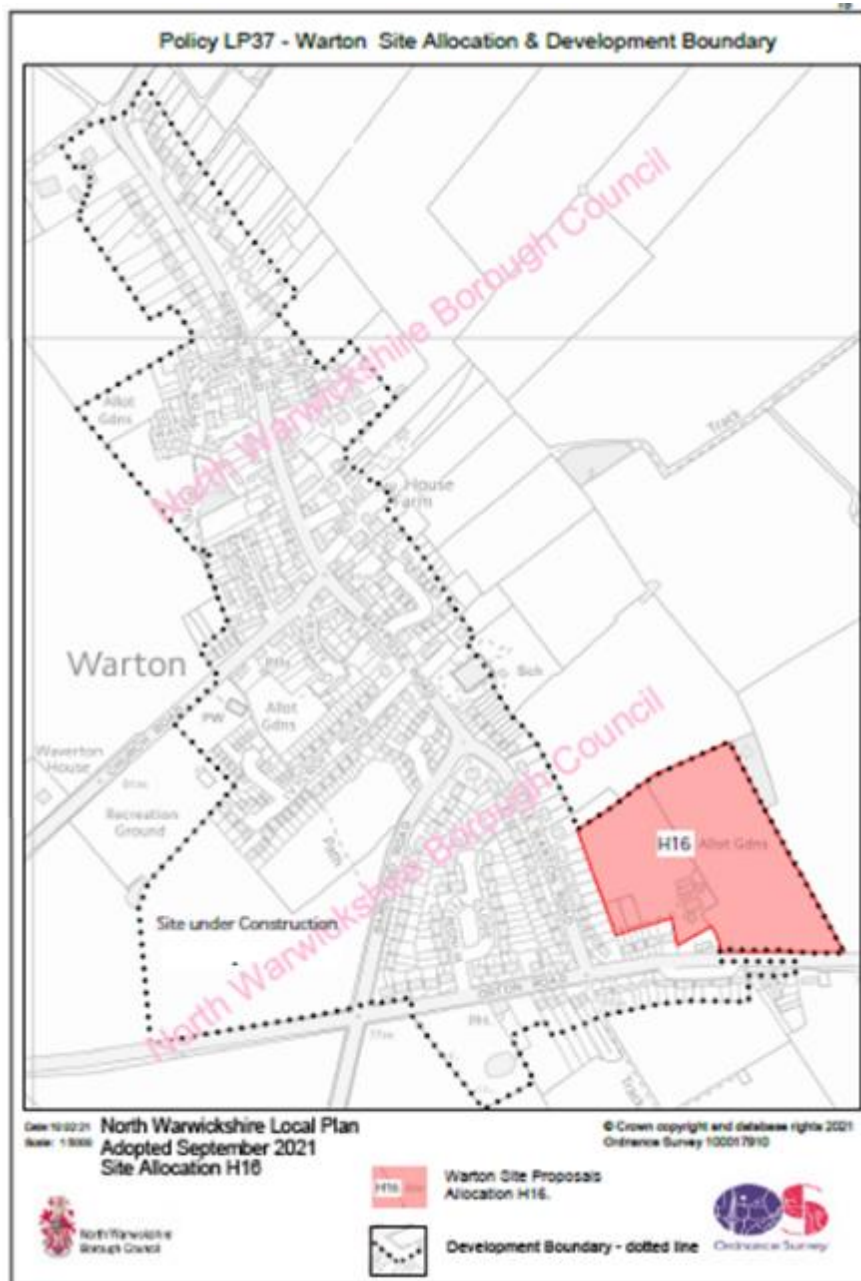


4.10 The NWLP sets the amount of development over the plan period 2011-2033. Across the Borough this totals 9,598 new homes, 100 hectares of employment development, and 19 permanent residential gypsy and traveller pitches between 2019 and 2033. As can be seen on Figure 3 most of the development impacting on the Polesworth

area will be on sites H4 (minimum 2,000 new homes) and H5 (approximately 1,270 new homes). The NWLP includes more detailed planning policies for these two sites.

- 4.11 Warton village also includes a site allocation H16 Land north of Orton Rd, Warton, a 4.2 hectare site, with an anticipated delivery of 128 new houses. Development will also be managed through a defined Development Boundary for the village (Figure 4).

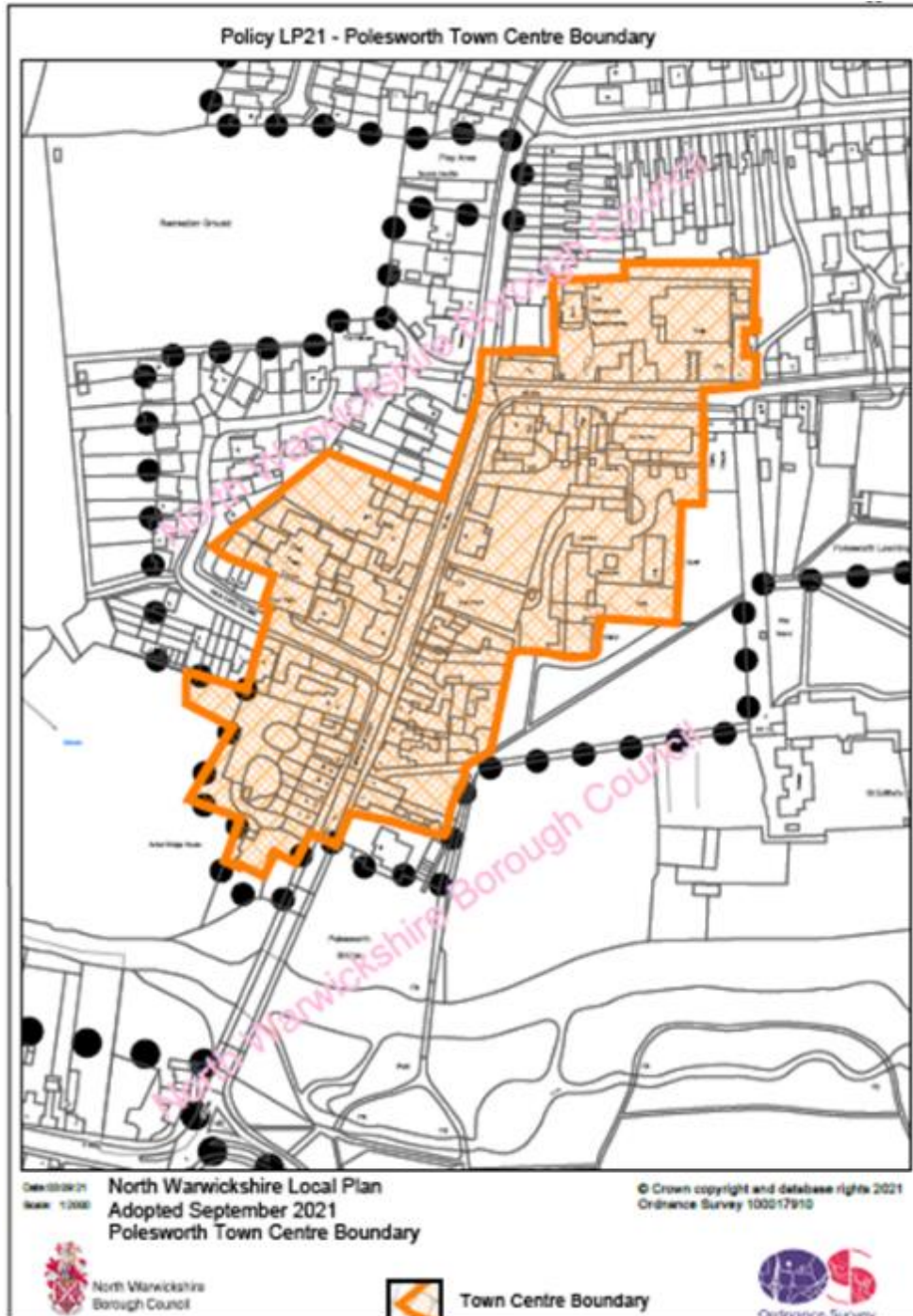
Figure 4. Warton Site Allocation and Development Boundary



- 4.12 The NWLP also includes several strategic planning policies that are of relevance to the preparation of the PNP, for example those on heritage and landscape. Where relevant and necessary these are referred to in the Background/Justification section of the Draft PNP policies in section 5.0 of this document.

- 4.13 One final area specific planning policy from the NWLP that is worth highlighting is that for Polesworth town centre (Figure 5). Development within this boundary will be managed using Policy LP21 of the NWLP.

Figure 5. Polesworth Town Centre Boundary as Identified in the North Warwickshire Local Plan



5.0 Neighbourhood Plan Policies

- 5.1 This section of the PNP sets out the planning policies (green boxes) to manage development in Polesworth Parish up to 2033. The policies are defined below each PNP objective. Whilst the policies are divided between the objectives the policies of the plan should and will be read as a whole.

PNP OBJECTIVE 1 - To protect and enhance green spaces.

Introduction

- 5.2 The key priority identified through early consultation and engagement has been the need to protect and enhance the area's green spaces. The PNP will seek to do this in one of two ways, by designating Local Green Spaces, a national planning policy protection, that protects once designated in the same way as Green Belt; and by identifying other green spaces to be protected with a less restrictive NDP protection. The PNP also seeks to encourage enhancements to these green spaces when suitable opportunities and funding arise.

Policy PNP1 – Protecting Local Green Space

The following areas are designated Local Green Spaces (shown on the Policies Map) in accordance with paragraphs 101 and 102 of the NPPF:

- PNP1/1 – Birchmoor Allotments**
- PNP1/2 – Birchmoor Recreation Ground**
- PNP1/3 - Station Road Recreation Ground and Community Field**
- PNP1/4 – Hall Court**
- PNP1/5 – The Spinney**
- PNP1/6 – Abbey Green Park**
- PNP1/7 - North Warwickshire Club and Sports Ground**
- PNP1/8 – Hoo Monument**
- PNP1/9 – Warton Allotments**
- PNP1/10 – Warton Recreation Ground**
- PNP1/11 – Glebelands**
- PNP1/12 – St John's Church Allotments**

Development, including enhancements, and expansion, where practicable and feasible, of the designated Local Green Spaces will be supported when consistent with national planning policy for Green Belt.

Background/Justification

- 5.3 Paragraph 105 of the National Planning Policy Framework (NPPF) allows local communities, through neighbourhood plans, to protect green areas of particular importance to them by designating Local Green Space.
- 5.4 Paragraph 106 of the NPPF goes on to advise that *“the Local Green Space designation should only be used where the green space is:*
- a) in reasonably close proximity to the community it serves;*
 - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
 - c) local in character and is not an extensive tract of land.”*

- 5.5 Policy LP20 of the NWLP “Green Spaces” seeks to retain, protect and wherever possible enhance green spaces shown on the NWLP Policies Map, Policy LP20 also acknowledges Neighbourhood Plans may designate additional areas. The PNP takes up this opportunity. Policy LP22 Open Spaces and Recreational Provision of the NWLP also seeks wherever possible to be retain, protect and enhance (unless their loss is offset by an equivalent or improved replacement) open spaces and recreational areas.
- 5.6 A number of open spaces in the neighbourhood area have been assessed to see if they meet the designation criteria set out in national planning policy (Appendix 1, Table 1).



- 5.7 Hoo Hill and monument identified as a Local Green Space of 1.83 hectares should also be protected within a wider green buffer. This will help to conserve *in situ* heritage assets of archaeological value. **The Parish Council suggest that this green buffer should be a significant area of around 10 hectares to protect the monument, enable it to be maintained properly and also enable people to be aware of its significance to the history of Polesworth and surrounding area. This green buffer would be a focal point within the development.**



Policy PNP2 - Protecting Other Green Spaces

Development that would result in the loss of other green spaces (shown on the Policies Map) within the neighbourhood area will be only supported when:

- a) Equivalent or better provision is provided elsewhere within the Polesworth neighbourhood area preferably within the settlement where the green space is to be lost; or**
- b) It can be clearly demonstrated by the applicant that the open space no longer performs a useful open space function in terms of the local environment, amenity, or active public recreation use.**

Background/Justification

- 5.8 As well as the key green spaces that are suggested for the highest level of protection as designated local green spaces under Policy PNP1, the neighbourhood area also has several other important green spaces that perform a variety of useful functions (Appendix 1, Table 2). These can sometimes be smaller, often quite incidental green spaces that help to make the area a greener place and all add to the quality of life enjoyed by residents and visitors. It is proposed that these spaces are also protected, but not with the high degree of protection offered to designated local green spaces (protection that is consistent with national Green Belt planning policy) that precludes most built development. The green spaces identified in Policy PNP2, that are not considered to meet the national planning policy tests for being designated as Local Green Spaces, could be developed in certain circumstances and these are set out in Policy PNP2.
- 5.9 These green spaces while significant to the residents of the various estates where they exist do not have community wide impact with regard to giving rise to a wide range of leisure activities or heritage issues. Essentially, they give individual estates and localities character and provide opportunities for interaction between small groups of children, dog walkers etc. and occasionally a venue for social events such as VE Day or jubilee celebrations and bring grass areas, plants, shrubs and in some cases trees into residential areas. Examples of these areas are to be found in Sycamore Avenue, Coronation Avenue, Ridding Gardens, Orchard Close and significant examples on the newer St. Leonards Estate which will connect directly to the Polesworth section of the proposed Local Plan H4 development

PNP OBJECTIVE 2 - To ensure new development creates a high quality, beautiful and sustainable buildings and places that reinforce the identity of Polesworth, Warton, Birchmoor and the surrounding countryside.

Introduction

- 5.10 National planning policy seeks to create high quality, beautiful and sustainable buildings and places. Good design is seen as a key aspect of sustainable development, because it creates better places in which to live and work and helps make development more acceptable to local communities. This section of the PNP seeks to help to secure good design in the Polesworth neighbourhood area.

Policy PNP3 – Sustainable Design and Construction

All new development will be expected to respond positively to the key attributes of the neighbourhood area and the key local design features of the settlement in which it is to be situated. The Polesworth Design Code should be used by all those involved in the development process to ensure good design is achieved.

Development should seek to exceed minimum standards for energy efficiency and resource use and seek to be carbon neutral, thereby making a contribution to reducing the effects of climate change. Development will not be supported where it is of poor design that has an adverse impact on the character of the area. To ensure good design is achieved development should be designed to take account of, and will be assessed against, the following criteria, where relevant:

- (a) It promotes or reinforces local distinctiveness of Polesworth, Warton and Birchmoor by demonstrating that appropriate account has been taken of existing good quality examples of street layouts, blocks and plots, building forms and styles, materials and detailing and the vernacular of the settlement;**
- (b) It is designed in such a way so as to make a positive use of local landform, trees, hedgerows and other vegetation and for larger proposals has had suitable regard to landscape setting and settlement pattern;**
- (c) It conserves or enhances existing wildlife habitats and incorporates new native planting (if appropriate to the site and its context) and landscaping that create new habitats, nesting (e.g., for birds and bats), encourages pollinators and provides foraging opportunities. Overall, a net gain in biodiversity should be demonstrated;**
- (d) It uses space and creates new public open spaces that are enclosed, integrated and overlooked by buildings and are in prominent useable locations. Such spaces should use native planting (if appropriate to the site and its context) and planting to encourage pollinators;**
- (e) It includes sufficient amenity space to serve the needs of the development and its users;**
- (f) It includes appropriate boundary treatments that reflect local context and landscaping using predominantly native species to support a net-gain for wildlife. It provides highways for hedgehogs by allowing access through boundary walls and fences;**
- (g) It does not have a detrimental effect on the amenity of occupiers of neighbouring property;**

- (h) It does not have a severe cumulative adverse effect on the safe and efficient operation of the existing transport and road infrastructure;**
- (i) It includes measures that seek to improve pedestrian facilities and linkages in the Parish and beyond to encourage walking and cycling, wherever possible;**
- (j) It makes a contribution to local identity, and sense of place. Proposals should not feature generic designs and should set out how they take account of the locally distinctive character of the area in which they are to be located within any submitted Design and Access Statement;**
- (k) It respects the height of the buildings in the immediate surrounding area. Future housing development will generally be expected to be no more than two storeys;**
- (l) It uses, and where appropriate re-uses, local and traditional materials appropriate to the context of the site, or suitable high quality alternatives that authentically reinforce or positively contribute towards local distinctiveness;**
- (m) It contributes to reducing carbon emissions by incorporating measures to reduce energy consumption (e.g., building orientation, siting, areas for outdoor drying) and, where possible, sources of renewable energy. Where such features are included, they should be appropriate in scale to the building of good design and well sited. Such features should also be sympathetic to the surrounding area;**
- (n) It is designed to be as water efficient as possible e.g., by incorporating water collection measures;**
- (o) It uses existing watercourses and ditches, sustainable drainage systems (SUDS, such as swales) to hold rainwater in storms. SuDS should be planted with native vegetation to support wildlife. All paving should be semi-permeable to allow run-off to drain away;**
- (p) It includes features to minimise light pollution;**
- (q) It includes space for off road/pavement storage of refuse and recycling bins in accordance with locally adopted standards;**
- (r) It has appropriate car parking in accordance with locally adopted standards. Car parking should be sited in such a way that it is unobtrusive, does not dominate the street scene, and minimises the visual impact of car parking;**
- (s) It links to existing rights of way and does not restrict the use and enjoyment of such routes;**
- (t) All new residential development should provide external wall-mounted charging points for plug-in and other ultra-low emission vehicles for each dwelling that is to have a private drive or garage. Where communal car parking is provided this should also contain charging points. Larger homes, such as those with 3 bedrooms or more, should consider providing facilities to charge more than one vehicle at once;**
- (u) It uses Secured by Design principles;**
- (v) It ensures there is no loss of, or damage to, existing trees or woodland. Where trees or woodland cannot be retained, they should be replaced preferably on site, where this cannot be achieved suitable offsetting measures to provide replacement should be provided off-site; and**
- (w) Where relevant, applicants will be required to produce a green infrastructure plan. This should demonstrate how the development links to the exiting green infrastructure network and how any open spaces and garden areas will be permeable to wildlife.**

Poor design when assessed against the above criteria will not be supported.

Background/Justification

- 5.11 Policy PNP3 sets out a criterion based policy that will be used to encourage development that positively contributes to and enhances the character of the neighbourhood area and its settlements. The Spatial Vision for the NWLP states:

“Existing communities will retain their distinctiveness and identity through good quality, inclusive design. New development will be designed to a high quality following urban design, sustainable development and construction principles and giving high importance of the public realm as well as good access and provision of Green Infrastructure, open space, sports and recreational facilities.”

The Borough Council also has Design Champions, and they will be used to promote and encourage local distinctiveness in new developments.

- 5.12 Policy PNP3 will provide a distinct, neighbourhood area specific, set of criteria against which to assess planning proposals and which should be used by applicants and their design teams in the preparation of planning proposals. The aim of the policy is to promote design and construction that make development in the area as sustainable as possible, construction that moves towards zero carbon emission and enables people to live more sustainably and reduce modern life’s impact on the environment.
- 5.13 By setting this local policy the PNP is helping to meet one of the key aims of national planning policy – “achieving well designed places”, NPPF paragraph 131 states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

To this effect there is a National Design Guide and National Model Design Code. The PNP seeks to achieve this national planning policy aim through implementation of Policy PNP3 and through the Polesworth Design Code that accompanies the PNP. The two documents should be read together to inform design proposals and decision making.

- 5.14 In the future, Design and Access Statements should demonstrate how applicants have had regard to the criteria listed in Policy PNP3, for smaller proposals not all will be relevant, but applicants should still explain why they have reached this conclusion in their Design and Access Statement.
- 5.15 Policy PNP3 does not seek to stifle innovation or produce pastiche copies of the past. Innovation and contemporary design are encouraged, but here, as with all new

development, applicants and their architects should draw on the past to inform their proposals to ensure that new development is in keeping and harmonises with that of the past.

- 5.16 In seeking to achieve good design it can often be the small details that result in a development achieving or failing to achieve this objective. This can be the result of a single poor choice, for example the wrong brick colour, or use of the wrong window shape. In these days of mass production and standardised house types the temptation to produce a “could be anywhere” solution is strong. But such solutions fail to undertake a proper analysis of local context. In doing this, such an approach is not in line with national planning policy which states that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design [National Design Guide and Model Design Code], taking into account any local design guidance and supplementary planning documents such as design guides and codes” (NPPF, para. 134). Policy PNP3 provides such local design policy guidance.
- 5.17 The Building Regulations set standards for energy efficiency and resource use e.g., that of water. Government is committed to zero carbon homes by 2050 to reduce the impact of new build housing on the environment, especially the impact of climate change. The PNP, through Policy PNP3 encourages developers to go beyond the minimum standards in the Building Regulations, so that new development in the neighbourhood area makes the move to zero carbon sooner rather than later.

PNP OBJECTIVE 3 - To protect and enhance the built and natural heritage assets of the area.

Introduction

- 5.18 The neighbourhood area is also valued for the surrounding local countryside. This provides a number of benefits: it can be accessed along the network of footpaths and bridleways that provide opportunities for recreation; it provides valuable separation between the settlements and the Tamworth urban area; separates Polesworth and the villages and helps retain these settlements' separate identities; and the countryside is valued for the visual and other qualities of the local landscape.

Policy PNP4 - Conserving and Enhancing the Landscape

New development should conserve, enhance, and where appropriate, restore local landscape character by:

- (a) Maintaining and enhancing the landscape setting, landscape features, field and settlement pattern of the neighbourhood area;**
- (b) Seeking to conserve *in situ* heritage assets of archaeological value;**
- (c) Retaining or enhancing ponds, streams, mature trees, woodland, ancient and mature hedgerows, or where removal is unavoidable, providing by way of offsetting replacement habitat elsewhere on-the site or within the neighbourhood plan area;**
- (d) Where new planting and landscaping is proposed it should use native species and be designed in such a way so as to ensure that it is suitable when considered in the wider local landscape, and where appropriate, links to existing woodland and hedgerows;**
- (e) Promote high quality residential design that respects local townscape and landscape character and reflects local vernacular building styles, layouts and materials;**
- (f) Seek to minimise the encroachment of development into visually exposed landscapes and where development is proposed on the edge of the village, it enhances views of the settlement edge from the surrounding countryside and does not lead to inappropriate incursion into the surrounding countryside by reason of its siting, design, materials or use of landscaping;**
- (g) Maintaining and improving access to the surrounding countryside; and by:**
- (h) Seeking to conserve and enhance the integrity and fabric of historic buildings and their settings, particularly where new uses are proposed through the use of appropriate styles and sustainable locally distinctive materials.**

In addition to the above development should also be prepared using any relevant Landscape or other Supplementary Planning Guidance.

Background/Justification

- 5.19 Natural England has produced profiles for England's 159 National Character Areas (NCAs). These are areas that share similar landscape characteristics, and which follow natural lines in the landscape rather than administrative boundaries, making them a good decision-making framework for the natural environment. Polesworth Parish lies within NCA 97: Arden. In summary this area is:

“Arden comprises farmland and former wood-pasture lying to the south and east of Birmingham, including part of the West Midlands conurbation. Traditionally regarded as the land lying between the River Tame and the River Avon in Warwickshire, the Arden landscape also extends into north Worcestershire to about the Severn and Avon Vales. To the north and northeast it drops down to the open landscape of the Mease/Sence Lowlands. The eastern part of the NCA abuts and surrounds Coventry, with the fringes of Warwick and Stratford-upon-Avon to the south. This NCA has higher ground to the west, the Clent and Lickey Hills and to the east, the Nuneaton ridge. The landscape of the lower lying central area is gently rolling with small fragmented semi-natural and ancient woodlands. Mature oaks set in hedgerows, distinctive field boundaries, historic parklands and narrow river corridors are key features, all on the doorstep of a heavily urbanised area. Land use throughout the area is mainly, residential, agricultural and industrial including coal mining, which is still active in the north-east of the NCA.

Numerous transport corridors; road, rail, air and canal run through the area. There is likely to be increased development and greater pressure upon the existing infrastructure, particularly around Birmingham, Coventry and the main towns. This pressure could lead to the creation of new green infrastructure linking the urban areas out into the more rural areas. This NCA is among the most geologically diverse. This has had a strong impact on the landscape's character and development and is further reflected in the range of locally and nationally important geological assets across the NCA. There are also many local biodiversity assets and strong cultural links with William Shakespeare and his 'Forest of Arden'.

- 5.20 NCA97 has 4 Statements of Environmental Opportunity

SEO 1: Manage and enhance the valuable woodlands, hedgerows, heaths, distinctive field boundaries and enclosure patterns throughout the NCA, retaining the historic contrast between different areas while balancing the needs for timber, biomass production, climate regulation, biodiversity and recreation.

SEO 2: Create new networks of woodlands, heaths and green infrastructure, linking urban areas like Birmingham and Coventry with the wider countryside to increase biodiversity, recreation and the potential for biomass and the regulation of climate.

SEO 3: Conserve and enhance Arden's strong geological, industrial, and cultural resource, to increase public access, enjoyment, recreation and to retain a sense of place and history.

SEO 4: Enhance the value of Arden's aquatic features such as the characteristic river valleys, meadows and standing water areas like Bittell Reservoirs, to increase resource protection such as regulating soil erosion, soil quality and water quality.

5.21 Locally, the North Warwickshire Landscape Character Assessment identifies 13 Landscape Character Areas (LCAs). Paragraph 6.11 of the NWLP states:

“6.11 The Landscape Character Appraisal and individual Settlement Appraisals have been carried out and will be developed further into Supplementary Planning Documents and should be used as the basis for creating locally distinctive proposals. The Landscape Character Assessment identified landscape sensitivity areas surrounding settlements and these will be used when assessing impacts from developments. The Borough Council has Design Champions and they will be used to promote and encourage local distinctiveness in new developments.”

5.22 The neighbourhood area lies within two of the LCAs:

- LCA3 Anker Valley
- LCA5 Tamworth Fringe Uplands

5.23 LCA3 is described as:

“A visually open and broad, indistinct valley becoming steeper and more defined to the north close to Polesworth. The River Anker weaves discretely through the valley bottom and the Coventry Canal takes a straighter course south of the river.

The land use across this character area is predominantly farmland; however the character varies as a result of the complex mix of peripheral settlements and associated urban land uses. Busy transport corridors include the M42; which passes through the north on a viaduct, the A5; which follows the boundary of the character area along the upper slopes and the West Coast main railway line; which follows the course of the river through the lower reaches of the valley and is clearly discernible by the overhead rail gantries. A network of busy lanes between the peripheral settlements of Polesworth, Dordon, Atherstone, Mancetter and Nuneaton to the south also has an urbanising effect, only the remoter Grendon Park and Caldecote Hall feel relatively tranquil.

Polesworth and Dordon are located upon the ridge above the valley and have an urbanising influence on the adjacent landscape. Atherstone, although lower lying, has open edges and large scale development at its periphery, which again influences the character of this LCA. The large scale, brick built Aldi Distribution Centre, although enclosed by woodland planting, is a highly visible landscape detractor within the north of the valley. To the south of Mancetter, urbanising influences include a sewage works and Dobbies World, which includes a visitor's centre with mazes and woodland planting.

Farmland across the valley predominantly comprises late enclosure large arable hedged fields, generally with low trimmed, and in some places gappy hedgerows. Smaller, more irregular pastoral fields to the east of Dordon and north of Grendon are occasionally enclosed by timber stock fencing. Small areas of river flood meadow exist around Polesworth (an area to south east is designated as SSSI) and between Leather Mill Farm and Caldecote. Within the north the scrub and birch wetlands at Pooley Country Park, and the east facing partially wooded slopes of mixed farmland between Grendon and Polesworth.

Generally tree cover is limited to oak hedgerow trees and riparian vegetation. There are also some pockets of more substantial tree cover; north of Polesworth natural regeneration of birch and scrub provides young woodland around Pooley Country Park, north of Grendon woodland has colonised bare ground of former works, around Grendon Park and Caldecote Hall woodland planting, regular shaped game coverts and scattered parkland trees include evergreen species and create a parkland character.

There are wide views across the valley from the upper slopes, with views out being generally contained. To the south distinctive cone shaped mounds from adjacent minerals extraction works and the steeply rising slopes of the Uplands LCA4 have a visual influence on the setting of the otherwise flat valley character.”

- 5.24 The Landscape Management/Strategies identified for LCA3 are as follows, and these have been used to develop the criteria in Policy PNP4:

Conserve and restore the rural character of the agricultural landscape and the natural regeneration of the former workings around the mining towns:

- Any new development should reinforce the existing settlement pattern of small peripheral towns, retaining the rural character of scattered properties and farmsteads within the valley;
- Any settlement expansion should include appropriate landscape planting to integrate the settlement edge within the landscape and limit encroachment on the valley;
- New agricultural buildings should be sited, designed and landscaped to blend with the surrounding landscape;
- Conserve and restore areas of existing Parkland at Grendon Park and Caldecote Hall;
- Encourage only informal recreational activities appropriate to nature conservation within the valley;
- Avoid types of farm diversification that are inappropriate to the agricultural landscape;
- Encourage introduction and appropriate management of wide field margins along watercourses and boundaries;
- Conserve the historic field pattern, with priority given to restoring and strengthening primary hedge lines including those alongside roads;

- Manage hedgerows to enhance the field pattern by planting up gaps, allow hedges to grow by reducing cut rotation intervals to 3 yearly intervals for wildlife benefits;
- Promote management of small woods and game coverts, in places long rotation coppicing may be appropriate;
- Enhance tree cover through small scale planting of broadleaved coverts and woods in keeping with the visually open character;
- Encourage natural regeneration of trees and vegetation alongside watercourses and promote small areas of wetland planting in areas currently lacking in habitats;
- Encourage ecological management of grassland areas and wetlands.

5.25 LCA5 Tamworth Fringe Uplands is described as:

“An indistinct and variable landscape, with relatively flat open arable fields and pockets of pastoral land, fragmented by restored spoil heaps, large scale industrial buildings and busy roads, and bordered by the settlement edges of Tamworth, Dordon and Kingsbury and with wooded horizon to the south. The M42 motorway has a dominant and unifying presence, passing through the area within a planted cutting. The industry has direct links to the M42 junction 10, also within the area.

To the north large scale modern industrial sheds at Tamworth have an urbanising influence along with the settlement of Dordon, located upon the crest of a gentle escarpment. To the south extensive employment areas, including Kingsbury Link Business Park and the large structures at the oil storage depot frame the area. Coal mining has greatly influenced the character of this area, particularly with regard to settlement character and the legacy of spoil tips, Dordon and Piccadilly at the peripheries of the area are former mining settlements, Piccadilly includes distinctive rows of red brick terraced housing. Within the area there are several large pockets of land disturbed by former mining operations with remnant recently restored spoil heaps, the spoil heap just south of the M42 motorway junction is particularly large in scale and a visual detractor within the local area. The base is now encircled by large scale modern industrial units at Birch Hill Coppice Business Park.

Several smaller settlements are located within this area; these are Birchmoor close to Dordon located on elevated land, and surrounded by open arable fields, and Freasley and Whateley, both with red brick and white rendered vernacular buildings, narrow lanes and adjacent surviving pockets of permanent pasture in small hedged fields. The latter villages are relatively peaceful in comparison to the busy land uses generally across the area.

Although farmland makes up a significant proportion of the landscape much of this land has a run-down character, with gappy, poorly managed hedgerows. Tree cover within this area is low, and the M42 motorway corridor provides the most notable stretch of tree planting. Woodland blocks adjacent to the southern boundary are located within the adjacent area; they contain this area and provide separation from the deeply rural landscape to the south. Generally the indistinct topography and combination of peripheral elements limits open views to within the area, with particularly open views across the landscape south of the M42 junction. To the west as the topography dips slightly towards the river Tame there are some longer views across the Tame Valley wetlands, these views include pylons and employment areas within Tamworth.

5.26 As with LCA3, LCA5 also has a set of Landscape Management/Strategies that have been used to help develop Policy PNP4, these are:

- Safeguard the setting of the villages of Freasley and Whateley any development here should reinforce the existing settlement pattern;
- Any settlement expansion should include delivery of a robust Green Infrastructure with appropriate landscape planting to integrate the settlement edge within the landscape and bring additional landscape enhancements;
- Should future mining activities occur they should be accompanied by a comprehensive landscape reclamation strategy to introduce a new landscape framework;
- New agricultural and industrial buildings should be sited, designed and landscaped to mitigate against further landscape impact from built development;
- Maintain a broad landscape corridor to both sides of the M42, introduction of small to medium sized blocks of woodland planting using locally occurring native species would be appropriate within this corridor;
- The design of any recreational facilities should seek to reintroduce landscape structure and features;
- Conserve remaining pastoral character and identify opportunities for conversion of arable back to pasture;
- Encourage development of wide and diverse field margins;
- Encourage retention of hedges and management practices that reinstate historic hedge lines using native locally occurring hedgerow species;
- Encourage planting of hedgerow oaks to increase the tree cover within the area;
- Encourage ecological management of remaining grassland areas;
- Maintain restoration planting / naturally re-vegetated spoil tips to integrate better as landscape features.

Policy PNP5 – Non-designated Heritage Assets

The non-designated heritage assets identified in this plan will be conserved in a manner appropriate to the significance of the asset. When affected directly or indirectly by development proposals, such proposals will be assessed having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.

The Parish council will also seek to work with North Warwickshire Borough Council to include these, and any other identified non-designated heritage asset, on the Borough’s [Local List](#).

5.27 The neighbourhood area, as well as having Polesworth Conservation Area, Listed Buildings and two Scheduled Monuments, that already have statutory protection through existing legislation, also has many other buildings and structures that have heritage value. In planning policy terms, these are called “non-designated heritage assets”. These non-designated heritage assets are links and reminders of the area’s long and varied history. National planning policy is set so that

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” (NPPF, paragraph 209).

5.28 Policy PNP5 identifies the key non-designated heritage assets in the town. NWBC are in the process of preparing a Local List. The NPWG have identified the following buildings and structures as suitable for Local Listing as part of the Neighbourhood Plan process. The detailed assessment setting out the reasons for identifying the non-designated heritage assets is set out in Appendix 2 of the PNP.

Polesworth

1	Old Police House, 6 Station Road	2	War Memorial, Church Drive
3	Baptist Church, The Gullet	4	22 Potters Lane
5	Willow Cottage, 11A Potters Lane	6	Lilac Cottage, 21 Tamworth Road (Dame School)
7	24 Tamworth Road	8	Paddocks, 42 Common Lane
9	Royal Oak Public House and Attached cottage and stables, Grendon Road	10	36 Grendon Road (cottage behind the Oak)
11	Georgian House, Bridge Street/High Street corner	12	Spread Eagle PH, High Street
13	Hermitage	14	Farmhouse, Bridge Street (card shop and greengrocers)
15	Nurses Home, 32 Station Road	16	36 Bridge Street (On the bank)
17	Methodist chapel, Bridge Street (Original chapel only)	18	Footpath from High Street at the Station Road/Bridge Street junction onto the playing fields
19	Stiper’s Hill Enclosure	20	St. Helena Road from the end of the buildings up to the boundary with Dordon
21	Coffin Trail, Common Lane	22	Site of the Hoo Chapel, off Grendon Road

23	Commemorative marker for site of Little Jim's Cottage, St. Helena Road	24	Mile Stone East on B5000
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Birchmoor

25	St John's Church, New Street	26	The Gamecock Inn
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Warton

27	Primitive Methodist Chapel, Austrey Road	28	Parish room, Maypole Road
29	War Memorial on the wall of the Parish Rooms	30	Cruck Beam House, Church Road/Austrey Road
31	Warton Old Nethersole School, Maypole Road	32	School House, Maypole Road



PNP OBJECTIVE 4 - To support vibrant village centres and protect and enhance local services and facilities.

- 5.29 Polesworth Town Centre (Figure 5 in this document) is identified in the NWLP – development within this boundary will be managed using Policy LP21 Services and Facilities of the NWLP. This Policy supports commercial, business and service uses in the town centre to support vitality; seeks to restrict hot food takeaways and betting shops; and restrict the loss of Class E Uses (including retail). Development management policy is also, therefore covered, and does not need duplicating in the PNP. However, to add value to the NWLP, the PNP identifies those non-retail services and facilities to be protected in Polesworth town centre and the wider neighbourhood area. It is important that services and facilities are retained in each of the neighbourhood area's villages.

Policy PNP6 – Protection of Existing Services and Facilities

The facilities and services (not including retail uses) listed as follows and shown on the Policies Map will be protected under Policy LP21 Services and Facilities of the NWLP:

Birchmoor:

**St John's Mission, New Street
Birchmoor Working Men's Club
Gamecock Inn**

Polesworth:

**Baptist Church, The Gullet
Abbey Church of St Editha
Polesworth Health Centre
Polesworth Memorial Hall
Polesworth Working Men's Club
Tithe Barn
Baptist Church Youth Hall
Polesworth Scouts Activity Centre, Pooley Country Park
Spread Eagle
The Royal Oak
The Red Lion
Foster's Yard Hotel
The Bulls Head
Polesworth Library**

Warton:

**Holy Trinity Church
Warton Parish Rooms
Warton Club
The Office**

Background/Justification

- 5.30 Community facilities and services are the essential glue that help bind a community together. They not only provide important services, but area places for people to meet and interact contributing to individuals' and the community's health and well-being.



- 5.31 National planning policy acknowledges that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. The facilities identified in Policy PNP6 contribute to all of these aspects of the local community.
- 5.32 The services and facilities identified will be protected under Policy LP21 Services and Facilities of the NWLP. Policy LP21 states:

“Proposals resulting in the loss of an existing service or facility and also including retail uses, which contribute to the functioning of a settlement or the public health and well-being of its community, will only be supported if:

- a) an equivalent facility or service is wholly or partially provided elsewhere, in a similar or more accessible location within that settlement;*
- b) the land and buildings are shown to be no longer suitable for continued use in terms of their location, design and/or construction, or the proposal would represent a net gain or improvement in provision,*
- c) it can be demonstrated by evidence that there is no realistic prospect of an alternative service or facility using the site, such as through an appropriate marketing campaign or the internal procedures of the parent organisation and,*
- d) its loss will not harm the vitality of the settlement.”*

- 5.33 Policy PNP6 does not identify the retail uses in the neighbourhood area, such uses will, however, continue to be protected under Policy LP21 of the NWLP.

Supporting Parish Council Action 1

The Parish Council will encourage and work with others to re-open Polesworth Health Centre.

Policy PNP7 – Sport, Recreation and Leisure Facilities

The following sport, recreation and leisure facilities, also shown on the Policies Map, will be protected and or enhanced in accordance with NWLP Policy LP22 Open Spaces and Recreational Provision.

PNP7/1 - Birchmoor Recreation Ground
PNP7/2 - Polesworth Recreation Ground
PNP7/3 - Warton Recreation Ground
PNP7/4 - Warton Allotments
PNP7/5 - Abbey Green Park, Polesworth
PNP7/6 - North Warwick Recreational Centre

Proposals that would enhance the appearance, improve access and accessibility to these facilities will be supported when they are in accordance with other development plan policies and the policies of the PNP.

Background/Justification

- 5.34 Sport, recreation and leisure facilities are another key component of the fabric of the local community. The facilities identified in Policy PNP7 will be protected under Policy LP22 Open Spaces and Recreational Provision of the NWLP, this states:

“Wherever possible, Open spaces and recreational areas will be retained, protected and enhanced (unless their loss is off-set by an equivalent or improved replacement). Development proposals will be expected to provide a range of new on-site and open space recreational provision such as parks and amenity space, sport or recreation facilities and semi-natural areas such as woodland wherever appropriate to the area and to the development.”



- 5.35 The following sport, recreation and leisure facilities have been identified for protection under Policy PNP7:
- Birchmoor Recreation Ground has a children's play area with play equipment and a football pitch used by a local team.
 - Polesworth Recreation Ground has a children's play area with play equipment, football pitches used by local teams, and a hardstanding area with basketball court and children's games marked out.
 - Warton Recreation Ground has children's play equipment and football pitch. This could be enhanced by tree planting round edges.
 - Warton Allotments provides spaces for local residents for both gardening and social events.
 - Abbey Green Park in Polesworth has children's play equipment, benches, tennis courts, fishing, and a nature reserve.
 - North Warwick Recreational Centre has football and cricket pitches and club house.
- 5.36 Polesworth no longer has a leisure centre. Previously there has been a facility at the high school and a much smaller gym now exists in Hall Court. With the planned housing development and a growing population the need for a new leisure centre should be actively explored and such work will be supported by the Parish Council.

PNP OBJECTIVE 5 - To ensure new development integrates as seamlessly as possible within its surroundings and minimises impact on existing communities.

Introduction

- 5.37 The limitations of existing infrastructure and the strains that future housing development could place on that infrastructure and the new demands that could be created are a key concern of residents. This section of the PNP seeks to identify and some of those concerns and develop a planning policy to help address them. NWLP Policy LP21 Services and Facilities already seeks to ensure all major development considers its impact on the provision of services and facilities and where there is an impact this must be addressed. If such an impact is identified all major developments should provide land and / or financial contributions to enable the provision of additional services and facilities; and as set NWLP Policy LP1 all development will be expected to contribute proportionately and in accordance with national policy, statute and relevant supplementary planning documents and guidance to infrastructure provision.

Policy PNP8 - Transport

The following infrastructure projects will be brought forward during the plan period.

- **Bridge Street improvements, Polesworth – junction improvements – including traffic signalling**
- **Barn End Road/Orton Road crossroads, Warton – safety improvements**
- **Warton – safer school crossing**
- **Road safety schemes**
- **Measures to improve public transport**

Background/Justification

- 5.38 Polesworth experiences significant disruption due to traffic congestion and car parking issues. Over the last three years around 500 new homes have been built in Polesworth and significant numbers of new homes have also been built in Austrey and Warton. Cumulatively this adds to the problems in Polesworth, because Polesworth is used as a route to the A5. In addition, Polesworth High School serves surrounding villages and this brings additional traffic into Polesworth on school days. Through the NWLP allocation Policy H4 allocates 2,000 new homes (1,675 to be delivered within the plan period), this will impact significantly on journeys within the neighbourhood area.
- 5.39 A new route to the A5 is also included in the NWLP, running through site H4 this will bring significant additional traffic through Polesworth. Considered together this concentration of new homes and the traffic generated will place the existing road system under extra pressure.

- 5.40 The B5000 is the busiest route through Polesworth. This runs from Tamworth through to Atherstone and the A5 with St. Helena Road and Spon Lane providing some access to the A5. Narrow sections and a canal Bridge on Spon Lane mean that both lanes do not provide access for HGVs and significantly reduce the capacity of these roads to deal with large volumes of traffic. Within Polesworth itself the B5000 passes through a crossroads, known locally as “The Square”. Bridge Street and Market Street leading up to the High School, Dordon and the A5 form the other axis of the crossroads. The Square is an increasingly busy junction with poor visibility, particularly when attempting to cross from Bridge Street to Market Street, this makes this a hazardous junction and frequently has congestion. In addition car parking is allowed on one side of the bridge on Bridge Street, this adds to the congestion problem, at times it can take in excess of 20 minutes to navigate this stretch of road before negotiating the junction. Consultations and petitions have been organised locally and overwhelming support has been given for the need for traffic lights in the Square and double yellow lines on both sides of Bridge Street. If the proposed NWLP developments commence without these measures then the result will be increased and frequent episodes of grid lock, more accidents and incidents of disputes involving aggression together with significant delays for emergency services. A scheme for traffic lights in The Square has been fully prepared by County Highways and is ready to go but currently needs funding to be identified before it can be implemented. This scheme is an essential requirement prior to any further development in Polesworth.
- 5.41 Similarly, a relatively large number of new homes have recently been built in Warton leading to severe traffic flow and car parking problems. The traffic from the neighbouring village of Austrey also passes through Warton on the way to the A5 and motorway.
- 5.42 Within the village Warton has had its fair share of accidents in the recent years, for example at the Barn End Road and Orton Road crossroads. The Parish Council will encourage Warwickshire County Council to address safety at this point. Vehicles travelling from Polesworth approach the junction often incorrectly believing that Orton Road is the main road if they do they move straight across the Barn End Road.



- 5.43 Further problems arise Austrey Road joins Maypole Road at the junction of Church Road. Here, vehicles have a problem manoeuvring, due to the narrowness and slight gradient of the road. Buses and emergency vehicles can be brought to a halt, because other vehicles are preventing their passage. In winter when ice is present

vehicles have a difficult time entering Austrey Road from Church Road due to the steep gradient.



- 5.44 The village's roads are also restricted due to residents having to park on the street. Particular issues arise when Holy Trinity church is being used for weddings or funerals, then it becomes difficult to proceed along Church Road. The Maypole Road outside of the school becomes very congested when parents collect children from the primary school. This means they park near the corner of Barn End Road. A safer means of crossing the road outside of the school needs to be developed possibly a crossing closer to Ivy Croft Road. Speeding traffic along Orton Road, Barn End Road and Church Road is often observed and a concern for residents.
- 5.45 Polesworth is very poorly served by rail – with only one service a week. The Parish Council support Warwickshire County Council's aspiration of improving rail services to Polesworth.

PNP OBJECTIVE 6 - To preserve the distinctive nature of our communities through preserving gaps/areas of separation between all of our existing communities and especially the neighbouring communities of Tamworth and Atherstone.

Introduction

- 5.46 The neighbourhood area faces considerable development pressure, both from allocated sites (H4 and H5) and from neighbouring Tamworth to the west. To maintain the separation of Polesworth and Dordon from Tamworth the Local Plan identifies a strategic gap (Local Plan Policy LP4) (see also Figure 3 of this plan). The Local Plan through the settlement hierarchy also seeks to maintain the separation of the villages in the Polesworth neighbourhood area. The PNP local green spaces policy also seeks to designate local green spaces. These by way of the national planning policy protection for such spaces, should remain open land and will, therefore help to preserve the distinctive nature of our communities. In addition Policy PNP10 of this section of the PNP identifies further ways in which the distinctive nature of Polesworth's communities can be preserved.

Policy PNP9 – Preserving the Separate Identity of Polesworth's Villages

To preserve the separate identity of the Polesworth neighbourhood areas villages the following measures will be supported:

- a) Development proposals that would maintain the open land area and enhance Pooley Country Park;
- b) Retention of key open land corridors, such as the River Anker and Coventry Canal; and
- c) Maintaining as open land the non-strategic open spaces identified on the Policies Map.

Background/Justification

- 5.47 Whilst strategic planning policy in the Local Plan seeks to maintain the strategic gap between Tamworth and Polesworth and Dordon and focus development within village development boundaries there is concern that smaller more incremental development could still erode the physical separation and identities of the neighbourhood area's villages. Policy PNP9 seeks to support strategic planning policy by identifying key areas of open land for further protection. These include:
- Pooley Country Park – a 62.5 hectare site, one third of which is a designated Site of Special Scientific Interest, contains several pools caused by mining subsidence, woodland habitats and is situated on the Coventry Canal;




- Key open land corridors, including those along the River Anker and Coventry Canal; and
- Non-strategic areas of open space identified as part of the Local Green Space assessment (contained in Table 2). These are sites not considered to meet the national Local Green Space designation criteria, but that are considered to make important, non-strategic contributions to maintain the separation and separate identities of our villages.

6.0 How to comment on this document

- 6.1 The Submission Draft PNP has been published for six-weeks of formal consultation under Regulation 16 of the Neighbourhood Planning Regulations from **[dates to be inserted by NWBC]**. Comments on the plan should be made in writing **[details to be inserted by NWBC]**.
- 6.2 Following this consultation the PNP will be subject to an independent examination. The examiner will assess whether the PNP meets the basic conditions and legal requirements.
- 6.3 In assessing if the PNP meets the basic conditions, it is likely that the Examiner will recommend further changes. This amended plan will then be the subject of a local Referendum. A straight majority vote (50% of turnout +1) of those on the Electoral Register will be required, before North Warwickshire “make” the Plan. The made PNP will then be used to help determine planning decisions in the Polesworth neighbourhood area alongside other parts of the development plan for North Warwickshire and national planning policies.

Appendix 1. Local Green Space Assessment


Table 1. Local Green Spaces Assessment

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
<p>Birchmoor Recreation Ground/PNP1/2</p>	<p>In middle of the village, access from New Street and Cockspur Street.</p>	 <p>Provides play equipment for children and sports facilities.</p>	<p>1.18 hectares of self-contained formal park.</p>	<p>None.</p>
<p>Birchmoor Allotments/PNP1/1</p>	<p>Rear of village pub</p>	<p>Provides important recreation and food growing area for residents.</p>	<p>0.78 hectares of allotments at the north end of the village, bounded by hedges and adjoining the Recreation Ground to the south.</p>	<p>None.</p>
<p>Station Road Recreation Ground and Community Field/PNP1/3</p>	<p>Access from Station Road and Francis Close. Next to large residential estate.</p>	<p>Provides play equipment for children and sports facilities. Site of Annual Carnival and Fair.</p>	<p>4.03 hectares of open space, including Polesworth Recreation Ground,</p>	<p>Entry is gained to this area through a hard play area, off Station Road which</p>


Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
			<p>an area of open land and woodland. Bounded to east and south by local housing and to the west by field boundaries and beyond River Anker.</p>	<p>can also be used as a car park for football matches. Adjacent to the hard play area is an area with play equipment for younger children. Behind this is a field which is used by the community for dog walking, dog training classes, Polesworth Swifts junior football club and for general recreational / family activities. This section of ground is owned by the Parish Council. A further field which connects to the Parish Council land is owned by the Polesworth Community</p>

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
				<p>Association and is used in the same way as the Parish Council land. Both fields are used on an annual basis for the Polesworth Carnival an event which regularly attracts large crowds to the site. This land runs into an area of land which is not maintained but runs along the river bank to the railway and Motorway viaducts providing access to the river bank (River Anker) which provides an important area for wild life and biodiversity together with the opportunity for</p>


Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
				recreational activity and nature observation. Taken together this is an important area of land which provides the community with a range of opportunities for sporting activity, interaction with the local natural environment and a wide range of recreational activities.

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
<p>Hall Court area, Polesworth/PNP1/4</p>	<p>In centre of Polesworth</p>	 <p>Within the confines of the Hall Court area a number of community buildings are located. These buildings include a Memorial Hall (a large community hall), a facility providing day use for Group Homes who specialise in providing care for adults with learning difficulties and run a number of residential homes within the local community, the Public Library, The Tithe Barn (a community meeting room, Parish Council Office and Community police hub), a medical centre, a community gym (recently converted from work units) and an historic Dove cote (currently used as a Parish store). Vehicular access to the area is from Bridge Street and the area also provides a considerable amount of parking space. There is also a</p>	<p>0.54 hectares of green space within the centre of Polesworth. Various community buildings adjoin the site to the north. Site bounded by trees and hedges on east and south. Western edge is formed by a car park.</p>	<p>None.</p>

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
		<p>significant amount of green space which is crossed by a number of footpaths. Walking routes connect the area with The Abbey Green Park where the path crosses the River Anker and connecting streams by means of three footbridges. Footpaths also connect this area to a walking route up through the Churchyard to The Nethersoles Primary school which has led to this route being designated as a safer route to school. The Green area is bordered by the Church Drive and Church Walk. Picnic benches are sited on the Green outside the Memorial Hall and the area has been used as a site for Christmas Market events, most recently a Dickensian Evening which is set to become an annual event. This area adjacent to the Abbey Church, Churchyard and Abbey Green park is viewed as the community or village centre and is within the confines of the existing conservation area.</p>		

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
<p>The Spinney/PNP1/5</p>	<p>Close to Birchmoor community and in middle of residential estate</p>	 <p>This is a wild area under the ownership of the Parish Council, through which runs a footpath connecting Ensor Drive with Birchmoor Road. The area is the site of an old colliery rail route connecting the Birchmoor colliery with the canal wharf. There is a natural spring which feeds a stream through the area so the area is subject to flooding but the site is an area which is naturally adventurous and rich in wildlife.</p>	<p>1.42 hectares of woodland in the south west of Polesworth. Bounded by housing to the north, east and south and by open agricultural land to the west.</p>	<p>None.</p>

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
<p>Abbey Green Park/PNP1/6</p>	<p>In centre of Polesworth by River Anker.</p>	<div data-bbox="824 312 1415 759" data-label="Image"> </div> <p>The park is a large green area in the centre of Polesworth which is linked by footpaths to the main shopping area in Bridge Street and Hall Court with its links to the Nethersoles School and the Abbey Site. This is an area of restored land following open cast mining which is under the management of the Borough Council. The River Anker runs through the park so the area also serves as a floodplain and there are fishing posts set in the river bank throughout its length through the park. The area has a skate park and an area of play equipment for younger children. There are also hard surface tennis courts and a bowling green within the park although the bowling green is currently not in use by a</p>	<p>6.57 hectares of green space in the centre of Polesworth. Built development to south and west, River Anker to north, bounded to the east by hedges with open beyond.</p>	<p>None.</p>


Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
		<p>bowling club. The Coventry Canal runs along the edge of the park along the route of the Grendon Road with access to the towpath and canal. The park is well served with tarmacked footpaths which run around the park providing good foot and cycle ways and at the point where the River Anker enters the park there is a wooded area and adjacent to this a wetland area which add to the rich diversity of the environment within the park. There is also a very attractive footpath which runs along the river bank from the park through the adjoining fields and links up with the towpath and the Coventry Canal.</p>		
<p>Hoo Monument/PNP1/8</p>	<p>On hill at edge of Polesworth.</p>	 <p>The monument is sited on the summit of a</p>	<p>1.83 hectares of land surrounding the Monument is identified for Local Green Space designation. The Parish Council also suggest that a wider green buffer is identified to help protect this site – see</p>	<p>None.</p>

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
		<p>hill in a field off the Grendon Road. This is close to the original site of the Hoo Chapel dedicated to St. Leonard. The monument appears as one of the heritage assets protected by this plan’s Policy PNP5. The monument is also in the centre of a proposed development site. This should be retained within a significant green area, both to draw attention to the heritage value represented by the monument and to provide an appropriate open space area in what is destined to be an area of significant development.</p>	<p>paragraph 5.7 of the PNP.</p>	
<p>Warton Recreation Ground/PNP1/9</p>	<p>Access from Church Road and Ivycroft Road.</p>	<p>The Recreation Ground is pivotal in giving the residents of Warton the opportunity for outdoor relaxation and recreation. The children have a well laid out play area, which enables them to play on equipment which is well maintained and safe to use. The larger area of the ground allows football matches to be played to FA regulations. During the summer Warton Carnival Committee organise their well supported village carnival which terminates on the recreation ground supported by various attractions. After the Covid 19 lock down came to an end a “Picnic</p>	<p>1.69 hectares of formal park on the western side of the village bounded by housing and Holy Trinity Church to east and south, open agricultural land to west and Church Road to the north.</p>	


Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
		in the Park” was organised which was a great success.		
Warton Allotments/PNP1/10	Access from Waverton Avenue. Centre of village.	Warton has had an allotment site for many years, but the current one was formed in 2009. The allotment has 36 plots and offers enjoyment and exercise to a great many residents and plot holders. It has won on two occasions the North Warwickshire Allotment Federation best allotment in North Warwickshire award. Regular items of interest take place -Barbecues-The heaviest pumpkin competition-Sales of produce to support the upkeep of the allotment. Currently leased from North Warwickshire Borough Council by Warton Allotment Association award.	0.93 hectares of allotment gardens on the north west of the village. Bounded by housing to the east and open fields to the west and north, and woodland to the south.	None.

Site Name/Policy Reference	Proximity to the community it serves	Demonstrably Special?	Local in character	Any other comments
<p>Glebelands, Church Walk/PNP1/11</p>	<p>Large area of fields surrounding ancient church.</p>	 <p>Provides open aspect and views of church.</p>	<p>5.31 hectares of fields surrounding Polesworth's ancient church.</p>	<p>None.</p>
<p>North Warwickshire Club and Sports Ground/PNP1/7</p>	<p>On edge of Polesworth.</p>	<p>The North Warwickshire club is located off the Tamworth Road (B5000) just within the Parish boundary. This is a well maintained sports ground used primarily, though not exclusively, for Junior football activities and training programmes. A well maintained club house serves as a social club and a venue for a variety of community activities.</p>	<p>Yes.</p>	<p>None.</p>
<p>St John's Church Allotments/PNP1/12</p>				

Table 2. Other Open Spaces Assessment

Site Name	Proximity to community it serves	Demonstrably special?	Local in character	Any other comments
Town Fields	Large area by River Anker at rear of residential estate.	Open views to river and canal.	Yes.	None.
Green area in front of Gamecock Inn Birchmoor	At entrance to the village.	Has planters on with flower displays.	Yes.	None.
Green area in Orchard Close Polesworth	In <i>cul de sac</i> of houses.	Green area by railway line.	Yes.	None.
Green area in Nethersole Street, Polesworth	In centre of houses.	 <p>Green aspect and area for children to play.</p>	Yes.	None.
Green area in Coronation Avenue Polesworth	In centre of houses.	Green aspect and area for children to play.	Yes.	None.
Green area in Princes Road Polesworth	In centre of houses.	Green aspect and area for children to play.	Yes.	None.

Site Name	Proximity to community it serves	Demonstrably special?	Local in character	Any other comments
Green area in Sycamore Avenue, Polesworth	By houses.	Green aspect and area for children to play.	Yes.	None.
Two green area in Ridding Gardens, Polesworth	In centre of <i>cul de sac</i> Near to Chetwynd Avenue.	Green aspects and areas for children to play.	Yes.	None.
Green area off Kiln Way, Polesworth	By houses.	Green aspect.	Yes.	None.
Green area in Saxon Close, Polesworth	In centre of Close .	Green aspect and area for children to play.	Yes.	None.
Green area in Paddocks Close, Polesworth	In middle of bungalow complex.	Green aspect for older residents.	Yes.	None.
Green area in Chaytor Road, Polesworth	In centre of close.	Green aspect and area for children to play.	Yes.	None.
County Council land by Nethersole School	Green area by School.	Green aspect in front of School.	Yes.	None.

Site Name	Proximity to community it serves	Demonstrably special?	Local in character	Any other comments
Green area in St. Leonards View, Polesworth	In centre of close.	 <p>Green aspect and area for children to play.</p>	Yes.	None.
Wooded area from Church Road to Allotments Warton	In centre of village.	Wooded area with pedestrian path.	Yes.	None.
Green area in Windmill Close, Warton	In centre of <i>cul de sac</i> .	Green aspect and area for children to play.	Yes.	None.
Green area junction Austrey Road/Waverton Avenue, Warton	In centre of village.	Green aspect.	Yes.	None.
Green area rear of Hatters development	At rear of new housing development.	Green aspect for residents.	Yes.	None.
Green area in Barn End Road, Warton	By houses.	Green aspect for residents.	Yes.	None.

Site Name	Proximity to community it serves	Demonstrably special?	Local in character	Any other comments
Two green areas in Austrey Road Warton	By houses.	Green aspects for residents.	Yes.	None.
Two green areas in Orton Road, Warton	By houses.	Green aspects for residents.	Yes.	None.
Three green areas in Waverton Avenue, Warton	By houses.	Green aspects for residents.	Yes.	None.
			Yes.	None.

Appendix 2. Non-designated Heritage Assets

Polesworth

1. Old Police House, 6 Station Road



Historic	This was the first dedicated Police House built in the village and contained two secure cells
Aesthetic	It is a distinctive design, quite different from other buildings in the village.
Communal	Now a private house
Age: is it old, or does it have a Significant date?	Built in 1859 and in use as a police station until 1956.
Identity: Does it have a particular Character that would be typical of North Warwickshire?	There are no other examples of this type of building in North Warwickshire.
Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?	It is a striking building at the beginning of Station Road approached from Bridge Street.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	
Assessment of Significance	This is a significant building because of its uniqueness in North Warwickshire and its essential visible part of the village's history.

2. War Memorial, Church Drive



Historic	This was erected to commemorate those men who died in WWI and then added to, to commemorate those men who died in WWII.
Aesthetic	It was sculpted by Henry C. Mitchell of Tamworth a well-known local mason and unveiled in April 1921.
Communal	It is the focus of an act of remembrance every year.
Age: is it old, or does it have a Significant date?	It was built by public subscription after WWI and added to after WWII
Identity: Does it have a particular Character that would be typical of North Warwickshire?	It is of a particular style for this area.
Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?	It has a prominent position in the Church Drive.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	Many of these commemorated on the monument have surviving relatives still in the village.
Assessment of Significance	This is significant because of its link to the men who died during the two world wars of the last century, many of whom have relatives living in the village and also to the wider community.

3. The Baptist Church, The Gullet



<p>Historic</p>	<p>This was erected in 1850 and was paid for by donations from other Baptist congregations in the area. It was built by members of the Baptist community. The land was purchased by Thomas Aspbury, a tailor of Polesworth, who lies buried in the burial ground and his monument has been moved to the east wall of the burial ground.</p>
<p>Aesthetic</p>	<p>It has a very pleasing aspect, especially from the churchyard side.</p>
<p>Communal</p>	<p>The only non-conformist chapel still in use for religious purposes in the village today.</p>
<p>Age: is it old, or does it have a significant date?</p>	<p>Built in 1850 by chapel members.</p>
<p>Identity: Does it have a particular character that would be typical of North Warwickshire?</p>	<p>It is a standard building of the time, mirrored by the original Methodist chapel and Congregational chapel.</p>
<p>Landmark Quality: Does it have a visual prominence in the Townscape/landscape?</p>	<p>Very prominent in The Gullet, but especially from the graveyard side.</p>
<p>Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain</p>	

Assessment of Significance	This is significant because it is the only non-conformist church in the village which is still used for its original function and also is an excellent example of this design.
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4. 22 Potters Lane



Historic	This was originally a much larger building than exists now and erected possibly in the mid to late 1600s. It appears on the 1850 Tithe Apportionment Map of Polesworth.
Aesthetic	It sits well below the road and stands out from other properties along Potters Lane which was realigned when the Trensale Heights estate was erected. It has a visual impact on those approaching from Chaytor Road.
Communal	It is a private house
Age: is it old, or does it have a Significant date?	Erected in the 1600s when the area was still agricultural in nature, but may contain evidence of an earlier building in its structure.
Identity: Does it have a particular Character that would be typical of North Warwickshire?	It is built with the narrow bricks of the time and is similar to other buildings of the era.
Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?	It has visual impact on those approaching from Chaytor Road.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	Small narrow bricks indicate its age. It appears on the 1850 Apportionment Map for Polesworth. It is most likely one of the larger buildings that appears on the 1642 Hearth Tax documents.
Assessment of Significance	The significance of this building is its age and brick structure which has single depth walls. It is part of a larger building, since demolished, and was part of a small holding including orchards. It is one of the few such buildings in the village.

5. Willow Cottage, 11A Potters Lane



Historic	This building appears on the 1850 Tithe Apportionment Map as a very small dwelling. It is possibly from the 1600s.
Aesthetic	It has a very pleasing aspect and is very distinctive in character.
Communal	It is a private house.
Age: is it old, or does it have a Significant date?	1600s but may contain evidence of an earlier building in its structure.
Identity: Does it have a particular Character that would be typical of North Warwickshire?	It is different in character from other buildings in the area, but there may be others in North Warwickshire.
Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?	It is rendered and has an extended sloping roof line towards the road and stands out from other properties nearby.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is supposed to be of an older construction than 22 Potters Lane, but is considerably smaller on the 1850 Tithe Map than that building so most probably a cotters cottage.
Assessment of Significance	The significance of this building is its uniqueness of shape and structure. Although rendered, it is clear that it is possibly one of the oldest brick buildings in the village.

6. Lilac Cottage, 21 Tamworth Road



Historic	This building appears on the 1850 Tithing Apportionment Map as a much larger building. It possibly dates from the 1600s but may contain evidence of an earlier building in its structure.
Aesthetic	It has a distinctive presence in the streetscape, being set back from the road and has an unusual internal room and stairs alignment.
Communal	It is a private house.
Age: is it old, or does it have a significant date?	Erected in the 1600s when the area was still agricultural in nature, but may contain evidence of an earlier building in its structure.
Identity: Does it have a particular character that would be typical of North Warwickshire?	It is built of narrow bricks of the period.
Landmark Quality: Does it have a visual prominence in the townscape/landscape?	It is different to the nearby properties which are of more modern date.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	The building was once used as a ‘Dame School’ possibly for students who did not gain admission to the Nethersole School in Polesworth or who were from nonconformist families.
Assessment of Significance	The significance of this building is its distinctive shape and inside orientation. It has a large entrance hall and the staircase is not contemporary with the age of the building; a door leads to a large main room which is lower than the driveway outside and this leads to a side room with a small

	<p>window and stairs to a single bedroom with no access to the rest of the bedrooms which are accessed from the main staircase. The west side of the building was much larger and possibly contained the original staircase and the east end has an unusual triangular face.</p>
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7. 24 Tamworth Road



Historic	This building was most likely erected at the time the canal was cut through in the 1770s and served as a blacksmiths for the canal horses. It sits sideways on to the road and until recently had the remnants of the blacksmiths at the rear.
Aesthetic	It was purpose built for the blacksmith and his family. Located well above the flood plain of the river Anker it allowed the blacksmith to ply his trade all year.
Communal	It is a private house.
Age: is it old, or does it have a Significant date?	1700s.
Identity: Does it have a particular Character that would be typical of North Warwickshire?	This is a building which reflects the canal history and heritage of the village and of the wider area. It is of a type of house that is typical of the era it was erected.
Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?	It stands out from the neighbouring buildings both in its construction and sideways aspect to the road.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It appears on the 1850 Apportionment map. It is important for the canal heritage of Polesworth.
Assessment of Significance	This significance of this building is its link to the canal heritage of the area, having been built to serve as a blacksmiths for the working horses.

8. Paddocks, 42 Common Lane



Historic	This building was most likely erected in the 1600s as it exhibits many characterises from buildings of that era.
Aesthetic	Originally a farmhouse it is a prominent building in the streetscape.
Communal	It is a private house.
Age: is it old, or does it have a Significant date?	1600s but might contain in its fabric material from an earlier age.
Identity: Does it have a particular Character that would be typical of North Warwickshire?	It is a typical farmhouse building for this area, there are other examples in Polesworth itself.
Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?	It stands out from the neighbouring buildings.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It appears on the 1850 Apportionment map as much larger than it is now. It stands on the edge of what was Polesworth Common and is most likely one of the houses mentioned in the Hearth Tax of 1662. It is also on the route of the Coffin Trail.
Assessment of Significance	The significance of this building is in its structure as a farm house built on the edge of Polesworth Common. There are other examples of this type of building in the village but this is the best preserved and contains remnants in its outside appearance of its original plan.

9. Oak Public House and Attached cottage and stables, Grendon Road



<p>Historic</p>	<p>This building was erected when the canal was constructed through the village in the 1770s and the attached cottage was most likely for the Ostler who looked after the horses, some of which were stabled there and belonged to the larger operators of canal transport companies. This enabled horses to be rested and fresh horses to take their place.</p>
<p>Aesthetic</p>	<p>It is a small building with attached cottage and stables but is quite distinctive in the streetscape.</p>
<p>Communal</p>	<p>It is a public house with private house attached.</p>
<p>Age: is it old, or does it have a significant date?</p>	<p>Late 1700s.</p>
<p>Identity: Does it have a particular character that would be typical of North Warwickshire?</p>	<p>This is a building which reflects the canal history and heritage of the village and of the wider area. It appears to be unique in that it consists of both a hostelry and an attached cottage and stables. It does not exhibit any characteristics of a coaching inn.</p>
<p>Landmark Quality: Does it have a visual prominence in the Townscape/landscape?</p>	<p>It is very prominent on the corner of Grendon Road and Common Lane.</p>
<p>Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain</p>	<p>It has great significance in the history of the canal building in Polesworth with its built environment.</p>

Assessment of Significance	The significance of this building is its link to the canal heritage of the area, having been built as a hostelry with an Ostlers cottage and stables for the horses attached.
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10. 36 Grendon Road (cottage behind the Oak)



Historic	This building appears on the Tithe Apportionment Map for Polesworth and is quite likely one of the earliest building in Polesworth on the south side of the river. It is likely to be of 1600s construction and has been much altered. It may be one of the houses that appears on the 1662 Hearth Tax records.
Aesthetic	It is a small building set back from the road and displays a country cottage frontage to Grendon Road, tucked behind the Oak Public House.
Communal	It is a private house.
Age: is it old, or does it have a significant date?	Likely 1600s.
Identity: Does it have a particular character that would be typical of North Warwickshire?	It is a unique cottage in the village and there are others similar in North Warwickshire.
Landmark Quality: Does it have a visual prominence in the Townscape/landscape?	It stands out from other properties nearby.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	The building may have some connection with the pottery industry which was in this area. Archaeological reports show evidence of this which is reflected in the nearby road name of Potters Lane. This may also be one of the properties mentioned in the Hearth Tax 1662.
Assessment of Significance	The significance of this cottage is its uniqueness. It is clearly an up, one down cottage which has been enlarged and may have been a building with living quarters on one end and animal stalls at the other.

11. Georgian House, Bridge Street/High Street corner



Historic	This building is the only Georgian house extant in the village. It is now separated into individual dwellings and shop premises.
Aesthetic	It has a very distinctive character.
Communal	It is divided into private dwellings and shop premises.
Age: is it old, or does it have a Significant date?	1700s.
Identity: Does it have a particular Character that would be typical of North Warwickshire?	It has a very distinctive character although it is not unique in North Warwickshire it is the only building of this design in Polesworth.
Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?	It is rendered and stands out from other properties nearby.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	
Assessment of Significance	The significance of this building is that it is perhaps the only house of Georgian construction in the village. Originally built for the Bond family, who were surgeons, and is now converted into houses, shops and flats.

12. Spread Eagle Public House, High Street



<p>Historic</p>	<p>A hostelry has stood on this plot from the medieval period, most probably from the time the Gatehouse was built in the late 14th century. The building juts into the road where High Street narrows as it proceeds eastwards. The plot it stands on covers an area which goes well back from the road and has an area of grass at the east of the building with an alleyway running around the edge of it up to what was common land in the medieval era. This configuration would fit with this being a hostelry with stabling for horses and carts at the rear, such as found close to other monastic sites, such as Romsey Abbey in Hampshire. The 'Spread Eagle' public house is directly opposite the Gatehouse and the medieval building on the site may well have been a hostelry owned by the Abbey in the medieval period. It appears on the 1850 Tithe Map.</p>
<p>Aesthetic</p>	<p>It is a distinctive double fronted building which is rendered but shows different building styles back from the road.</p>
<p>Communal</p>	<p>It is a public house.</p>
<p>Age: is it old, or does it have a significant date?</p>	<p>The foundations are medieval and the building has various stages to arrive at the present configuration.</p>
<p>Identity: Does it have a particular character that would be typical of North Warwickshire?</p>	<p>It has a narrow frontage typical of a burgage plot and the building extends some way back from the road.</p>
<p>Landmark Quality: Does it have a visual prominence in the Townscape/landscape?</p>	<p>It is very prominent in the streetscape as it is directly opposite the Abbey Gatehouse and its presence narrows the High Street for traffic at this point.</p>

<p>Other: is there any other factor:</p> <p>Local value or landscape interest?</p> <p>Archaeological interest? Or Archival Record? – please explain</p>	<p>It appears on the 1850 Tithe Map and parts of it may date back to the pre-reformation period. It is also likely to be one of the properties mentioned in the 1662 Hearth Tax documents.</p>
<p>Assessment of Significance</p>	<p>The significance of this building is that it sits on a burgage plot and was most likely a medieval hostelry which served the Abbey as a guest house. It sits opposite the Abbey Gatehouse and is at the end of the probable site of the market square of the medieval township. The layout of both the building and the garden area around it shows similarities with such guesthouses attached to monastic communities across the country.</p>

13. Hermitage, Tamworth Road.



<p>Historic</p>	<p>It is difficult to precisely date this building as it has been both lived in and derelict and rebuilt in living memory. The origins of a building on this site date back to the 7th century or earlier. It was part of the Abbey properties at the time of the Dissolution of the Monasteries and was used as a farmhouse and tenanted from that date, the Polesworth registers from 1631 mentions tenant families, and gravestones in the churchyard commemorate many of them. It has fabric internally that dates back some centuries and shows its use as a farmhouse cum dairy. It appears on the 1850 Tithe Map and would be one of the buildings mentioned in the 1662 Hearth Tax documents.</p>
<p>Aesthetic</p>	<p>It is a rendered house, set back from the road with extensive outbuildings now used as industrial units.</p>
<p>Communal</p>	<p>Private house</p>
<p>Age: is it old, or does it have a significant date?</p>	<p>The origins date back to the early medieval period and the present house has elements from the later medieval period.</p>
<p>Identity: Does it have a particular character that would be typical of North Warwickshire?</p>	<p>It is a large farmhouse.</p>
<p>Landmark Quality: Does it have a visual prominence in the townscape/landscape?</p>	<p>It is set back from the road, but stands out on the road from Polesworth to Tamworth.</p>
<p>Other: is there any other factor: Local value or landscape interest?</p>	<p>Sir William Dugdale visited the house in the 1600s and gives a brief description in his book on Warwickshire. It was one of the larger houses mentioned in the 1662 Hearth Tax documents. It is an important building inasmuch as it represents a part of the early medieval, Saxon and monastic heritage of Polesworth.</p>

Archaeological interest? Or Archival Record? – please explain	
Assessment of Significance	The significance of this building is its links to the life of St. Edith of Polesworth, a 6 th or 7 th century Anglo-Saxon saint, and also to the later monastic community in Polesworth. It is rendered and therefore the original exterior cannot be properly ascertained, however the inside orientation shows its age. When Dugdale visited this building in the 1600s there were still stained glass windows showing figures of prominent nuns from the Abbey. This is an extremely important building in the monastic history of the village.

14. Farmhouse Bridge Street (Card shop, greengrocers)



Historic	This was most likely erected in the 1600s as it exhibits many characterises from buildings of that era. It appears on the 1850 Tithe Map.
Aesthetic	It was clearly built as a farmhouse as it is of similar design and age to Paddocks, 22 Common Lane.
Communal	It is now divided into shops with accommodation above.
Age: is it old, or does it have a Significant date?	1600s but might contain in its fabric material from an earlier age.
Identity: Does it have a particular Character that would be typical of North Warwickshire?	It is a typical farmhouse building for this area, there are other examples in Polesworth itself.
Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?	It stands out from the neighbouring buildings and is a unique building with the streetscape of Bridge Street.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is most likely one of the houses mentioned in the 1662 Hearth Tax documents.
Assessment of Significance	The significance of this building is that it was once a farmhouse, the only one along this section of roadway down to the river, either originally built during the monastic era, or shortly after. It still retains the outline of its origins but now converted into shops and flats.

15. Nurses Home, 32 Station Road



Historic	This house was built in 1930 for use as a Nurses Home
Aesthetic	It is a functional house which is different to any other house in the street.
Communal	It is currently used by Polesworth Homes, a charity
Age: is it old, or does it have a Significant date?	1930
Identity: Does it have a particular Character that would be typical of North Warwickshire?	It is unique to Polesworth, but follows the same design as many such houses built at the time for the same purpose.
Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?	It stands out from other buildings around it.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	The plaque above the front entrance, which is integral to the building, reads 'Polesworth Nurses Home 1930'.
Assessment of Significance	The significance of this building is its uniqueness in the landscape. It was built for a specific purpose and still retains its original shape and aspect.

16. 36 Bridge Street



<p>Historic</p>	<p>This building appears on the 1850 Tithe Map and is very distinctive because of its elevated position in the streetscape. Bridge Street is the medieval hollow way down from the township to the river and this building shows that particularly. It is likely to be a much earlier building, possibly from the 1600s and may be one of the buildings mentioned in the 1662 Hearth Tax documents.</p>
<p>Aesthetic</p>	<p>It has a large frontage onto the road with no front garden. It stands out from other buildings along Bridge Street because of its design and elevated position.</p>
<p>Communal</p>	<p>It is a private house.</p>
<p>Age: is it old, or does it have a significant date?</p>	<p>Possibly 1600s.</p>
<p>Identity: Does it have a particular character that would be typical of North Warwickshire?</p>	<p>It is elevated above the road and is in a prominent position at the northern end of Bridge Street.</p>
<p>Landmark Quality: Does it have a visual prominence in the Townscape/landscape?</p>	<p>It stands out from other buildings at this end of Bridge Street.</p>
<p>Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain</p>	

Assessment of Significance	The significance of this building lies in its position. It sits at the edge of what was monastic land, albeit land that was used for secular purposes. Its elevation from the road gives it it's unique appearance.
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17. Methodist Chapel, Bridge Street (original chapel only)



<p>Historic</p>	<p>The original chapel was built in 1857 on the site of a blacksmith's premises. It was erected by Mr. Thomas Watton of Tamworth who built it for £100 with members of the congregation undertaking the labouring work. The chapel opened on the second Sunday in October 1857 and was built on land owned by Sir George Chetwynd, attracting a ground rent of 5s 3d per year. The ground rent was paid up until the land and surrounding properties were purchased in 1908 for the sum of £250 by George Deeming.</p>
<p>Aesthetic</p>	<p>The building has boarded up windows and the original entrance door. It is a typical building of the time and has similar characteristics to the Baptist Chapel and Congregational Chapel in Polesworth.</p>
<p>Communal</p>	<p>It now forms part of a shop and playgroup complex.</p>
<p>Age: is it old, or does it have a significant date?</p>	<p>1857.</p>
<p>Identity: Does it have a particular character that would be typical of North Warwickshire?</p>	<p>It is like other nonconformist buildings of the period, both in Polesworth and other parts of North Warwickshire.</p>
<p>Landmark Quality: Does it have a visual prominence in the townscape/landscape?</p>	<p>It is tucked back from the road behind a modern extension built when the chapel was sold for commercial use.</p>

<p>Other: is there any other factor:</p> <p>Local value or landscape interest?</p> <p>Archaeological interest? Or Archival Record? – please explain</p>	
<p>Assessment of Significance</p>	<p>The significance of this building is the simplicity of its style and the fact that it was the last non-conformist church to be built in the village. It still retains its basic shape and window orientation.</p>

18. Footpath from High Street at the Station Road/Bridge Street junction onto the playing fields



<p>Historic</p>	<p>The medieval township of Polesworth was approached from the north via Bear Lane which then turned eastwards and widened out to form the High Street. This road is shown clearly on the 1850 Tithe Map. It exists today as a walkway through from the High Street junction with Station Road and Bridge Street to the playing fields on Station Road. It also provides vehicular access to houses. It is an important remnant of the medieval townscape.</p>
<p>Aesthetic</p>	<p>It is a walkway and access road for houses.</p>
<p>Communal</p>	<p>Open to walkers and householders.</p>
<p>Age: is it old, or does it have a significant date?</p>	<p>It is medieval in origin, from at least the early 12th century.</p>
<p>Identity: Does it have a particular character that would be typical of North Warwickshire?</p>	<p>It is the last visible remnant of the medieval roadway into Polesworth from the north.</p>
<p>Landmark Quality: Does it have a visual prominence in the Townscape/landscape?</p>	<p>It is tucked away behind a bungalow and alongside a house.</p>
<p>Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain</p>	<p>It is an important visible remnant of the medieval streetscape of Polesworth.</p>

Assessment of Significance	The significance of this short piece of footpath is that it is one of the last remnants of the original roadway into Polesworth from the North. Medieval in origin it brought both worshippers and pilgrims to the Abbey and Shrine of St. Edith of Polesworth. When the road was altered and straightened in the 1800s, this section was left as a footpath and its importance in the medieval history of the village cannot be emphasised enough.
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19. Stiper's Hill Enclosure



Historic	<p>The importance of this as a site of ritual significance can be traced back to the Anglo-Saxon times or even before. These ritual areas had a standing-post and a square enclosure and elsewhere in the country contained shrines. The name is most likely derived from the Old English word for post – Stipere. Dugdale the 17th century antiquarian visited Polesworth and the surrounding areas and mentions them in his books on Warwickshire. He found an 'old entrenchment' on the site which he called 'a little fortification'.</p> <p>This was a meeting place for tribes in the area during what is often referred to as the Dark Ages and possibly before the Roman conquest; and later when the Anglo Saxons and then Normans settled here; where proclamations were made, musters declared and courts were held. It certainly survived the Norman Conquest as an important secular meeting-place up until the later Middle Ages when it ceased due to the increase in more formal court arrangements.</p> <p>These courts from the time of the Anglo Saxon settlers, until the later Middle Ages, involved dealing with accusations of crime, disputes of land and property, and the paying of rents. In the Bodleian Library documents show that tenants in the honour – the name for land held by the lord of the manor - of Tamworth met at a court on Stipershill and paid their rents or sought redress for wrongs. In the 1350s for instance it is recorded that a tenant attended the court there and paid over a pair of golden spurs on St. Edith's day as rent for his lands, most payments were in goods not money.</p> <p>These courts were held twice a year on days in the religious calendar out in the open, in the same way as some courts meet today, such as the one on the Isle of Man. There are many records of these courts held in</p>
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	<p>parchments both in private estate papers and in national archives which give rich insights into their dealings.</p> <p>A few years ago Lidar survey was undertaken and it showed the intact outline of the enclosure but recently these earthworks appear to have been breached and damaged by the use of the area as a motorbike scramble area.</p> <p>There are other earthworks along the eastern side of the promontory and these are the remains of the entrenchments dug by the Polesworth Home Guard during World War II whilst practicing defence should there be an invasion.</p>
Aesthetic	It is largely still intact and is of great historical importance.
Communal	The site is on private land.
Age: is it old, or does it have a significant date?	Although the age of the enclosure would need to be dated by archaeological excavation, recent research by Dr. Nigel Trigham places the age of the site to be most likely before the Roman conquest.
Identity: Does it have a particular character that would be typical of North Warwickshire?	It would seem to be unique in the Warwickshire countryside.
Landmark Quality: Does it have a visual prominence in the townscape/landscape?	It is very prominent from the Warton Road and is marked on old maps of the area as Stiper's Hill Plantation
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	This shows evidence of the first gathering of local tribes in the area for peaceful and warlike motives and is the beginning of this areas rise to prominence and eventual settlement.
Assessment of Significance	The significance of this site is that it is of major importance in the history of this area. Pre dating the Roman period and in use all through the Anglo-Saxon period as the site of a moot and meeting-place. It originated as a gathering place for local tribes, possibly marking the boundary of land owned and occupied by different tribal families. Then continued as a place of major significance in the life of the

	lords of the manor up until more formal court arrangements were put in place.
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20. St. Helena Road – medieval sunken road.



Historic	This is a medieval sunken lane leading from Polesworth through a medieval deserted village and onto the Roman A5.
Aesthetic	The lane is part of the visible medieval landscape of Polesworth. It has been widened and houses built alongside it for part of the way until it assumes its medieval proportions before continuing into the next parish of Dordon. It is an ancient lane with old hedgerows and trees alongside and is a natural habitat for wildlife.
Communal	The lane is used for vehicles and walkers.
Age: is it old, or does it have a significant date?	The lane is Early Medieval.
Identity: Does it have a particular character that would be typical of North Warwickshire?	This is a medieval sunken lane and as such is important in the landscape. Polesworth Abbey in the ecclesiastical parish of Polesworth, which covered a much larger area than now, held the right of burial and therefore it most likely was used as a coffin way for the inhabitants of the deserted medieval village along its route and other farmsteads on that side of the parish. There is a stone marker where Little Jim’s cottage once stood which has importance in local culture.
Landmark Quality: Does it have a visual prominence in the townscape/landscape?	It is a prominent lane in the street plan of Polesworth, leading to Dordon.
Other: is there any other factor: Local value or landscape interest?	It is often used by heavy vehicles which will have an impact on the medieval aspects of the road. It is alongside the site of Little Jim’s Cottage.

Archaeological interest? Or Archival Record? – please explain	
Assessment of Significance	The significance of this road is its medieval origins and usage, it is possibly a coffin way from the old, deserted settlement which was further into Dordon parish and is a prominent lane through the area of Hoo.

21. Coffin Trail, Common Lane



<p>Historic</p>	<p>Polesworth was a large ecclesiastical parish in medieval times and all inhabitants of outlying hamlets and farms would be buried in the Polesworth churchyard. Coffin ways or trails were used to bring the dead down to Polesworth for burial. This trail leading from Dordon down to the common and then on to the Polesworth churchyard is the only one of these trails that can be identified within the old ecclesiastical parish of Polesworth and as such is important in the landscape.</p>
<p>Aesthetic</p>	<p>Used by walkers and dog walkers, it is a pleasant lane to walk.</p>
<p>Communal</p>	<p>Pathway from Common Lane to Dordon.</p>
<p>Age: is it old, or does it have a significant date?</p>	<p>It is early medieval in origin.</p>
<p>Identity: Does it have a particular character that would be typical of North Warwickshire?</p>	<p>Coffin trails would have been a part of the landscape of North Warwickshire but there seem to be no other examples of any still in existence.</p>
<p>Landmark Quality: Does it have a visual prominence in the townscape/landscape?</p>	<p>It is a footpath.</p>
<p>Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain</p>	<p>It is an important part of the history of the ecclesiastical parish of Polesworth.</p>

Assessment of Significance	The significance of this lane is its ecclesiastical use as a coffin trail or way. It is obviously of some antiquity as the ancient hedgerows suggest. There are no other examples of a lane named as such in North Warwickshire
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22. Site of the Hoo Chapel, off Grendon Road and possible Iron Age hill fort site



<p>Historic</p>	<p>The site is possibly an Iron Age hill fort as it sits on a hill with an escarpment on the north side and would be easily defensible as the surrounding terrain drops away from the flat area at the top of the hill.</p> <p>The chapel was founded by Roger de Grendon although the exact date of foundation is unknown it took place during the reign of King Henry I or King Stephen (1100-1154). Roger endowed the chapel with a large amount of land, which was presumably worked as a farm for the upkeep of the priests who lived in the Chapel House, and was most likely used for sheep farming, as this area was noted for its quality wool in the medieval period. The land immediately around the Chapel would have been the burial ground for estate parishioners and the priests themselves, the inside of the Chapel being reserved for members of the de Grendon family and their successors. As well as the Chapel there would have been a house for the priests and ancillary buildings for their maintenance and also for the farm, stables and animal enclosures. The usual complement was four priests.</p> <p>The Chapel was dissolved during the Reformation and was not inhabited from that time. The site was lost in the intervening years but the chapel graveyard was accidentally rediscovered in 1846 when the cutting of the London and North Western Railway went straight through the graveyard, and some gravestones and skeletons were uncovered.</p> <p>The obelisk was erected by Sir George Chetwynd. Local folklore states it was first erected in the field by the cutting, but was subsequently moved to its present position sometime later. The obelisk in the field has this inscription:- Site of the Chapel of St. Leonard at Hoo Demolished 1538 30th Henry VIII.</p> <p>The precise location of the chapel and the ancillary farm buildings is not known but is likely to stretch across the B5000 and onto the top of Hoo Hill and encompass the site of the obelisk.</p>
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<p>Aesthetic</p>	<p>The area is of immense importance to both the Iron Age and the medieval monastic history of the area.</p> <p>The monument itself is a prominent feature in the field to the south side of Grendon Road leading out of Polesworth. It is visible for a great distance around and is particularly prominent in the landscape as Polesworth is approached from Tamworth along the B5000 at Hermitage Hill.</p> <p>To determine the actual area of the Iron Age hill fort, Chapel and ancillary buildings would need a thorough survey including Lidar and geophysics before a full archaeological excavation to identify the precise location, although aerial photographs in the Warwickshire HER show foundations of buildings and the map of the area dated 1722 shows extant buildings in the area.</p>
<p>Communal</p>	<p>The whole area is on private land and the monument which is Grade II listed is not therefore accessible.</p>
<p>Age: is it old, or does it have a Significant date?</p>	<p>The hill fort would have become obsolete either before or just after the Roman invasion of the country.</p> <p>The chapel was built in the early 1100s and suppressed during the dissolution of the monasteries in 1538.</p>
<p>Identity: Does it have a particular Character that would be typical of North Warwickshire?</p>	<p>The area of the hill fort is of great importance to the early history of North Warwickshire.</p> <p>The monument which is Grade II listed is a unique feature within North Warwickshire.</p> <p>The site of the Chapel and ancillary buildings is of great importance to the medieval history of the area.</p>
<p>Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?</p>	<p>The hill itself has prominence in the landscape and the monument which is grade II listed is very prominent in the landscape.</p>
<p>Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain</p>	<p>The monument which is Grade II listed is a statement feature to the areas monastic past and is very prominent in the landscape.</p>
<p>Assessment of Significance</p>	<p>This site is of immense significance in the monastic history of the area and was possibly originally an Iron Age hill fort. The obelisk which sits in a field near the site of the chapel and monastic complex is Grade II listed. The area has</p>

	never been archaeologically investigated so the exact location of buildings is not known.
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23. Commemorative marker for site of Little Jim’s Cottage, St. Helena Road.



Historic	The cottage was a typical example of a late 14 century/early 15 th century building with exposed cruck construction. It was burnt down in the 1970s. A stone marking the site sits on the side of St. Helena Road.
Aesthetic	The building no longer exists.
Communal	
Age: is it old, or does it have a Significant date?	The building was a medieval cruck construction.
Identity: Does it have a particular Character that would be typical of North Warwickshire?	It was made famous by a poem by Edward Farmer and is an important cultural site.
Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?	The area is one well known in the area and a stone at the side of the road marks the site.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is of prominent cultural importance for Polesworth and is part of the mining history of the area.
Assessment of Significance	This site is of significance to the mining history of the area and to the medieval landscape being the site of one of the earlier houses in this area.

24. Milestone East B5000



Historic	This is a milestone which once gave the mileage between Polesworth and Atherstone. It stands on the south side of the B5000 just before the railway bridge to the east of Polesworth.
Aesthetic	It is of its kind.
Communal	It is in the hedgerow and is visible to anyone passing when the foliage is cut down.
Age: is it old, or does it have a significant date?	It is difficult to identify its age, most likely erected in the 1700s when the road became a turnpike road.
Identity: Does it have a particular character that would be typical of North Warwickshire?	There may be other such milestones in North Warwickshire.
Landmark Quality: Does it have a visual prominence in the townscape/landscape?	It is visible but not particularly prominent.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	Although very worn, the 'one' of Atherstone can still be made out.
Assessment of Significance	The significance of this milestone is that it is only one of three which has been identified in Warwickshire and the only one positively identified as such in North Warwickshire. It has at some time been removed from the

	<p>other side of the road as some of the inscription that can be made out shows. Recently it was knocked over and the base exposed, this shows it has dressed stonework at the base and the top section usually visible has been smoothed. This stone is possibly originally from the Hoo Chapel and has been repurposed.</p>
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Birchmoor

25. St. John's Church, New Street



Historic	Built in 1888 on land purchased by Rev. Madden at a cost of £105 and dedicated as St. John's Mission Church. It is still in use for worship today
Aesthetic	It is of tin construction and retains its original exterior.
Communal	The building is used for worship as well as communal activities.
Age: is it old, or does it have a significant date?	It was built in 1888, extended in 1898 and then again in 1931.
Identity: Does it have a particular character that would be typical of North Warwickshire?	The building is of its era. Many of these so called 'Tin Tabernacles' were erected in the area to serve as Anglican churches until funds could be raised to build a brick building. Most have since been demolished or wooden clad but this building retains its original structure and character.
Landmark Quality: Does it have a visual prominence in the townscape/landscape?	It is quite a distinctive building along New Street, Birchmoor.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is one of the last surviving original buildings of this type in the area.
Assessment of Significance	The significance of this building is that it is one of only few remaining 'tin tabernacles' in the country that still retains its original fabric. It was built in the 1880s as a church and still used for that purpose today. It is part of a research project by Dr. Lynn Pearson on early prefabricated buildings.

26. The Gamecock Inn



Historic	This was most likely built as a coaching inn to accommodate visitors to the Gilliver's farm to purchase fighting cocks; although local folk memory is that it was Joseph Gilliver's house.
Aesthetic	It is an imposing building standing at the top of the road leading from Polesworth.
Communal	It is a public house.
Age: is it old, or does it have a significant date?	Most likely built c. Late 1700s
Identity: Does it have a particular character that would be typical of North Warwickshire?	It is a standard design, but may have had a Georgian style frontage erected over an older building.
Landmark Quality: Does it have a visual prominence in the townscape/landscape?	It is an imposing building, the largest in the village and holds a prominent place on the road from Polesworth.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	Joseph Gilliver was cockfighter for both King George III and IV. He lived on part of Birchmoor Common and bred his cocks there. The Inn most likely accommodated visitors to his holding to purchase cocks.
Assessment of Significance	The significance of this building is its connection to the family of Joseph Gilliver and the raising of fighting cocks for King George III and IV. A Georgian style frontage erected over an older building belies its significance as an early hostelry in the area. It is currently no longer a public house.

Warton

27. Primitive Methodist Chapel, Austrey Road



Historic	Erected in 1898 and greatly supported by the Carr family, one of whom who paid for its refurbishment a few years later.
Aesthetic	It was a prominent placed of worship in the village but has been used for industrial use since
Communal	Currently vacant.
Age: is it old, or does it have a Significant date?	Erected 1898.
Identity: Does it have a particular Character that would be typical of North Warwickshire?	It is now very dilapidated but retains some original decorative brickwork and the original exterior entrance to the chapel can still be seen.
Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?	It is a building that stands out along the Austrey Road and is quite different from other buildings along that road.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	Warton had one of the earliest Primitive Methodist Societies in the area, first established in 1828. Land was purchased in 1896 and the building was erected in 1898. It has distinctive decorative brickwork. It was put up for sale in 1924 but in 1928 after no interest it was reopened as a chapel again but due to extensive repairs being required which could not be financed by the congregation it was closed and put up for sale in 1932.
Assessment of Significance	The significance of this building lies not in its appearance but in its history. It was one of the earliest Primitive Methodist Chapels to be erected once the Society had been established. It has distinctive decorated brickwork and is a local landmark.

28. Parish Room, Maypole Road.



Historic	The building was opened in 1909. It was built by Thomas Baxter of Wilnecote, the architect being Arthur Moreton of Nuneaton. Messrs. Morris and Shaw contributed 50,000 bricks and appeals and events raised some £205 which was about half the cost of the room and furniture.
Aesthetic	It is used for many community activities in the village and stands in a prominent place facing Church Road and in the heart of the old village.
Communal	It is used for community activities.
Age: is it old, or does it have a significant date?	Built in 1909.
Identity: Does it have a particular character that would be typical of North Warwickshire?	It is a standard parish building of its era.
Landmark Quality: Does it have a visual prominence in the Townscape/landscape?	It holds a prominent place where Maypole Road and Austrey Road converge, facing Church Road.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It was the concept of Rev. H.A. Griffith, who believed a suitable room was necessary to carry out the successful work of the parish. It was opened on Tuesday 9 th November 1909 by Mr. F.A. Newdegate who was MP for Nuneaton.
Assessment of Significance	The significance of this building lies in its use as the only community room in Warton, in the heart of the old village. It is a CISWO property and is maintained by a trust.

29. War Memorial on the wall of the Parish Rooms



Historic	This was built at the end of WWI to commemorate those who died in the war and added to after WWII.
Aesthetic	It was erected on the front of the parish room in a prominent position.
Communal	An act of remembrance takes places every year.
Age: is it old, or does it have a Significant date?	Erected after WWI
Identity: Does it have a particular Character that would be typical of North Warwickshire?	It is of similar design to many such memorials in North Warwickshire.
Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?	It is prominent on the front of the parish room.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	
Assessment of Significance	This is significant because of its link to the men who died during the two world wars of the last century, many of whom have relatives living in the village and also to the wider community.

30. Cruck Beam House, Church Road/Austrey Road.



Historic	The cottage is in part a typical example of a late 14 century/early 15 th century building with exposed cruck construction. It has been extensively added to and altered over the intervening years.
Aesthetic	The building has a prominent place in the history of the village and is still of importance to the villagers.
Communal	This building is a private house.
Age: is it old, or does it have a Significant date?	The building is in part of medieval cruck construction from the late 14 th /early 15 th century.
Identity: Does it have a particular Character that would be typical of North Warwickshire?	It has importance to the village of Warton as it appears to be one of the earliest extant buildings although in need of repair and restoration. It is of a character that can be seen all over the country.
Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?	It is prominent on the Church Road/Austrey Road junction.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is very much a building valued by the local inhabitants who view it as important to their history.
Assessment of Significance	The significance of this building is not in its condition but in its age and place in the history of the village of Warton. It is one of the last remaining buildings from the medieval era still standing in the village.

31. Warton Old Nethersole School, Maypole Road



Historic	This school building was erected in 1857 by the Nethersole Trust, this is an educational trust set up in the reign of Elizabeth I for the education of boys and girls within the ecclesiastical parish of Polesworth. In 1832 following the enactment of the Educational Reform Bill a thatched cottage was leased by the Trust to provide a school 'for the benefit of the poor children in Warton' and this building was erected after the enactment of the Education Act 1870 and provided gabled roofs, big windows and separate classrooms. It became known as a Board School. In the early 1900s an infant's school was added. The building is no longer used as a school.
Aesthetic	It is a Victorian building
Communal	
Age: is it old, or does it have a significant date?	Built in 1857.
Identity: Does it have a particular Character that would be typical of North Warwickshire?	It is a similar building to many that were constructed at this time when the education of children was becoming a national rather than local concern.
Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?	It sits back from the road and is no longer used as a school.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is part of the history of the Nethersole Trust and is a visual reminder of the Trusts prominence in providing educational buildings in the old ecclesiastical parish of Polesworth.
Assessment of Significance	The significance of this building lies in the fact that it was built as a result of the Education Act 1870 and is a visual part of the history of the Nethersole Trust.

32. School House, Maypole Road



Historic	The Education Act of 1870 meant that properly certified teachers were added to the teaching staff of all schools, and it is likely the School House was built at the same time as the new school in 1857 to house the headmaster or mistress. As the numbers of children to be educated grew part of the building was used as a school room and another room built on to the side nearest the school.
Aesthetic	It is a standard Victorian type building
Communal	
Age: is it old, or does it have a Significant date?	Victorian building.
Identity: Does it have a particular Character that would be typical of North Warwickshire?	It is a typical building of the era and type.
Landmark Quality: Does it have a Visual prominence in the Townscape/landscape?	It is set back from the road but easily visible.
Other: is there any other factor: Local value or landscape interest? Archaeological interest? Or Archival Record? – please explain	It is of prominent cultural importance of the origins of schooling in Warton.
Assessment of Significance	The significance of this building is its relation to the Old Nethersole School in Warton. It was built at the same time as the school and was a feature of the Nethersole Trusts ethos that teacher's accommodation was built adjacent to its school buildings. It is a visual part of the history of the Nethersole Trust.

Glossary

Accessibility: The extent to which employment, goods and services are made easily available to people, either through close proximity, or through providing the required physical links to enable people to go to locations where they are available.

Affordable Housing: Housing that is provided to eligible households at a price/ rent below the market rate, whose housing needs are not met by the market. It includes socially rented, affordable rented and intermediate housing.

Ancient Woodlands: These are defined as areas where there is believed to have been continuous woodland cover since at least 1600 AD. It can include both ancient semi natural and ancient replanted woodlands. They are irreplaceable habitats.

Appropriate Assessment (AA): Under the Habitat Regulations Assessment, stakeholders such as developers/ Local Authorities are required to undertake this assessment when a plan or project is likely to have an impact on any European Environmental conservation designations (i.e., Natura 2000 sites consisting of Special Protected Areas of Conservation, Special Protected Areas, etc.). The overall aim of this assessment is to demonstrate that the plan/ project will not have an adverse impact on the integrity of the environmental designation. Alternatively, the AA will need to demonstrate why the proposed project/ plan is in the overriding public interest and the compensatory measures that will be taken to ensure the overall coherence of the Natura 2000 sites is protected.

Biodiversity: The variety of plants, animals and other living things in a particular area or region. It encompasses habitat diversity, species diversity and genetic diversity.

Blue infrastructure; refers to water elements such as rivers, streams, canals, ponds, wetlands and floodplains.

Brownfield Land: See definition for Previously Developed Land.

Carbon Footprint: The amount of greenhouse gas produced in daily life through the burning of fossil fuels.

Community Infrastructure Levy (C.I.L): This allows Local Authorities to raise funds from developers undertaking new building projects in their area. This is used to fund a wide range of infrastructure (i.e., transport schemes, schools, etc.) that are needed to support the development of their area.

Connectivity: The linkages that exist between key locations.

Developer Contributions: Contributions made by a developer to remedy the impact of development, either by paying money for work to be carried out or by directly providing facilities or works either on or off-site.

Development Plan Document (DPD): These are planning documents forming part of the Local Development Framework (LDF) and which have a status of being part of the development plan. In order to acquire this status, they will be subject to independent scrutiny through a public examination. Certain documents within the LDF must be DPDs, for example a Core Strategy, Site Specific Allocations of land and Area Action Plan where produced. There must also be an adopted Policies Map which may be

varied as successive DPDs are adopted. Current Local Planning Regulations no longer use the term DPD and refer to Local Plans instead.

Dwelling: A self-contained building or part of a building used as a residential accommodation, and usually housing a single household. A dwelling may be a house, bungalow, flat, maisonette or residentially converted farm building.

Evidence Base: The information and data gathered to justify the policy approach set out in the Neighbourhood Plan including physical, economic, and social characteristics of an area. It consists of consultation responses and the finding of technical studies.

Greenfield Land: Land which has not previously been developed, including land in agriculture or forestry and land in built up areas used for outdoor sport and recreation (including public and private open space and allotments).

Green Infrastructure: A strategically planned and delivered network of high quality green spaces and other environmental features. It is designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities. Green Infrastructure includes parks, open spaces, playing fields, woodlands, allotments and private gardens.

Infrastructure Delivery Plan (IDP): The IDP identifies the necessary social, physical and green infrastructure required to support the new development proposed in the Joint Core Strategy for West Northamptonshire up to 2029. The document will be subject to monitoring and regular review.

Listed Building: a building listed because of its special architectural or historic interest considered to be of national importance and therefore worth protecting and listed on the statutory list of 'buildings of special architectural or historic interest'.

Local Plan: The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current Core Strategies and other planning policies which under the Regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.

Localism Act: This is an Act of Parliament that changes the powers of local government in England. The Act includes provisions for local government finance, town and country planning, the Community Infrastructure Levy and the authorisation of nationally significant infrastructure projects.

Mode: The type of transport being used for a journey.

National Planning Policy Framework (NPPF): This document sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

Non-designated heritage assets: buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets, such as Listed Buildings.

Parish Plans: Are prepared by Parish Councils and other local community groups and set out a vision for their local area and usually include an action plan of how to achieve the vision. Parish Plans can be used to inform the development of planning policy at the local level.

Physical Infrastructure: Includes existing and future development required to support utilities, transport and waste management.

Previously Developed Land (PDL): Land which is or was occupied by a permanent structure (excluding agricultural and forestry buildings) and associated fixed surface infrastructure, including the curtilage of (land attached to) buildings. It includes defence buildings and land used for mineral or waste extraction when there is no requirement for subsequent restoration. Land in built up areas such as private residential gardens, parks, recreation grounds and allotments are not considered as PDL. PDL is still commonly referred to as brownfield land.

Public Realm: Areas available for everyone to use, including streets, squares and parks.

Section 106 Agreement/ Contribution: Refers to Section 106 of the Town and Country Planning Act 1990 and is a legally binding agreement or planning obligation with a landowner in association with the granting of planning permission. These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. They are increasingly used to support the provision of services and infrastructure, such as highways, recreational facilities, education, health and affordable housing.

Site of Special Scientific Interest (SSSI): A site or area designated as being important due to its wildlife plants or flowers and/ or unusual or typical geological features. SSSIs are identified by Natural England and have protected status under Wildlife and Countryside Act 1981.

Social Infrastructure: Includes education, healthcare, sports facilities, cultural and community facilities.

Strategic Environment Assessment: A generic term used to describe environmental assessment as applied to policies, plans and programmes. The European 'SEA Directive' (2001/42/EC) requires a formal 'environmental assessment of certain plans and programmes, including those in the field of planning and land use.

Supplementary Planning Document (SPD): Provides additional guidance on matters covered by a DPD/ Local Plan. They will be an important consideration in determining planning applications.

Sustainable Development: Development which meets the needs of the present, without compromising the ability of future generations to meet their own needs.

Topography: The gradient and variations in height within a landscape.

Wildlife corridors: Areas of habitat that connect wildlife populations.



POLESWORTH PARISH NEIGHBOURHOOD PLAN

Polesworth Neighbourhood Development Plan

Basic Conditions Statement

(Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990)

February 2024

Contents

1.0	Introduction	page 3
2.0	Legal Requirements	page 4
3.0	Basic Conditions	page 5

1.0 Introduction

1.1 Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306)¹ sets out that only a draft neighbourhood plan or order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).

b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.

c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.

d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). <https://www.gov.uk/guidance/neighbourhood-planning--2 - General-conformity-with-strategic-policies>

f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

1.2 This Basic Conditions Statement sets out how the Polesworth Neighbourhood Development Plan (PNP) has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by the PNP independent Examiner.

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

2.0 Legal Requirements

2.1 The Submission Plan is being submitted by a qualifying body

This Submission Plan is being submitted by a qualifying body, namely Polesworth Parish Council. The area was designated by North Warwickshire Borough Council on 11th April 2017 ([Notice of Designation](#)).

2.2 What is being proposed is a neighbourhood development plan

The plan being proposed relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012 and subsequent amendments.

2.3 The proposed neighbourhood plan states the period for which it is to have effect

The PNP states the period for which it is to have effect. That period is from 2011-2033 (the same plan period as the North Warwickshire Local Plan ([Local Plan](#))).

2.4 The policies do not relate to excluded development

The PNP does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

2.5 The proposed neighbourhood plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

The PNP relates to the designated Polesworth neighbourhood area and to no other area. There are no other neighbourhood plans relating to that neighbourhood area. The designated neighbourhood plan area has the same boundary as that for the Parish at the time of the designation and is shown on Figure 1 in the PNP.

3.0 Basic Conditions

Basic Condition a. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan

3.1 The PNP has been prepared having appropriate regard to the policies set out in the revised National Planning Policy Framework (NPPF, December 2023)².

Achieving Sustainable Development (NPPF, section 2)

3.2 Paragraph 1 of the NPPF explains that '*The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied.*' Paragraph 7 sets out that '*The purpose of the planning system is to contribute to the achievement of sustainable development*' The planning system has three overarching objectives to achieve sustainable development (paragraph 8): an economic objective, a social objective and an environmental objective. These should be delivered through the preparation and implementation of plans (paragraph 9).

3.3 Table 1 sets out how the PNP delivers the 3 overarching Objectives in the NPPF:

Table 1 Delivering Sustainable Development

NPPF Overarching Objectives	PNP Policies and Proposals
<p><i>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</i></p>	<p>The PNP supports this overarching objective of the NPPF in the following ways:</p> <ul style="list-style-type: none"> • Policy PNP6 seeks to protect local services and facilities, some such as public houses perform a key economic and also social function in the area; and • Policy PNP8 seeks to support a package of transport improvements (to be delivered by other agencies) that will help to underpin future economic development in the area.

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

NPPF Overarching Objectives	PNP Policies and Proposals
<p><i>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;</i></p>	<p>The PNP includes the following policies that support the NPPF’s overarching social objective:</p> <ul style="list-style-type: none"> • Policy PNP1 seeks to protect designated local green spaces, many of which perform a social function by providing areas for informal and formal recreation, which boosts physical and mental health and provides places for people to enjoy and to meet; • Policy PNP5 identifies and establishes policy to protect non-designated heritage assets to support cultural well-being; • Policy PNP6 seeks to protect local services and facilities; • Policy PNP7 seeks to protect sport and recreation facilities to deliver physical and mental health benefits.
<p><i>c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p>	<p>The PNP meets the overarching national policy environmental objective through:</p> <ul style="list-style-type: none"> • Policy PNP1 seeks to protect designated local green spaces many of which are multi-functional, including areas that help improve biodiversity and protect natural resources; • Policy PNP2 seeks to protect other open space areas in the parish ; • Policy PNP3 will seek to improve design standards throughout Polesworth; • Policy PNP4 identifies and sets policy to protect valued local landscape features; • Policy PNP5 identifies and establishes policy to protect non-designated heritage assets.

Plan Making (NPPF, section 3)

3.4 In Section 3 Plan Making, the NPPF sets out that six principles that plans should address. Table 2 sets out how the PNP addresses each of these in turn.

Table 2 Plan Making

NPPF Plan Making	PNP
a) be prepared with the objective of contributing to the achievement of sustainable development;	How the PNP meets this principle of NPPF is set out in Table 1 of this document.
b) be prepared positively, in a way that is aspirational but deliverable;	<p>The PNP has been prepared positively and is aspirational and deliverable. This can be demonstrated in the following ways:</p> <ul style="list-style-type: none"> • Policy PNP1 seeks to protect 12 existing local green spaces.] • Policy PNP2 seeks to protect a range of other open spaces. • Policy PNP3 seeks to promote more sustainable design. • Policy PNP4 seeks to conserve and enhance the local landscape. • Policy PNP5 identifies and seeks to conserve 32 non-designated heritage assets. • Policy PNP6 identifies for protection a range of community facilities and Policy PNP7 the area’s recreational facilities. • Policy PNP8 identifies a small number of deliverable transport projects. • Policy PNP9 aims to protect the separate identity of the neighbourhood area’s settlements.
c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;	The PNP is underpinned by a significant amount of community engagement. This has been early, proportionate and has included local residents, businesses, local organisations, the Borough Council and key agencies. The submitted Consultation Statement includes a full summary of the work undertaken.

NPPF Plan Making	PNP
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;	The PNP's policies are clearly written and unambiguous and the accompanying background/justification section sets out how decision makers should use the policies.
e) be accessible through the use of digital tools to assist public involvement and policy presentation; and	Throughout the PNP's preparation, digital tools have been used. These include the Parish Council website; social media; Zoom meetings; facility to make email responses and representations with electronic attachments.
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).	The PNP policies serve a clear purpose. This is set out in the background/justification accompanying each policy in the PNP. The PNP avoids duplication of policies at a national level and at the strategic level as contained in the development plan for North Warwickshire.

The Plan Making Framework (NPPF, section 3)

- 3.5 Paragraph 18 sets out that policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies. The PNP contains non-strategic planning policies and proposals that add local detail and value to strategic policies in the North Warwickshire Local Plan.

Non-strategic policies (NPPF, Section 3)

- 3.6 Paragraph 29 advises that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies. The PNP does not undermine the strategic planning policies for North Warwickshire. It seeks to set more local non-strategic policies to tackle more local issues to help retain the area's local identity and distinctiveness.
- 3.7 Paragraph 30 goes on to say that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

Delivering a sufficient supply of homes (NPPF, section 5)

- 3.8 Paragraph 67 sets out that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. The PNP does not include policies affecting the supply of new homes.

Promoting healthy and safe communities (NPPF, section 8)

- 3.9 Paragraph 96 of NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.

The PNP meets this section of national planning policy in a number of ways: Policy PNP1 seeks to designate 12 Local Green Spaces. These spaces perform a number of functions – for example, by providing opportunities for sport, recreation and informal exercise; places for people to meet; areas of tranquillity; and areas to enjoy the natural environment. In their totality, they enable and support healthy lifestyles. Policy PNP3 seeks design that will help achieve healthy, inclusive and safe places.

Promoting sustainable transport (NPPF, section 9)

- 3.10 Transport issues should be considered from the earliest stages of plan-making (Paragraph 108). This is so that opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account. Paragraph 110d of NPPF sets out that planning policies should provide for attractive and well-designed walking and cycling networks and supporting facilities such as cycle parking.

Policy PNP8 seeks to promote sustainable transport and includes a range of measures that will deliver this. When read in conjunction with the PNP's design policy this will help to secure well-designed walking and cycling networks.

Achieving well-designed places (NPPF, section 12)

- 3.11 Paragraph 131 explains that creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 132 goes on to say that design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

The PNP will help to achieve well-designed places through the design aspects of the policies it contains and through the plan-wide design policy (PNP3).

Meeting the challenge of climate change, flooding and coastal change (NPPF, section 14)

- 3.12 The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (NPPF, paragraph 157).

The PNP supports this aspect of national planning policy in a number of ways e.g. by protecting open spaces (PNP1 and PNP2) and through the plan's design policy PNP3.

Conserving and enhancing the natural environment (NPPF, section 15)

- 3.13 Paragraph 180 advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and recognising the intrinsic character and beauty of the countryside.

The PNP meets this aspect of national planning policy by designating Local Green Spaces (PNP1), other open spaces (PNP2) and by seeking to protect valued local landscape features (PNP4).

Conserving and enhancing the historic environment (NPPF, section 16)

- 3.14 Paragraph 195 advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 196 goes on to say that plans should set out a positive strategy for the conservation and enjoyment of the historic environment.

The PNP has had full regard to the area's historic environment (including listed buildings and Conservation Areas). More specifically, the PNP identifies a number of non-designated heritage assets in the area to be protected in a manner appropriate to their significance (Policy PNP5). More generally, the plan's design policy (Policy PNP3) will help to conserve the historic environment.

Basic condition b. Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural historic interest

- 3.15 The PNP took account of designated heritage assets during its preparation, including those assets listed on the National Heritage List for England.

[Note: this Basic Condition only applies to neighbourhood development orders but has been included for the sake of completeness].

Basic condition c. Having special regard to the desirability of preserving or enhancing character or appearance of any conservation area

- 3.16 The neighbourhood area includes the Polesworth Conservation Area. The implications of this designation were taken account of in the preparation of the PNP.

[Note: this Basic Condition only applies to neighbourhood development orders but has been included for the sake of completeness].

Basic condition d. Contributes to the achievement of sustainable development

- 3.17 The Submission PNP contributes strongly to the achievement of sustainable development. This is set out in more detail in Table 1 above in relation to the economic, social and environmental objectives of the NPPF.

Basic condition e. In general conformity with strategic local planning policy

- 3.18 The Submission PNP is in general conformity with strategic local planning policy contained in the North Warwickshire Local. Table 3 sets out the way that the neighbourhood plan conforms to the relevant strategic planning policies in the development plan.

Table 3 General Conformity with Strategic Planning Policies in the development plan for North Warwickshire

PNP Policies	North Warwickshire Local Plan (NWLTP)	General Conformity
<p>Policy PNP1 – Protecting Local Green Space</p> <p>The following areas are designated Local Green Spaces (shown on the Policies Map) in accordance with paragraphs 101 and 102 of the NPPF:</p> <p>PNP1/1 – Birchmoor Allotments PNP1/2 – Birchmoor Recreation Ground PNP1/3 - Station Road Recreation Ground and Community Field PNP1/4 – Hall Court PNP1/5 – The Spinney PNP1/6 – Abbey Green Park PNP1/7 - North Warwickshire Club and Sports Ground PNP1/8 – Hoo Monument PNP1/9 – Warton Allotments PNP1/10 – Warton Recreation Ground PNP1/11 – Glebelands PNP1/12 – St John’s Church Allotments</p> <p>Development, including enhancements, and expansion, where practicable and feasible, of the designated Local Green Spaces will be supported when consistent with national planning policy for Green Belt.</p>	<p>LP20 Green Spaces</p> <p>The Green Spaces as shown on the Policies Map will be retained, protected and wherever possible enhanced.</p> <p>The Green Space Strategy will provide information which will be used in determining the amount of land, facilities and/or contributions which will be required as part of development proposals</p> <p>Neighbourhood Plans may designate additional areas.</p>	<p>The PNP is in general conformity with strategic Policy LP20 – this allows for neighbourhood plans to designate additional Local Green Spaces. The 12 Local Spaces Green Spaces have been assessed against national planning policy criteria and area compatible with the sustainable development and will complement investment in sufficient homes, jobs and other essential services.</p>
<p>Policy PNP2 - Protecting Other Green Spaces</p> <p>Development that would result in the loss of other green spaces (shown on the Policies Map) within the neighbourhood area will be only supported when:</p> <p>a) Equivalent or better provision is provided elsewhere within the Polesworth neighbourhood area preferably within the settlement where the green space is to be lost; or</p>	<p>LP22 Open Spaces and Recreational Provision</p> <p>Wherever possible, Open spaces and recreational areas will be retained, protected and enhanced</p>	<p>Policy PNP2 is in general conformity with Local Plan Policy LP22. LP22 seeks to retain, protect and enhance open spaces and recreational provision. Policy PNP2</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
<p>b) It can be clearly demonstrated by the applicant that the open space no longer performs a useful open space function in terms of the local environment, amenity, or active public recreation use.</p>	<p>(unless their loss is off-set by an equivalent or improved replacement). Development proposals will be expected to provide a range of new on-site and open space recreational provision such as parks and amenity space, sport or recreation facilities and semi-natural areas such as woodland wherever appropriate to the area and to the development.</p> <p>The design and location of these spaces and facilities should be accessible to all users; have regard to the relationship with surrounding uses, enhance the natural environment, protect and improve green infrastructure and link to surrounding areas where appropriate.</p> <p>The Council will require the proper maintenance</p>	<p>identifies and seeks to protect non-strategic open spaces and recreational areas in the neighbourhood area.</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>of these areas and facilities to be agreed. Where on-site provision is not feasible, off-site contributions may be required where the developments use leads to a need for new or enhanced provision.</p>	
<p>Policy PNP3 – Sustainable Design and Construction</p> <p>All new development will be expected to respond positively to the key attributes of the neighbourhood area and the key local design features of the settlement in which it is to be situated.</p> <p>Development should seek to exceed minimum standards for energy efficiency and resource use and seek to be carbon neutral, thereby making a contribution to reducing the effects of climate change. Development will not be supported where it is of poor design that has an adverse impact on the character of the area. To ensure good design is achieved development should be designed to take account of, and will be assessed against, the following criteria, where relevant:</p> <ul style="list-style-type: none"> (a) It promotes or reinforces local distinctiveness of Polesworth, Warton and Birchmoor by demonstrating that appropriate account has been taken of existing good quality examples of street layouts, blocks and plots, building forms and styles, materials and detailing and the vernacular of the settlement; (b) It is designed in such a way so as to make a positive use of local landform, trees, hedgerows and other vegetation and for larger proposals has had suitable regard to landscape setting and settlement pattern; (c) It conserves or enhances existing wildlife habitats and incorporates new native planting (if appropriate to the site and its context) and landscaping that create new habitats, nesting (e.g., for birds and bats), encourages pollinators and provides foraging opportunities. <p>Overall, a net gain in biodiversity should be demonstrated;</p>	<p>LP29 Development Considerations</p> <p>Development should meet the needs of residents and businesses without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to. Development should:</p> <ol style="list-style-type: none"> 1. make effective use of brownfield land in appropriate locations reflecting the settlement hierarchy; and, 2. be adaptable for future uses and take into 	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
<p>(d) It uses space and creates new public open spaces that are enclosed, integrated and overlooked by buildings and are in prominent useable locations. Such spaces should use native planting (if appropriate to the site and is context) and planting to encourage pollinators;</p> <p>(e) It includes sufficient amenity space to serve the needs of the development and its users;</p> <p>(f) It includes appropriate boundary treatments that reflect local context and landscaping using predominantly native species to support a net-gain for wildlife. It provides highways for hedgehogs by allowing access through boundary walls and fences;</p> <p>(g) It does not have a detrimental effect on the amenity of occupiers of neighbouring property;</p> <p>(h) It does not have a severe cumulative adverse effect on the safe and efficient operation of the existing transport and road infrastructure;</p> <p>(i) It includes measures that seek to improve pedestrian facilities and linkages in the Parish and beyond to encourage walking and cycling, wherever possible;</p> <p>(j) It makes a contribution to local identity, and sense of place. Proposals should not feature generic designs and should set out how they take account of the locally distinctive character of the area in which they are to be located within any submitted Design and Access Statement;</p> <p>(k) It respects the height of the buildings in the immediate surrounding area. Future housing development will generally be expected to be no more than two storeys;</p> <p>(l) It uses, and where appropriate re-uses, local and traditional materials appropriate to the context of the site, or suitable high quality alternatives that authentically reinforce or positively contribute towards local distinctiveness;</p> <p>(m) It contributes to reducing carbon emissions by incorporating measures to reduce energy consumption (e.g., building orientation, siting, areas for outdoor drying) and, where possible, sources of renewable energy. Where such features are included, they should be appropriate in scale to the building of good design and well sited. Such features should also be sympathetic to the surrounding area;</p> <p>(n) It is designed to be as water efficient as possible e.g., by incorporating water collection measures;</p> <p>(o) It uses existing watercourses and ditches, sustainable drainage systems (SUDS, such as swales) to hold rainwater in storms. SuDS should be planted with native vegetation to support wildlife. All paving should be semi-permeable to allow run-off to drain away;</p>	<p>account the needs of all users; and,</p> <p>3. maintain and improve the provision of accessible local and community services, unless it can be demonstrated that they are no longer needed by the community they serve; not needed for any other community use, or that the facility is being relocated and improved to meet the needs of the new, existing and future community; and services in line with policy LP21</p> <p>4. promote healthier lifestyles for the community to be active outside their homes and places of work; and,</p> <p>5. encourage sustainable forms of transport focussing on pedestrian access and provision of bike facilities; and,</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
<p>(p) It includes features to minimise light pollution;</p> <p>(q) It includes space for off road/pavement storage of refuse and recycling bins;</p> <p>(r) It has appropriate car parking in accordance with locally adopted standards. Car parking should be sited in such a way that it is unobtrusive, does not dominate the street scene, and minimises the visual impact of car parking;</p> <p>(s) It links to existing rights of way and does not restrict the use and enjoyment of such routes;</p> <p>(t) All new residential development should provide external wall-mounted charging points for plug-in and other ultra-low emission vehicles for each dwelling that is to have a private drive or garage. Where communal car parking is provided this should also contain charging points. Larger homes, such as those with 3 bedrooms or more, should consider providing facilities to charge more than one vehicle at once;</p> <p>(u) It uses Secured by Design principles;</p> <p>(v) It ensures there is no loss of, or damage to, existing trees or woodland. Where trees or woodland cannot be retained, they should be replaced preferably on site, where this cannot be achieved suitable offsetting measures to provide replacement should be provided off-site; and</p> <p>(w) Where relevant, applicants will be required to produce a green infrastructure plan. This should demonstrate how the development links to the exiting green infrastructure network and how any open spaces and garden areas will be permeable to wildlife.</p> <p>Poor design when assessed against the above criteria will not be supported.</p>	<p>6. Provide safe and suitable access to the site for all users; and</p> <p>7 before proposals are supported expand or enhance the provision of open space, sport and recreation facilities, using, in particular, the Green Space Strategy and Playing Pitch Strategies; and,</p> <p>8 not lead to the loss unless a site of equivalent quality and accessibility can be provided, or shown that it is surplus to needs; and,</p> <p>9. avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution; and in this respect identification of contaminated and potentially contaminated land will be necessary prior to determination of</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>proposals depending on the history of the site and sensitivity of the end use and,</p> <p>10. protect and enhance the historic and natural environment; and,</p> <p>11. manage the impacts of climate change through the design and location of development, including sustainable building design and materials, sustainable drainage, water efficiency measures, use of trees and natural vegetation and ensuring no net loss of flood storage capacity; and,</p> <p>12 protect the quality and hydrology of ground or surface water sources so as to reduce the risk of pollution and flooding, on site or elsewhere; and</p> <p>13 not sterilise viable known mineral reserves; degrade soil quality or pose risk to human health</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>and ecology from contamination or mining legacy and ensure that land is appropriately remediated, and,</p> <p>14 seek to maximise opportunities to encourage re-use and recycling of waste materials, both in construction and operation, and,</p> <p>15 Adequate space for bins should be provided within all new developments to enable the storage of waste and for materials to be re-cycled. Guidance is provided in the Document “Design Guide for Bin Storage”</p> <p>16 provide for information and communication technologies; and,</p> <p>17</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>seek to reduce crime and in particular the threat of terrorism.</p> <p>LP30 Built Form</p> <p>General Principles</p> <p>All development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Local design detail and characteristics should be reflected within the development. All proposals should therefore:</p> <p>a) ensure that all of the elements of the proposal are well related to each other and harmonise with both the immediate setting and wider surroundings;</p> <p>b) make use of and enhance views into and out of the site both in and outside of the site;</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<ul style="list-style-type: none"> c) make appropriate use of landmarks and local features; d) reflect the characteristic architectural styles, patterns and features taking into account their scale and proportion, e) reflect the predominant materials, colours, landscape and boundary treatments in the area; f) ensure that the buildings and spaces connect with and maintain access to the surrounding area and with the wider built, water and natural environment; g) are designed to take into account the needs and practicalities of services and the long term management of public and shared private spaces and facilities; h) create a safe, secure, low crime 	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>environment through the layout, specification and positioning of buildings, spaces and uses in line with national Secured by Design standards;</p> <p>i) reduce sky glow, glare and light trespass from external illumination; and</p> <p>j) ensure that existing water courses are fully integrated into site layout at an early stage and to ensure that space is made for water through de-culverting, re-naturalisation and potential channel diversion.</p> <p>Where Design Briefs are adopted for allocated sites and Neighbourhood Plans address design matters, then all development proposals will be expected to accord with the principles set out therein.</p>	

PNP Policies	North Warwickshire Local Plan (NWLP)	General Conformity
	<p>Specific Development Types</p> <p>Infill development should reflect the prevailing character and quality of the surrounding street scene. The more unified the character and appearance of the surrounding buildings and built form, the greater the need will be to reproduce the existing pattern.</p> <p>Back-land development should be subservient in height, scale and mass to the surrounding frontage buildings. Access arrangements should not cause adverse impacts to the character and appearance, safety or amenity of the existing frontage development.</p> <p>Alterations, Extensions and Replacements</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>Extensions, alterations to and replacement of existing buildings will be expected to:</p> <ul style="list-style-type: none"> a) respect the siting, scale, form, proportions, materials, details and overall design and character of the host building, its curtilage and setting; b) retain and/or reinstate traditional or distinctive architectural features and fabric, c) safeguard the amenity of the host premises and neighbouring occupiers d) leave sufficient external usable private space for occupiers, and e) satisfy the design criteria set out in the Document “Design Guide for Extensions”. <p>Extensions should be physically and visually subservient to the host building including its roof</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	form so as not to dominate it, by virtue of their scale and siting.	
<p>Policy PNP4 - Conserving and Enhancing the Landscape</p> <p>New development should conserve, enhance, and where appropriate, restore local landscape character by:</p> <ul style="list-style-type: none"> (a) Maintaining and enhancing the landscape setting, landscape features, field and settlement pattern of the neighbourhood area; (b) Seeking to conserve <i>in situ</i> heritage assets of archaeological value; (c) Retaining or enhancing ponds, streams, mature trees, woodland, ancient and mature hedgerows, or where removal is unavoidable, providing by way of offsetting replacement habitat elsewhere on-the site or within the neighbourhood plan area; (d) Where new planting and landscaping is proposed it should use native species and be designed in such a way so as to ensure that it is suitable when considered in the wider local landscape, and where appropriate, links to existing woodland and hedgerows; (e) Promote high quality residential design that respects local townscape and landscape character and reflects local vernacular building styles, layouts and materials; (f) Seek to minimise the encroachment of development into visually exposed landscapes and where development is proposed on the edge of the village, it enhances views of the settlement edge from the surrounding countryside and does not lead to inappropriate incursion into the surrounding countryside by reason of its siting, design, materials or use of landscaping; (g) Maintaining and improving access to the surrounding countryside; and by: (h) Seeking to conserve and enhance the integrity and fabric of historic buildings and their settings, particularly where new uses are proposed through the use of appropriate styles and sustainable locally distinctive materials. <p>In addition to the above development should also be prepared using any relevant Landscape or other Supplementary Planning Guidance.</p>	<p>LP14 Landscape</p> <p>Within landscape character areas as defined in the Landscape Character Assessment (2010), Arden Landscape Guidelines (1993) and the Historic Landscape Characterisation Project (June 2010) (or successor document) development should look to conserve, enhance and where appropriate, restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. Specific landscape, geo-diversity, wildlife and historic features which contribute to local character will be protected and enhanced as appropriate.</p>	<p>Policy PNP4 is in general conformity with the first part of Local Plan Policy LP14 that seeks for development to “conserve, enhance and where appropriate, restore landscape character”. Policy PNP4 has the same objective and sets out 8 detailed criteria relevant to the neighbourhood area’s landscape against which development proposals will be assessed. This approach adds more detailed neighbourhood level development management policy to complement the strategic policy of the Local Plan.</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>A Landscaping Proposals</p> <p>New development should, as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies with appropriate protection from construction where necessary and strengthen visual amenity and biodiversity through further hard and soft landscaping. The Council will seek replacement or enhancement to such natural features where their loss results from proposed development.</p> <p>Development proposals should be designed so that existing and new conservation features, such as trees and hedgerows and water bodies are allowed to grow to maturity without causing undue problems, or are not unacceptably</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>compromised by development, for example by impairing visibility, shading or damage.</p> <p>Development will not be permitted which would directly or indirectly damage existing mature or ancient woodland, veteran trees or ancient or species-rich hedgerows (other than where appropriate avoidance, mitigation, or compensation has been taken and any minimised harm is justified having considered the policies in this plan as a whole).</p> <p>B New Landscape Features</p> <p>The landscape and hydrological impacts of development proposals which themselves directly alter the landscape, or which involve associated</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>physical change to the landscape such a recontouring, terracing, new bunds or banks and new water features such as reservoirs, lakes, pools and ponds will be assessed against the descriptions in the Landscape Character Areas. Particular attention will be paid in this assessment as to whether the changes are essential to the development proposed; the scale and nature of the movement of all associated materials and deposits, the cumulative impact of existing and permitted schemes, the impact on the hydrology of the area and its catchment, any consequential ecological impacts and the significance of the outcome in terms of its economic and social benefits.</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>New landscape schemes will look to use native species and incorporate benefits for biodiversity. Species that are invasive or problematic to the natural environment will be avoided.</p>	
<p>Policy PNP5 – Non-designated Heritage Assets</p> <p>The non-designated heritage assets identified in this plan will be conserved in a manner appropriate to the significance of the asset. When affected directly or indirectly by development proposals, such proposals will be assessed having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.</p> <p>The Parish council will also seek to work with North Warwickshire Borough Council to include these, and any other identified non-designated heritage asset, on the Borough’s Local List.</p>	<p>LP15 Historic Environment</p> <p>The Council recognises the importance of the historic environment to the Borough’s local character, identity and distinctiveness, its cultural, social, environmental and economic benefits. The quality, character, diversity and local distinctiveness of the historic environment will be conserved or enhanced. In particular:</p> <ul style="list-style-type: none"> • Within identified historic landscape character areas development will 	<p>Local Plan Policy LP15 seeks to conserve or enhance the Borough’s historic environment, including any <u>non-designated assets</u>; buildings, monuments, archaeological sites, places, areas or landscapes positively identified in North Warwickshire’s Historic Environment Record (HER) as having a degree of significance meriting consideration in planning decisions. Policy PNP5 has used the HER to identify 32 non-designated heritage assets in the neighbourhood area. This approach is in general</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>conserve, or enhance and where appropriate, restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. Specific historic features which contribute to local character will be protected and enhanced and, development, including site allocations, should consider all relevant heritage assets that may be affected, including those outside the relevant site</p> <ul style="list-style-type: none"> • The quality of the historic environment, including archaeological features, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, Conservation Areas and any non-designated assets; buildings, monuments, archaeological sites, places, areas or landscapes positively 	<p>conformity with that set out in Local Plan Policy LP15 and provides a greater degree of certainty as to which assets policies LP15 and PNP5 will apply.</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>identified in North Warwickshire’s Historic Environment Record as having a degree of significance meriting consideration in planning decisions, will be protected and enhanced, commensurate to the significance of the asset.</p> <p>Wherever possible, a sustainable reuse of redundant historic buildings will be sought, seeking opportunities to address those heritage assets identified as most at risk.</p> <p>All Scheduled Monuments, Registered Parks and Gardens, Conservation Areas are shown on the Policies Map.</p> <p>Understanding the Historic Environment</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>All development proposals that affect any heritage asset will be required to provide sufficient information and an assessment of the impacts of those proposals on the significance of the assets and their setting. This is to demonstrate how the proposal would contribute to the conservation and enhancement of that asset. That information could include desk-based appraisals, field evaluation and historic building reports. Assessments could refer to the Warwickshire Historic Environment Record, Conservation Area Appraisals, The Warwickshire Historic Towns Appraisals, The Heritage at Risk Register and Neighbourhood Plans or other appropriate report.</p>	

PNP Policies	North Warwickshire Local Plan (NWLP)	General Conformity
	<p>Conserving the Historic Environment</p> <p>Great weight will be given to the conservation of the Borough’s designated heritage assets.</p> <p>Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification with regard to the public benefits of the proposal. A balanced judgement will be taken regarding the scale of any harm or loss to the significance of a non-designated heritage asset, and the relative significance of that heritage asset must be justified and will be weighed against the public benefits of the proposal.</p> <p>Where a proposal affects the significance of a</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>heritage asset, including a non-designated heritage asset, or its setting, the applicant must be able to demonstrate that:</p> <ul style="list-style-type: none"> i) all reasonable efforts have been made to sustain the existing use; find new uses or mitigate the extent of the harm to the significance of the asset; and, ii) the works proposed are the minimum required to secure the long term iii) use of the features of the asset that contribute to its heritage significance and interest are retained. <p>Additional evidence, such as marketing details and/or an analysis of alternative proposals will be required where developments involve changes of use, demolitions, sub-divisions or extensions.</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>Where a proposal would result in the partial or total loss of a heritage asset or its setting, the applicant will be required to secure a programme of recording and analysis of that asset and archaeological excavation where relevant and ensure the publication of that record to an appropriate standard.</p>	
<p>Policy PNP6 – Protection of Existing Services and Facilities</p> <p>The facilities and services (not including retail uses) listed as follows and shown on the Policies Map will be protected under Policy LP21 Services and Facilities of the NWLSP:</p> <p><u>Birchmoor:</u></p> <p>St John’s Mission, New Street Birchmoor Working Men’s Club Gamecock Inn</p> <p><u>Polesworth:</u></p> <p>Baptist Church, The Gullet Abbey Church of St Editha Polesworth Health Centre Polesworth Memorial Hall Polesworth Working Men’s Club Tithe Barn</p>	<p>Policy LP21 Services and Facilities</p> <p>Town centres boundaries and neighbourhood centres are defined on the policies map for the market towns of Atherstone with Mancetter, Coleshill and Polesworth with Dordon. Town centres boundaries and neighbourhood centres are to be treated the same in policy terms as below; those terms refer to the different</p>	<p>Policy PNP6 identifies existing services and facilities (not including retail uses) in the neighbourhood area. These will be protected under Policy LP21 of the Local Plan. This approach is in general conformity with and adds detail and certainty to strategic policy.</p>

PNP Policies	North Warwickshire Local Plan (NWLP)	General Conformity
<p> Baptist Church Youth Hall Polesworth Scouts Activity Centre, Pooley Country Park Spread Eagle The Royal Oak The Red Lion Foster’s Yard Hotel The Bulls Head Polesworth Library </p> <p><u>Warton:</u></p> <p> Holy Trinity Church Warton Parish Rooms Warton Club The Office </p>	<p>scales of settlements. In principle commercial, business and service uses will be supported in these locations, and in line with LP2, to support vitality.</p> <p>Neighbourhood Centres are defined on the Policies Map in the following locations</p> <ol style="list-style-type: none"> 1. Browns Lane & New Street Shopping parade, Dordon; 2. Jubilee Court, Tamworth Road, Kingsbury; 3. Station Buildings, Birmingham Road, Water Orton; and, 4. 82 to 102 Coleshill Road, Chapel End, Hartshill <p>Within Town Centres and Neighbourhood Centres changes to sui generis uses such as hot food takeaway or betting shops will be restricted unless:</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<ul style="list-style-type: none"> • clear evidence is available justifying the loss and change of use, and • there will be no adverse impact on the retail choice and availability in the frontage or centre. <p>Proposals that would have a detrimental impact on the viability and vitality of centres will not be permitted.</p> <p>The loss of Class E (including retail) units within town centre boundaries and defined neighbourhood centres will only be supported if:</p> <ul style="list-style-type: none"> • it can be shown that there is no reasonable prospect of retention of the use; • • occupation is by an alternative retail or mixed community/retail use; and, there would be 	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>no adverse impact on the retail choice and availability.</p> <p>Mixed use proposals, including those with residential uses, will be appropriate in principle. Dual or multiple uses of sites or “hubs” providing services and facilities for individual or groups of settlements will be encouraged. Proposals that would have a detrimental impact on the viability and vitality of centres will not be permitted. Applications should be supported by relevant and proportionate evidence to demonstrate that would not be the case clear evidence is available justifying the loss and change of use, and</p> <ul style="list-style-type: none"> • there will be no unacceptable adverse impact on the retail choice and availability in • 	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>the frontage or centre.</p> <ul style="list-style-type: none"> there is not a disproportionate over concentration of these uses. <p>The following factors will be taken into account: the existing mix of uses; the impact on customer behaviour; the proximity of education establishments; the deprivation levels in the area and the cumulative highway and environmental impacts. Robust justification using a sequential approach will be required to avoid a disproportionate concentration of uses.</p> <p>Proposals resulting in the loss of an existing service or facility and also including retail uses, which contribute to the functioning of a settlement or the public</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>health and well-being of its community, will only be supported if:</p> <ul style="list-style-type: none"> a) an equivalent facility or service is wholly or partially provided elsewhere, in a similar or more accessible location within that settlement; b) the land and buildings are shown to be no longer suitable for continued use in terms of their location, design and/or construction, or the proposal would represent a net gain or improvement in provision, c) it can be demonstrated by evidence that there is no realistic prospect of an alternative service or facility using the site, such as through an appropriate marketing campaign or the internal procedures of the parent organisation and, 	

PNP Policies	North Warwickshire Local Plan (NWLP)	General Conformity
	<p>d) its loss will not harm the vitality of the settlement.</p> <p>All major developments must consider the impact on the provision of services and facilities and where there is an impact this must be addressed. All major developments should provide land and / or financial contributions to enable the provision of additional services and facilities. As set out in LP1 and paragraph 16.6 all development will be expected to contribute proportionately and in accordance with national policy, statute and relevant supplementary planning documents and guidance to infrastructure provision.</p>	
<p>Policy PNP7 – Sport, Recreation and Leisure Facilities</p> <p>The following sport, recreation and leisure facilities, also shown on the Policies Map, will be protected and or enhanced in accordance with NWLP Policy LP22 Open Spaces and Recreational Provision.</p>	<p>LP22 Open Spaces and Recreational Provision</p>	<p>Policy 7 identifies existing services and facilities (not including retail uses) in the neighbourhood area.</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
<p>PNP7/1 - Birchmoor Recreation Ground PNP7/2 - Polesworth Recreation Ground PNP7/3 - Warton Recreation Ground PNP7/4 - Warton Allotments PNP7/5 - Abbey Green Park, Polesworth PNP7/6 - North Warwick Recreational Centre</p> <p>Proposals that would enhance the appearance, improve access and accessibility to these facilities will be supported when they are in accordance with other development plan policies and the policies of the PNP.</p>	<p>Wherever possible, Open spaces and recreational areas will be retained, protected and enhanced (unless their loss is off-set by an equivalent or improved replacement). Development proposals will be expected to provide a range of new on-site and open space recreational provision such as parks and amenity space, sport or recreation facilities and semi-natural areas such as woodland wherever appropriate to the area and to the development.</p> <p>The design and location of these spaces and facilities should be accessible to all users; have regard to the relationship with surrounding uses, enhance the natural environment, protect and improve green infrastructure and link to</p>	<p>These will be protected under Policy LP22 of the Local Plan. This approach is in general conformity with and adds detail and certainty to strategic policy.</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>surrounding areas where appropriate.</p> <p>The Council will require the proper maintenance of these areas and facilities to be agreed. Where on-site provision is not feasible, off-site contributions may be required where the developments use leads to a need for new or enhanced provision.</p>	
<p>Policy PNP8 - Transport</p> <p>The following infrastructure projects will be brought forward during the plan period.</p> <ul style="list-style-type: none"> • Bridge Street improvements, Polesworth – junction improvements – including traffic signalling • Barn End Road/Orton Road crossroads, Warton – safety improvements • Warton – safer school crossing • Road safety schemes • Measures to improve public transport 	<p>LP27 Walking and Cycling</p> <p>The Borough Council will develop a Walking and Cycling Strategy.</p> <p>All developments should consider what improvements can be made to encourage safe and fully accessible walking and cycling.</p> <p>Encouragement will be given to establishing and promoting responsible access to the natural</p>	<p>Policy PNP8 includes a small number of local highway improvements, and a general commitment to support road safety schemes. Such an approach is in general conformity with Local Plan Policy LP27 that seeks to encourage safe walking and cycling.</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	environment, for example in the Tame Valley Wetlands NIA.	
<p>Policy PNP9 – Preserving the Separate Identity of Polesworth’s Villages</p> <p>To preserve the separate identity of the Polesworth neighbourhood areas villages the following measures will be supported:</p> <ul style="list-style-type: none"> a) Development proposals that would maintain the open land area and enhance Pooley Country Park; b) Retention of key open land corridors, such as the River Anker and Coventry Canal; and c) Maintaining as open land the non-strategic open spaces identified on the Policies Map. 	<p>LP17 Green Infrastructure</p> <p>Development proposals must, where appropriate, demonstrate how they contribute to maintaining and enhancing a comprehensive and strategically planned Green Infrastructure network. With reference to the Warwickshire, Coventry and Solihull Sub-Regional Green Infrastructure Strategy and Offsetting sub-regional Strategy for Green Infrastructure and the local green infrastructure resource development should:</p> <ul style="list-style-type: none"> • Identify, maintain and enhance existing Green Infrastructure assets where possible; • In all cases should optimise opportunities to create links between 	<p>Policy PNP9 is in general conformity with Local Plan Policy LP17 that seeks to maintain and enhance the Green Infrastructure network. Policy PNP9 identifies specific local GI assets for protection with the aim of preserving the separate identity of Polesworth’s separate villages.</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>existing Green Infrastructure within the district and to surrounding sub-regional networks;</p> <ul style="list-style-type: none"> • Help deliver new Green Infrastructure assets where specific need has been identified. <p>Where an existing asset is lost or adversely affected, and where mitigation or compensatory Green Infrastructure cannot be provided on site, contributions will be sought towards wider Green Infrastructure projects and improvements within the district or, where appropriate, in the subregion.</p>	

Basic condition f. Be compatible with EU obligations

- 3.19 The Submission PNP is fully compatible with EU obligations.
- 3.20 The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).

Strategic Environmental Assessment (SEA)

- 3.21 To meet the ‘basic conditions’ which are specified by law, a neighbourhood development plan must be compatible with EU obligations. Furthermore, as of 9th February 2015, Regulation 15 of the 2012 Neighbourhood Planning Regulations was amended to require that when a plan is submitted to the Local Planning Authority it should include either an environmental report prepared in accordance with the applicable regulations or where it has been determined as unlikely to have significant environmental effects, a statement of reasons for the determination.
- 3.22 A Strategic Environmental Assessment Screening was undertaken on the Regulation 14 Draft PNP. This concluded that:
- “7.3 In relation to the requirement for the PNP to be subject to Strategic Environmental Assessment, it is concluded in the assessment undertaken in Section 5 of this report that the Plan in its current form is unlikely to have significant environmental effects and therefore SEA will not be required.”*
- 3.23 Following consultation the three statutory bodies confirmed that they were in agreement with this conclusion. A revised SEA is submitted with the PNP.

Requirement for Habitats Regulations Assessment (HRA)

- 3.24 Article 6 (3) of the EU Habitats Directive (Council Directive 92/43/EEC) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires that an appropriate assessment of plans and programmes is carried out with regard to the conservation objectives of European Sites (Natura 2000 sites) and that other plans and projects identify any significant effect that is likely for any European Site. In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a neighbourhood plan is deemed likely to result in significant negative effects occurring on protected European Sites (Natura 2000 sites) as a result of the plan's implementation.
- 3.25 The Habitat Regulations Screening was undertaken on the Regulation 14 Draft PNP. The HRA screening concluded:
- “7.4 In terms of the requirement for the PNP to be subject to Habitat Regulations Assessment, the appraisal set out in Section 6 of this report concludes that no further work will be required in order to comply with the Habitat Regulations.”*
- 3.26 Following consultation with the statutory and, in particular, the views expressed by Natural England it is concluded that no further work is required on HRA. The revised screening report is submitted alongside the PNP.

European Convention on Human Rights

- 3.27 The Submission PNP is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The PNP has been produced in full consultation with the local community. The PNP does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.
- 3.28 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.
- 3.29 Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:
- 3.30 Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission PNDP is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK's statutory

planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

- 3.31 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations. The process for neighbourhood plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.
- 3.32 Article 14 provides that "The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." The Town Council has developed the policies and proposals within the PNP in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

Basic condition g. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

- 3.33 The prescribed conditions have therefore been met in relation to the Submission PNP and prescribed matters have been complied with in connection with the proposal for the Plan.



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February 2024

Polesworth Neighbourhood Development Plan Consultation Statement

Polesworth Parish Council

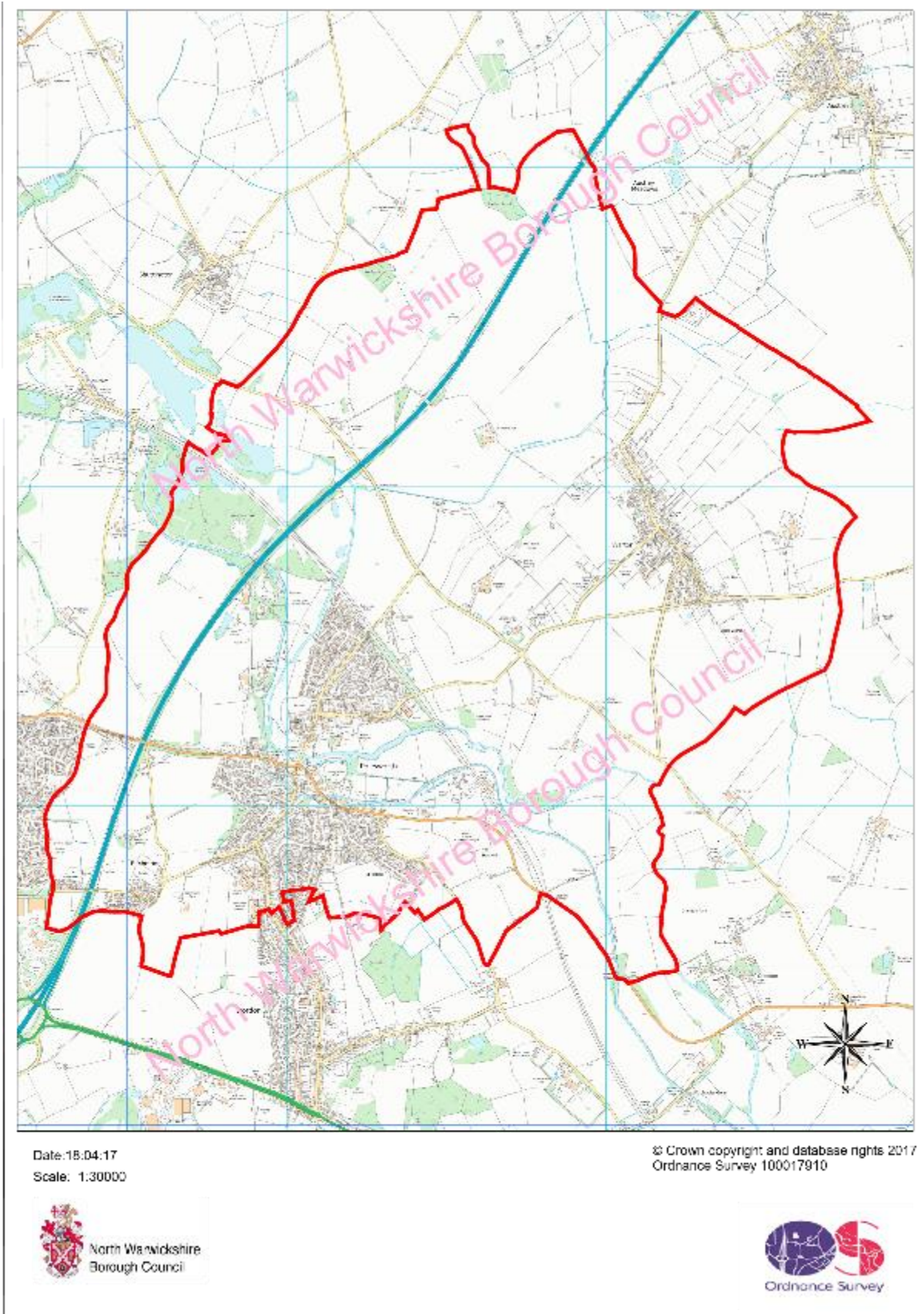
With assistance from



Contents

1	Introduction and Background	page 4
2	Pre-Regulation 14 Consultation	page 6
3	Regulation 14 Consultation 15th March 2023 until the 30th April 2023.	page 10
	Appendices	

Map 1 Designated Polesworth Neighbourhood Plan Area (source: North Warwickshire Borough Council
https://www.northwarks.gov.uk/downloads/file/6826/peolesworth_parish_council_-_approved_area_designation)



1.0 Introduction and Background

1.1 This Consultation Statement has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 (SI No. 637) Part 5 Paragraph 15 (2)¹ which defines a “consultation statement” as *a document which –*

(a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;

(b) explains how they were consulted;

(c) summarises the main issues and concerns raised by the persons consulted; and

(d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.

This Consultation Statement sets out how these requirements have been met and how, particularly, the Parish Council has sought to engage with those who live, work and carry out business in the area.

1.2 The Polesworth Neighbourhood Plan (PNP) has also been prepared by taking into account the advice provided in Paragraph: 107 (Reference ID: 41-107-20200925) of the National Planning Practice (NPPG).

1.3 The PNP has been prepared in response to the Localism Act 2011, this gives town councils and other relevant bodies, new powers to prepare statutory neighbourhood plans to help guide development in their local areas. These powers give local people the opportunity to shape new development, as planning applications are determined in accordance with national planning policy and the local development plan, and neighbourhood plans form part of this framework.

1.3 The Parish Council applied to North Warwickshire Borough Council (NWBC) for the parish area to be designated as a neighbourhood area on 11th April 2017. The application for designation was approved by NWBC on 20th September 2017². The designated area is shown on Map 1.

¹ <http://www.legislation.gov.uk/uksi/2012/637/contents/made>

² https://www.northwarks.gov.uk/downloads/file/6825/polesworth_parish_council_-_approved_designation_decision

- 1.4 All information about the PNP at each stage has been provided on a separate section devoted to the neighbourhood plan the Parish Council web site <https://polesworth-pc.gov.uk/plan>.
- 1.5 This Statement provides further information and evidence to demonstrate how the PNP meets the Neighbourhood Planning Regulations and government guidance.

2.0 Pre-Regulation 14 Consultation

Parish Survey

- 2.1 To kick-start preparation of the PNP a parish survey was undertaken (https://docs.google.com/forms/d/1qqiyiZDZQ0MYJuN0su5y2N_IdTLP9MDaXb265Ws6kFo/viewform?edit_requested=true). This sought to understand what people like about the area, what they don't like, and what concerns residents most about the future.
- 2.2 The Survey gathered 165 online responses and 127 written responses. The profile of people who responded were as follows:
- Just over 50% have lived here for over 20 years.
 - 20% had lived here for less than 5 years.
 - 58% were female.
 - And whilst responses were spread across the age ranges, 38% were over 65, and 56% were between 25 and 65.
- 2.3 Out of 10 issues when asked what was most important to them people ranked them as follows:
1. Quality of Environment and Green Spaces
 2. Business and Employment
 3. Community Facilities and Services
 4. Retail
 5. Transport, Traffic, and Moving Around
 6. Heritage, Character and Distinctiveness
 7. Building and Development
 8. Health and Wellbeing
 9. Leisure and Recreation
 10. Education and Training
- 2.4 Overwhelmingly when we asked people what they liked about their neighbourhood they talked about walking, open spaces, fresh air and countryside. Specific areas mentioned were Pooley Park, the river and canal, and other green spaces such as the playing fields at Warton.

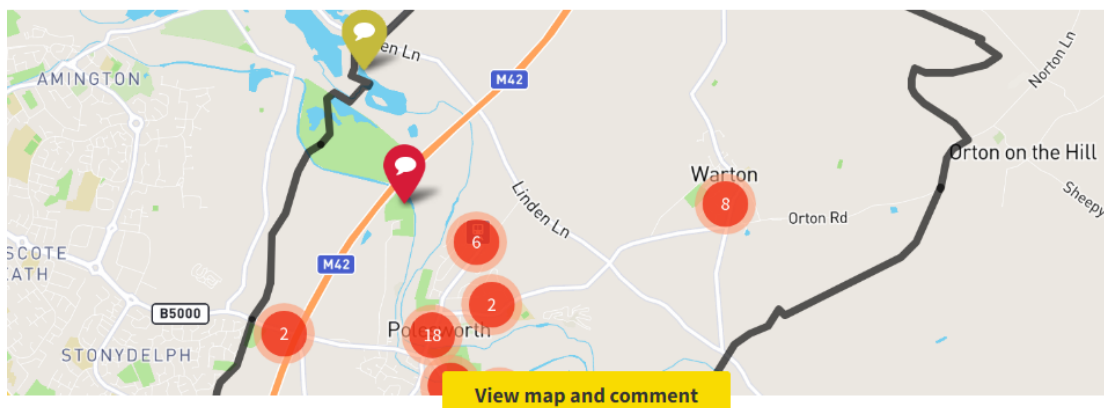
- 2.5 Also highlighted through the comments were those on the Heritage, Character and Distinctiveness of the area, with references made to the local carnivals, fairs and festivals as being important parts of community life.
- 2.6 The thing that most people ranked as less important for the area was, surprisingly, Building and Development. Whilst the PNP cannot prevent development identified in the North Warwickshire Local Plan. Almost all responses identified recent development and the pressure this placed on local infrastructure such as doctors and schools, and lack of transport links as being problems that need to be addressed. Especially noted were the concerns over safety at several junctions, including on the bridge and in Warton, and we also received many comments about “parking on the bridge”.
- 2.7 The neighbourhood plan web page also included an interactive map. Here people could drop pins on the map and highlight local issues.

What would you like to see happen in Birchmoor, Polesworth & Warton?

Help contribute to the Birchmoor, Polesworth and Warton Neighbourhood Plan - share your thoughts on our area and help us make this an even better place to live.

[View map and comment](#)

[Learn more about the project](#)



Get your neighbours involved

The more people involved, the better the needs of the whole community will be reflected.

Share the project with people you know locally.

[Share on WhatsApp](#)

[Share on Facebook](#)

[Share on Twitter](#)

Figure 1 Screenshot of the PNP interactive map

Events

- 2.8 Discussions, comments and feedback were also collected from several engagement events. By attending these events the Parish Council sought to reach out to all sections of the community and included events in each of the neighbourhood area's settlements:



Figure 2 Community engagement

Polesworth

Scouts - Pooley Hall, 24th June 2021

Hall Court, 21st August 2021

Fire Station Open Day, 25th September 2021

Warton

Office Public House car park, 21st August 2021

"Picnic in the Park", 19th September 2021

Birchmoor

Game Cock Public House car park, 21st August 2021

"Picnic in the park" and Scarecrow Festival, 25th September 2021

Key Issues and Vision

2.9 From this engagement work a set of Key Issues were identified by the Neighbourhood Plan Committee as set out below:

- Green spaces
- Quality of Environment
- Heritage
- Character and Distinctiveness (Landscape)
- Services and Facilities
- Infrastructure

2.10 The engagement work also informed the PNP Vision:

“In 2033, Birchmoor, Warton and Polesworth will be distinct, attractive and green places to live in rural North Warwickshire. The physical and social attributes that go to make Polesworth parish a sought after place to live, such as green spaces, countryside and built heritage will have been retained, whilst housing and economic growth has been seamlessly integrated into the existing local community and environment.”

Keeping people informed

2.11 As well as targeted survey work and engagement the Parish Council also kept people informed of progress on the PNP through new updates on the web site and the web site's neighbourhood planning pages and via email.

3.0 Regulation 14 Consultation 15th March 2023 until the 30th April 2023.

3.1 The public consultation on the Regulation 14 Draft Polesworth Neighbourhood Plan was carried out in accordance with The Neighbourhood Planning (General) Regulations 2012 (SI No. 637) Part 5 Pre-submission consultation and publicity, paragraph 14. This states that:

Before submitting a plan proposal to the local planning authority, a qualifying body must—

(a) publicise, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area:

(i) details of the proposals for a neighbourhood development plan;

(ii) details of where and when the proposals for a neighbourhood development plan may be inspected;

(iii) details of how to make representations; and

(iv) the date by which those representations must be received, being not less than 6 weeks from the date on which the draft proposal is first publicised;

(b) consult any consultation body referred to in paragraph 1 of Schedule 1 whose interests the qualifying body considers may be affected by the proposals for a neighbourhood development plan; and

(c) send a copy of the proposals for a neighbourhood development plan to the local planning authority.

3.2 The Regulation 14 Draft PNP was published for formal consultation from 15th March 2023 until the 30th April 2023.

3.3 Publicity of the PNP was widespread. This included:

- Posters (Figure 1)
- Flyers
- Social Media e.g. Twitter, Facebook (documents summarising the social media campaigns are available separately)
- Website

- Mailing list – businesses, neighbouring parishes and formal consultees (Appendices 1)
- Media and press releases


NEIGHBOURHOOD PLAN TIME TO HAVE YOUR SAY!

It is very important that all who are associated to Polesworth, Warton and Birchmoor **READ** and **UNDERSTAND** the Parish Neighborhood Plan.

It acts as a positive voice.


GET YOUR COPY !

CHANGES ARE COMING !



The LOCAL PLAN was approved by North Warwickshire Borough Council, it allows new construction of over 2000 new houses affecting each of our villages.

We can not block or stop the approved local plan, BUT the Neighbourhood Plan CAN help to shape, protect our villages in a positive manner with regards to future construction.





WHY IT IS IMPORTANT FOR YOU & OUR FUTURE VILLAGES

We want to make sure that you the residents of the parish have your say !

Comment on what is needed to address employment and housing needs or to preserve the heritage, history and culture that we are all so proud of.

Have your say on how any new infrastructure or development will impact the existing villages of Polesworth, Warton and Birchmoor.

READ THE PLAN & PLEASE SEND YOUR FEEDBACK

DOWNLOAD A COPY ON THE WEBSITE BELOW OR READ A PRINTED COPY:

- Polesworth Library and Memorial Hall, Polesworth Abbey & Cliffords Cafe
- Birchmoor St Johns.
- Warton Club & Warton The Office Pub

Please leave your feedback by **30th April 2023** at the sites, or send your feedback by email to [**yourplan@polesworth-pc.gov.uk**](mailto:yourplan@polesworth-pc.gov.uk)

[**https://polesworth-pc.gov.uk/plan**](https://polesworth-pc.gov.uk/plan)

Figure 3 Neighbourhood Plan Poster

3.4 Copies of the plan and supporting documents were made available on the Parish Council website <https://polesworth-pc.gov.uk/plan>

3.5 Hard copies of the plan (Figure 2) were also made available for viewing in the following locations:

- Polesworth Library
- Memorial Hall, Polesworth
- St John's Centre, Birchmoor
- Warton Club
- The Office Public House, Warton



Figure 4 Hard copy materials made available for viewing

3.6 Responses to the Regulation 14 consultation could be made in the following ways:

By Email: clerk@polesworth-pc.gov.uk

By post:

Polesworth Neighbourhood Plan Regulation 14 consultation

Polesworth Parish Council,

The Tithe Barn,

Hall Court,
Bridge Street,
Polesworth,
Warwickshire,
B78 1DT

Online:

Using the online form on the neighbourhood plan web page

- 3.7 All consultation materials included the date by which comments must be made and to whom.
- 3.8 A copy of the plan and supporting documentation was sent or made available to North Warwickshire Borough Council.
- 3.9 A Strategic Environmental Assessment/Habitat Regulations Assessment screening was carried out on the Regulation 14 Draft of the PNP. This was consulted on with the three statutory bodies. The detailed responses are included in the revised screening that accompanies the submission Draft PNP. The screenings were also made available on the neighbourhood plan web page.
- 3.10 A list of the consultation bodies' contact details was compiled and all those on the list were sent a letter by email or post notifying them of the Regulation 14 public consultation and inviting comments (Appendices 1 and 2). This list included:
- Individuals and businesses (including landowners and developers)
 - Local groups and interest bodies
 - Adjoining parishes.
 - Environment Agency and other statutory bodies
 - Local ward and county councillors
 - Emails were also sent to local individuals and groups on the Town Council mailing list.
- 3.11 Tables 1 and 2 of this Statement set out the responses received to the Regulation 14 Consultation. Tables 1 and 2 also include a column setting out the Parish Council's consideration of the response and the agreed action. These agreed actions were used to make amendments to the Regulation 14 Draft prior to submission. In this way, the PNP

has been a collaborative effort lead by the Neighbourhood Plan Committee, but supported by responses and feedback from local residents, business and others.

Table 1. Polesworth Regulation 14 Consultation -Comments from North Warwickshire Borough Council and Town Council response

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PAGE	Paragraph	NWBC RESPONSE	Suggested Action
	General	All plans will need the Parish Councils OS License Number on them	Add where necessary.
	General	The non-designated heritage assets are not consistent as there seems to be around 29 on the Policies Map, 16 in the table at 5.29 and 32 in Appendix 2	Check this issue on Policies Map. Table and Appendix 2 are consistent.
	General	There is a lot of text taken out of the NPPF, NWLP and other documents. As this is already contained in other documents, it can just be referenced. If it is felt that the text is relevant then it could all be put into a suite of Appendices (NWLP, NPPF, LCA etc)	Delete where considered necessary. As a point to note some of this text is included so that the non-technical reader is informed of national and strategic policy and how this relates to the emerging policies in the PNP.
	Policies Map	The Policies Map needs to be a lot clearer as you cannot read it – the text and numbers need to be made bigger and bolder	Check for this issue.
2	Foreword and para 1.5	The Consultation date is different to what is on the email that was sent out by the parish clerk	These will be amended for submission.
6 - 8	1.4 -1.5, 2.1 – 2.7	Will need to be removed and put into the consultation statement before the plan is submitted to NWBC. Figure 2 will also need to be updated	Change as suggested.
11	Vision	The vision says 2031 yet the plan date is up to 2033	Correct to 2033.
13	3.4	The planning application has not yet been determined – consider rewording or delete	Amend as suggested.
20/21	4.5	This is just a repeat of NWBC Local Plan and is not needed. If the PC feel it is relevant, then it should be put in an Appendix alongside any other repetitions of plans and Policies	Amend where considered necessary. As a point to note some of this text is included so that the non-technical reader is informed of national and strategic policy and how this relates to the emerging policies in the PNP.

PAGE	Paragraph	NWBC RESPONSE	Suggested Action
21	4.6	Again the Objectives of the Local Plan are not needed and can be deleted or put in an Appendix as suggested above	Amend where considered necessary. As a point to note some of this text is included so that the non-technical reader is informed of national and strategic policy and how this relates to the emerging policies in the PNP.
21	4.7	It is sufficient just to reference para 7.2 of the Local Plan	Amend where considered necessary. As a point to note some of this text is included so that the non-technical reader is informed of national and strategic policy and how this relates to the emerging policies in the PNP.
21	4.8	The NWLP Settlement Hierarchy should be an Appendix if felt it is needed or it could be reworded to simply show Polesworth's standing in the Settlement Hierarchy	Amend where considered necessary. As a point to note some of this text is included so that the non-technical reader is informed of national and strategic policy and how this relates to the emerging policies in the PNP.
22	4.9	This is just a repeat of NWBC Local Plan and is not needed. If the PC feel it is relevant, then it should be put in an Appendix alongside any other repetitions of plans and Policies	Amend where considered necessary. As a point to note some of this text is included so that the non-technical reader is informed of national and strategic policy and how this relates to the emerging policies in the PNP.
26	5.1	A discrepancy in the date of the plan	Resolve discrepancy.
27	PNP1	PNP1/4, PNP1/9, PNP1/10 – Already allocated green space in adopted Local Plan so is this needed PNP1/6 – Adopted LNR in adopted Local Plan PNP1/7 (appears in both lists in Appendix 1 – confirm whether it belongs in Table 1 or Table 2 and make necessary change)	No change. Parish Council consider Local Green Space protection through PNP to be an added benefit for all the listed spaces.
28/62	5.7	The buffer zone is set at 10 hectares in para 5.7 yet 1.83 on page 62. This seems to be a contradiction and needs to be clarified	The difference in site measurements is that the 1.83 ha. Is the area of the site to be protected as Local Green Space – this is shown on the Policies Map. The larger site area is a suggested green buffer

PAGE	Paragraph	NWBC RESPONSE	Suggested Action
			around the Local Green Space area. Amend plan text to make this point much clearer.
29	PNP2	Not sure what this Policy is trying to achieve as the majority of sites are just typical estate/grass verges etc – it is quite a restrictive policy on grass verges etc. The majority of these sites wouldn't accord with the NPPF criteria so presume this is why they don't appear in Policy PNP1. Comments are added at the end of this consultation reply regarding the sites. What justification is there for this Policy?	NWBC is correct to say they do not meet criteria for Local Green Space designation. They are protected to retain character of the area – no change.
31	PNP3	Criteria K – unless Permitted Development Rights have been removed this could be an issue as you can do this under PD.	The policy seeks to set design policy, this does not affect PD rights.
32	5.11	The text from the NWLP vision is not needed – a reference would be adequate or hyperlink can be given	Amend where considered necessary. As a point to note some of this text is included so that the non-technical reader is informed of national and strategic policy and how this relates to the emerging policies in the PNP.
32	5.13	Reference to Para 126 of the NPPF is sufficient and there is no need to write out the whole para	Amend where considered necessary. As a point to note some of this text is included so that the non-technical reader is informed of national and strategic policy and how this relates to the emerging policies in the PNP.
33	5.17	Zero Carbon is 2050 not 2020	Amend as suggested.
35-39	5.19 - 5.26	Reference to the NCA is fine and the actual text is not needed – hyperlink can always be given to the actual document.	Disagree - no change.
39	5.27	There is no intention from NWBC to develop Supplementary Planning Documents from the listed	Delete this paragraph.

PAGE	Paragraph	NWBC RESPONSE	Suggested Action
		documents. We are aware that WCC were going to be updating the documents.	
40	Policy PNP5	The policy should specify the location of the list explicitly. It seems a little vague currently just saying “in this plan as the list could be added to at a further date	State that the assets are shown on the PNP Policies Map and set out in the Appendix. Insert hyperlink to NWBC’s Local List.
43	5.33	The Policy reference is incorrect and should be LP21 and not LP22. Again the whole Policy from the NWLP is not needed and reference is enough	Amend policy reference. Amend where considered necessary. As a point to note some of this text is included so that the non-technical reader is informed of national and strategic policy and how this relates to the emerging policies in the PNP.
44	5.35	LP22 can again just be referenced, and a hyperlink added	Amend where considered necessary. As a point to note some of this text is included so that the non-technical reader is informed of national and strategic policy and how this relates to the emerging policies in the PNP.
44	PNP8	The wording needs changing as you cannot guarantee that you will get the S106 money for those improvements to take place	Amend as suggested.
46	5.37	Housing Figures are incorrect H5 allocates a minimum of 1270 and H4 allocates 2000 (1675 to be delivered within the plan period) but does not breakdown allocations to Polesworth and Dordon further	Amend as suggested.
49/50	PNP9/5.45	Criteria C refers to the “open land non-strategic open spaces” and para 5.45 then refers to Table 1 which is incorrect as Table 1 is the list of “Greenspaces” that	Amend PNP to set out what is considered to be non-strategic open space”.

PAGE	Paragraph	NWBC RESPONSE	Suggested Action
		meet the NPPF criteria – it should be Table 2 (if these are to be maintained)	
51	6.1	Date of consultation will need changing and chapter 6 will then move to the consultation statement	This will be amended for the Submission consultation.
54	Table 1	It would be easier to read if the assessments also had the number on them that they were referred to on the Policies Map and Policy PNP1 – Table 1 does not match PNP1 due to North Warwickshire Club and Sports Ground currently in PNP1	Add in referencing.
65	Table 2	North Warwickshire Club and Sports Ground appears in Table 2 as “other open space” yet in Policy PNP1 – please amend so that it appears only on one list	Clarify – should be Table 1.
70	Appendix 2	The content is EXCELLENT. However, it is based on values that are not used in the NPPF – which is not a show stopper but might be addressed quite easily if desired, more importantly it does not give an assessment of significance. Policy PNP5 states that proposals should be assessed according to the significance of the assets and therefore if that was set out in Appendix 2 it would present a very strong case for the protection of the assets identified in the NP and make the document more robust. Our Conservation and Heritage Officer would be more than happy to speak with someone regarding this.	Amend Policy PNP5 Background/Justification and add an introduction to Appendix 2 setting out how the criteria for non-designated heritage asset identification have been arrived at.

Table 2. Polesworth Regulation 14 Consultation -Comments from others and Parish Council response

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Polesworth Neighbourhood Development Plan Consultation Statement, February 2024

Respondent	Summary	Suggested Action
Anthony Richards	Concerned about the proposed amount of local housing, given lack of amenities in area and impact on sewerage infrastructure in Warton.	Concerns noted. The PNP seeks to address these through the plan's policies.
Richard Jackson	Level of proposed housing in Warton is not sustainable. Character of the village has been lost and the remaining facilities cannot cope with the increased population. Traffic is increasing and the lack of public transport means more cars, every new house approved should have a minimum of 2 car parking spaces.	Concerns noted. The PNP seeks to address these through the plan's policies.
Richard Pettit	Too much traffic, too much housing. Protect the Green Belt.	Concerns noted. The PNP seeks to address these through the plan's policies. Green Belt is a strategic matter dealt with by the Local Plan.
Gary Brain	Too much traffic coming through Polesworth even without the extra houses.	Concerns noted. The PNP seeks to address these through the plan's policies.
Clair Butler	Introduce traffic lights at The Square. Polesworth surgery to be open full-time. No more houses.	Traffic signalling is included in PNP8.
C Butler	Traffic management in The Square; re-open surgery; more schools; more dog waste bins.	Traffic signalling is included in PNP8. Other matters not planning matters.
Kay Pettit	Nature should be protected for its own sake and for people's enjoyment. More houses need more services and traffic. Too much development means the character of the area will disappear.	Concerns noted. The PNP seeks to address these through the plan's policies.
Stephanie Wilson	Too many houses have been built and the area's infrastructure cannot cope. Traffic has increased tenfold and Barn End crossroads is dangerous. Getting a doctor's appointment is difficult. Local school has been full for last few years.	Concerns noted. The PNP seeks to address these through the plan's policies.
Jack Underwood	More dog bins, better goal posts, Astro or the park football pitch flattened.	Not planning matters.
Oliver Cuthbert	More dog and litter bins. Gullies need cutting. £1,000 for football as for Polesworth. Primary schools need to expand to accommodate new housing.	Not planning matters or in case of the school. This is addressed in the Local Plan.
Dave Attwood	Support	Support noted.
Lisa Lucas	More car parking, more school places. Re-open the surgery. Safe areas for children, better traffic flow through village.	Concerns noted. The PNP seeks to address these through the plan's policies.

Polesworth Neighbourhood Development Plan Consultation Statement, February 2024

Respondent	Summary	Suggested Action
Jakub Clesz	Support increased school places and protection of open spaces. Concerns about traffic in the area. Support Medical Centre and more Police needed.	Concerns noted. The PNP seeks to address these through the plan's policies.
B Baker	One doctor's surgery in Dordon is not enough. Too much traffic for the lanes in the village. This is altering the character of the area.	Concerns noted. The PNP seeks to address these through the plan's policies.
Giles Wilson	Warton crossroads should be a staggered junction – allowing cars to cross straight over.	Concerns noted. The PNP seeks to address these through the plan's policies.
Rachel Butler	Dog walking area, less traffic, surgery re-open, safe areas for children.	Concerns noted. The PNP seeks to address these through the plan's policies.
Gary Lucas	Less traffic, more school places, surgery re-open, safe areas for children.	Concerns noted. The PNP seeks to address these through the plan's policies.
Lee Butler	Dog walking areas, safe parking, cycle lanes, less traffic, surgery re-open, safe areas for children, canal paths made safe.	Concerns noted. The PNP seeks to address these through the plan's policies.
Stephen Ralph	Dog walking areas, parks for children	Concerns noted. The PNP seeks to address these through the plan's policies.
Tracy Clive	Dog walking areas, parks for children	Concerns noted. The PNP seeks to address these through the plan's policies.
Leigh Butler	Dog walking areas, safe parking, cycle lanes, less traffic, surgery re-open, safe areas for children, canal paths made safe.	Concerns noted. The PNP seeks to address these through the plan's policies.
Margaret Brown	One doctor's surgery is not enough for the area. Too few school places for the number of houses being built. State of road network in Polesworth needs addressing.	Not planning matters. Concerns noted.
Danny Packett	Better facilities at the Recreation Ground and deal with dog waste.	Not planning matters. Concerns noted.
Zoe Cherry	High school and doctor's need to cope with extra demand. Traffic e.g. river bridge and The Square. Better leisure facilities needed. Protect the countryside and preserve the area between Polesworth and Dordon for informal recreation.	Concerns noted. The PNP seeks to address these through the plan's policies.
John Allton	Support	Support noted.
Des Blewitt	Protect green areas. Rep-open doctors. Increase school places as needed. Protect community facilities and maintain roadways.	Concerns noted. The PNP seeks to address these, where they are planning matters, through the plan's policies.

Respondent	Summary	Suggested Action
Arthur Thompson	Build a pavilion at Abbey Green Park.	Add to plan as a specific action?
L Johnson	Health centre under-used. More doctors to cover the increasing population.	Not planning matters. Concerns noted.
L Johnson	Traffic problems at peak times – traffic leaving A5 travelling through Polesworth. Traffic from new housing proposals will only make this worse.	Concerns noted. The PNP seeks to address these, where they are planning matters, through the plan's policies.
Arthur Thompson	Add that doctors should use Health Centre.	Not a planning matter. Concerns noted.
Maureen Dodds	Health facilities needed and keep Polesworth a village.	PNP seeks to protect community facilities and area's character.
Simon Rose	Support	Support noted.
Stephen Coake	Traffic problems need to be addressed – possibly more traffic calming and 20mph zones.	Add road safety schemes to Policy PNP8.
John Bradford	Traffic lights or roundabout in The Square. Re-opens doctors.	Traffic signalling is included in PNP8.
Catherine West	Abbey Green needs protecting.	Abbey Green Park protected by Policy PNP1.
Steve Exley	A comprehensive plan	Support noted.
Margaret Henley	PNP6 add health clinic to list.	Should this be added?
Joan Daniel	PNP8 – Transport – infrastructure should be in place before any future development. Traffic signalling needed at the Bridge Street/Grendon Road junction.	Comments noted. These are addressed by PNP8.
Elizabeth Parsons	Better use of Health Clinic is needed.	Not a planning matter.
Joan Daniel	Vital strategic gap is preserved.	Protected through Local Plan.
Maggie Hunt	Adult outdoor exercise equipment.	Not a planning matter.
Joan Daniel	Vital that the separation and open land is maintain between the area's villages.	Protected through Local Plan and PNP seeks to add to this protection through Policy PNP9.
Angela Thompson	PNP6 – re-open health centre needs adding.	Add as a Parish Council Supporting Action.
Angela Thompson	Better transport for non-car users.	Add to PNP8.
David Harris	Page 13, para 3.4 add in reference to St John's Church	Amend as suggested.
David Harris	Page 100 – car parking provision at St John's Church is limited and if the facility becomes more popular this could become a problem.	See above.
David Harris	Add allotments at St Johns Church to the list of Local Green Spaces.	Amend as suggested.

Polesworth Neighbourhood Development Plan Consultation Statement, February 2024

Respondent	Summary	Suggested Action
Michael Chapman	Re-open doctor's surgery in clinic. Traffic lights in The Square. New supermarket.	Add re-opening of health centre as Parish Council Supporting Action. Traffic signalling already part of PNP8. New supermarket not a matter for PNP.
M Sargent	More free car parking in Polesworth centre. To do this reclaim land by river behind the shops.	Comment noted, no change.
M Sargent	Planners do not assess risk fully. Re-open doctors. Police foot patrols each week. Emphasise areas history. No more settlement ponds. Something should be done about the river's pollution.	These points are addressed elsewhere – river pollution not an issue to be considered in the PNP.
Julie Faulkner	More traffic lights, police and speed cameras.	Not necessarily planning matters. Add a general point on road safety to PNP8.
C Whitmore	Tackle traffic issues e.g. The Square, more Police, doctor's surgery.	See above responses.
L Atkins	Traffic lights at The Square. More Police at night. Medical Centre at Polesworth. Station not used enough.	See above responses. Add in WCC aspiration for better rail services.
H Wilson	Traffic lights at The Square. More Police at night. Medical Centre at Polesworth. Station not used enough – could help reduce car use.	See above responses. Add in WCC aspiration for better rail services.
Sylvia and Stan Clover	Traffic lights at The Square. Re-open doctor's surgery at Polesworth. Station not used enough.	See above responses.
Alison Dimbleby	More Police presence.	Not a planning matter.
Alison Dimbleby	Re-open doctor's surgery. Public transport to Dordon not always convenient for medical appointments.	Add re-opening of surgery to PNP6 as Supporting Action. Add reference to better public transport to PNP8.
Matthew Putland	Protect green spaces especially for their physical and mental health benefits.	Comment noted. No change/.
Gail Putland	Re-open doctor's surgery at Polesworth. Public transport to Dordon not always convenient for medical appointments.	Add re-opening of surgery to PNP6 as a Supporting Action. Add reference to better public transport to PNP8.
Tim Putland	Sports Hall or Leisure Centre needed in the village.	Comment noted, no change.
Tim Putland	Traffic problems on Bridge and The Square. Issues at The Square need to be addressed before traffic volumes increase due to new development.	See above responses.

Respondent	Summary	Suggested Action
David Harris	Information provided on history of Birchmoor Methodist Church.	Amend where appropriate.
Stuart and Valerie Wright	<p>We moved to our present home [Fairfields Hill/Birchmoor Rd junction] in 1982, and having recently retired, we would like to rent one the allotment plots on Birchmoor Rd , which I understand the Parish Council administers.</p> <p>It appears that one or two plots are not currently being worked, and if this is the case, we could start a tenancy immediately.</p> <p>If there are no vacancies, would you please place us on the waiting list.</p>	Parish Council to action addition to allotment waiting list.
Angela Baines	<p>Foreword, P2: Makes ref to PDP. Believe this is confused with PNP.</p> <p>1.5, P6: No refs are made in the document to the online comments form on the PC website. This makes readers unsure whether the online forms work, also might discourage some from replying.</p> <p>2.7, P10: Correction needed. Scouts meet at the Scout Activity Centre in Pooley Country Park, not at Pooley Hall which is a private residence.</p>	Amend PDP references to PNP. Paragraph 1.5 address issue of online comments. Correct paragraph 2.7.
Angela Baines	<p>Policy No 2.15, p11</p> <p>I object to the current wording of Objective 6 as it is ambiguous as to whether separation is just between the parish and Tamworth/Atherstone or also between Warton and Polesworth. Suggest adding the word "also" for clarification ie; "To preserve the distinctive nature of our communities through preserving gaps / areas of separation between our existing communities and especially ALSO the neighbouring communities of Tamworth and Atherstone."</p>	Amend Objective 6 to highlight separation of all settlements.
Angela Baines	<p>3.2, P12: There is no bus from Warton to Dordon.</p> <p>3.3 P12/13: This section fails to adequately explain the scale of the recent and ongoing housing developments in Warton, that they are beyond the expectations of the Local Plan for this settlement, and that the NWLP Inspector commented that Warton is being over-developed.</p>	Amend paragraphs 3.2 and 3.3 to take on board these comments.

Respondent	Summary	Suggested Action
Angela Baines	<p>4.10 P23: Suggest the total number of new homes etc is broken down further to show how many were needed for NWBC alone and how many have had to be taken from neighbouring authorities which cannot apparently satisfy their own need. It is important to differentiate between local need and displaced need.</p> <p>4.13 P25: It would be helpful to most readers to explain the implications of LP21 to Polesworth "town" centre.</p>	Comments noted, but these relate to the summary of NWBC's planning policy set out in the PNP. No change, interested parties can consult the NWLP for further detail.
Angela Baines	<p>5.2 Page27, PNP1: Whilst supporting the thrust of the current policy draft I object to the current wording as it is not ambitious or strong enough. We need an extension of local protected green spaces, not just their enhancement. Extension might be through new such spaces or extensions to existing spaces where possible (for instance this will be possible to Warton Recreation ground). The Bellway estate, which also adjoins Warton Recreation ground and is the largest of all the current Warton developments with 100 units, has failed to extend this valuable green space in a meaningful way. It is highly likely that the landowners will again seek to develop for housing on the other side of the recreation ground in Warton and at this point an extension to the recreation ground should be sought to accommodate the ever growing population because the existing provision is not sufficient for the community's, or the environment's needs. Therefore the wording in last sentence of 5.2 should be changed to read "seeks to encourage EXTENSION and enhancement to these....."</p>	Amend PNP1 final sentence to "and expansion, where practical and feasible."
Angela Baines	<p>Para 5.8, Page29, Policy PNP2a: Again the thrust of this policy can be supported, however I object to the proposal that equivalent or better provision is provided ELSEWHERE within the Polesworth NEIGHBOURHOOD AREA. If there is to be a loss of green space in Warton then equivalent or better</p>	Amend PNP2a after neighbourhood area to "preferably within the settlement where green space is to be lost".

Respondent	Summary	Suggested Action
	<p>provision must be as close as possible to the original site and as an absolute minimum in Warton/the same settlement. This would apply to Polesworth & Birchmoor settlements in the same way too.</p> <p>There has been much anger in Warton that despite the 300+ new homes it appears that developer support has gone to other parts of the parish council area.</p>	
<p>Angela Baines</p>	<p>PNP 7 Page 44.</p> <p>Reference needs to be made to the need for a Leisure Centre for Polesworth. There was one at the high school and a much smaller gym now exists in Hall Court, having forced the removal of several small businesses.</p> <p>With another 5000 residents coming to the parish and the shoehorning of Polesworth & Dordon together to make a "town" it's non-sensical for the PNP not to be looking ahead to the facilities that are needed to be environmentally sustainable and to make this feel like a real, vibrant community rather than a mishmash. Para 5.35, 5.36 or a new para should articulate the loss of the previous, well used facility and the need for another even better facility.</p>	<p>Amend Background/Justification to take account of this comment.</p>
<p>Angela Baines</p>	<p>PNP 6</p> <p>The "Scout Hut/Guide" is mentioned in the list. This needs to be clarified. There is no Guide building in the parish.</p> <p>The Polesworth Scouts Activity Centre (Scout Hut) is at Pooley Country Park.</p>	<p>Amend PNP and Policies Map.</p>
<p>Chris and Angela Baines</p>	<p>PNP8</p> <p>We object to this wording used in the Policy summary:" Barn End Road/Orton Road, Warton – new signage"</p> <p>The crossroads needs to be properly assessed by WCC Highways and a safety improvement scheme implemented. It is not for the residents</p>	<p>Amend wording to PNP8 as suggested.</p>

Respondent	Summary	Suggested Action
	<p>to limit any improvements merely to "new signage", particularly as there is already plenty of signage in place which is ineffectual.</p> <p>Therefore the wording should be changed to: "Barn End Road/Orton Road CROSSROADS - safety improvements". Paragraph 5.41 needs to be re-written to reflect this. If people don't know the rules of the road enough to stop at a Give Way they're unlikely to stop for a Stop sign in the same location.</p> <p>Clearly the Parish Council, along with residents should be able to shape the improvements in consultation with the County Council.</p>	
<p>Chris and Angela Baines</p>	<p>PNP 8 Page 48, Para 5.43:</p> <p>We object to the proposal that "Church Road and Orton Road need to have inlets let into the grass verges to allow a better flow of traffic".</p> <p>This is contrary the PNP's own Objectives, particularly Obj 1 to protect & enhance green spaces. The wide green verges on Church Rd on the field side add significantly to the attractiveness and character of this gateway to the village. For an inlet to be made on the Recreation field side would involve removal of hedges - even though the PNP makes the case for further planting and enhancement on the boundary of the recreation ground.</p> <p>The proposal is also contradictory to the rest of Para 5.43 which explains: "Speeding traffic along Orton Road, Barn End Road and Church Road is often observed and a concern for residents". The problems of speeding are well rehearsed in village social media. We are long time residents of Church Rd and can confirm that speeding is a regular daily occurrence, putting children's lives at risk as they approach the recreation ground. WCC traffic surveys show the average speed is 38mph.</p>	<p>Remove reference to inlets and amend text to reflect these comments.</p>

Respondent	Summary	Suggested Action
	<p>The rare occasions when cars are parked by the recreation ground for weddings and funerals are a blessing as speeding is reduced. To propose inlets on Church Rd is therefore also dangerous and a waste of public funds. The priority must be to reduce speeding as residents have been asking Councillors to do for many years but with no action.</p>	
<p>Jane Bailey</p>	<p>A vibrant community with extended opportunities for all would be enhanced if Polesworth Train Station was properly back in use.</p>	<p>Improved rail service is addressed in the PNP.</p>
<p>Anthony Mellor</p>	<p>PNP 1</p> <p>The village feel between our communities needs to be kept to enable the village identify to continue.</p>	<p>Comment noted. PNP seeks to address this issue.</p>
<p>Anthony Mellors</p>	<p>Policy PNP2 - Protecting Other Green Spaces</p> <p>It is essential that the "Strategic Gap" separating our villages from Tamworth in Staffordshire is maintained and future planning should ensure that this gap is continued.</p>	<p>Comment noted. PNP and NWLP seek to address this issue.</p>
<p>Anthony Mellors</p>	<p>Policy PNP3 – Sustainable Design and Construction</p> <p>It is absolutely vital that traffic issues are addressed now as the village is turning into an A5 by-pass with large numbers and even larger vehicles making their way along the B5000. Large vehicles numbers too are increasing through the village streets causing congestion and helping decrease the quality of road surfaces.</p>	<p>Comment noted. PNP seeks to address this issue where it can.</p>
<p>Anthony Mellors</p>	<p>Policy PNP6 – Protection of Existing Services and Facilities</p> <p>Medical facilities, apart from blood tests in Polesworth Health Centre are not good. The Health Centre needs to be brought back into full use as a GP Surgery and encouragement should be given to the Practice to allow this to happen. Patients from outlying villages particularly need Polesworth Health Centre to be functioning as public transport does not enable patients to be transported to Dordon, An</p>	<p>Amended text to be inserted on Health Centre based on this and other comments.</p> <p>Comments on Fitness Hub and car parking noted.</p>

Respondent	Summary	Suggested Action
	<p>aging population who no longer drive and whose family are likely to be working during Practice hours is an additional factor.</p> <p>Whilst the Fitness Hub in Polesworth is a recent addition, other facilities need to be provided for the village, and with extra housing being planned an increased population will require an increased in leisure facilities.</p> <p>Proposed Bridge Street parking being restricted will bring the need for further car parking spaces being made available. Additional new housing where 2 or more vehicles are likely will further increase the need for increased car parking spaces in the village.</p>	
<p>Janet Byrne</p>	<p>I have read the Parish Plan and would like to say what an excellent piece of work!</p> <p>I think that you have worked hard to try to safeguard the things that are special about Polesworth and to put in place mechanisms for the residents to have more of a say as the Parish continuously grows. My concerns are, roads and traffic that detract from the beauty of where we live and cause concern for both pedestrians and drivers. I feel that if the plans you outline are adopted it would help. However, If somehow heavy traffic (lorries and heavy plant) were able to bypass Grendon Road Bridge and up the High Street it would safeguard the area and buildings.</p> <p>Of course the other major concern would be school places for locals and better GP services. I believe having the plan will help to influence these things too.</p> <p>Personally I would like to see footpath signs around the village for walkers pointing out all the beautiful paths we have for a daily walk.</p>	<p>Supporting comments noted. HGV issue and signage not planning issues. They could be added to PNP as supporting parish council actions.</p>

Respondent	Summary	Suggested Action
Savills	<p>Policy PNP1: Protecting Local Open Green Space</p> <p>PNP1/8 – Hoo Monument, which is within CAP’s ownership and is proposed to be designated as Local Green Space (LGS). In identifying the site as LGS, the Parish Council should be mindful of Planning Policy Guidance (PPG)1 which is clear that designating LGS must not undermine the aim of plan making to identify sufficient land in suitable locations to meet identified development needs. Adequate evidence and justification are therefore required for the designation of LGS on a site already allocated for development in the adopted Local Plan.</p>	<p>Comment noted, The PNP includes sufficient evidence and has had regard to national planning policy and guidance. No change.</p>
Savills	<p>Policy PNP3: Sustainable Design and Construction</p> <p>Clause a) ‘local distinctiveness of Polesworth, Warton and Birchmoor by demonstrating that appropriate account has been taken of existing good quality examples of street layouts, blocks and plots, building forms and styles, materials and detailing and the vernacular of the settlement’.</p> <p>It is noted there is no definition of what constitutes as ‘local distinctiveness’ and that no examples of distinctiveness have been provided in the emerging Polesworth Neighbourhood Plan. There is a mix of architectural types around Polesworth ranging from red brick semi-detached housing, dormer roof housing, sandstone brick new build housing and terraced housing. Clarification of what local distinctiveness will be measured against is sought as the existing housing context is too varied to pick out what should be replicated.</p>	<p>Clause (a) includes sufficient information for how an applicant should address local distinctiveness. This will be further addressed in the Design Code. No change.</p>
Savills	<p>Policy PNP3 Clause b) ‘It is designed in such a way so as to make a positive use of local landform, trees, hedgerows and other vegetation and for larger proposals has had suitable regard to landscape setting and settlement pattern’</p>	<p>Comment noted. No change.</p>

Respondent	Summary	Suggested Action
	<p>Clause b specifies that larger proposals will have ‘suitable regard to landscape setting and settlement pattern’. However, the original settlement of Polesworth is partly based on the settlement building up to house workers in local industries such as mining. This in part led to ribbon development, which is not a sustainable form of development. Therefore, the requirement for development to have suitable regard to the existing settlement pattern may not be totally desirable or sustainable.</p>	
<p>Savills</p>	<p>Policy PNP3 Clause e) ‘It includes sufficient amenity space to serve the needs of the development and its users’</p> <p>Clause e refers to ‘sufficient amenity space’. However, clarity is required on the standards that will be applied when deciding what constitutes sufficient amenity space. The North Warwickshire Local Plan (2021) does not include a requirement to meet nationally described space standards as these are optional for local Planning Authorities (LPAs) to adopt. As there are no nationally described space standards in the Local Plan, we consider that any provision of standards for sufficient amenity space would mean that Neighbourhood Plan would not accord with the basic conditions². One of the basic conditions is that the Neighbourhood Plan should be in general conformity with strategic policies contained within the development plan. Therefore, as there are no space standards in the Local Plan, we seek clarity on the elements of ‘sufficient amenity space’.</p> <p>2 Planning Policy Guidance Paragraph: 065 Reference ID: 41-065-20140306</p>	<p>The approach in the policy is in general conformity with Local Plan Policy LP22. No change.</p>
<p>Savills</p>	<p>Policy PNP3 Clause f) ‘It includes appropriate boundary treatments that reflect local context and landscaping using predominantly native</p>	<p>The clause is clear . No change.</p>

Respondent	Summary	Suggested Action
	<p>species to support a net-gain for wildlife. It provides highways for hedgehogs by allowing access through boundary walls and fences’</p> <p>We request clarification from the Parish Council about what is meant by ‘appropriate boundary treatments that reflect local context’. As already raised, the local context across Polesworth varies thus the boundary treatments across the Parish will vary. Without best case examples and more specification requirements for boundary treatments, this becomes an onerous requirement hence more detailed guidance is sought.</p> <p>Furthermore, earlier in Policy PNP3, there is reference to a net-gain in biodiversity being demonstrated, which we agree is justified. However, in Clause f, reference is made to a net-gain for wildlife. We seek clarification on whether net gain for biodiversity and net gain for wildlife are the same or different. A definition is required to make it clear what is being asked for in both instances.</p>	
<p>Savills</p>	<p>Policy PNP3 Clause i) ‘It includes measures that seek to improve pedestrian facilities and linkages in the Parish and beyond to encourage walking and cycling, wherever possible’</p> <p>Clause i states that to ensure good design, development should include measures that seek to improve pedestrian facilities and linkages in the parish and beyond. It should be made clear that development proposals are only required to deal with problems they create and, as set out under Regulation 122(2) of the Community infrastructure Levy Regulations (CIL) (2010), obligations should be fairly and reasonably related in scale and kind to the development. We do not consider pedestrian linkages in the Parish and beyond reasonably in scale</p>	<p>The clause includes the phrase “wherever possible” – this is not a blanket requirement. No change.</p>

Respondent	Summary	Suggested Action
	<p>therefore, the requirements of Clause i does not meet the tests of Regulation 122(2). A draft Neighbourhood Plan must meet the basic conditions, set out in the PPG3, if it is to proceed to referendum. One of the basic conditions is that the Neighbourhood Plan is to have regard to national policies. Consequently, if consideration for developer contributions is not made clear, then the Polesworth Neighbourhood Plan will not meet all the basic conditions.</p>	
<p>Savills</p>	<p>Policy PNP3 Clause j) ‘It makes a contribution to local identity, and sense of place. Proposals should not feature generic designs and should set out how they take account of the locally distinctive character of the area in which they are to be located within any submitted Design and Access Statement’</p> <p>Reference is made again to the local identity and sense of place with no definition provided as what constitutes either. Clause j also makes reference to generic design. The National Planning Policy Framework (NPPF) sets out that plans should, at the most appropriate level, set out a clear design vision and expectations⁴. The identity of special qualities, in saying general design, have therefore not been outlined which therefore makes it difficult to comment on what ‘generic design’ is.</p>	<p>Comment noted. No change.</p>
<p>Savills</p>	<p>Policy PNP3 Clause k) ‘It respects the height of the buildings in the immediate surrounding area. Future housing development will generally be expected to be no more than two storeys’</p> <p>Policy PNP3 seeks for developments to be no more than 2 storeys in height. We consider that in the interest of creating character and variety across a development, the ability to include some modest change in height in key locations provides placemaking benefits, for example in turning corners, defining key views and assisting with wayfinding would be appropriate.</p>	<p>The clause includes the word “generally” i.e. more than 2 stories may be permissible in some circumstances. No change.</p>

Respondent	Summary	Suggested Action
Savills	<p>Policy PNP3 Clause l) 'It uses, and where appropriate re-uses, local and traditional materials appropriate to the context of the site, or suitable high quality alternatives that authentically reinforce or positively contribute towards local distinctiveness'</p> <p>Clause l makes reference to local and traditional materials. There have been no examples of local and traditional materials provided in the emerging Neighbourhood Plan. The materials used across the Parish vary considerably depending on when the housing was built, therefore clarification is sought on what local materials are. Further review is also required on the costing and the availability of local materials which is pertinent to consider given the supply issues in the construction industry and cost inflation. We suggest that assessment of the suitability of certain materials is undertaken on a case-by-case basis.</p>	Comment noted. No change.
Savills	<p>Policy PNP3 Clause m) 'It contributes to reducing carbon emissions by incorporating measures to reduce energy consumption (e.g., building orientation, siting, areas for outdoor drying) and, where possible, sources of renewable energy. Where such features are included, they should be appropriate in scale to the building of good design and well sited. Such features should also be sympathetic to the surrounding area'</p> <p>From our experience of working with national housebuilders, the optimum orientation and siting of all dwellings on a development is often not possible due to the viability of providing optimal conditions. The viability, and therefore the feasibility, of providing renewable energy is also not possible for all developments. The deliverability of clause m of policy PNP3 is therefore questioned. If all aspects were required for every new development, it may prove prohibitive. Therefore, a site-specific assessment should be required of the</p>	This is not a blanket requirement, examples are included and the words "where possible" included. No change.

Respondent	Summary	Suggested Action
	relative merits of providing measures to reduce energy consumption on a new development.	
Savills	<p>Clause n) 'It is designed to be as water efficient as possible e.g., by incorporating water collection measures'</p> <p>Clause n says the development should be as water efficient as possible. This policy requirement is unclear whether this is water efficiency during construction or occupancy therefore this policy needs to be reworded to be more specific.</p>	It is clear this is the development's design not the construction phase. No change.
Savills	<p>Policy PNP3 Clause o) 'It uses existing watercourses and ditches, sustainable drainage systems (SUDS, such as swales) to hold rainwater in storms. SuDS should be planted with native vegetation to support wildlife. All paving should be semi-permeable to allow run-off to drain away'</p> <p>The requirement for all paving to be semi-permeable is not a requirement by the Local Planning Authority. It should be made clear that any sustainable drainage systems and methods to help with surface run-off should be agreed with the Lead Local Flood Authority and made specific to each development as some methods may not be appropriate or indeed viable.</p>	Comment noted. No change. Lead Flood Authority sought change to all paving.
Savills	<p>Policy PNP3 Clause q) 'It includes space for off road/pavement storage of refuse and recycling bins'</p> <p>The wording of the policy should be updated to include the following in red It includes space for off road/pavement storage of refuse and recycling bins <i>in accordance with locally adopted standards.</i></p> <p>The 'Provision of facilities for waste and recycling for new development and property Conversions Supplementary Planning Document' was adopted by North Warwickshire Council in January</p>	Amend as suggested.

Respondent	Summary	Suggested Action
	<p>2023. Therefore, to ensure that material consideration of this Supplementary Planning Document (SPD) is taken into account, and to allow flexibility if the SPD is updated in the future, we recommend the wording is red is added.</p>	
<p>Savills</p>	<p>Policy PNP3 Clause r) 'It has appropriate car parking in accordance with locally adopted standards. Car parking should be sited in such a way that it is unobtrusive, does not dominate the street scene, and minimises the visual impact of car parking'</p> <p>Whilst we agree that car parking for new developments should be in accordance with locally adopted standards, it should be noted that housebuilders cannot be reasonably expected to control the level of parking on public highways. Whilst a developer can design parking that does not dominate the street scene, once housing is occupied, this is outside of the developer's control.</p>	<p>Comment noted. No change.</p>
<p>Savills</p>	<p>Policy PNP3 Clause t) 'All new residential development should provide external wall-mounted charging points for plug-in and other ultra-low emission vehicles for each dwelling that is to have a private drive or garage. Where communal car parking is provided this should also contain charging points. Larger homes, such as those with 3 bedrooms or more, should consider providing facilities to charge more than one vehicle at once'</p> <p>CAP is supportive of encouragement of suitable charging points for electric and hybrid vehicles, in order to future proof housing stock.</p> <p>The UK government's new EV charging requirements came into force in England as of June 2022. Requirement S1 from Approved Document S sets out the approach to electric charging points on new residential development. The planning system should not seek to replicate requirements set out in the Building Regulations. Any variation from the Building Regulations should be set out in evidence base</p>	<p>The clause is not a blanket requirement and includes the word "should". The Parish Council are aware of the Building Regulations but would seek developers to go further than the expected minimum. No change.</p>

Respondent	Summary	Suggested Action
	<p>supporting the Neighbourhood Plan, to ensure that the viability and feasibility (including impacts on power supply) of such requirements have been adequately considered.</p>	
<p>Savills</p>	<p>Policy PNP3 Clause w) ‘Where relevant, applicants will be required to produce a green infrastructure plan. This should demonstrate how the development links to the exiting green infrastructure network and how any open spaces and garden areas will be permeable to wildlife’</p> <p>The requirement for applicants to produce a Green Infrastructure Plan is not specified in North Warwickshire Borough Council’s Planning Application Validation Requirement document, which was published in 2017. If extra requirements for planning applications are needed, North Warwickshire should update their validation criteria.</p>	<p>This is not a blanket requirement but “where relevant” – no change.</p>
<p>Savills</p>	<p>Policy PNP4: Conserving and Enhancing the landscape</p> <p>A Landscape Supplementary Planning Documents (SPDs) has not been adopted by North Warwickshire Borough Council, therefore the reference to this document is not accurate. The PPG5 sets out that SPDs should build upon and provide more detailed advice or guidance on Local Plan policies. SPDs are a material consideration, and it is a requirement for all development proposals, but only when adopted.</p> <p>Local Plan Policy LP30 Built Form states that proposals should enhance views into and out of the site both in and outside of the site and make appropriate use of landmarks and local features. Policy H4 Land to the East of Polesworth and Dordon seeks to maximise the opportunity afforded by the topography and incorporate key views of the surrounding countryside. Therefore, clause f of PNP4 is not in conformity with the Local Plan. The Neighbourhood Plan should need to seek to not only enhance views of the settlement edge from the surrounding countryside but respond positively from within the site.</p>	<p>Reference to the SPD has been deleted. Other comments noted. Neighbourhood Plan and Local Plan policy will be read in conjunction.</p>

Respondent	Summary	Suggested Action
Savills	<p>Policy PNP5: Non-designated Heritage Assets</p> <p>Candidate 22 - 'Site of the Hoo Chapel, off Grendon Road and possible Iron Age hill fort site'</p> <p>Determination of NDHA status can only be justified where heritage significance can be accurately qualified. It therefore follows that NDHA status cannot be justified where further investigation is required, in order to meet that evidential threshold.</p> <p>For both candidate 22 & 23, the potential for buried archaeology pertaining to past human occupation or activity is a core justification for their nomination. Yet, for both there is no certainty as to the actual existence or survival of such features, nor the nature, level, and extent of their significance.</p> <p>Accordingly, the NDHA nomination is reliant on conjectural evidence, and, in turn, is not founded on an accurate assessment of heritage significance. As such, it is considered that NDHA status is not justified.</p>	<p>The Parish Council have set out the reasons for the significance of this non-designated heritage asset. No change to the PNP. The asset will also be put forward for NWBC's Local Heritage List.</p>
Savills	<p>Policy PNP5: Non-designated Heritage Assets</p> <p>Candidate 23 - 'Site of Little Jim's Cottage, St Helena Road'</p> <p>Little Jim's Cottage was lost to fire in the 1970s. There is no trace of the building on the surface and the original plot has been amalgamated with the adjacent field. Only a commemorative stone marker on St Helena Road illustrates the cottage's location and alludes to its local communal value.</p> <p>The NP does not clarify whether the site's candidacy refers to just the commemorative stone, or the full extent of the former cottage's position and plot.</p>	<p>The Parish Council have set out the reasons for the significance of this non-designated heritage asset. Add "commemorative" to PNP site name. The asset will also be put forward for NWBC's Local Heritage List.</p>

Respondent	Summary	Suggested Action
	<p>If the former, the NDHA status may be justified, on account of the historical associations and cultural memories the marker embodies. The nature and extent of that significance requires clarification within future drafts of the NP.</p> <p>If the latter, we note the presence and importance buried archaeology pertaining to the cottage and associated past activities is unknown. Further investigation is required, and, accordingly, it is considered that the status of NDHA is not justified.</p>	
<p>Savills</p>	<p>Policy PNP5: Non-designated Heritage Assets</p> <p>St Helena Road is not a medieval road; it is a road of medieval origin. Only the location and alignment of the road reflects its medieval heritage. The character of the road is entirely derived from the 19th and 20th century.</p> <p>This distinction between a road of medieval “origin” and “character” is a subtle but substantive matter for the NDHA candidacy. The former generates historic or archaeological interest. The latter is a source of architectural/aesthetic interest. By presenting St Helena Road as of both medieval origin and character, the NP thus erroneously multiplies its significance. To allocate NDHA status on that basis is unjustified. The location and alignment of the road are of some historic interest. Its character is not of any substantive architectural/aesthetic interest.</p> <p>The Neighbourhood Plan’s assessment for NDHA status should be reviewed with consideration of its existing character, to provide an accurate record of the nature, level, and extent of its heritage significance.</p> <p>Should the Polesworth Parish Council still wish to pursue NDHA status, it should be clarified that the location</p>	<p>This is a medieval sunken road and also most likely a coffin trail from the deserted medieval village along its route into what is now Dordon parish. The Parish Council have set out the reasons for the significance of this non-designated heritage asset. No change to the PNP. The asset will also be put forward for NWBC’s Local Heritage List.</p>

Respondent	Summary	Suggested Action
	<p>and alignment of St Helena Road are the matters of heritage interest which should be preserved. It is Node's judgement that these are the only elements that would justify an NDHA status.</p>	
<p>Savills</p>	<p>Policy PNP5: Non-designated Heritage Assets</p> <p>Conclusion and Recommendations</p> <p>Key recommendations concluded by Node are set out below for consideration by the Parish Council:</p> <ul style="list-style-type: none"> • Amend and retitle 'Site of Little Jim's Cottage, St Helena Road' to 'Commemorative marker for Little Jim's Cottage, St Helena Road'. • Remove 'Site of the Hoo Chapel, off Grendon Road and possible Iron Age hill fort site', from the list of nondesignated heritage assets. • Establish a new list/appendix of 'Areas of archaeological potential' • Include 'Site of the Hoo Chapel, off Grendon Road and possible Iron Age hill fort site' and 'Site of Little Jim's Cottage, St Helena (and similar candidate) within the 'Areas of archaeological potential'. • Amend the title of Policy PNP5 to "Non-designated heritage assets and areas of archaeological potential". • Amend Policy PNP5 with the additional paragraph: "Where development is proposed within the areas of archaeological potential identified in this plan, a proportionate programme of assessment and evaluation will be undertaken to determine the presence of buried archaeology, and the nature, level, and extent of its archaeological interest. Impacts to identified non-designated heritage assets of archaeological interests will be considered in line with the relevant policies of the national, local and neighbourhood planning frameworks." <p>We request that the NP is amended to take on board the points and recommendations raised by Node.</p>	<p>See previous comments on the Non-Designated Heritage Assets. There is no need to amend the policy as suggested.</p>

Respondent	Summary	Suggested Action
<p>Savills</p>	<p>Policy PNP8: Transport</p> <p>The policy sets out infrastructure projects that will be brought forward during the plan period. In particular reference is made to Bridge Street improvements, Polesworth. It should be made clear that development is only required to deal with the problems created as a result and not rectify general existing problems. This is clearly set out under Regulation 122(2) of the 2010 CIL Regulations. Paragraph 57 of the NPPF sets out that planning obligations should meet all of the following:</p> <ul style="list-style-type: none"> • Necessary to make the development acceptable in planning terms, • Directly related to development and; • Fairly and reasonably related in scale and kind to the development. <p>The improvements set out in Policy PNP8 should not be a blanket requirement for development across the Parish in order to be compliant with paragraph 57 of the NPPF and meet the basic conditions set out in the PPG.</p>	<p>Comments noted. There is no need to repeat national policy – this will be read alongside the PNP in making decisions.</p>
<p>Environment Agency</p>	<p>Policy PNP3 – Sustainable Design and Construction</p> <p>Whilst this policy refers to flood risk, it does so solely in the context of pluvial or surface water flooding. Fluvial flooding or flooding from watercourses should also be taken into account to ensure development is safe and contributes to reducing flood risk both in Polesworth and elsewhere. Potential additions are outlined below:</p> <ol style="list-style-type: none"> 1. Any new development or works that take place should have a positive effect on flood risk and the conveyance of water. Opportunities to reduce flood risk should be explored in all new development proposals and ensure designs are appropriately flood resistant and resilient. 	<p>Comments noted. No change. These matters are either addressed in national and Local Plan policy or will be dealt with as part of the development management process.</p>

Respondent	Summary	Suggested Action
	<p>2. Development should maintain at least an 8 metre easement between all built development and the top of the bank of watercourses and the toe of flood defences to allow for maintenance and inspection requirements. The Environment Agency strongly encourages greater buffers (20m) to be incorporated into policies to allow for access for larger maintenance works, to minimise future impact on flood flow routes, and to account of the natural movement of watercourses during a developments lifetime. In addition, as the frequency and severity of flooding is set to increase due to the impacts of climate change, this brings increased maintenance requirements of watercourses and flood defences. Developments should, where possible naturalise urban watercourses (by reinstating a natural, sinuous river channel and restoring the functional floodplain) and open up underground culverts, to provide biodiversity net gain as well as amenity improvements</p> <p>3. Land that may be required for current and future flood management should be safeguarded from development. Where development lies adjacent to or benefits from an existing or future flood defence scheme the developer will be expected to contribute towards the cost of delivery and/or maintenance of that scheme</p> <p>4. Where sites are at least partially affected by mapped floodplain. Design and layout should steer development away from these Flood Zones in line with the NPPF</p> <p>5. Existing open watercourses should not be culverted. Building over existing culverts should be avoided. Where feasible, opportunities to open up culverted watercourses should be sought to reduce the associated flood risk and danger of collapse whilst taking advantage of opportunities to enhance biodiversity and green infrastructure. Where this is not possible, an assessment of its structural integrity should be made, with any remedial actions taken prior to the development of the site. In addition, a maintenance regime should be agreed to reduce the likelihood of blockage.</p>	

Respondent	Summary	Suggested Action
	6. Where possible, opportunities should be sought to undertake river restoration and enhance natural river corridors as part of a	

Appendix 1 Statutory Bodies and Others Consulted

Coal Authority

HCA

Natural England

Environment Agency

Historic England

Network Rail

Highways England

Severn Trent

Warwickshire County Council

North Warwickshire Borough Council

Inland Waterways Association

HS2 Town Planning

WCC Public Health

CCG

WCC Transport

West Mercia Police

Woodlands

WWT

Tamworth Borough Council

Dordon, Grendon, Austrey, Newton Regis and Shuttington Parish Council

Interested Land owners/agents

For more information on the contents of this document contact:

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**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, 8 July 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
6/a	PAP/2024/0078	1	<p>Land north of Ivy Cottage, Freasley Common, Dordon</p> <p>Conversion of existing stables into residential dwelling utilising existing access and parking</p>	General
6/b	PAP/2018/0755	13	<p>Land to east of Former Tamworth Golf Course, North of Tamworth Road - B5000 and west of M42, Alvecote,</p> <p>Outline application - Demolition of all existing buildings and construction of residential dwellings including extra care/care facility; a community hub comprising Use Classes E(a)-(f) & (g) (i) and (ii), F.2 (a) & (b), drinking establishment and hot food takeaway uses, a primary school, the provision of green infrastructure comprising playing fields and sports pavilion, formal and informal open space, children's play area, woodland planting and habitat creation, allotments, walking and cycling routes, sustainable drainage infrastructure, vehicular access and landscaping</p>	General

General Development Applications

(6/a) Application No: PAP/2024/0078

Land north of Ivy Cottage, Freasley Common, Dordon,

Conversion of existing stables into residential dwelling utilising existing access and parking, for

Mr & Mrs Pritchard

Introduction

This application is referred to the Board at the request of local Members in view of the site's previous history concerning the erection and use of the stables.

The Site

The application site is a stable block located within the curtilage of Ivy Cottage. Ivy Cottage is located within Freasley which is a small village within Dordon Parish. The site is not within a defined settlement boundary as defined within the adopted North Warwickshire Local Plan 2021. The site also includes a hen house, planting beds, vegetable patch and a pond. The site is served by an access off The Green.

The location plan is at **Appendix A**.

The Proposal

Full planning permission is sought to convert the stables into a three bedroom dwelling including three en-suites, a dressing room, living room, dining/kitchen area and a utility room. The existing access from The Green will be used and the driveway and gravel courtyard will be reinstated to allow vehicles to manoeuvre in front of the property. The building structure is in place. The only internal building work which is proposed is to close up the current open space between what will become the kitchen/dining and utility with the hallway.

Plans are attached at **Appendix B**.

Background

The current building was granted planning permission through a retrospective planning application (Ref: PAP/2013/0210) for its use as a stable to replace former stables and a menage, which were in a poor condition. The building was not built in accordance with the permission granted and an enforcement notice was issued. An appeal was made against this enforcement notice (Ref: APP/R3705/C/14/3001038). The appeal was allowed on 30 April 2015 and the enforcement notice was quashed. The use as a stable never materialised and the building is now utilised as storage and amenity space for the occupants of Ivy Cottage. The use as a menage was also never taken up and the land is currently underutilised and is grassed over with fencing throughout.

Development Plan

North Warwickshire Local Plan 2021 - LP1(Sustainable Development); LP2(Settlement Hierarchy), LP7 (Housing Development), LP8 (Windfall Allowance), LP13 (Rural Employment), LP14 (Landscape), LP16(Natural Environment), LP17(Green Infrastructure), LP29 (Development Considerations) and LP30 (Built Form)

Dordon Neighbourhood Plan 2023 - DNP2 (Protecting the Natural Environment and Enhancing Biodiversity) and DNP8 (Achieving High Quality Design)

Other Relevant Material Considerations

National Planning Policy Framework 2023 (NPPF).

Supplementary Planning Document: Provision of Facilities for Waste and Recycling for New Developments and Property Conversions (2023)

Consultations

Environmental Health Officer – No objection

Representations

Four objections have been received referring in the main to:

- The proposal conflicts with Local Plan policies LP1, LP2, LP7, LP14, LP16, LP17, LP22, LP29 and LP30.
- Freasley is a Category 5 settlement where development is not acceptable and furthermore, none of the exception criteria for development would be met.
- The permitted stables have not been used for equine purposes since their completion and use/occupation conditions relating to that permission do not appear to have been discharged.
- The requirements to the appeals have not been carried out
- Concerned over the access over Common Land
- Land here is Common Land not owned by the applicant.

One letter of support has been received referring to

- The good design
- No-one will notice the changes
- This enables the applicant to continue to be able to live in the village.

Observations

a) The Principle

The site is not within a defined settlement boundary. It is therefore classified as a Category 5 'All other Locations' in Local Plan Policy LP2. LP2 states that here development will not generally be acceptable, however there are instances where it may be appropriate, including the re-use of redundant buildings. There is no definition in the Local Plan nor the NPPF as to what constitutes a 'redundant' building. A redundant

building can reasonably be defined as a building whose use has not been in use as intended or permitted, for a period of time. This, on the balance of probability is the case here and therefore the building can be considered redundant. LP2 does go on to state that such development will be considered on its merits, with regard to other policies in the Local Plan. Additionally, the NPPF at paragraph 84(c) says that '*decisions should avoid the development of isolated homes in the countryside unless the development would re-use redundant buildings and enhance its immediate setting*'.

Policy LP13 supports the re-use of rural buildings provided that:

- a) The building is readily accessible to the Main Towns and Local Service Centres via a range of modes of transport,
- b) They are of sound and permanent construction; and,
- c) Are capable of adaptation or re-use without recourse to major or complete re-building.

With regard to part a), public transport links are limited but there are some bus links present. The closest bus stop is located in Hockley, Tamworth which is approximately 0.9 miles (20-minute walk) away and provides a direct route to Tamworth. In order to access the Main Towns and Local Service Centres of North Warwickshire, it is quicker to use a private vehicle. However, given the rural nature of much of North Warwickshire, this is the case across many of the parishes and settlements.

It is considered that the proposal does accord with point b) and point c). The stable is constructed of breezeblock. In order to convert the stable into a dwelling, the need for extra building materials is limited. The building is considered capable of accommodating a residential use without recourse to substantial rebuilding. The building is already connected to water, gas and electricity supply.

In accordance with LP8, the proposed dwelling would be classified as a windfall site. Paragraph 70 (d) of the NPPF states that to promote the development of a good mix of sites, local planning authorities should '*support the development of windfall sites through their policies and decisions- giving great weight to the benefits of using suitable sites within existing settlements*'.

Furthermore, the dwelling will be for the current occupants to live in whilst their daughter and her young family move into Ivy Cottage. Taking into consideration the health of the applicants, the proposal accords with LP7 (Housing Development) 'Older People' which states '*independent living units for the over 55's will be a key way to provide for some of these [housing] needs*'. LP7 goes on to state that '*development will only occur if the appropriate infrastructure is available*'. As stated previously, the physical structure of the building is in already in situ with connection to water, gas and electricity to accord with LP7.

In all of these circumstances therefore it is considered that the proposal in general terms accords with NPPF paragraph 84 and Local Plan policies LP2, LP7 and LP13. The proposal can therefore be supported in principle.

b) Character and Appearance

Local Plan Policy LP30 (Built Form) states *'All development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Local design detail and characteristics should be reflected within the development.'*

Dordon Neighbourhood Plan Policy DNP8 reiterates this stating all proposals are required to demonstrate how they have responded *'to local character of both the surrounding area and the immediately neighbouring properties'* and how they are *'of a scale, density and mass that is sympathetic to the character of the immediate locality, including the rural setting'*.

Paragraph 135 of the NPPF states decisions should ensure developments *'are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*.

Given that the structure is to remain in-situ and the only alterations will be the closing up of the open sided area between the two stable buildings and the installation of new windows and doors, it is considered that there will be no significant increase in the built form. The timber cladding that currently encases the stables will remain in order for the proposed dwelling to blend into the surroundings and not stand out. The timber will be varnished to ensure that the colour matches around the whole of the property to give a sense of cohesion. Given the location of the building adjacent to The Green and within proximity to Ivy Cottage, the retention of the timber is supported as it will help to ensure the countryside feel that is prominent from the structure remains. Permitted development rights should be removed through a condition to prevent the occupants from painting the outside of their dwelling to ensure the design of the building remains sympathetic.

The building is situated back from the highway by approximately 21m and there are established trees which run along the highway verge. These factors help to minimise the view of the building from the road meaning that the impact upon the street scene as a result of converting the stables will be limited. Overall, the design in this location is acceptable.

c) Impact on Neighbouring Amenities

Local Plan Policy LP29 (Development Consideration) point 9, states that development should *'avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution; and in this respect identification of contaminated and potentially contaminated land will be necessary prior to determination of proposals depending on the history of the site and sensitivity of the end use...'*

Dwellings along The Green are characterised by having large curtilages. As such, there are large separation distances between dwellings in Freasley. To the north, the closest neighbour to the proposal is Selkirk. There is a separation distance of over 125m from the proposed development with a line of mature trees between. Officers are satisfied that there will be a negligible impact on the neighbouring amenity at Selkirk.

There are no immediate neighbours to the east of the property. To the west of the property is The Green and then open countryside.

The key consideration for this application is the impact that the proposed dwelling will have on Ivy Cottage. There are 4 sets of windows and 2 doors proposed on the southern facing elevation which is the elevation that is viewable to and from Ivy Cottage. However, there is a separation distance of 70m maintained between Ivy Cottage and the proposed dwelling. There is also a topographical difference with Ivy Cottage being located on land substantially higher than the proposed dwelling. There are also mature trees and shrubs within the garden of Ivy Cottage. Given these factors, there is a negligible impact on the privacy for future residents of Ivy Cottage.

d) Amenity Space

LP22 (Open Spaces and Recreational Provision) seeks for recreational areas to be retained, protected and enhanced. In the context of this application, this is in relation to the amenity space in the form of a garden. The conversion of the stable into a new dwelling will involve the garden of Ivy Cottage being reduced in size in order to accommodate curtilage space at the new dwelling. However, given the size of the land associated with Ivy Cottage, it is not considered that this reduction will have a negative impact on the amount of available amenity space for residents of Ivy Cottage. Future residents will still have ample space to enjoy their surroundings.

With regard to the ménage, the intention is to revert it to garden area, associated with the new dwelling. Without the adjacent paddock, it is no longer viable for horses. However, to ensure that its use remains as a garden incidental to the new dwelling, a condition can be recommended.

Currently, there are 3. ponds in the garden of Ivy Cottage. The changes to the curtilage of Ivy Cottage will inevitably cut through the water course. There is unlikely to be a detrimental impact on the maintenance of this watercourse and a fence can be erected without impacting on the ponds.

e) Highway Safety and Access

Local Plan Policy LP29 (Development Consideration) point 6 states that development should '*provide safe and suitable access to the site for all users.*'. Policy LP34 (Parking) requires development proposals to have particular regard to adequate vehicle parking provision. This requires 2 spaces per residential property over 2 dwellings.

Paragraph 104 of the NPPF says that planning decisions should protect and enhance access, '*including taking opportunities to provide better facilities for users.*'

As part of the previous permission for the stable and ménage PAP/2013/0210, Condition 8 required that access details on the surfacing, drainage, levels of the car parking and manoeuvring areas be discharged. There is no evidence to show Condition 8 was discharged. However, as no enforcement action has been undertaken against this in view of the expiry of the required time periods. Lawful development is summarised in planning practice guidance as '*development against which no enforcement action may be taken and where no enforcement notice is in force...*'- Paragraph: 003 Reference ID: 17c-003-20140306. The approval of this application

would in fact help to regularise the widening of the access. Given it has been in use for over 10 years, there are no concerns with regard to the impact of the access on highway safety. Any increase in vehicular movements is likely to be minimal given that the proposal is only for one dwelling.

From behind the private gates, there will be a sufficient driveway to allow for at least two vehicles. There is adequate space to allow vehicles to manoeuvre within the driveway. From a highway's perspective, the proposal is acceptable.

f) Ecology and Biodiversity

Local Plan Policy LP16 seeks to minimise harm to, and provide net gains for biodiversity, where possible. LP14 states '*new development should, as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies*'.

Dordon Neighbourhood Plan Policy DNP2 requires development proposals to '*conserve or enhance biodiversity value in accordance with national legislation*'.

It is considered that there will be no loss in the number of existing trees as there are no proposed changes to the landscape surrounding the building. The majority of the trees are along the highway and therefore under the management of Warwickshire County Council Highway's Authority. Their removal would require the permission of the Highways Authority. Consequently, the trees are to remain in situ so if there are any breeding birds in the vicinity, there will be no disturbance. The supporting Planning Statement states that the underside of the existing roof has been insulated and sealed and, as a result, provides no potential for bat roosting. Bird and bat boxes can be conditioned in order to ensure such species are protected and mitigated against. The three water bodies, which are home to ducks and moorhens, will also be remaining. Overall, given that there are minimal building works proposed, biodiversity will not be harmed. Links to and from surrounding Green Infrastructure assets will be maintained so as not to be contrary to LP17.

g) Bin Storage

In accordance with the Waste and Recycling Facilities SPD, there is ample storage around the property to ensure that bins will not be visible from the road and will not be stored permanently on the adopted public highway. There is a clear, flat access without steps or obstacles from the proposed dwelling to the public highway. The proposal therefore accords with the SPD. In order to ensure that storage facilities will remain available, a condition will be added.

h) Land Ownership

There have been several concerns raised regarding the ownership of the land and in particular a part of the land in question being part of Freasley Common. Land ownership itself is not a material planning consideration that the Local Planning Authority takes into account in the determination of applications. In this case the applicant originally submitted a Certificate A meaning he believes he is the only owner of all of the application site. Because of the on-going difference of view between the applicant and the Parish Council – as protector of the Common Land here – the applicant has now

also submitted a Certificate B and formally served Notice on the Parish Council. From a planning perspective the correct procedure has been followed and thus the application can be determined on its planning merits alone.

i) Conclusion

The proposal is in accordance with the Local Plan, the Dordon Neighbourhood Plan and the Waste and Recycling Facilities SPD. There is no adverse impact on neighbours more than would be reasonably acceptable. The design, the built form and the materials are in keeping with the character of the surrounding area. By reason of the redundant stable being brought back into use and given the infrastructure that is already in place, it is considered that the proposals represent sustainable development, as set out in LP1.

Therefore, it is recommended that the proposal be supported subject to conditions.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans and drawings titled:

0002-100 Location Plan, Received by the Local Planning Authority on 15/02/2024

0002- 150A Proposed Site Plan, Received by the Local Planning Authority on 15/02/2024

0002-250A Proposed Plans and Elevations, Received by the Local Planning Authority on 15/02/2024

1400-11 Topographical Survey, Received by the Local Planning Authority on 15/02/2024

1400-12 Measured Building Survey, Received by the Local Planning Authority on 15/02/2024

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

Pre-occupation

3. Prior to first occupation of the dwelling hereby approved, a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of each dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter. A hardstanding pick up point shall be provided adjacent to the public highway for bin collection days.

REASON

To ensure that there is adequate provision for access for domestic waste collections.

4. The extent of the garden curtilage to the proposed dwelling is limited to the land outlined in red on the site location plan. The garden hereby approved shall not be used for any purpose other than for purposes incidental to the enjoyment of the dwelling hereby approved as such. The garden space shall not be sold off, sub-let or used as a separate business.

REASON

To protect the amenity space of the approved dwelling.

5. Prior to the occupation of the development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme will include details of the provision of a bird and bat mitigation scheme, including details of the location, type and timing of provision of the boxes.

REASON

In the interests of improving biodiversity in accordance with NPPF.

Ongoing

6. No development whatsoever within Class A, AA, B or E of Part 1 of Schedule 2 and Class of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

To protect the rural character of the building and the site, and to prevent spread of development within the Freasley Common.

7. Any gas boilers provided must meet a dry NO_x emission concentration rate of <40mg/kWh.

REASON

To achieve sustainable development by reducing emissions in line with Local and National Policy and as set out in the adopted 2019 Air Quality Planning Guidance.

Notes

1. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
2. The proposed development does not appear to lie on land that is known or suspected to be contaminated. In the event that land contamination including ground gases, is found at any time when carrying out the approved development it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. This is for information only, as the proposal does not include any proposed ground works. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
4. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.
5. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.

6. Wildlife and Countryside Act 1981. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August. It is advisable that construction works are undertaken outside of the bird nesting season to minimise the risk of disturbance to nesting wildlife, and that standard precautionary measures are taken and all external features/roofing materials be removed carefully by hand.
7. Bats can be found in many buildings, even those that initially appear to be unsuitable or have been subject to a bat survey and found no evidence. Therefore if any evidence of bats is found on site, work should stop while a bat survey is carried out by an experienced bat worker, and any recommendations made following the survey are undertaken. It should also be noted that as bats are a mobile species and can move into a property with potential access at any time. The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000, and are also deemed a European Protected Species.
8. Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to SNN@northwarks.gov.uk. For further information visit the following details on our website https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information
9. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning issues and positively determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

Appendix A



Appendix B



Proposed Front Elevation
Scale 1:100



Proposed Rear Elevation
Scale 1:100



Proposed Side Elevation Facing South
Scale 1:100



Proposed Side Elevation Facing North
Scale 1:100

0 1 5 10 20

PAP/2024/0078



Proposed First Floor Plan
Scale 1:100



Proposed Ground Floor Plan
Scale 1:100

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15/02/2024

PLANNING & DEVELOPMENT

DEPARTMENT

Revisions		
No.	Description	Date

Ivy Cottage, The Green, Freasley

Existing Stables

Leco Properties Ltd
Leco House, Old Farm Road,
Aldershot, GU11 5QH
+44 (0)1252 716238

Proposed Plans and Elevations

1:100	15/02/2024	IDS/NIS	0002	2504
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General Development Applications

(6/b) Application No: PAP/2018/0755

Land to east of Former Tamworth Golf Course, North of Tamworth Road - B5000 and west of M42, Alvecote,

Outline application - Demolition of all existing buildings and construction of residential dwellings including extra care/care facility; a community hub comprising Use Classes E(a)-(f) & (g) (i) and (ii), F.2 (a) & (b), drinking establishment and hot food takeaway uses, a primary school, the provision of green infrastructure comprising playing fields and sports pavilion, formal and informal open space, children's play area, woodland planting and habitat creation, allotments, walking and cycling routes, sustainable drainage infrastructure, vehicular access and landscaping, for

Hallam Land Management

1. Introduction

- 1.1 The receipt of this application was first reported to the Board in February 2019. It resolved that progress reports should be brought to the Board and that representatives of the Board should if appropriate, meet the applicant and also representatives from the Tamworth Borough Council. A progress report was tabled in October 2020 and a second report was tabled in July 2023. These meetings subsequently took place. As a consequence, amended plans have been received and it is the purpose of this current report to introduce these to the Board. The same revisions and supporting documentation have similarly been forwarded to the Tamworth.
- 1.2 Re-consultation has commenced on the new plans and a full determination report will be brought to the Board in due course. It is not proposed to attach the previous reports to this current report, as that determination report will include all relevant matters.
- 1.3 As a reminder to Members, whilst the great majority of the application site is within North Warwickshire, there is a portion of the site within the administrative area of Tamworth Borough Council. This is land to the south of the B5000 at Chiltern Road, and it is included in order to accommodate the proposed vehicular access into the site. An appropriate application was therefore also submitted to that Council. Additionally, as the whole of the extensive western boundary of the site directly adjoins the administrative boundary with Tamworth, that Council has been formally consulted on the substantive application submitted to this Council. The references to Tamworth Borough Council in paragraph 1.1 are a consequence of these factors.
- 1.4 The general location plan is attached at **Appendix A**.

2. The Amended Proposals

- 2.1 The most substantial change to the original proposal is the omission of land to the east of Robey's Lane, except for the construction of the new roundabout on the B5000 and the link road north from there to cross Robey's Lane. This results in a smaller site – by some 22 hectares - and also to a reduction in the number of houses proposed. This is now 1370 rather than the original 1540. The 100-room extra care home remains within the new proposal, and it is included in the 1370 figure. The original application site is at **Appendix B** and the current site is at **Appendix C**.
- 2.2 As a consequence of this change, Members are referred to **Appendix D** which is the latest Parameters Plan and to **Appendix E** which is an illustrative layout. A potential phasing plan is at **Appendix F**. Attention is drawn to the relocation of the school onto the western side of Robeys Lane as well as the relocation of the sports pitches to the south of the site. A substantial structural planting buffer is proposed to the immediate south of Alvecote Wood, and this would extend alongside the eastern side of Robeys Lane. Members are reminded that the layout and phasing plans are for illustration only and they are plans not to be determined - unlike the Parameters Plan.
- 2.3 The principal means of access into the site remains as the proposed four arm roundabout off the B5000 at Chiltern Road. It will now facilitate a much shorter road link to access the development area west of Robey's Lane – see the link on **Appendices D and E** between points 1 and 3b. The second access onto the B5000 at the existing Robeys Lane junction remains at point 2 on **Appendices D and E**. This gives access into the southern part of the site but also enables there to be an “emergency” link between points 3a and 3b on the same two Appendices. The main road into the site is thus a continuation of the link road from point 3b, rather than using Robeys Lane north of here. The length of Robeys Lane between points 3b and 4 of the Appendices will become “non-vehicular” enabling a pedestrian and cycle route. It will however continue to provide vehicular access north of point 4 towards Alvecote.
- 2.4 A more detailed plan of the two new junctions onto the B5000 is at **Appendix G** and this is also the subject of the application submitted to the Tamworth Borough Council.
- 2.5 The proposals also include off-site highway alterations on the B5000 west of the site, all in Tamworth – at the Glascoate Road/Sandy Way junction, the Mercian Way/Glascoate Road roundabout and at the Chiltern Road junction – see **Appendices H, I and J**.

2.6 The submission of the original application was accompanied by an Environmental Statement. This is available to view on the Council's website. It contains the applicant's supporting documentation as well as identifying impacts – adverse as well as beneficial – such that mitigation measures can be recommended where appropriate. However, this Statement has had to be updated given the time that has elapsed since its receipt and also to accommodate the changes to the overall proposal as now submitted at **Appendices D, E and F**. The updates are available to view on the Council's website. In order to assist Members, an updated Non-Technical Summary has also been prepared by the applicant and this is at **Appendix K**.

2.7 Re-consultation is now underway on these revisions and updated documentation as outlined above.

2.8 It has also been necessary to formally advertise the updated Environmental Statement.

3. Development Plan

3.1 There have also been changes to the Development Plan since the original submission. The North Warwickshire Local Plan was adopted in September 2021. It replaces the Core Strategy and Saved Policies which have been referred to in previous reports. This Local Plan is now the Development Plan for the determination of this application. There is no adopted Neighbourhood Plan covering the application site.

4. Other Material Planning Considerations

4.1 The National Planning Policy Framework was revised in December 2023, and this will be referred to in subsequent reports.

4.2 The Dordon Neighbourhood Plan was adopted in late 2024.

4.3 There are other updates that Members should be aware of:

- i) The DfE published its Securing Developer Contributions for Education in August 2023.
- ii) The Bio-Diversity Requirements (Exemptions) Regulations came into effect in early 2024.
- iii) The Town and Country Planning (Consultation) (England) Direction was also revised in 2024.
- iv) The Council published its Planning Obligations for Sport, Recreation and Open Space in 2023.
- v) The Council published its Air Quality and Planning Guidance in 2019.

5. Observations

5.1 As indicated above, this report is just to introduce the latest revisions to this proposal for the Board so that Members can review the associated documentation prior to a full determination report following receipt of the re-consultation process.

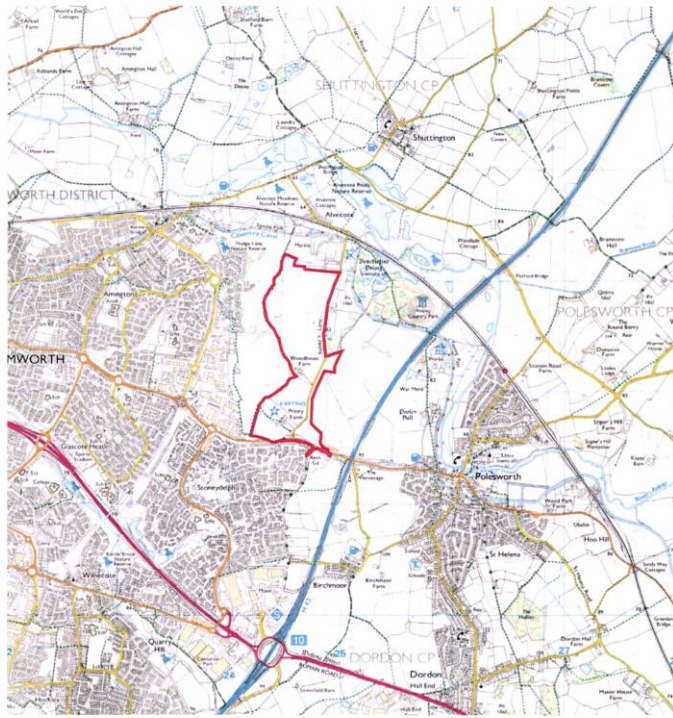
Recommendation

That the report be noted.

APPENDIX A

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Site Location

Hallam Land Management
 fpcr
 1:25,000 @ A3
 25 March 2024
Figure A10.1

APPENDIX B



PAP/2018/0715

NOTES

N

0 100 200 300 400 500m

Site Boundary 96.0ha

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Hallam Land Management
 Land to the East of the Former Tamworth Golf Course
 Tamworth

SITE LOCATION PLAN

1:5000 @ A1
 9 February 2018 SOL/BC
6186-L-09 - D

fpcr

APPENDIX C

PAP/2018/0755

NOTES
This document is a planning application and is subject to the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (General Development Order) 2015. It is not to be construed as a guarantee of any kind and does not constitute an offer of any kind.



Site Boundary 73.82ha



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Hallam Land Management
Land to the East of the Former Tamworth Golf Course
Tamworth

SITE LOCATION PLAN

1:5000 @ A1
12 April 2024 S.L./B.C.
6186-L-09 - F

APPENDIX D

PAP/2018/0755

NOTES
This document is a planning application and is subject to the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (General Development Order) 2015. It is not to be construed as a guarantee of any kind and does not constitute an offer of any kind.



Site Boundary 73.82ha

- Site Boundary 73.82ha
- Bulk Development 27.8ha
- Residential 34.8ha
- Commercial 1.4ha
- Public Rights of Way 2.2ha
- Proposed Roads of Access (1 to 4)
- Access to Tamworth Road and Chantry Road
- Access from Polesworth Lane
- Proposed Emergency Access
- Access across Railway's Lane
- Access to Polesworth Lane
- Boundary for Access to the Site
- Other Infrastructure
- Open Space 14.2ha
- Existing Retained Vegetation and Features
- Some Polesworth (2) Site (shown with red greenhatch)
- 2.2ha
- Current
- Land with Planning Consent, Development under Construction and Completed Development
- Completed Development



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Hallam Land Management
Land to the East of the Former Tamworth Golf Course
EIA PARAMETERS PLAN

1:5000 @ A1
12 April 2024 S.L./B.C.
6186-L-12 Z

APPENDIX E

PAP/2018/0755

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- Site Boundary
- Residential
- Primary School
- Extra Care/ Care Home
- Community Hub
- Sports Pitches
- Proposed Primary Point of Access
- Proposed Secondary Point of Access
- Proposed Emergency Access
- Proposed Access to Cross Robey's Lane
- Proposed Access to Robey's Lane
- Indicative Bus Route
- No Through Route
- Green Infrastructure
Includes: Natural vegetation, trees and understoreys, new woodland, hedgerows, new planting, grass, grassland, drainage basins and recreational routes.
- Existing Vegetation
- New Planting and Green Space
- Play Area
- Drainage Basins and Swales
(Indicative locations and dimensions)
- Recreational Routes
(Indicative Locations)
- Section of Robey's Lane for Pedestrian/ Cycle Access Only

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The included Layout Area has the indicated layout of streets and buildings and is intended to be used as a guide for the development of the site. It is not intended to be a final design and is subject to the detailed design - the building footprint represents the building blocks and an indication of the design approach envisaged.

0 100 200 300 400 500m

1:1000 @ A2 or 1:500 @ A1
S.L. PC 14 April 2024
6186-L-04 - Y



Hillfarm Land Management
Land to the East of the Former Tamworth Golf Course
Tamworth

INDICATIVE LAYOUT

APPENDIX F

PAP/2018/0755

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- Site Boundary 73.6ha
- Phase 1
- Phase 2
- Phase 3

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Notes:
Primary school. Community hub subject to S108 triggers.

0 100 200 300 400 500m

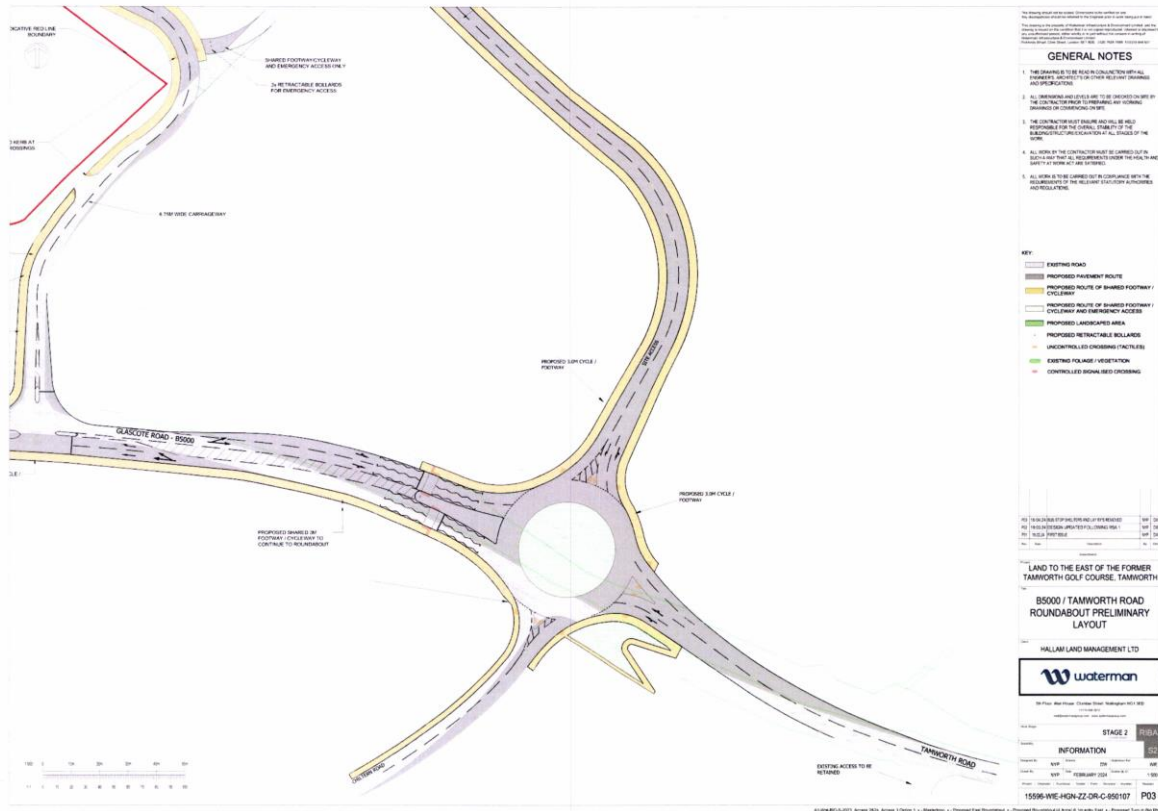
1:1000 @ A2 or 1:500 @ A1
S.L. PC 14 April 2024
6186-L-17 -



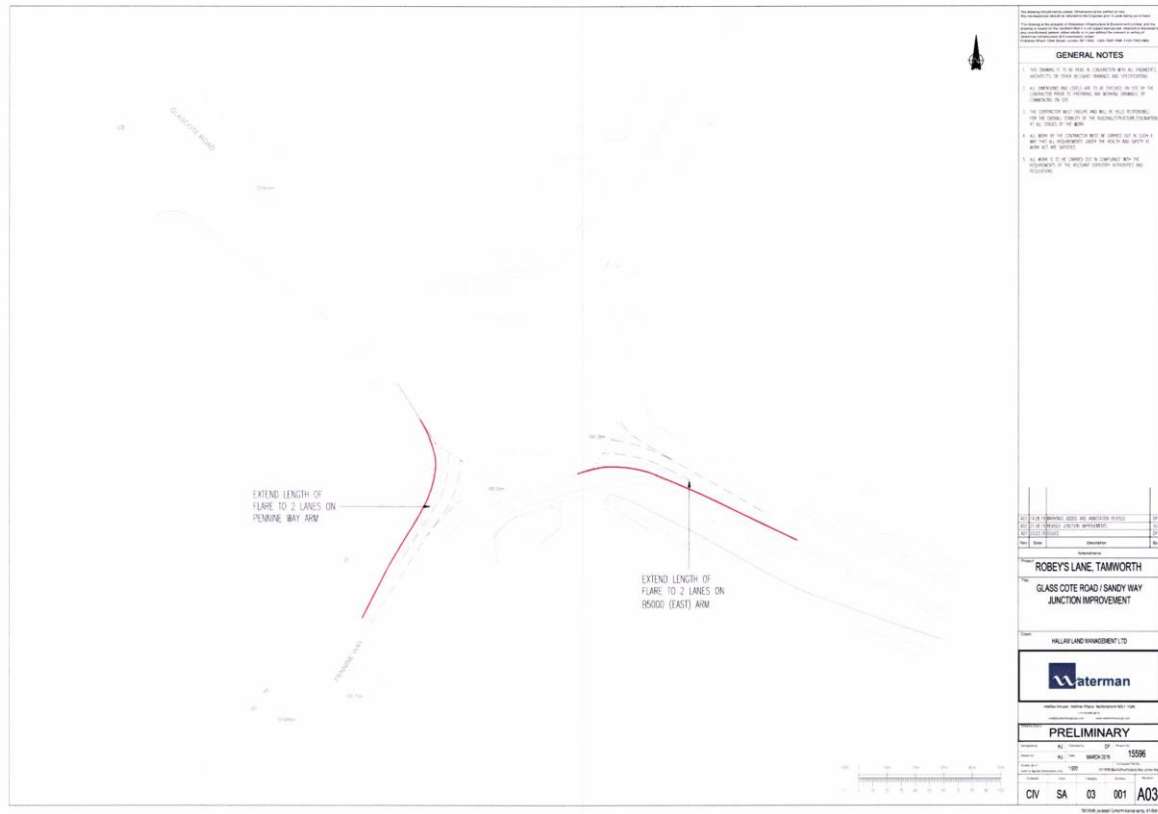
Hillfarm Land Management
Land to the East of the Former Tamworth Golf Course
Tamworth

BUILT DEVELOPMENT PHASING PLAN

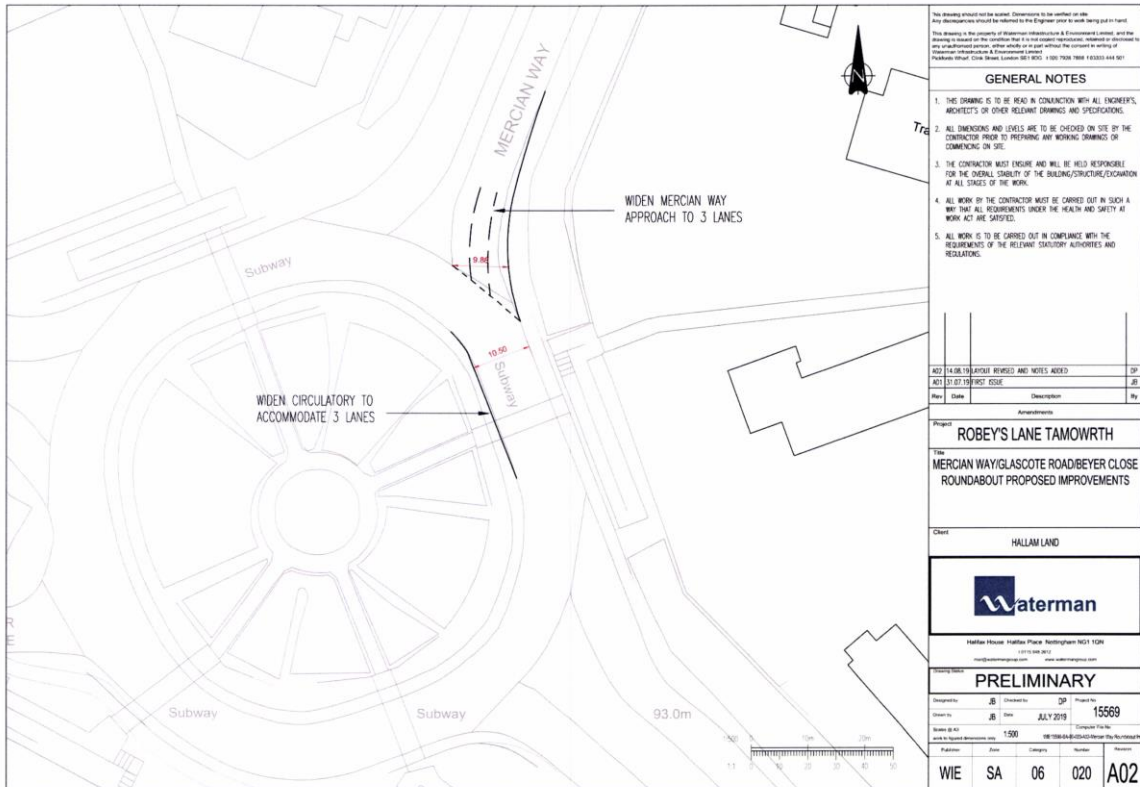
APPENDIX G



APPENDIX H



APPENDIX I



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5. ALL WORK IS TO BE CARRIED OUT IN COMPLIANCE WITH THE REQUIREMENTS OF THE RELEVANT STATUTORY AUTHORITIES AND REGULATIONS.

NO	DATE	BY	DESCRIPTION
A02	14.08.19	JW	REVISED AND NOTES ADDED
A02	07.07.2019	JW	ISSUE

Project: **ROBEY'S LANE TAMWORTH**

Title: **MERCIAN WAY/GLASCOTE ROAD/BEYER CLOSE ROUNDABOUT PROPOSED IMPROVEMENTS**

Client: **HALLAM LAND**

Hallam House, Hallam Place, Nottingham NG11 1DN
0115 763 2010
www.watermaninfrastructure.com

PRELIMINARY

Discipline: **SA** | Sub-discipline: **06** | Drawing No: **15569**

Issue No: **01** | Date: **JULY 2019** | Scale: **1:500**

Author: **WIE** | Checker: **SA** | Designer: **06** | Approver: **020** | Plot No: **A02**

APPENDIX J



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3. THE CONTRACTOR MUST ENSURE AND WILL BE HELD RESPONSIBLE FOR THE GENERAL STABILITY OF THE BUILDING/STRUCTURE/EXCAVATION AT ALL STAGES OF THE WORK.
4. ALL WORK BY THE CONTRACTOR MUST BE CARRIED OUT IN SUCH A WAY THAT ALL REQUIREMENTS UNDER THE HEALTH AND SAFETY AT WORK ACT ARE SATISFIED.
5. ALL WORK IS TO BE CARRIED OUT IN COMPLIANCE WITH THE REQUIREMENTS OF THE RELEVANT STATUTORY AUTHORITIES AND REGULATIONS.

NO	DATE	BY	DESCRIPTION
A01	14.08.19	JW	REVISED AND NOTES ADDED
A01	07.07.2019	JW	ISSUE

Project: **ROBEY'S LANE, TAMWORTH**

Title: **IMPROVEMENT OF CHILTERN ROAD / B5000**

Client: **HALLAM LAND**

Hallam House, Hallam Place, Nottingham NG11 1DN
0115 763 2010
www.watermaninfrastructure.com

PRELIMINARY

Discipline: **SA** | Sub-discipline: **06** | Drawing No: **15596**

Issue No: **01** | Date: **2019** | Scale: **1:500**

Author: **WIE** | Checker: **SA** | Designer: **06** | Approver: **007** | Plot No: **A01**

Land to the East of the former Tamworth Golf Course site, North of Tamworth Road (B5000) and West of the M42

Environmental Statement Addendum – Non Technical Summary

In support of:

Outline Planning Application for demolition of all existing buildings and construction of residential dwellings including extra care/care facility; a community hub comprising Use Classes E(a)-(f) &(g) (i) and (ii)), drinking establishment and hot food takeaway uses, a primary school, the provision of green infrastructure comprising playing fields and sports pavillion, formal and informal open space, children’s play area, woodland planting and habitat creation, allotments, walking and cycling routes, sustainable drainage infrastructure, vehicular access and landscaping

On behalf of:

Hallam Land Management Ltd

NORTH WARWICKSHIRE
BOROUGH COUNCIL

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10/05/2024

**PLANNING & DEVELOPMENT
DIVISION**

April 2024

1. INTRODUCTION

- 1.1. This document is the Non-Technical Summary ("NTS") of the Environmental Statement Addendum ("ESA2024") which has been prepared to support an existing outline planning application by Hallam Land Management Limited ("the Applicant") for residential development.
- 1.2. In December 2018, the Applicant submitted an outline planning application for up to 1540 dwellings, (including a 100 bed extra care home) a community hub, (up to 2,250m² of gross floorspace for Uses A1-A5, B1a-B1b, D1 and D2), a primary school, green infrastructure including children's play space, playing fields, sports pavilion, allotments and informal open space, vehicular access, drainage infrastructure and landscaping. With the exception of access all matters were reserved for further consideration.
- 1.3. The application site is predominately within the administrative boundary of North Warwickshire Borough Council ("NWBC"), with the exception of a very small area of land to the south of the site, to solely facilitate access works, which is within Tamworth Borough Council ("TBC"). The application was therefore made in duplicate to both planning authorities and registered under references PAP/2018/755 & 0561/2018 respectively.
- 1.4. The application was supported by an Environmental Statement ("ES") and assessed development up to a maximum quantum of 1700 dwellings, together with the non-residential uses listed above. In May 2021, an ES addendum (ESA2021) was submitted, that covered additional information in relation to Chapter 7 (Ecology) and Chapter 9 (Cultural Heritage).
- 1.5. The application has been subject to extensive discussion since submission and through discussions in 2023, NWBC has formally requested a revision to the proposed scheme, which removes built development, bar an access road from land east of Robey's Lane. This has necessitated changes to a number of key drawings including the site location plan; the parameters plan and the indicative layout. This is explained in summary terms in the next section of this NTS.

- 1.6. The ESA2024 is provided to reassess any likely environmental effects of the proposed development, as amended by the revised scheme defined in Chapter 3 of the ESA2024. In summary terms this comprises a reduced site area and a lower quantum of residential development. The ESA2024 re-appraises the effects, by reference to the original assessment and updates the baseline data where appropriate.
- 1.7. The ESA2024 should be read in conjunction with the original ES and the ESA2021.

2. THE PROPOSED DEVELOPMENT

2.1. The extent of the Site subject to the application and the ES assessment has been reduced from 96ha to 73.8ha as a consequence to the revised approach to land east of Robey's Lane. The site boundary west of Robey's Lane remains unchanged and comprises 66ha of land. The land east of Robey's Lane has been reduced from approximately 30ha to 7.8ha and comprises the southwest portion of a large agricultural field, together with a linear area of land running broadly parallel with Robey's Lane. The principal reason for this amendment is to minimise development within NWBC's 'Strategic Gap', a designated area identified within NWBC's Local Plan.

2.2. The revised description of development is:

"Demolition of all existing buildings and construction of residential dwellings including extra care/care facility; a community hub comprising Use Classes E(a)-(f) &(g) (i) and (ii)), drinking establishment and hot food takeaway uses, a primary school, the comprising playing fields and sports pavilion, formal and informal open space, children's play area, woodland planting and habitat creation, allotments, walking and cycling routes, sustainable drainage infrastructure, vehicular access and landscaping"

2.3. The original description of development included upper quantum limits in respect of residential units and floor space for the community hub. These have been removed from the description to allow for flexibility, albeit the revised parameters plan still provides the breakdown of the quantum of development and it is envisaged that conditions will be imposed to control this.

2.4. The differences between the original and amended scheme are summarised in the table overleaf.

Table 1 - Comparison of original and amended scheme

	Original Scheme (ES based on 1700 dwellings)	Amended Scheme 6186-L-04Y 6186-L-12Z	Difference
Site Size	96ha	73.8ha	-22.2ha
Residential Units	Up to 1540 (inc 100 beds Extra Care)	1370 (inc 100 beds Extra Care)	-170 dwellings
Community Hub	Up to 2,250	Up 2,250	-
Primary School	2ha	2.2ha	+ 0.2ha
Green Infrastructure	50ha	34.28ha	-15.72ha

- 2.5. All three access points remain as part of the scheme. The design of access 1 remains unchanged, however, it now facilitates a much shorter link road to access the land west of Robey's Lane. This creates two additional accesses, across Robey's Lane just north of access 2. These additional accesses have been named 'access 3a and 3b' respectively on the revised parameters plan.

3. SUMMARY OF ENVIRONMENTAL EFFECTS

- 3.1. This section summarises the conclusions of the assessment on a technical chapter by chapter basis as described in the ESA2024. A table at the end of this NTS is provided which sets out the residual effects (ie: after mitigation measures have been implemented) for all chapters.

Chapter 5 – Transport and Access

- 3.2. This Chapter considers potential changes in baseline conditions of the site and surrounding area and re-appraises the likely transport-related impact of the proposed development on the local highway network.
- 3.3. The Chapter confirms there have been no significant changes to legislation, policy or guidance since the original ES which would have a material effect on the approach to or findings of the assessment. It adopts the same methodology and significance criteria as the original ES.
- 3.4. In respect of the baseline assessment for traffic, the original ES utilised traffic flows extracted from Warwickshire County Council's Atherstone Paramics Model and also from planning application 0088/2015 (Tamworth Municipal Golf Course – Residential led development consisting of 1100 dwellings, a primary school and small convenience store). The data obtained from the Atherstone Paramics Model was the principal source of data for links/junctions within Warwickshire, whereas the data obtained from planning application 0088/2015 was the principal source of data for links/junctions within Staffordshire. This approach was agreed with Warwickshire County Council, Staffordshire County Council and National Highways.
- 3.5. To determine if there have been any significant changes in baseline traffic flows, traffic data for 2023 has been obtained for the same links (defined as sections of highway, usually between two junctions) that were considered within the original ES. Traffic data was obtained from

Warwickshire County Council and where data was not available new traffic surveys were commissioned in November 2023. This approach was agreed with Warwickshire County Council. The same approach as adopted in the original ES has been undertaken in regard to the assessment of junctions within Staffordshire.

- 3.6. Table A5.1 in the ESA2024 sets out the differences between baseline traffic flows in the original ES compared to the ESA2024 (which is a comparison between 2016 and 2023).
- 3.7. The baseline traffic flows on the local highway network have decreased significantly between 2016 and 2023, with traffic flows 19.4% less (103,577 vehicles fewer across the study area). This change is likely to be due to large increases in people working from home due to lifestyle changes brought about by the covid-19 pandemic and improvements in remote working capabilities due to technological advancements.
- 3.8. The original ES concluded that there were very few negative effects of significance in terms of transport-related environmental effects which require specific mitigation to be identified. Where necessary a range of mitigation measures were identified i.e. where the impact of development is considered to be adverse. The original ES concluded that the level of residual effects of the development, after the above mitigation, would be of **Negligible** effect.
- 3.9. Given the reduction in forecast traffic flows on the network, and reduction in the quantum of proposed development, the conclusions of the original ES to remain valid/unchanged. The mitigation proposed in the original scheme is continued through into the amended scheme and includes (but is not limited to) the following:
 - Improvement works at the B5000 / Sandy Way / Pennine Way Roundabout;
 - Improvement works at the B5000 / Mercian Way / Beyer Close Roundabout;
 - Improvement works at the B5000 / Chiltern Road junction;
 - Improvement works to the B5000 / Bridge Street / Market Street junction in Polesworth (applicant to provide a contribution);

Chapter 6 – Noise and Vibration

- 3.10. The Noise and Vibration Chapter assesses the impact of the revised scheme in respect of the following issues:
- Road Traffic Network Noise (to existing receptors)
 - Construction Noise
 - Fixed Plant Items
 - Sports Pitches
 - Noise from Existing Sources (to proposed receptors).
- 3.11. The Chapter reports an update to National Planning Practice Guidance and Local Plan policy since the submission of the original ES. It confirms there have been no significant changes to legislation, policy or guidance since the original ES which would have a material effect on the approach to the noise assessment.
- 3.12. The Chapter explains that baseline conditions have been re-appraised since the original ES with new sound survey data collected between 30th November and 8th December 2023. The proposed development site has been reduced, removing the nearest receptors relative to the M42 carriageway from the scheme (those east of Robey's Lane).
- 3.13. The potential for adverse effects on proposed residential receptors has been determined as being consistent with or reduced to that prescribed in the original ES, with a noted reduction of development land relative to the M42 carriageway and the reduced residential allocation at the south of the site relative to Glascombe Road.
- 3.14. Outline mitigation measures of noise affecting the proposed development has not significantly changed since the original ES.
- 3.15. The potential noise impacts from changes in traffic flows on the local road network, construction activity and operational fixed plant items have been considered and taking into account the cumulative effects as applicable with respect to traffic flows.

- 3.16. In the short and long term, a **minor** adverse impact (in the worst-case) from future road traffic has been assessed and the effect is not significant.
- 3.17. Following suitable mitigation in the form of good acoustic design and the acoustic specification of sound insulating façade elements, the impact of environmental noise on proposed dwellings as mitigated has been assessed as **Negligible** and the residual effect is **not significant**.

Chapter 7 – Ecology

- 3.18. As a consequence of the revision to the site boundary there is a change to the extent of the baseline and this addendum chapter has taken the opportunity to update various baseline surveys. The chapter confirms that the survey methodology employed on the original habitat and protected species reports has not altered.
- 3.19. It is confirmed that there is no change to baseline conditions in respect of internationally designated sites or nationally designated sites. There is a minor change at local level with Abbey Green Local Nature Reserve no longer falling within 1km of the site boundary and so it is removed from assessment. In addition three Local Wildlife Sites have been identified since 2018 comprising; Betty's Wood; Pooley Country Park Meadows and an unnamed site located approx. 950m to the north east of the Site.
- 3.20. In respect of habitats and species, the baseline conditions section updates the position on each, comparing to the original assessment. The summary table within the ESA2024 confirms that they all remain as per the original assessment.
- 3.21. The chapter assesses the impact of the proposed development on each of the ecological receptors, comprising designated sites (international, national and local), habitats and individual species. It concludes that there are no additional impacts anticipated for designated sites, or on-site habitats or fauna and the assessment is unchanged from the original ES.

- 3.22. The mitigation measures remain unchanged from the original ES. Table A7.5 provides a comprehensive summary of the effects on each ecological receptor and comments whether this has altered from the original assessment. On each occasion no change is noted and the residual effects range from **Negligible to Minor Beneficial**.

Chapter 8 – Air Quality

- 3.23. The Air Quality Chapter reports that there has been several updated guidance documents which are applicable to the assessment and therefore have been considered in the addendum. The assessment methodology has also been revised to take account of updated baseline traffic flow and a more recent base year has been utilised (2022). Consultation was held with the relevant local authorities on the scope of the methodology.
- 3.24. The baseline has been updated to 2022 and 12 receptors (as per the original ES) are identified and assessed for levels of Nitrogen oxides; Nitrogen dioxide; and particulate matter (expressed as PM10 and PM2.5), which relates to the size of the particulates.
- 3.25. The impact assessment has been carried out for the representative existing sensitive receptors considered (i.e. ESR 1 to ESR 12), using the latest Emission Factor Toolkit (v12.0.1), for the 2026 Opening Year. The results of the assessment show that all predicted NO₂, PM₁₀ and PM_{2.5} concentrations, in all scenarios considered, are well below the relevant objectives and limit value.
- 3.26. The results of the assessment have been compared against the results found in the original ES. Despite the reduced number of vehicles assessed in this addendum compared to the original ES, the majority of ESR's have a higher concentration change as a percentage of Air Quality Assessment Level in the addendum. This could be due to several factors, such as the use of an updated Emissions Factor Toolkit, the use of 2018-based Defra background concentrations, the use of an updated NO_x to NO₂ calculator, additional committed developments being included in the traffic data, and the use of a different verification factor to adjust the NO₂ concentrations.

- 3.27. Each of the effects on the assessed receptors are classed as **Negligible**. The overall effect of the Proposed Development at the sensitive receptor locations considered remains '**not significant**'.

Chapter 9 – Heritage

- 3.28. The scope of this chapter is unchanged from the original cultural heritage assessment. Following archaeological trenching that occurred to inform the ESA2021, NWBC has advised that no further archaeological fieldwork is required at this stage. A programme of archaeological works, comprising trial trenching and subsequent excavation and associated works would be required should consent be granted.
- 3.29. The assessment methodology remains unchanged from that used in the original ES. The desk-based assessment was originally prepared in 2018 and has been updated to reflect the results of the trial trenching
- 3.30. The predicted construction phase effects remain unchanged except in relation to the features to the east of Robey's Lane. The ESA2021, based on the results of trial trenching, found that there would be a negligible residual effect in relation to these. Most of these now fall outside the Site and as such the Proposed Development as amended, will have no impact upon them. The only features recorded within the amended Site east of Robey's Lane are a series of undated postholes. These are considered to be of low sensitivity. The Proposed Development as amended will preserve these features in situ in an area of Green Infrastructure. There will consequently be **no impact** upon them. The other construction effects remains unchanged from the original ES.
- 3.31. No operational phase impacts have been identified owing to a lack of intervisibility and appreciable historic relationships. This is unchanged from the original ES.
- 3.32. The mitigation for the construction phase remains unchanged. It has been agreed with the LPA that the programme of works will be undertaken post-consent and will be secured by a suitably worded planning condition. The programme of works will be undertaken in

accordance with a Written Scheme of Investigation (WSI) agreed with the LPA's archaeological advisors.

- 3.33. The proposed mitigation will offset the physical loss of archaeological assets within the Site, reducing the magnitude of impact to negligible. This would result in residual effect of **Negligible** significance. This is not significant in the terms of the EIA Regulations.
- 3.34. No mitigation is proposed in relation to Historic Landscape Character. The residual effect will be adverse and of **Slight** significance. This is not significant in the terms of the EIA Regulations and is unchanged from the original assessment.
- 3.35. Residual effects are unchanged from the original assessment.

Chapter 10 – Landscape and Visual Assessment

- 3.36. This addendum chapter reviews and updates the baseline position and assesses the impacts and the consequential effects (level of significance) on the receiving landscape receptors and visual receptors as result of the amended Proposed Development. A revised and updated Landscape & Visual Impact Assessment is undertaken and is present within the chapter. This chapter replaces the original Landscape and Visual ES chapter.
- 3.37. An update on national and local policy is provided and of particular note is the adoption of the NWBC Local Plan in 2021 and the Strategic Gap policy (LP4). Whilst this was 'emerging' during the consideration of the original ES, the policy wording was different, more restrictive, and not adopted.
- 3.38. The methodology used is broadly the same as the original ES though updated technical guidance has been considered.
- 3.39. A series of judgements are made on the landscape value and condition. The assessment advises that the site is not assessed as being a landscape of high value, nor is it interpreted to be a "valued landscape" in the context of the NPPF. Having examined the above factors that are considered to influence value, the chapter judges that the site and the

immediate landscape is of medium landscape value. In respect of visual receptors, these have been maintained from the original ES, and photographs taken to inform the original ES (2016/17) have been updated in January 2024.

- 3.40. There has been a change to the visual baseline since the original ES. This is in relation to the largely built out housing development of Amington Garden Village, which borders the site to the west. Whereas previously the site was primarily subject to urban influences of the residential area of Tamworth to the south at Stoneydelph, the site is now also subject to the influences of the built-up area on its western edge.
- 3.41. The chapter analyses effects both from the construction phase and the operational phase (including 15 years post completion) against a range of landscape and visual receptors.
- 3.42. The only change between the original ES Chapter and the ESA2024 in relation to effects on landscape character is on the site and its immediate context. The completion effects are judged by the Addendum to be **Major-Moderate Adverse**, (as opposed to Moderate Adverse in the original ES) and the longer term effects are judged to be **Moderate-Adverse**, (as opposed to Moderate-Minor Adverse in the original ES). This reflects the reduced levels of green infrastructure between the original submission and the revised scheme. Significant effects are however not anticipated by Year 15 once mitigation (landscaping) has been allowed to mature.
- 3.43. In respect of visual amenity Table A10.2 of the ESA sets out the changes in 'effect' between the original scheme and the revised proposals. These are largely the same effects, or a slight betterment, with the exception being new properties within the Amington Garden Village development. These is judged as **Moderate Adverse** but not significant at Year 15.

Chapter 11 – Water Environment

- 3.44. This Chapter updates the original assessment to ensure the latest data, policy and development proposals are considered. For consistency, the

Water Environment receptors are retained from the previous ES Chapter but with consideration for the latest proposals.

- 3.45. The chapter notes changes both in the Planning Practice Guidance and the latest Environment Agency climate change allowance guidance, since the original ES. The overall methodology set out in the previously submitted ES has been updated in accordance with the latest revision of the guidance.
- 3.46. The baseline flood risk and drainage conditions at the Site remain predominately unchanged compared to the original ES. The hydraulic modelling exercise of the Unnamed Ordinary Watercourse (UOW) on the western Site boundary has been updated to account for the latest modelling software and hydrological analysis. The updated baseline modelling was approved by an independent third party in March 2024. The potential receptors to the Water Environment Chapter remain as per the original ES and are the UOW, minor waterbodies (ponds) groundwater recharge and surface water run-off. The Flood Risk Assessment and Sustainable Urban Drainage Statement have been updated and are appended to Chapter 11 of the ESA2024.
- 3.47. As per the original ES, following implementation of the proposed mitigation measures for the construction phase, there will be **Negligible** residual effects from the Proposed Development during the construction phase.
- 3.48. There will be **Negligible** residual effects from the Proposed Development on flood risk to the wider catchment as the Site is in Flood Zone 1 and the proposed built development is removed from the modelled UOW floodplain. The appropriate management of surface water in accordance with the Drainage Statement and the use of above ground surface water storage will provide a **Slight Beneficial** effect to the Water Environment. The significance of effects remains the same as the summary provided in Table 11.4 of the original ES Chapter

Chapter 12 – Geology and Contamination

- 3.49. This chapter reviews the assessment methodology, existing baseline conditions of the site and surroundings, likely significant environmental effects with respect to both its construction and operational phases, and the mitigation measures required to prevent, reduce or offset significant adverse effects.
- 3.50. The Methodology has not changed since the original ES. With the exception of the change to the site area, the baseline remains largely the same as per the original ES.
- 3.51. The baseline position is summarised as follows *“based on the limited contaminative uses that have occurred, the development is considered to pose a moderate to low risk to human health and a low risk to controlled waters receptors. The main pollutant linkages are localised contaminants within the shallow soils which can be readily mitigated.”*
- 3.52. Following the implementation of applicable impact avoidance and mitigation measures (which remains the same as the original ES), all potential geological and contamination related effects associated with the construction and operation of the proposed development are assessed as being **Negligible** (i.e. not significant). This conclusion remains unchanged from the original ES.

Chapter 13 – Socio-Economics

- 3.53. The chapter updates the policy position by reference to the adopted NWBC Local Plan and confirms that the assessment methodology remains as per the original ES.
- 3.54. Since the original ES a new set of census data has been published (2021). However, given the modest changes to the proposal in quantum of development, and the scope of the original assessment, it is not considered proportionate or necessary to update all of the previous baseline data.
- 3.55. In comparison to the period 2001-2011, which is set out in the original ES, both North Warwickshire and Tamworth had larger population rises for the period 2011-2021 (North Warwickshire 0.7 to 4.8% and Tamworth 3.1 to 5.5 %). The Local Impact Area (LIA), which is made up of seven wards defined in the original ES, also saw a rise of 1%, compared to a fall of 2.5% for the period 2001-2021.
- 3.56. The revised proposal reduces the number of dwellings by 330 (in respect of the ES assessment). However, notwithstanding this, the economic impact of the proposed development will continue to lead to an increased output in the local and UK economy. A **moderate beneficial** effect on the economy during the construction phase remains.
- 3.57. Operational effects are analysed from the perspective of demographics, housing, social and community facilities and the local economy. The effects range from major beneficial (contribution to housing) to major adverse (education), prior to mitigation.
- 3.58. The mitigation package comprises a range of Section 106 contributions that have been requested through the course of the consideration of the application (subject to CIL compliance). These are set out in detail in the ESA2024. Once mitigation is applied the residual effects for education reduce to negligible/minor beneficial

- 3.59. In socio-economic terms, overall the development will have a **moderate beneficial** effect. This remains consistent with the conclusion of the original ES.

Chapter 14 – Population and Human Health

- 3.60. The original ES chapter was accompanied by a Health Impact Assessment (HIA). Although the ES chapter has been reviewed in the context of the proposed revisions to the scheme, it is not considered necessary to update the HIA.
- 3.61. The key determinants of health and well being remains as per the original ES and include diseases and other conditions; physical injury, mental health and well-being, employment, transport and connectivity, learning and education, crime and safety and health and social care. The significance criteria remains as per the original ES. The baseline has been revised since the original ES to account for updated data including from the Public Health England Health Profile.
- 3.62. The development will have **moderate to major beneficial** physical and mental health effects on residents, construction workers, visitors and other users of the facilities and services. These are the result of some direct effects of the development on the concerned individuals as well as outcomes resulting from the wider determinants of health such as employment, income, education and social capital.

Chapter 15 – Soils and Agricultural

- 3.63. This Chapter of the ES Addendum re-assesses the effect the Proposed Development will have on agricultural land and soil resources. There is no change to the assessment methodology. The soil resources and agricultural land grades recorded within the site have not changed since the original ES. The area of agricultural land grades have reduced with the site area, with now 52ha classed as best, most versatile land (71%)
- 3.64. The permanent loss of 52.2 ha of best and most versatile (Subgrade 3a) agricultural land (reduced from 68.6ha on the original scheme) cannot be mitigated against and is a permanent **Moderate Adverse** effects of the Proposed Development. The ESA2024 refers back to the original

ES to demonstrate that the agricultural quality of the site is typical of that in the Borough and accordingly a scheme of this scale is likely to have similar effects on BMV. In this context the loss of BMV is considered acceptable.

- 3.65. The soil resources will be protected by the Soil Management Plan as per the original ES Chapter, and this reduces the effects to **Negligible**.
- 3.66. Both conclusions are consistent with the original ES.

Chapter 16 – Open Space and Public Rights of Way

- 3.67. The Chapter explains that various local policy documents have been updated since the original ES including the Green Spaces Strategy and the Open Space SPD for NWBC.
- 3.68. No change to the assessment methodology or the baseline conditions is identified.
- 3.69. The construction effects in respect to open space and public rights of way remains as per the original ES. The effects on Tamworth 169 is considered to be **Minor Adverse**, though this will be temporary.
- 3.70. The overall level of Green Infrastructure is reduced through the revisions to the proposed development, as a consequence of a reduction of land east of Robeys Lane. The total Green Infrastructure is reduced from approx. 50ha in the original scheme to 34.28ha in the revised scheme. In terms of land that meets the open space definition of the SPD, the reduction is from 24.3ha to 18.12ha.
- 3.71. The proposed development includes open space provision significantly in excess of the requirements of the SPD and suitable playing pitch provision. Having regard for this provision and the site's relationship with existing open space facilities in the wider area, it is concluded that the development will have a **Minor Beneficial effect**. This has reduced from a Minor to Moderate Beneficial effect as a consequence of a reduction in sports pitch provision, albeit the scheme still provides suitable provision.

- 3.72. With regards to impact on PROW, the development is considered to have a **Negligible effect**.

Chapter 17 – Conclusion

- 3.73. The ESA2024 has updated the assessment of the proposed development as part of a formal revisions package submission. The changes to the scheme include a reduction in site area, to limit development east of Robey's Lane to site access and a link road, following negotiation with NWBC.
- 3.74. The purpose of the ESA2024 is to appraise the revised scheme and compare the effects to the original ES (as amended by the addendum in 2021).
- 3.75. In a single case, relating to the loss of agricultural land, a residual 'Significant' impact is identified. The loss BMV land is considered a **Moderate Adverse** effect, which the author has judged as '**Significant**'. This remains unchanged from the original ES, albeit the amount of BMV lost has reduced from 68ha to 52ha. No mitigation is possible for this impact.
- 3.76. Whilst there are some limited variations in effects from the original ES to the ESA2024, no significant changes have been identified and the position is summarised in table 2 below.
- 3.77. Each of the chapters consider the cumulative effects on their topic areas and no significant effects are identified. In respect of Soils and Agriculture there is no additional significant effects.

Table 2 – ES Chapter Effects Summary

Chapter	Residual Effects		Cumulative Effects
	Construction	Operational	
5. Transport	Negligible (no change)	Negligible (no change)	Negligible (no change)
6. Noise and Vibration	Minor adverse (no change)	Minor Adverse- Negligible (no change)	Not significant (no change)
7. Ecology	Negligible to Minor Beneficial (no change)	Negligible to Minor Beneficial (no change)	None (no change)
8. Air Quality	Negligible (no change)	Negligible (no change)	Negligible (no change)
9. Heritage	Negligible (no change)	None (no change)	None (no change)
10. Landscape and Visual	Negligible to Major-Moderate Adverse	Negligible to Major- Moderate Adverse ¹	Moderate/Minor Adverse
11. Water Environment	Negligible (no change)	Negligible to Minor Beneficial (no change)	None (no change)
12. Geology and Contamination	Negligible (no change)	Negligible (no change)	None (no change)
13. Socio-Economic	Moderate Beneficial (no change)	Negligible to Major Beneficial (no change)	None (no change)
14. Population and Human Health	Beneficial to Minor Adverse (no change)	Major to Moderate Beneficial with limited Minor Adverse	Range of beneficial/adverse impacts, none identified as significant

¹ See Tables A10.1 to A10.2 for full details

		(no change)	(no change)
15. Soils and Agriculture	Impact 'gradual' through construction phase, so assessed under operational (no change)	Negligible (soils) & Moderate Adverse (Agricultural land) – A 'Significant' effect (no change)	None (no change)
16. Open Space and Public Rights of Way	Negligible (no change)	Negligible to Minor Beneficial	Negligible to Minor Beneficial

*'no change' compares to original ES.

Agenda Item No 7

Planning and Development Board

10 June 2024

**Report of the
Head of Development Control**

Appeal Update

1 Summary

1.1 The report updates Members on recent appeal decisions.

Recommendation to the Board

That the reports be noted.

2 Appeal Decisions

a) Land to the west of Wulfric Avenue, Austrey

2.1 This appeal dealt with a proposal for up to ten dwellings as an extension to a recent new development to the south of the village. The dismissal was very largely based on the view of the Inspector that this proposal was “disproportionate” to the status of the Austrey in the Local Plan’s settlement hierarchy given the amount of development already taken place in recent years. There was also an adverse impact on the character and appearance of the village. These matters outweighed the delivery of a policy compliant affordable housing provision as well it being an addition to the housing numbers for the Borough.

2.2 This is an important decision and is similar to other cases where speculative development proposals begin to mount up in the Borough’s smaller settlements, thus not reflecting their status in the settlement hierarchy.

... 2.3 The appeal letter is at Appendix A.

b) The Water Orton Cutting including the Bromford Tunnel East Portal

2.4 This appeal was connected to the east portal of the HS2 Bromford Tunnel at Water Orton. The Council had argued that these works were not authorised under the HS2 Act. A Planning Inspector heard the respective cases at a Hearing in April 2022. He agreed with the Council’s interpretation of the process and his report was forwarded to the Secretaries of State for Transport and for Levelling Up, Housing and Communities. They however disagreed with the

Inspector's conclusion and have thus authorised the works. They considered that the wording of the legislation was sufficiently flexible to allow the works.

2.5 This decision is considerably disappointing given that the Inspector wholly agreed with the Council's case, but perhaps not unexpected. As such, advice is being sought as to whether the decision is open to legal challenge. Members will be updated at the meeting.

... 2.6 The Inspector's Report and the Secretary of state's decision is at Appendix B.

c) Polesworth Sports and Social Club

2.7 This appeal was allowed. Members will recall that this proposal was for the conversion of this property to bed and breakfast accommodation. The refusal was very largely based on the potential adverse impacts to the heritage assets in the area - particularly on the character and appearance of the Conservation Area. The Inspector disagreed as he gave weight to what he saw as the positive benefits in the re-design and re-use of the building and to the fact that this part of the Conservation Area included a very busy and well-used road at High Street in front of the building. The proposed use would not worsen this existing situation.

... 2.8 The letter is at Appendix C.

d) South of Wood Barn Farm, Coleshill Road, Ansley

2.9 This appeal was dismissed. It involved the construction of a new dwelling on the site of a previous cottage that has long since been demolished. He found that the site was in the countryside within Category 5 of the Council's settlement hierarchy and that the proposal did not satisfy any of the conditions for which one might be allowed in such a location. Although he acknowledged that the site had once been used residentially, that did not mean a new house should be permitted today.

... 2.10 The letter is at Appendix D.

e) Tame View, Cliff, Kingsbury

2.11 This was an outline application for two houses at the end of Cliff Hall Lane at Cliff within the curtilage of Tame View. The Inspector concluded that the proposal was inappropriate development in the Green Belt and that it would not preserve openness. The location was neither appropriate given the Borough's settlement hierarchy as set out in the Local Plan.

... 2.12 The decision letter is at Appendix E.

3 Report Implications

3.1 Environment, Sustainability and Human Health

3.1.1 Decisions (a), (d) and (e) fully align with the priority of protecting the rural character of the Borough through its adopted settlement hierarchy and thus restricting disproportionate development.

3.1.2 Legal Implications

No specific legal implications other than those mentioned in the body of the Report

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



Appeal Decision

Site visit made on 8 January 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 14 May 2024

Appeal Ref: APP/R3705/W/23/3321566

Land to the west of Wulfric Avenue, Austrey, CV9 3FE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 ('the Act') against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Crow of Fernhill Estates against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2021/0707, dated 23 December 2021, was refused by notice dated 4 November 2022.
 - The development proposed is the development of land for up to 10 dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on this basis and I have taken the layout of development shown in the submitted 'Illustrative Masterplan' plan (ref SK02 Rev A) into account as indicative in relation to my consideration of the principle of the development on the appeal site.
3. On 19 December 2023, a revised National Planning Policy Framework ('the Framework') was issued. The parties were invited to comment on the Framework in relation to the proposed development so that their views would be taken into account in the determination of the appeal. The comments that have been received were taken into account in this decision.
4. A properly completed unilateral undertaking made under section 106 of the Act has been submitted. It secures the provision of on-site affordable housing and financial contributions towards amenity and recreation provision. Its terms are addressed in more detail within this decision.

Main Issues

5. The main issues in this appeal are:
 - whether the location of the proposed development would comply with the spatial strategy of the development plan;
 - the effect of the proposed development on the character and appearance of the area; and,
 - whether the proposed development would make efficient use of land.

Reasons

Location of development

6. The development plan for the area includes the North Warwickshire Local Plan 2021 ('Local Plan'), adopted in 2021 and the Austrey Neighbourhood Plan 2014 – 2029 ('Neighbourhood Plan') that was made in 2017.
7. Policy LP2 of the Local Plan has established a settlement hierarchy which identifies the settlements which are the most suitable in sustainability terms to meet the development needs of the District. Under this policy development is to be commensurate with services that are available within a settlement. At the top of the hierarchy are 'Market Towns' followed by 'settlements adjoining the outer boundary of the Borough', followed by 'Local Service Centres'. As an 'Other Settlement with a settlement boundary', Austrey is located within the fourth and bottom tier of named settlements where, within the settlement boundary, development is supported in principle.
8. In situations such as with this appeal, where the proposed housing site is located outside but directly adjacent to the development boundary of a category 4 settlement policy LP2 advises that development of up to 10 dwellings may also be acceptable. In order to be acceptable, the proposal needs to be proportionate to the scale of the settlement, and comply with other policies in the Local Plan and national planning policy considered as a whole. Amongst other matters, the availability of services is also a consideration in this policy. I shall deal with the matter of proportionality and service availability in this section of the decision, before going on to consider the other contested aspects of the proposal and concluding at the end on the scheme's compliance with the Local Plan, development plan and national policy.
9. No figures for the number of houses in Austrey have been provided. On the basis of the plan of the Austrey Development Boundary, and what I saw of the village, it appears to be a relatively small settlement amounting to only a few hundred dwellings.
10. Austrey was placed in the fourth tier of settlements due to its limited range of services and facilities which include a primary school, church, village hall, public house, shop with post office and play area. There are no health care facilities, employment areas, or other public services such as a library or sports centre that I have been made aware of. There is a bus service to the town of Tamworth and a bus service also provides transport to the secondary school. However, other than between 8am and 9am, the Tamworth service, with typically only one bus every two hours and no service in the evenings, is too infrequent to encourage its regular use by people to access the town. As a result, other than in relation to schools, access to the shops, services and employment necessary for day to day living in practice is reliant on car use.
11. In determining whether a development proposal would be proportionate, in addition to the size of the village and its range of services, the amount of housing that has received planning permission in recent years is a relevant consideration. Policy AP9 of the Neighbourhood Plan identified housing sites that would provide 57 new dwellings for the village and confirms that planning permission for these dwellings has been granted. Policy AP10 of the Neighbourhood Plan also supports windfall housing subject to it meeting certain criteria. The officer report notes that recently Austrey, including the Wulfric

Avenue development, has had a number of housing developments totalling over 100 units. This has not been contested by the appellant. As the only housing developments I have been provided details of are the allocated housing sites in the Neighbourhood Plan, I have treated these as forming part of this total.

12. For a settlement of only a few hundred dwellings and a limited range of services and facilities, over 100 new homes is a considerable increase in size. Whilst the Local Plan supports development within and adjacent to Austrey, and in isolation a development of up to 10 houses is not particularly large, a point is reached beyond which the amount of new housing is out of proportion to the size of the village and the services and facilities it has to offer. In my judgement, with over 100 houses having been permitted in recent years, the appeal proposal would exceed this point.
13. The development plan and the Framework support development that would enhance or maintain the vitality of rural communities. Given the amount of new housing that has been granted in recent years these benefits in Austrey have currently been realised.
14. For the reasons given above, I therefore find that the proposed development would result in a disproportionate increase in the size of Austrey. In the context of over 40 windfall dwellings having been granted planning permission in Austrey in recent years, it would also be contrary to policy AP10 of the Neighbourhood Plan which relates to windfall development.

Character and appearance

15. Austrey is located within an agricultural landscape of hedged fields. The North Warwickshire Landscape Character Assessment places the village and the site within the 'No Man's Heath to Wharton – Lowlands' character area. Its key characteristics include small, nucleated hilltop villages with prominent church spires set within an open agricultural landscape.
16. Austrey differs in that the village has developed linearly along the roads that pass through the settlement and is not located on a hilltop. The location of its key community features such as St Nicholas Church, primary school and post office spread along the length of the village, rather than focussed on a central core, reflect this pattern of development.
17. The densest area of development within the village is located towards its north western end where residential development in depth has occurred. The rest of the village is predominantly linear with short cul-de-sacs that do not extend far from Main Road. The only exceptions to this in the southern half of the village are Wulfric Avenue and a cul-de-sac behind houses opposite the Bird in Hand public house. In these two examples, each development crudely extends away from Main Road in the direction of an adjacent lane by a distance of no more than 200m. As a result, Austrey is only partly nucleated, with the southern half of the village having far less development, and land to the west of Main Road having a far more open character than on the northern side of the village.
18. The appeal site is a fenced field of pasture at the western end of Wulfric Avenue which slopes gently downwards in the same direction. Together with other fields on its northern side it forms part of the rural setting of the south western part of the village. Wulfric Avenue and the development boundary for

the village do not materially extend westwards beyond the grounds of St Nicholas Church. As a result, the appeal site, in conjunction with the other open countryside to its north, forms an attractive rural setting for this part of the village.

19. The proposed residential development would result in the loss of countryside and urbanise the site to the detriment of the rural setting of Austrey. It would also represent a notable change in the pattern of development that characterises the southern half of the village because it would create significantly greater development in depth than currently exists off Main Road. The resulting arrangement of further residential development added onto a long cul-de-sac would be maze like and more akin to a sprawling suburb of a large settlement than a small addition that would be in proportion to a rural village. Therefore, whilst development of the appeal site would not extend further westwards than the edge of the north western quadrant of the village, these two different parts of the settlement are almost entirely out of view of each other with a large area of open countryside separating the two. As a result, this consideration does not alter my assessment of this main issue.
20. On the basis of my site visit, which took place in January, the harm that would be caused would be visible from several places. Firstly, during the colder months of the year it would be visible from Cinder Lane when the lack of leaves would render development on the site visible. Secondly, it would be seen from the end of Wulfric Avenue which provides pedestrian links northwards to a play area and St Nicholas Church, and lastly, in more distant glimpsed views from the well-used public rights of way that criss-cross Bishops Field.
21. Planting could be used to further screen the site from view along Cinder Lane during winter. However, this would take a number of years to become well established and effective. As the harm that would be caused to the countryside and the setting of the village relates to the presence of buildings, and the effect that the development would have on its form, this harm could not be overcome by good design at reserved matters stage.
22. For the reasons given above, I therefore conclude that the proposed development would not harmonise with the form of the village and would harm the character and appearance of the area, contrary to policies LP14 and LP30 of the Local Plan. These policies require the protection of the character and appearance of a locality through high quality design.

Efficient use of land

23. Policy LP7 of the Local Plan expects that new housing development achieves a net density of no less than 30 dwellings per hectare (dph). It is not a matter in dispute that the development of 10 dwellings on the site would have a density of 12 dph. This would be considerably less than the minimum density sought. Clearly, if the appeal was allowed and a smaller scheme of less than 10 dwellings came forward, an even lower density of development would be delivered.
24. The need for a balancing pond and pumping station reduces the amount of land available for housing on the appeal site. However, the illustrative masterplan includes generous landscaped margins which could be used to deliver a higher density of development on the site.

25. Although the appellant states that Wulfric Avenue has a density of 13 dph it is a common feature across a settlement that the density and grain of development varies – especially if a higher number of houses is sought. Through good design it would be possible to deliver a significantly higher density on the site in a manner that would be acceptable in design terms.
26. For the reasons given above, I therefore conclude that the density of the proposed development would conflict with policy LP7 of the Local Plan.

Other Matters

Housing Delivery Test

27. The results of the most recent Housing Delivery Test¹ show that the delivery of housing in the Borough met 80% of the housing requirement between 2019 and 2021. On the basis of the Housing Trajectory included within the Local Plan this figure is lower than expected and the evidence is that delivery on allocated sites will continue to be lower than expected over the next few years. Clearly therefore the delivery of housing is lagging behind that sought by government and envisaged by the Local Plan.
28. As the proposed development would make a worthwhile contribution to increasing housing delivery, I attach notable weight to this consideration in favour of the appeal.

Affordable Housing

29. The appeal site is agricultural land and the proposal includes the provision of 40% affordable housing. In so doing, it would comply with the requirements of policy LP9 of the Local Plan which relates to affordable housing provision.

Access

30. The Council has no objection to the proposed access subject to it being laid out and constructed in accordance the submitted plans and the provision of adequate visibility splays. I have no reason to disagree with those conclusions and I saw no reason why these requirements could not be complied with.

River Mease Special Area of Conservation (SAC)

31. The area covered by North Warwickshire Borough Council contains part of the River Mease SAC which is in 'unfavourable' conservation status for the purposes of the Habitats Regulations. As a result, any development proposal that would result in a likely significant effect on the SAC must be subject to an Appropriate Assessment. The main parties to the appeal and Natural England were invited to comment on this matter.
32. Based upon the responses received, I am satisfied that the connection of development on the site to the main sewer would not result in a discharge to the River Mease SAC. I have therefore not considered this matter further in this appeal.

Conclusion

33. The proposed development would provide 40% affordable housing and would enhance biodiversity in accordance with policies LP9 and LP14 of the Local Plan.

¹ Housing Delivery Test: 2022 measurement published on 19 December 2023

It would also not harm highway safety, nor would it cause harm to other matters identified in the officer report such as residential amenity, heritage assets or in terms of flood risk. As a result it would comply in these regards with the policies of the development plan that relate to these matters. For the purposes of this planning balance, I have also assumed that the submitted unilateral undertaking passes the relevant tests and so would not harm leisure facilities in compliance with policy LP22 of the Local Plan. However, the absence of harm, and the policy compliance that results, are matters of neutral rather than positive weight that weigh in favour of a proposal.

34. On the other side of the balance, I have found that the proposal would not be a proportionate addition to the village which has already expanded significantly in recent years and which has limited services and facilities. Residential development of the site would also be harmful to the character and appearance of the area and at too low a density to make efficient use of the land. As a result the scheme would be contrary to policies LP14, LP30 and LP7 of the Local Plan and I attach very significant weight to the harm that would be caused. It would also not comply with policy AP10 of the Neighbourhood Plan which relates to windfall development, albeit as this policy conflicts with the more liberal approach of policy LP2, I place greater weight on whether the scheme complies with this latter policy.
35. The Framework supports significantly boosting housing land supply and maintaining and enhancing the vitality of rural communities. However, it also supports protecting the countryside, making efficient use of land and reducing the need to travel to access services and facilities.
36. Taking all these matters into account, I conclude that the proposal would be contrary to the development plan and the Framework considered as a whole. As a result, it would be contrary to policy LP2 of the Local Plan and would not constitute sustainable development as sought by the Framework and required by policy LP1 of the Local Plan. Even if I had found that the proposed development was a proportionate addition to the village, given the other harms that I have identified, this would not have altered my conclusion on the scheme's compliance with the development plan and Framework as a whole.
37. Other considerations have been put forward in favour of the proposal. Socially, the proposed development would increase the supply of housing, including the supply of affordable housing, at a time when housing delivery is lower than that expected by the Local Plan. I attach notable weight to these housing supply benefits. There would also be economic benefits during the construction of the development and afterwards from the spend of the additional households locally. Environmentally, biodiversity on the site would be enhanced. I attach some weight to the economic benefits and the identified environmental benefit.
38. In this case, the other considerations put forward in favour of the proposal are insufficient to outweigh the harm that would be caused and non-compliance with the development plan. Material considerations therefore do not indicate that the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.
39. As I noted as a procedural matter, the appellant has submitted a properly completed unilateral undertaking made under section 106 of the Act. The tests in paragraph 57 of the Framework and Regulation 122 of the Community

Infrastructure Levy Regulations 2010 (as amended) apply to planning obligations. In this case however, as the appeal is to be dismissed on its substantive merits, it is not necessary to formally assess the agreement against these requirements.

Ian Radcliffe

Inspector



Department
for Transport



Department for Levelling Up,
Housing & Communities

Kate Radford
Eversheds Sutherland (International) Ltd
115 Colmore Row,
Birmingham
B3 3AL

Our ref: APP/HS2/18
Your ref: HS2/2021/0005

14 May 2024

Dear Madam

**HIGH SPEED RAIL (LONDON TO WEST MIDLANDS) ACT 2017 – SCHEDULE 17
APPEAL MADE BY HIGH SPEED TWO LIMITED (HS2 LTD) AGAINST THE DECISION
OF NORTH WARWICKSHIRE BOROUGH COUNCIL TO DECLINE TO DETERMINE THE
REQUEST FOR THE APPROVAL OF PLANS AND SPECIFICATIONS MADE UNDER
SCHEDULE 17 COMPRISING THE WATER ORTON CUTTING INCLUDING THE
BROMFORD TUNNEL EAST PORTAL AND ATTLEBORO LANE OVERBRIDGE AND
ANCILLARY WORKS
APPLICATION REF: HS2/2021/0005**

This decision was made by Lord Davies of Gower, Parliamentary Under Secretary of State (Maritime and Security) on behalf of the Secretary of State for Transport, and Baroness Scott of Bybrook, Parliamentary Under Secretary of State (Faith and Communities and Lords Minister) on behalf of the Secretary of State for Levelling Up, Housing and Communities

1. We are directed by the Secretary of State for Transport and the Secretary of State for Levelling Up, Housing and Communities (henceforth “the Secretaries of State”) to say that consideration has been given to the report of the Inspector, Grahame Gould BA MPhil MRTPI, dated 31 March 2023 and addendum report dated 13 December 2023, regarding your client’s appeal against the decision of North Warwickshire Borough Council (the Council) to decline to accept and determine your client’s application under Schedule 17 to the High Speed Rail (London – West Midlands) Act 2017 (the HS2 Act) for the following works:
 - The undertaking of engineering earthworks, including the formation of a concrete lined cutting, to become part of the “Water Orton Cutting” (the cutting). The cutting would comprise concrete retaining walls, including “diaphragm” (buried) walls, with the parallel facing retaining walls being supported by concrete joists (props) above the diaphragm walls.

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- A new road bridge, the Attleboro Lane overbridge, consisting of a two lane carriageway with footways on either side, which would carry the diverted Attleboro Lane over the cutting. The diverted Attleboro Lane would in part be on newly formed embankments.
- The formation of a concrete tunnel portal structure, the 'Bromford Tunnel East Portal' (the BTEP) at the western end of the cutting. The portal would be of a porous design, i.e. have openings in its roof. The porous nature of the portal being intended to control the build-up of noisy pressure waves (piston effect) as trains exit a tunnel.
- Ancillary works including the provision of: maintenance vehicle parking areas; a balancing pond; and boundary and security fencing and vehicle restraint barriers.

under application ref: HS2/2021/0005, dated 22 September 2021 ("the Schedule 17 application").

2. On 9 August 2022, the parties were notified that this appeal would be subject to joint determination by the Secretaries of State, in pursuance of paragraph 23(1) of Schedule 17 to the HS2 Act. The HS2 Act authorises the construction of the HS2 railway from London to the West Midlands and comprises Phase One of the project. The HS2 Act gives the appellant the power to construct and maintain the works specified in Schedule 1 and the scheduled works are listed in full in that schedule. The appealed Schedule 17 application relates to the area covered by scheduled work number (WN) 3/157.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed with regards to the request for the approval of details relating to the formation of the BTEP. He recommended that the appeal be allowed with regards to the request for the approval of details concerning: the formation of the Water Orton Cutting, insofar as those works would be unconnected with the tunnel portal; and the Attleboro Lane Overbridge.
4. For the reasons given below, the Secretaries of State disagree with the Inspector's conclusions, and disagree with his recommendation. They have decided to allow the appeal in full. A copy of the Inspector's report (IR) and the addendum report (AR) are enclosed. All references to paragraph numbers, unless otherwise stated, are to these reports.

Policy and statutory considerations

5. In reaching their decision, the Secretaries of State have had regard to Schedule 17 of the HS2 Act and the High Speed Rail (London – West Midlands) Act 2017 Statutory Guidance (the Statutory Guidance).

Main issues

6. The Secretaries of State consider the main issues in determining this appeal are:
 - a. whether the Bromford Tunnel Extension (BTE) and relocation of the BTEP are authorised under the HS2 Act;
 - b. whether none, some or all of the proposed works subject to the request for the approval of details under Schedule 17 would benefit from the deemed planning permission (DPP) granted under section 20 of the HS2 Act; and

- c. for any proposed works included in the application benefiting from the DPP, whether those works should be approved or refused having regard to the conditions stated in either paragraphs 2 or 3 of Schedule 17 to the HS2 Act.

Whether the BTE and associated BTEP relocation are authorised under the HS2 Act

7. As set out at IR31, the Secretaries of State note that the BTE is an unscheduled work, i.e. one not listed in Schedule 1 to the HS2 Act. They further note that the appellant argued (as recorded at IR33) that the relocated BTEP would be within the ambit of section 2(1)(i) of the HS2 Act which states:

'The nominated undertaker may, for the purposes of or in connection with the scheduled works or otherwise for Phase One purposes, do any of the following within the Act limits ... (i) carry out and maintain such other works, of whatever description, as may be necessary or expedient.'

8. Contrary to the Inspector's conclusion (in particular at IR39), the Secretaries of State agree with the interpretation of section 2(1)(i) of the HS2 Act advanced by the appellant. They find that section 2(1)(i) is sufficiently broad to cover an extension to a tunnel, and ancillary works to such an extended tunnel such as the BTEP relocation. The Secretaries of State therefore consider that the BTEP is authorised under the HS2 Act.

Whether the proposed works benefit from DPP

BTEP relocation

9. The Secretaries of State note that to establish whether the BTEP has DPP, consideration must next be given to sub-section (2) of Section 20 of the HS2 Act. Sub-section (2) states that the deemed planning permission granted by sub-section (1) does not apply if (a) the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location; (c) the development is not covered by an environmental assessment in connection with the High Speed Rail (London – West Midlands) Bill. Sub-section (2)(b) does not apply to the application.
10. The Inspector found that as an environmental assessment for the BTE was not reported on in the original ES he was not persuaded that a portal associated with the proposed BTE should be looked upon as benefitting from the DPP (IR43).
11. The Secretaries of State disagree with this conclusion. They find that for the purposes of sub-section (2)(c) of Section 20 development is "covered by an environmental assessment in connection with the High Speed Rail (London – West Midlands) Bill" where there are no new or different likely significant effects to those reported in the environmental assessment. The Secretaries of State do not agree that sub-section (2)(c) should be construed as excluding any development which differs from the detailed description set out in the ES which was placed before Parliament.
12. The interpretation favoured by the Secretaries of State is supported by the Environmental Minimum Requirements (EMRs) and HS2 Information Paper E1: Control of Environmental Impacts. These were published in draft during the passage of the HS2 Bill, and published in final form about the time of Royal Assent. The EMRs state that the intention of the provisions of the HS2 Act and the EMRs is to *'ensure that impacts which have been assessed in the ES will not be exceeded'*. The Secretaries of State therefore consider that development where there are no new or different likely significant effects to

those reported in the ES can fall within sub-section (2)(c). When read in their proper context, sections 20(2)(c) and 68(4) of the HS2 Act should be regarded as bringing within the ambit of the DPP those works which would not result in new or different likely significant effects to those assessed in the ES.

13. The Secretaries of State note that the BTE now proposed is longer and the BTEP is in a different location to that assessed in the ES which was placed before Parliament. However, the Secretaries of State are mindful that, as recorded at IR19, in February 2021 the appellant made an Environmental Impact Assessment (EIA) screening request for the BTE. This concluded that no new or different significant effects would be generated by the revised scheme. Accordingly, the BTE and the relocation of the BTEP is not a scheduled work, but does not introduce any new or different likely significant effects to those assessed in the ES. In reaching this conclusion the Secretaries of State have had regard to the matters referred to in the IR and AR (including at IR41, IR 45, AR16 and AR23) as potential environmental effects of the proposals, but conclude that none of these matters amounts to a new or different likely significant effect to those assessed in the ES.
14. The Secretaries of State therefore conclude that the BTE and the relocation of the BTEP benefits from deemed planning permission under the HS2 Act.

All other non BTEP related works

15. Taking the works not associated with the BTEP in isolation, for the reasons given at IR49 the Secretaries of State agree that the overbridge and diversion of Attleboro Lane; formation of the cutting insofar as that work does not form part of the tunnel portal; balancing pond; formation of the maintenance vehicle parking areas insofar as they do relate to the tunnel portal; and installation of permanent fencing, are all works benefitting from DPP.

Whether the works benefitting from the DPP should be approved or refused

BTEP relocation

16. The Secretaries of State have found that the BTEP relocation benefits from DPP. They requested that the Inspector submit an AR which provided recommendations relating to the BTEP's design with reference to the conditions included within Schedule 17 or any changes to operational noise levels or air quality or to comment on any of the benefits that the appellant has attributed to an extension to the Bromford Tunnel.
17. The Secretaries of State agree at AR11 that the BTEP would largely be a subterranean structure. They further agree that the above ground elements of the BTEP, for which approval has been sought at this time, of themselves would not be unduly prominent and their appearance would be capable of being softened through the undertaking of soft landscaping (AR11). Whilst the BTEP is not a scheduled work, details for soft landscaping could form part of a future bringing scheduled works into use request pursuant to paragraph 9 of Schedule 17 in relation to the railway.
18. The Secretaries of State note that above ground structures would be required to facilitate the BTEP's operation as described at AR12-13. They further note that the appellant has expressly excluded a request for the approval of the plans and specifications for the

above ground structures from the appealed Schedule 17 application (AR15). The Secretaries of State agree with the Inspector's conclusion at AR16 that no conditions should be imposed under paragraph 2 of Schedule 17 to the HS2 Act because the portal building and other above ground structures associated with the proposed BTEP are not within the appealed application's scope. The Secretaries of State do not consider that the Inspector's reservations about landscape mitigation provide a good reason to dismiss the appeal.

19. The Secretary of State notes at AR17 that a Noise Demonstration Report (NDR) was submitted with the appealed application, but is excluded from the submitted documents for which approval has been sought. They agree that noise is a matter for a future bringing scheduled works into use request pursuant to paragraph 9 of Schedule 17 (AR24).
20. For the reasons given at AR25 the Secretaries of State agree that air quality is not a matter requiring further consideration as part of the determination of the appealed application.
21. For the reasons given at AR27 the Secretaries of State agree that because the appealed application does not seek approval for the BTE, it would be inappropriate to comment on the benefits claimed by the appellant.

Overbridge and diversion of Attleboro Lane

22. For the reasons given at IR50-52 the Secretaries of State agree that the overbridge would have an acceptable appearance. Further, they agree that the embanked diverted road would be an extensive engineered structure, its visual impact would be capable of being reduced by the undertaking of soft landscaping works, details for which would form part of a future bringing scheduled works into use request pursuant to paragraph 9 of Schedule 17 to the HS2 Act (IR52).
23. For the reasons given at IR53-54, the Secretaries of State agree that while the provision of a viewing platform would be desirable, its absence would not be grounds for refusing either the overbridge or the diversion of Attleboro Lane or imposing a condition requiring the provision of a viewing platform (IR54). The Secretaries of State further agree that a viewing platform would not be necessary '... to preserve the local environment or local amenity... ', the relevant test under either paragraphs 2 (sub-paragraphs (5) and (7)) or 3 (sub-paragraphs (6) and (7)) of Schedule 17 to the HS2 Act (IR54).
24. The Secretaries of State agree at IR55 that the provision of the proposed overbridge and the diversion of Attleboro Lane would be an acceptable form of development under the provisions of paragraphs 2 and 3 of Schedule 17 to the HS2 Act.

Water Orton cutting (the cutting)

25. The Secretaries of State note that the section of the cutting for which approval is being sought would form part of the longer Water Orton Cutting, scheduled WN3/157 (IR57). They also note that the plans accompanying the ES appear to show a cutting formed by undertaking earthworks, as opposed to being something comprising an extensive concrete structure (IR57). They agree with the Inspector at IR58 that because neither the

ES nor scheduled WN3/157 specify what form the cutting should take, the cutting for which approval is being sought is compatible with the works authorised by the HS2 Act, namely a cutting.

26. The Secretaries of State agree at IR59 that the bulk of the cutting would not be readily visible because it would be 10 metres or more below ground level and/or would be screened from view by established vegetation to the south that adjoins the M6 and to the east by a combination of the formation of the embankments associated with the diversion of Attleboro Lane and the undertaking of soft landscaping. They further agree that the cutting when viewed from the east would not be unduly prominent or alien to its surroundings (IR59).
27. For the reasons given at IR60-65 the Secretaries of State agree that neither the cutting's design nor its external appearance would need to be modified to preserve the local environment or local amenity (IR65).
28. The Secretaries of State agree at IR66 that the provision of the proposed cutting would be an acceptable form of development under the provisions of paragraph 3 of Schedule 17 to the HS2 Act.

Balancing Pond

29. The Secretaries of State agree at IR67 that it would be possible to provide soft landscaping around the perimeter of the balancing pond to ensure it would be respectful of its context. They further agree that the precise form of any soft landscaping could be considered as part of a future bringing scheduled works into use request pursuant to paragraph 9 of Schedule 17 to the HS2 Act in relation to the railway (IR67).
30. The Secretaries of State agree at IR68 that the provision of the proposed balancing pond would be an acceptable form of development under the provisions of paragraph 3 of Schedule 17 to the HS2 Act.

Maintenance vehicle parking areas

31. As the Secretaries of State have found that the extension of the BTE tunnel and ancillary works such as the BTEP relocation have DPP, they disagree with the Inspector at IR70. The Secretaries of State consider that the vehicle parking and manoeuvring areas intended to serve the BTEP should be considered as part of the appealed Schedule 17 application.
32. The Secretaries of State find that all parking and manoeuvring areas forming part of this appeal scheme would be likely to be of a functional appearance, but with the implementation of suitable landscaping works need not be obtrusive. This would be a matter for consideration as part of a future bringing scheduled works into use request pursuant to paragraph 9 of Schedule 17 to the HS2 Act in relation to the railway.
33. The Secretaries of State find that the provision of all the proposed parking and manoeuvring areas in the appeal proposal would be an acceptable form of development under the provisions of paragraph 3 of Schedule 17 to the HS2 Act.

Fencing

34. The Secretaries of State agree at IR74 that the siting of the three types of fencing would, in effect, be self-determining and that the fencing and barriers could not reasonably be carried out elsewhere. They further agree that the appellant's fencing proposals are generally unobjectionable (IR74). For the reasons given at IR75 the Secretaries of State agree that that while the design of the architectural guardrail has not been specified in the application documentation, its siting in this location would be unobjectionable and given its purpose it could not be reasonably be located elsewhere. At IR76 the Secretaries of State further agree that a condition requiring the submission of further details ought not to be imposed as none of the grounds specified in sub-paragraph (6) of paragraph 3 of Schedule 17 to the HS2 Act apply.
35. The Secretaries of State agree at IR77 that the provision of the proposed fencing would be an acceptable form of development under the provisions of paragraph 3 of Schedule 17 to the HS2 Act.

Other Matters

36. For the reasons given at IR78 the Secretaries of State agree that there is a regime in place to address the wellbeing for any bats that may be affected by the proposals contained within the appealed Schedule 17 application.

Planning conditions

37. The Secretaries of State have given consideration to the Inspector's analysis at IR83 and AR28 and agree that no conditions should be imposed, because their imposition could not be justified having regard to the grounds for imposing conditions under the provisions of paragraphs 2 and 3 of Schedule 17 to the HS2 Act.

Overall conclusion

38. The Secretaries of State conclude that the appeal should be allowed.

Formal decision

39. Accordingly, for the reasons given above, the Secretaries of State disagree with the Inspector's recommendations. They hereby allow your client's appeal and grant approval to the Schedule 17 application.
40. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Schedule 17 to the Act.
41. A copy of this letter has been sent to the LPA.

Yours faithfully

Phil Barber

Authorised by the Secretary of State
for Levelling Up, Housing and Communities
to sign in that behalf

Paul Stewart

Authorised by the Secretary of State
for Transport to sign in that behalf

This decision was made by Lord Davies of Gower, Parliamentary Under Secretary of State (Maritime and Security) on behalf of the Secretary of State for Transport, and Baroness Scott of Bybrook, Parliamentary Under Secretary of State (Faith and Communities and Lords Minister), on behalf of the Secretary of State for Levelling Up, Housing and Communities



The Planning Inspectorate

Report to the Secretaries of State for Transport and for Levelling Up, Housing and Communities

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretaries of State for Transport and for Levelling Up, Housing and Communities

Date: 31 March 2023

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) ACT 2017
NORTH WARKWICKSHIRE BOROUGH COUNCIL

APPEAL AGAINST THE NON-DETERMINATION OF SCHEDULE 17 SUBMISSION

Hearing held on 27 April 2022
Site visit made on 29 April 2022

Water Orton Cutting including the Bromford Tunnel East Portal and Attleboro Lane
Overbridge and ancillary works
Appeal Ref: APP/HS2/18

<https://www.gov.uk/planning-inspectorate>

Appeal Ref: APP/HS2/18**South south-west of Water Orton and north east of junction 4A of the M6 motorway**

- The appeal is made under paragraph 22(3) of Schedule 17 of the High Speed Rail (London to West Midlands) Act 2017.
- The appeal is made by High Speed Two Limited against the decision of North Warwickshire Borough Council to decline to determine the request for the approval of plans and specifications made under Schedule 17.
- The application, reference HS2/2021/0005, is dated 22 September 2021 and the decision refusing to accept and determine the application was dated 8 October 2021.
- The development proposed comprises the Water Orton Cutting including the Bromford Tunnel East Portal and Attleboro Lane overbridge and ancillary works.

Summary of Recommendation: That the appeal 1) be dismissed with regards to the request for the approval of details relating to the formation of the Bromford Tunnel East Portal and 2) be allowed with regards to the request for the approval of details concerning: the formation of the Water Orton Cutting, insofar as those works would be unconnected with the tunnel portal; and the Attleboro Lane Overbridge.

Legal Framework, Procedural Matters and Background

1. The Secretaries of State (SoSs) directed on 9 August 2022 that they will jointly determine this appeal made under paragraph 23(1) of Schedule 17 (Sch¹17) of High Speed Rail (London – West Midlands) Act 2017 (the HS2 Act). That is because the SoSs consider this appeal raises *'important or novel issues of development control and/or legal difficulties and being a proposal against which another government department has raised major objections or has a major interest'*.
2. The HS2 Act having approved phase 1 of the High Speed 2 from London to Birmingham (HS2/the railway). Section 1 of the HS2 Act gives the appellant the power to construct and maintain the works specified in Sch1 and the scheduled works are listed in full in that schedule. The appealed Sch17 application relates to the area covered by scheduled work number (WN) 3/157, which is described as:

'A railway (1.13 kilometres in length) partly on viaduct commencing by a junction with the termination of Works Nos. 3/151, 3/152, 3/153 and 3/154 passing westwards and terminating by a junction with Work No. 3/200 at a point 317 metres north-west of the bridge carrying Water Orton Road over the M6 Motorway.'
3. Section 2 of the HS2 Act sets out what the appellant may for the purposes of or in connection with scheduled works or otherwise may do within the *'Act limits'*. Section 20 of the HS2 Act grants *'deemed planning permission'* (DPP)² for the railway, subject to conditions stated in Sch17.

¹ Hereafter in this report references to Schedules 1, 17 and 29 of the HS2 Act are given as Sch1, Sch17 and Sch29

² For the purposes of the Town and Country Planning Act 1990

4. The appealed Sch17 application (the application) seeks approval for the following works, the locations for which are shown on the "revised"³ General Arrangements drawing (drawing 1MC09-BBV_MSD-PL-DGA-NS04_NL11-160400 Revision C02 [appeal document HS2-18a]) (see Appendix 1 to this report):
 - The undertaking of engineering earthworks, including the formation of a concrete lined cutting, to become part of the "Water Orton Cutting" (the cutting). The cutting would comprise concrete retaining walls, including "diaphragm" (buried) walls, with the parallel facing retaining walls⁴ being supported by concrete joists (props) above the diaphragm walls.
 - A new road bridge, the Attleboro Lane overbridge, consisting of a two lane carriageway with footways on either side, which would carry the diverted Attleboro Lane over the cutting. The diverted Attleboro Lane would in part be on newly formed embankments.
 - The formation of a concrete tunnel portal structure, the 'Bromford Tunnel East Portal' (the portal) at the western end of the cutting. The portal would be of a porous design, ie have openings in its roof. The porous nature of the portal being intended to control the build-up of noisy pressure waves (piston effect) as trains exit a tunnel.
 - Ancillary works including the provision of: maintenance vehicle parking areas; a balancing pond; and boundary and security fencing and vehicle restraint barriers.
5. Within the cases made by the appellant, the Council and residents/interested parties and in the rest of this report references have been/are made to the appellant's Bromford Tunnel extension proposal (the BTE). The Bromford Tunnel authorised by the HS2 Act is 2.86 kilometres (km) long and its eastern portal (extremity) forms part of WN 3/203. That portal would be located around 2.9km to the east of the tunnel portal included in the application. The appellant intends that the BTE would extend the authorised tunnel by around 2.9km, hence the inclusion of what would be a relocated eastern portal in the application. The appellant expects that the BTE would replace a viaduct primarily authorised as part of WN3/200 and as such the tunnel extension would be an unscheduled work. It is, however, important to recognise that the BTE is not a work for which the appellant has requested approval for as part of the appealed application. Whether or not the proposed BTE would be authorised by the HS2 Act or would need to be authorised by other legislation is a matter which, of itself, is not for determination in connection with the consideration of this appeal.
6. The Council declined to determine the application because the BTE is not authorised by the HS2 Act (Council appeal Appendix [CaA] 11). That being a matter I have reported on more fully below. The appellant has treated the Council's decision to decline to determine the application as a deemed refusal of permission under paragraph 22(3) of Sch17 of the HS2 Act, enabling an appeal to be made to the SoSs under paragraph 22.
7. Following the appeal's original submission, the Council contended that because of its declining to determine the application that an appeal could not

³ See paragraphs 11 to 14 below for the explanation for the submission of revised drawings

⁴ Ranging between 300 metres (north side) and 470 metres (south side) in length

be made and determined under paragraph 22. I am, however, content that there is a right of appeal available to the appellant and that there is a duly made appeal for the SoSs to determine, having regard to the procedural representations made by the appellant and the Council, as well as the provisions of the HS2 Act and associated appeal regulations⁵. That is because the appellant and the Council have had the opportunity to make written and oral cases about whether all, some or none of the works subject to the application would benefit from the DPP.

8. Paragraph 25 of Sch17 explains that appeals made under paragraph 22 are '*... to be dealt with on the basis of written representations, unless the person deciding the appeal directs otherwise*'. Given the legalistic nature of the reasons underpinning the Council's decision to decline to determine the application a decision was taken by the Planning Inspectorate that a public hearing should be held. I held that hearing on-line on 27 April 2022, essentially adopting the procedure used for appeal hearings held under the provision of the Town and Country Planning Act 1990. At the hearing the appellant and the Council made extensive oral submissions about whether or not the works included in the application would benefit from the DPP and I report on those submissions below.
9. Other aspects of the appeal cases made by the appellant, the Council and members of the public have been handled using the written representations procedure. My reporting below is also informed by the site visit that I undertook on 29 April 2022, when I was accompanied by the appellant and the Council. In response to one of my hearing questions the appellant advised the following works had been commenced on site:
 - Water Orton cutting: the installation of temporary platforms and, amongst other things, the construction of diaphragm walls and capping beams.
 - The tunnel portal: the installation of temporary platforms and reinforced concrete foundations, diaphragm walls, drilling of dewatering wells and the installation of capping beams and reinforced concrete props at ground level. Additionally, works of excavation within the portal box to reach a temporary propping level had been started.
 - The formation of a temporary balancing pond in the location of the proposed permanent pond and works access.
10. In undertaking my site visit I observed that the above mentioned works had either been completed or were in the process of being undertaken. Some photographs of those works are included in Appendix 2 to this report.
11. At the hearing I raised a concern about the adequacy of the application drawings, most particularly the absence of chainage and existing and proposed levels details. The undertaking of my site visit reinforced my concerns about the originally submitted drawings. I considered the drawings would need to show chainage and existing and proposed levels details to allow the proposed works to be properly understood and to give the Council, should all or part of the appeal be allowed, the ability to enforce compliance with any approved details. Being mindful of the Court of the Appeal's '*Hillingdon 1*'

⁵ The High Speed Rail (London – West Midlands)(Planning Appeals) (Written Representations Procedure) (England) Regulations 2017

- judgement (most particularly paragraph 70⁶) the appellant was given the opportunity to submit revised drawings following content discussions with the Council.
12. Revised drawings were submitted on 4 November 2022 and are listed in Appendix 5 of this report as documents HS2-18a to HS2-18i. At my request the Council arranged for those drawings to be publicly consulted on between 8 and 22 November. Consultation responses were received from Historic England, Special Management Zone Group North Warwickshire (a resident's group) and a local resident and I have had regard to those representations.
 13. Given the length of time that elapsed between my site visit and the submission of the revised drawings, the appellant was requested to submit an aerial photograph showing how the works on site had progressed since the end of April 2022. That photograph was submitted on 12 December (HS2-20) and is included in Appendix 3.
 14. In revising the application plans the appellant has incorporated a piece of land previously excluded from the 'blue land' area (extent) for the appealed Sch17 application. That piece of land had previously been earmarked as the location for an electricity substation with access and was shown on the General Arrangements drawing for approval (1MC09-BBV_MSD-PL-DGA-NS04_NL11-160400 Revision P04, appellant's appeal Appendix [AaA] 5). The appellant now proposes to locate the substation elsewhere. The newly incorporated land can be seen on the revised General Arrangements drawing (document HS2-18a⁷, see also Appendix 1 to this report). The incorporated land is shown on the revised indicative Landscaping and Environmental Masterplan as an area for soft landscaping (HS2-18h).
 15. The change to the site area that has been made as part of the submission of the revised drawings does not directly affect the works subject to the appellant's request for the approval of details under paragraphs 2 and 3 of Sch17. That is because the intended landscaping within the incorporated land would be for approval by the Council as part of a future "bringing into use" application to be made under paragraph 9 of Sch17. I therefore consider that the change to the application site's extent would not be prejudicial to the Council or any other party and has no bearing on the SoSs ability to determine this appeal.

Main Issues

16. The main issues are:
 - whether none, some or all of the proposed works subject to the request for the approval of details under Sch17 would benefit from the DPP granted under section 20 of the HS2 Act; and
 - for any proposed works included in the application benefiting from the DPP, whether those works should be approved or refused having regard to the conditions stated in either paragraphs 2 or 3 of Sch17 of the HS2 Act.

⁶ R. (on the application of London Borough of Hillingdon Council) (1) Secretary of State for Transport (2) Secretary of State for Housing, Communities and Local Government and High Speed Two (HS2) Limited [2020] EWCA Civ 1005

⁷ Hereafter documents referred to as HS2-1, HS2-2 etc, NWBC-1, NWBC-2 etc and IP-1, IP-2 etc were respectively submitted by the appellant, the Council and interested parties

The Case for the Council

17. The DPP (authorisation) for works applies to the scheduled works set out in Sch1 of the HS2 Act, as well as to un-scheduled works. Section 1 of the HS2 Act provides the powers to construct and maintain scheduled works, ie the principal works stated in Sch1 and shown on the "*deposited plan*", with works that are not specified being works that are not authorised by Sch1. Parliament through the operation of section 1 and Sch 1 has therefore authorised specific works in particular locations.
18. Section 2 of the HS2 Act lists works that may be authorised, with sub-section 1 listing various categories of works, with tunnels being excluded from that the list of works. It is considered that the sub-section 1 of section represents a "*closed list*" and that tunnels should be treated only as main (scheduled) works and not ancillary works coming within the ambit of sub-section (1)(i) of section 2, namely the carrying out of '*... such other works, of whatever description, as may be necessary or expedient*'. The relocated tunnel portal would therefore not benefit from the DPP, with that permission having been granted on the basis of the impacts that were assessed and reported on in the Environmental Statement (ES) that accompanied the Bill laid before Parliament. The BTE being a post enactment proposal, with the eastern portal for the Bromford Tunnel currently proposed being in an entirely different location to that authorised as part of WN3/203.
19. In February 2021 the appellant in making an Environmental Impact Assessment (EIA) screening request (CaA17) for the BTE to the Department for Transport (DfT) recognised that the proposed tunnel extension in its entirety was not authorised by the HS2 Act and would need to be the subject of a Transport and Works Act Order (TWAO). In response to that screening request the DfT concluded that the tunnel would be EIA development (CaA8). Although the Council in making representations about the EIA screening request did not identify significant environmental effects would arise from the BTE (CaA7), further to DfT issuing its screening request decision, the Council having sought advice has re-evaluated its position with regards to the BTE's environmental effects⁸. Following the receipt of that screening opinion the appellant has tried a different approach to the BTE, contending that it would be authorised by the DPP. The appellant has been inconsistent about what needs to be authorised.
20. The Council declined to determine the appealed application because it included works going beyond the DPP, because the relocated portal would be ancillary to a tunnel extension that is currently unauthorised and which would be likely to have a significant environmental effect. It is unclear what works included within the application would be authorised by the HS2 Act and would be severable from any works associated with the BTE.

The Case for the Appellant

21. The Sch17 application seeks approval for a number of works, namely: a portal for the BTE; the Attleboro Lane overbridge comprising a two lane carriageway with footpaths on either side; maintenance vehicle parking areas; engineering earthworks for the cutting, earthworks associated with the diversion of

⁸ Page 1 of the Council's pre hearing written submissions of 26 April 2022

Attleboro Lane over the cutting; and the formation of bunds, maintenance access roads and a balancing pond, a realignment of the highway and the installation of permanent fencing. The overbridge and portal being buildings for the purposes of paragraph 2 of Sch17, while the rest of the proposed works would be within the '*other construction works*' category for the purposes of paragraph 3 of Sch17.

22. While the Council has taken exception to the tunnel portal it has taken no issue with the proposed revisions to: the overbridge (authorised WN3/156); and the cutting, balancing pond and fencing (variously authorised under WN3/153, WN3/154 and WN3/157), all of those works being severable from the tunnel portal. Those aspects of the application could have been approved by the Council because they are not associated with the proposed BTE.
23. With respect to the tunnel portal the submitted application only seeks approval for the relocated tunnel portal and neither the BTE per-se nor a portal building, with the siting of the latter only being shown on the application plans for information. While the relocated tunnel portal would be an unscheduled work it would be provided in connection with a railway that has been authorised by the HS2 Act. The Council does not appear to be objecting to the portal itself, with its concern being with the tunnel's relationship with the proposed BTE.
24. Section 1 and Sch1 of the HS2 Act are permissive and Sch1's wording is descriptive rather than being prescriptive. Accordingly, the appellant does not have to build a railway as totally described in the HS2 Act and some of the authorised works could be omitted. The HS2 Act allows for flexibility so that the railway's design can be refined when compared with the reference design used in the ES.
25. Section 2 of the HS2 Act (Further provisions about works) refers to ancillary works that can be undertaken and this section identifies broad provisions and is not a closed list. In that regard sub-section (1)(i) of Section 2 allows the undertaker to '*carry out and maintain such other works, of whatever description, as may be necessary or expedient*' and that provision anticipates that there could be changes to the reference design that was put before Parliament.
26. Flexibility in constructing the railway can be seen in the wording of paragraph 1 of Sch1 and Sch 29 (Application of other railway legislation). Sch1(2) identifies deviations that may be made from scheduled works, including deviating downwards to any extent from the levels shown for works on the deposited sections (Sch1(2)(b)). Parliament in including paragraph 1 of Sch1 envisaged that some amendments could be made to the railway's design. The authorised main work is for the construction of a railway and it is the norm for the definitions of works to be set out in an act's schedule, such as Sch1 of the HS2 Act, but that does not mean that the design for HS2 cannot be changed.
27. Paragraph 5 of Sch29 allows for the wide powers of change contained in section 4 of the Railway Clauses Act of 1863 (as amended) (the RCA) to be applied to HS2's engineering works. Section 4 of the RCA1863 states:

'Notwithstanding anything in the said Railways Clauses Consolidation Acts, respectively contained, the company, in the construction of the

railway may deviate from the line or level of any arch, tunnel or viaduct, described on the deposited plans or sections, so as the deviation be made within the limits of deviation shown on those plans, and so as the nature of the work described be not altered, and may also substitute any engineering work not shown on the deposited plans or sections, for an arch, tunnel, or viaduct, as shown thereon; provided, that every such substitution be authorised by a certificate of the Board of Trade; and the Board of Trade may grant such certificate in case it appears to them, on due inquiry, that the company has acted in the matter with good faith, and that the owners, lessees, and occupiers of the lands in which the substitution is intended to be made consent thereto, and also that the safety and convenience of the public will not be diminished thereby.'

28. It is considered that the BTE is authorised by the HS2 Act, with the application that has been submitted for TWAO to change the description for part of WN3/157 being a "belt and braces approach"⁹. The appellant's lawyers have considered the provisions of the HS2 Act, as outlined in the appellant's letter of 22 June 2021 to the Council (CaA10). The lawyers' advice being that the BTE would benefit from the DPP conferred under section 20 of the HS2 Act. That advice should be relied on as opposed to the views expressed in the TWAO EIA screening opinion issued by the DfT on 31 March 2021 which identified the BTE as being EIA development (CaA8). It is considered that the BTE would benefit from the DPP because it would not have significant effects on the environment and would be development that was covered by the environmental assessment undertaken in connection with the Bill that preceded the HS2 Act (section 20(1)(a) and (c)). In that regard the Council reached the conclusion that the BTE would not give rise to the likelihood of significant environmental effects and did not require a separate EIA when it made its representations to DfT on 10 March 2021 further to the request for a TWAO screening opinion (CaA7).
29. Should the SoSs be of the view that the tunnel portal does not benefit from the DPP there is no reason why the other elements of the application should not be considered as part of this appeal.

Inspector's Assessment and Reasons

Whether the proposed works benefit from the DPP

30. Prior to the hearing there was considerable disagreement between the appellant and the Council as to whether none, some or all of the works included in the Sch17 application benefitted from the DPP granted under section 20 of the HS2 Act. However, during the course of the hearing there was some narrowing of the disagreement, with the Council accepting that certain works comprised within the application might benefit from the DPP.
31. There, however, remains disagreement, as to whether the proposed tunnel portal for the BTE, in particular, benefits from the DPP and could therefore be the subject of an approval under Sch17. That disagreement boiling down to whether the BTE as an unscheduled work, ie one not listed in Sch1, would nevertheless benefit from the DPP. In that regard the appellant contends that

⁹ As stated during the hearing and in paragraph 2.3.2 of the appellant's response to the third party appeal representations

the relocated tunnel portal, which would be around 82 metres long¹⁰ would benefit from the DPP. To facilitate a change to the design of the railway authorised by the HS2 Act to include the proposed BTE the appellant clarified at the hearing that it is relying on a combination of sections 1, 2, 20 and 42 (Other railway legislation etc) and Sch29 (Application of other railway legislation etc) of the HS2 Act. Section 42 and Sch29 collectively apply the provisions of section 4 of the RCA1863 to the development authorised by the HS2 Act.

32. As part of facilitating the proposed BTE, via the provisions of the RCA1863, the appellant has applied to the SoS for Transport for a TWAO under section 6 of the Transport and Works Act 1992¹¹. If that TWAO is made it would amend the wording of WN3/157, on what the appellant has described as a '*belt and braces*' basis, removing the phrase '*partly on viaduct*' from WN3/157's description so that the railway could be housed in a tunnel rather than being on a viaduct. That change to WN/157 would affect a 30 metre or so length of the authorised railway at the termination of that work and the commencement of WN3/200, several hundred metres up line (west) of the location for the now proposed tunnel portal.
33. The TWAO application's determination will be quite separate to that of this appeal, not least because it concerns land beyond the realms of the Sch17 application. The appellant's narrative for the TWAO application's submission, both in writing and orally, however helps to explain why it considers a relocated tunnel portal benefits from the DPP, notwithstanding it would be ancillary to the unscheduled and proposed 2.9km long BTE. The appellant arguing that the relocated tunnel portal would be within the ambit of section 2 (Further provisions about works) of the HS2 Act. Section 2(1)(i) stating:
- 'The nominated undertaker may, for the purposes of or in connection with the scheduled works or otherwise for Phase One purposes, do any of the following within the Act limits ... (i) carry out and maintain such other works, of whatever description, as may be necessary or expedient.'*
34. The Council does not accept the appellant's interpretation of sections 2 and 20 of the HS2 Act primarily for two reasons. Firstly, the Council has argued tunnels are a category of work which the HS2 Act has expressly authorised, with their details being listed in Sch1. Secondly, the Council contends that the proposed BTE and any works ancillary to it, such as a relocated eastern tunnel portal, cannot be considered as benefiting from the DPP granted under section 20. That is because the BTE would be development not covered by the environmental assessment reported on in the ES that accompanied the HS2 Bill and would therefore not be compliant with section 20(2)(c) of the HS2 Act.
35. As to whether a relocated tunnel portal would benefit from the DPP, I find the Council's line of argument to generally be more compelling for several reasons.
36. Firstly, at the hearing the appellant was unable to explain why in paragraph 3.2.8 of its written statement accompanying the appealed Sch17 it

¹⁰ Based on the dimension quoted in the fifth bullet point in paragraph 2.3.4 of the Bromford Tunnel Extension Environmental Impact Assessment Screening Report February 2021 (CaA17) and between around chainages 164.770 and 164.850

¹¹ In lieu of being able to obtain an 'authorisation' from the then Board Trade under section 4 of the RCA1863

had stated a "... *standalone consent will also be required for the formation of the Bromford Tunnel and associated systems, to be progressed by a separate contractor*" (AaA2). The inclusion of that text in the written statement suggests that some members of the appellant's team were of the view when the appealed Sch17 application was submitted that the BTE would require some form of further consent. Had that meant obtaining a TWAO I would expect that to have been referred to in this part of the written statement and I am not persuaded the later reference to applying for a TWAO in the written statement's Table 6 provides an adequate explanation for what is stated in paragraph 3.2.8 of the same document. Allied to this point I consider the advice given to DfT by its lawyers, as quoted in the appellant's letter of 22 June 2021 to the Council (pages 3 and 4 of CaA10), to be of note. In that letter DfT's lawyers are reported as advising:

'Our view on the section 2 option is that carrying out the ancillary works (ie all the works other than the railway itself, and therefore including the tunnel and the tunnel portal) would be within the scope of section 2 ...

*We think that the risk of successful challenge relying on section 2 is small but we would reiterate that **the deemed planning permission under section 20 will only apply in so far as HS2 can demonstrate that these works will not generate new or different environmental impacts beyond what has been assessed in the ES.** It seems more likely that there might be argument as to whether they do exceed the impacts assessed in the ES. If they do then while the statutory powers under section 2 would remain available there would need to be an application for planning permission to the two local planning authorities.'* (emphasis added by Inspector)

37. I consider the legal advice provided to DfT and quoted above to be far from equivocal, especially as it is apparent that a tunnel of the length now proposed was not subject to either an environmental impact assessment or reported upon in the ES put before Parliament. The significance of what was and was not reported on in the ES is a matter I return to below.
38. Secondly, a relocated tunnel portal would clearly be ancillary to the proposed BTE, with there being no need for it to be sited a little to the west of Water Orton if there was no proposal for the 2.9km long BTE. In reply to one of my hearing questions the appellant advised around 51km of the railway's entire 225km would be tunnelled (HS2-12). Approximately 22% of the authorised railway will therefore be in tunnels. I consider that to be a significant proportion and it is therefore unsurprising that works involving tunnels have been scheduled and thus expressly authorised by Parliament.
39. Thirdly, while sub-section (1)(i) of section 2 of the HS2 Act is broadly worded, it is the last of nine types of works listed in sub-section (1) and the preceding eight work types cover some quite substantial matters. Had Parliament intended something as notable as extending tunnels to be a work type covered by section 2, then I would have expected tunnelling to have been expressly included in the wording of sub-section (1), rather than being left to what the appellant is interpreting as a catchall provision, ie section (1)(i). I therefore consider the appellant's interpretation of sub-section (1)(i) to be extremely benevolent in the absence of any other provision within the HS2 Act enabling it to construct extended tunnels under the DPP. If the appellant's

interpretation of section 2 was to be favoured, then for practical purposes there would be little, if any, point in scheduling any tunnels under Sch1, with the appellant effectively having carte blanche to substitute any scheduled works with tunnels.

40. I therefore consider section 2 of the HS2 Act is not as benevolent as the appellant has sought to portray through the making of this appeal. I find support for that view can be found in the appellant's submission of its TWAO application, in which the appellant has recognised that a post enactment variation to the wording of WN 3/157 should be made to remove the reference to part of the railway being on a viaduct.
41. Fourthly, a number of the appellant's written submissions made prior to the hearing implied that the proposed BTE had been assessed in the ES submitted to Parliament. However, in response to one of my hearing questions the appellant conceded the BTE had not been included in its original environment assessment. In that regard the ES states:

'The potential for a longer tunnel, moving the eastern tunnel portal to the east of the B4118 Birmingham Road, was raised at the 20th March 2013 community forum. Lengthening the tunnel would have the potential benefit of avoiding disruption to the Castle Bromwich Business Park and also not requiring the realignment of the River Tame and associated impacts on floodplain and the Park Hall nature reserve. It would, however, likely require two tunnel shafts, and would require a complicated connection with the Proposed Scheme Delta junction to the east. It has not been included in the Proposed Scheme.

The Proposed Scheme option of the tunnel is considered to offer the greatest environmental benefits in comparison to the other options.'

(Paragraphs 2.6.18 and 2.6.19 of Community Forum Area (CFA) report 25 - Castle Bromwich and Bromford HS2-8)

42. It is therefore evident that when the ES was written the appellant was of the view that siting the eastern portal in the Castle Bromwich Business Park (as part of WN3/203) formed part of a set of proposals for the Bromford Tunnel that Parliament should accept as having the '*greatest environmental benefits*'.
43. As an environmental assessment for the BTE was not reported on in the original ES I am not persuaded that a portal associated with the proposed BTE should be looked upon as benefitting from the DPP. That is because sub-section (2)(c) of section 20 of the HS2 Act expressly refers to the DPP only benefitting development that has been subject to an environmental assessment undertaken as part of the process of laying the railway's Bill before Parliament. On the information available to me I further consider it has not been clearly demonstrated that extending the Bromford Tunnel eastwards by 2.9km would be without significant effects on the environment by virtue of factors such as that development's nature, size or location and thus meet the first test stated in sub-section (2)(a) of section 20. I say that in the context of the appellant indicating that it would be necessary to site a portal building and an autotransformer immediately to the north of and above the proposed tunnel portal and install service roads to provide access for maintenance.

44. Neither the portal building nor the autotransformer structures form part of the works subject to the appealed Sch17 application, although their indicative locations are shown on the revised General Arrangement drawing (HS2-18a) and the illustrative three dimensional image included with sections A and B submitted in November 2022 (HS2-18b)¹². In a similar vein no soft landscaping works are for determination at this time, with the appellant relying on those works being included in a bringing into use submission to be made to the Council in the future, pursuant to paragraph 9 of Sch17. That said an indicative Landscaping and Environmental Masterplan accompanies the appealed Sch17 application (HS2-18h)¹³.
45. Based on what is shown on the above mentioned drawings it would seem likely that the structures and service roads allied with the portal's now proposed location would significantly reduce the amount of land that could be landscaped to the north of the cutting. That land having been identified in the ES as being for the undertaking of '*landscaped earthworks*' including scrub and woodland planting (map number CT-06-135a, electronic page 41 in CFA19 Map books [HS2-7]). The boundary for the appealed Sch17 application is coterminous with the 'Act limits' for this part of HS2. I therefore consider it is far from clear whether the relocated tunnel portal, with its attendant structures, could be acceptably accommodated within the land available for building and operating the railway on the outskirts of Water Orton.
46. The appellant has explained that '*Staying within the Act limits is unavoidably a key design constraint, and the avoidance of additional land take is afforded high priority in the design process*' (HS2-3)¹⁴. Be that as it may, my concern about whether or not what is now being proposed could adequately be accommodated within the available land is symptomatic of a significant design change being promoted by the appellant on what I consider has been a piecemeal basis, without that change having been previously fully assessed in the ES.
47. Accordingly, I am not persuaded the relocated eastern portal, as a structure that would be ancillary to the far more extensive proposed BTE, should be regarded as meeting the tests stated in sub-sections (2)(a) and (2)(c) of section 20 of the HS2 Act. I consider the tunnel portal would not be authorised by the HS2 Act and I therefore conclude that this part of the appellant's proposals would not benefit from the DPP. Accordingly, I am of the view that any works associated with the proposed tunnel portal should be treated as being beyond the scope of a request for the approval of details under Sch17.
48. Should the SoSs agree with me that the proposed relocated tunnel portal would not benefit from the DPP that would mean the portal would require authorisation via other legislation. Given that context, in order to avoid the potential for any predetermination by the SoSs I consider it would be inappropriate for me to make any recommendations about the portal's design with reference to the conditions included within Sch17 or any changes to operational noise levels or air quality¹⁵ or to comment on any of the benefits

¹² Drawing 1MC09-BBV_MSD-PL-DSE-NS04_NL11-160401 Revision C02

¹³ 1MC09-BBV_MSD-PL-DGA-NS04_NL11-160403 Revision C02

¹⁴ Paragraph 3.17.6 of the appellant's written response to the Council's statement of case

¹⁵ The potential for a changes to the local noise climate and air quality are matters that have been raised by residents in their appeal representations

that the appellant has attributed to an extension to the Bromford Tunnel. I consider it would in any event not be possible for either the SoSs or myself to arrive at an informed assessment of the tunnel portal's visual effects, given the piecemeal way the appellant is seeking to go about obtaining approvals for what would be a new set of works in this location, given the absence of definitive details relating to the tunnel portal building, the autotransformer and any soft landscaping works.

49. With respect to the request for approvals for the: overbridge and diversion of Attleboro Lane; formation of the cutting insofar as that work does not form part of the tunnel portal; balancing pond; formation of the maintenance vehicle parking areas insofar as they do relate to the tunnel portal; and installation of permanent fencing, I conclude those works are capable of benefitting from the DPP. That is because while some revisions to the ES reference design are being proposed, those works would either come within the ambit of WN3/156 or would be ancillary to works WN3/151, WN3/152, WN153, WN3/154 and WN3/157, insofar as they are severable from the proposed tunnel portal, and would come within the ambit of sections 2 and 20 of the HS2 Act. I now turn to the consideration of whether the works included in the appealed application benefitting from the DPP should be approved or refused.

Whether the works benefitting from the DPP should be approved or refused

Overbridge and diversion of Attleboro Lane

50. The provision of the overbridge and the diversion of Attleboro Lane would be necessitated by the railway's severance of Attleboro Lane and the need to provide access for users of this public highway, ie motorists, cyclists, pedestrians and horse riders either side of the railway line. That would include providing maintenance access to a retained National Grid gas valve compound.
51. The design of the overbridge and diverted public highway, in terms of their length, height and alignment being governed by the standards for highway geometry and the clearance required for the railway cutting. The overbridge and the diverted road at their maximum would be around 9.0 metres above the existing ground levels, as shown on section F of the revised drawings (HS2-18d)¹⁶. The bridge would be a concrete structure and its parapets would be of a common design for HS2. Constructing the overbridge and diverting Attleboro Lane were assessed in the ES and no party has raised a concern about the design for either the overbridge or the diverted road departing from the worst case design that the ES's assessment was based on.
52. The overbridge would be of a typical and functional appearance for such structures. That said I consider the overbridge would have an acceptable appearance, with that design being driven by its function and the need to span the railway's cutting. While the embanked diverted road would be an extensive engineered structure, its visual impact would be capable of being reduced by the undertaking of soft landscaping works, details for which would form part of a bringing into use request for the approval of details to be made pursuant to paragraph 9 of Sch17. I am content that neither the overbridge nor the diverted Attleboro Lane would look out of place, having regard to what

¹⁶ Drawing 1MC09-BBV_MSD-PL-DSE-NS04_NL11-160405 Revision C02

would be their context, namely a newly constructed railway line, a nearby motorway and a siting beyond Water Orton's built-up area.

53. The Council has promoted the incorporation of a permanent public viewing platform into the overbridge's design, something that was referred to by the appellant when presenting to HS2's Independent Design Panel (paragraph 6.32 of the Council's Statement of Case [SoC]). The appellant has submitted that the highway authority has been resistant to the provision of a viewing platform because there would be no parking to serve such a facility and that could result in either parking occurring on a road with blind bends or taking place on the footways to be provided as part of the overbridge or the diverted road¹⁷.
54. While the provision of a viewing platform would be desirable, I am of the view that its absence would not be grounds for refusing either the overbridge or the diversion of Attleboro Lane or imposing a condition requiring the provision of a viewing platform. That is because I consider providing a viewing platform would not be necessary '*... to preserve the local environment or local amenity...* ', the relevant test under either paragraphs 2 (sub-paragraphs (5) and (7)) or 3 (sub-paragraphs (6) and (7)) of Sch17.
55. I therefore conclude that the provision of the proposed overbridge and the diversion of Attleboro Lane would be an acceptable form of development under the provisions of paragraphs 2 and 3 of Sch17. I therefore recommend that this aspect of the appellant's proposals be approved by the SoSs.

Water Orton cutting (the cutting)

56. The concrete lined cutting would be between 300 metres (northern side) and 470 metres (southern side) long (paragraph 3.2.10 in AaA2). With the exception of the cutting's upstanding concrete capping beams (in essence parapets), security fencing¹⁸ and the multiple transverse concrete props, it would largely be below ground level. The appellant intends that the cutting's west end would merge into the proposed tunnel portal.
57. The section of the cutting for which approval is being sought would form part of the longer Water Orton Cutting, scheduled WN3/157. The plans accompanying the ES (electronic page 41 in HS2-7) appear to show a cutting formed by undertaking earthworks, as opposed to being something comprising an extensive concrete structure. To assist with the consideration of this appeal the appellant has submitted a drawing comparing the proposal assessed in the ES and the proposal subject to the appealed Sch17 application (HS2-2, see also Appendix 4 to this report).
58. The ES's written statement for this part of HS2 (CFA19, HS2-6) does not definitively explain whether the cutting was to be formed by simply excavating earth or would be accommodated within a concrete lined structure, with the drawings accompanying the ES showing a cutting notated as '*engineering earthworks*'. That said I am content even if the original intention was for the cutting to be formed from the excavation of earth rather than being accommodated in a concrete lined structure, the latter of itself would be compatible the works authorised by the HS2 Act, namely a cutting. That is

¹⁷ Paragraphs 3.17.30 and 31 of the appellant's written response to the Council's SoC (HS2-3)

¹⁸ In some instances referred to as "*Architectural Guardrail*" by the appellant

- because neither the ES nor scheduled WN3/157 specify what form the cutting should take.
59. A concrete lined cutting would have a very utilitarian appearance, which in part can be appreciated from the revised application drawings and my site visit photographs included in Appendix 2 to this report. However, the bulk of the cutting would not be readily visible because it would be 10 metres or more below ground level and/or would be screened from view by established vegetation to the south that adjoins the M6 and to the east by a combination of the formation of the embankments associated with the diversion of Attleboro Lane and the undertaking of soft landscaping. Some views down into the cutting would potentially be possible from the overbridge, although the presence of that bridge's parapets would be likely to significantly limit the views into the cutting. Taking those factors into account I consider the cutting when viewed from the east would not be unduly prominent or alien to its surroundings.
60. Less clear is what screening would be available to the north, especially given the appellant's intention to install a portal building and autotransformer in the vicinity of the proposed tunnel portal, which as I have explained above would in part occupy land earmarked for '*landscape earthworks*' in the ES. However, the nearest dwellings and closest public vantage points would be several hundred metres from the northern side of the cutting.
61. The Council is concerned that the proposed stepped parapet transitions for some parts of the cutting would lack a sleekness or elegance of design, as shown for example on sections O and P (HS2-18g). The Council contends that this aspect of the railway's design would be inconsistent with the approach that is being taken to designing of the structures that would form the '*Delta Junction*'. The Council has therefore suggested a condition be imposed, requiring details for '*angular sloped transitions*' (in effect a canted form) for the parapet's height transitions be submitted for its approval (NWBC-9).
62. The Delta Junction will lie to the south-east of Water Orton and will comprise two spurs on viaducts linking the main HS2 line with Birmingham. The Council has further argued that the design approach for the cutting is inconsistent with how the appellant has handled obtaining an approval for a tunnel portal with earthworks in the Colne Valley in Hertfordshire.
63. The cutting will commence at the western end of the Delta Junction and because of that the appellant has argued that the cutting would be in a more urban location, as compared with other parts of the Delta Junction (paragraph 3.17.7 in HS2-3). The appellant has also submitted that unlike the Delta Junction and the Colne Valley the cutting subject to the appealed Sch17 application does not have the status of being an HS2 '*key design element*' (KDE) and there would be limited visual connectivity between the cutting and the Delta Junction (paragraphs 3.17.14 and 3.17.16 in HS2-3).
64. As the cutting has not been identified as an HS2 KDE I consider parallels should not be drawn between the way the appellant has approached obtaining detailed design approvals for the Colne Valley and the Delta Junction. It is intended that the cutting's parapets to the east of the overbridge would have stepped changes in level. I consider that design detail would not look out of place, when regard is paid to the differences in levels relative to the length of parapet sections in question and the reengineered

topography of the area that would arise from the formation of the cutting. Although the Council favours a canted detail where there would be marked changes in the levels for the cutting's parapets, I consider that the introduction of such a detail could serve to accentuate the height transitions for the parapets. Accordingly, I do not recommend the imposition of the Council's suggested condition.

65. Although the cutting would be in the green belt, this area is not subject to any national landscape designations, nor has it been identified as a "*valued landscape*"¹⁹. While the cutting's appearance would be devoid of architectural merit and its presence would undoubtedly affect the appearance of the area, it would clearly have a functional relationship with the railway. I therefore consider that neither the cutting's design nor its external appearance would need to be modified to preserve the local environment or local amenity.
66. I therefore conclude that the provision of the proposed cutting would be an acceptable form of development under the provisions of paragraph 3 of Sch17. I therefore recommend that this aspect of the appellant's proposals be approved by the SoSs.

Balancing Pond

67. The balancing pond would be located immediately to the north-west of the new overbridge, downslope of the bridge's northern abutment. I am in no doubt that it would be possible to provide soft landscaping around the perimeter of the balancing pond to ensure it would be respectful of its context. The precise form of any soft landscaping would be a matter for consideration as part of a future bringing into use application to be submitted by the applicant under the requirements of paragraph 9 of Sch17.
68. I therefore conclude that the provision of the proposed balancing pond would be an acceptable form of development under the provision of paragraph 3 of Sch17 and recommend that this aspect of the appellant's proposals be approved by the SoSs.

Maintenance vehicle parking areas

69. The submitted General Arrangements drawing identifies the locations for the proposed maintenance vehicle parking areas and associated vehicle accesses and manoeuvring areas (HS2-18a). Those parking and manoeuvring areas would serve the tunnel portal and balancing pond, as well as enabling the cutting to be maintained.
70. Above I have concluded the tunnel portal would not benefit from the DPP and that the portal and any works associated with it would be outwith the mechanism for requesting approvals under Sch17. I am there of the view that the vehicle parking and manoeuvring areas intended to serve the tunnel portal should not be considered as part of the appealed Sch17 application and should be excluded from any approval the SoSs might give.
71. The parking and manoeuvring areas benefitting from the DPP would be likely to be of a functional appearance. That said with the implementation of suitable landscaping works I consider the presence of the maintenance vehicle

¹⁹ As referred to in the National Planning Policy Framework of 2021

parking areas need not be obtrusive and I therefore consider this aspect of the appellant's proposals to be unobjectionable.

72. I therefore conclude that the provision of the proposed parking and manoeuvring areas, with the exception of any such areas relating to accessing the proposed tunnel portal, would be an acceptable form of development under the provision of paragraph 3 of Sch17 and recommend that this aspect of the appellant's proposals be approved by the SoSs.

Fencing

73. Paragraph 3.2.20 of the written statement (AaA2) advises that there is an intention to install three types of fencing. Firstly, vehicle restraint barriers along the elevated sections of the Attleboro Lane diversion. Secondly, 1.4 metre high plastic mesh fencing around the perimeter of the land subject to the Sch17 application. The third type of fencing being 1.8 metre high plastic mesh fencing topped with barbed wire to prevent trespassing within the rail corridor.
74. While the siting for three fencing types is shown on the General Arrangements drawing (HS2-18a) approval for their detailed design is not being sought (paragraph 3.2.21 in AaA2). The installation of the proposed fencing would be for the purposes of boundary demarcation or safety/security. Given the purpose for each of the fencing types for which approval is being sought, I consider their siting would, in effect, be self-determining and that the fencing and barriers could not reasonably be carried out elsewhere. I am therefore of the view that the appellant's fencing proposals are generally unobjectionable.
75. Sections B, O and P (HS2-18b and HS2-18g)²⁰ included in the suite of revised drawings show the installation of what the appellant has described as an '*Architectural Guardrail*' fixed to the top of the cutting's concrete retaining walls and possibly overlapping with some of the proposed tunnel portal. On the General Arrangements drawing '*security fencing*' is shown above the cutting's retaining walls (HS2-18a). No distinction is made between the security fencing and the architectural guardrail in the Written Statement originally submitted with the Sch17 application (AaA2) and given what is shown on the General Arrangements drawing I have treated the cutting edge security fencing and architectural guardrails as being one in the same. I am of the view that it is likely that what has been described as architectural guardrail would have a functional appearance that would not look out of place fixed to the top of a concrete lined cutting sited on the outskirts of Water Orton and adjoining the M6 motorway corridor. So, while the design of the architectural guardrail has not specifically been specified in the application documentation, I consider its siting in this location would be unobjectionable and given its purpose it could not be reasonably be located elsewhere.
76. Notwithstanding the Council's request that the architectural guardrail be made the subject of a condition requiring the submission of further details, should the SoSs agree with me that this form of proposed fencing would be unobjectionable, such a condition ought not be imposed. That is because under sub-paragraph (7) of paragraph 3 of Sch17 a condition on an approval

²⁰ Revised drawings 1MC09-BBV_MSD-PL-DSE-NS04_NL11-160401 Revision C and 1MC09-BBV_MSD-PL-DEL-NS04_NL11-160405 Revision C

may only be imposed by a planning authority²¹ on a ground specified in the table set out in sub-paragraph (6) of paragraph 3. In the case of fencing the grounds for imposing a condition stated in sub-paragraph (6) is *'That the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits'*, which under a scenario of there being no in principle objection to the siting of the proposed architectural guardrail would preclude the imposition of a condition.

77. I therefore conclude that the installation of the proposed fencing, with the exception of any relating to the proposed tunnel portal, would be an acceptable form of development under the provisions of paragraph 3 of Sch17 and recommend that this aspect of the appellant's proposals be approved by the SoSs.

Other Matters

78. The Council has raised a concern about the impacts of the proposed works for bats. In response to those representations the appellant has advised that under the provisions of the Local Environmental Management Plan the management for the presence of bats will be in accordance with route wide activity licences for this protected species. I am therefore content that there is a regime in place to address the wellbeing for any bats that may be affected by the proposals contained within the appealed Sch17 application.

Conclusions

79. With the exception of the formation of the proposed tunnel portal deemed planning permission (DPP) has been granted on the basis of the impacts that were assessed in the ES placed before Parliament. Those impacts were considered by Parliament at the Bill stage for phase 1 of HS2.
80. The Council declined to determine the Sch17 request for the approval of details in their entirety because it took the view that the tunnel portal would not benefit from the DPP. I agree that the tunnel portal would not benefit from the DPP and it should not be considered as part of the appealed Sch17 application. I therefore recommend that the appeal insofar as it concerns the proposed relocated tunnel portal should be dismissed.
81. However, I accept the appellant's proposition that the works unconnected with the tunnel portal included in the Sch17 application should have been considered and determined by the Council.
82. I consider the originally submitted details concerning the overbridge, the diversion of Attleborough Lane and the Water Orton Cutting, in particular, were of an inadequate standard to be considered, with there being a lack of comprehensive chainage and levels information. Given that I found it necessary to request that the appellant submit better quality drawings, so that the effects of the works could be assessed. I am content that the revised drawings submitted in November 2022 provide a sufficient level of detail for the SoSs to be able to consider the works included in the appealed application that I consider benefit from the DPP.

²¹ Via the operation of paragraph 22(2) of Sch17 the SoSs are also required to have regard to what is stated in paragraph 3(6) and 3(7) of Sch17

83. For the reasons given above I recommend that the appeal be allowed for: 1) the overbridge; 2) the diversion of Attenborough Lane; 3) the balancing pond; and 4) the Water Orton Cutting, vehicle parking and manoeuvring areas and fencing, insofar as those works are unrelated to the tunnel portal. I further recommend that no conditions should be imposed, because their imposition could not be justified having regard to the grounds for imposing conditions under the provisions of paragraphs 2 and 3 of Sch17.

Grahame Gould

INSPECTOR

Hearing Attendees

High Speed Two (HS2) Limited (Appellant)

Jacqueline Lean	Counsel
Harley Ronan	Counsel
Kate Radford	Solicitor, Eversheds Sutherland
Paul Maile	Solicitor, Eversheds Sutherland
John Grimbley	Solicitor, Eversheds Sutherland
Jim McAvan	Planning Lawyer, HS2
Matt Dormer	Town Planning Lead – Phase 1, HS2
Paul Gilfedder	Head of Town Planning, HS2
James Mumby	Senior Town Planning Manager, HS2
Tara Mal	Trainee solicitor, HS2
Sunita Burke	Planning Consents Manager, BBV (HS2's contractor)
Khalid Razman	In-house counsel, BBV

North Warwickshire Borough Council (NWBC)

Craig Howell Williams	King's Counsel
Melissa Murphy	King's Counsel
Steve Maxey	Chief Executive, NWBC
Erica Levy	Development Control Manager, NWBC
Andrew Horne	HS2 Project Planning Officer, NWBC

David Lowe

Ecologist, Warwickshire County Council

Matthew Green

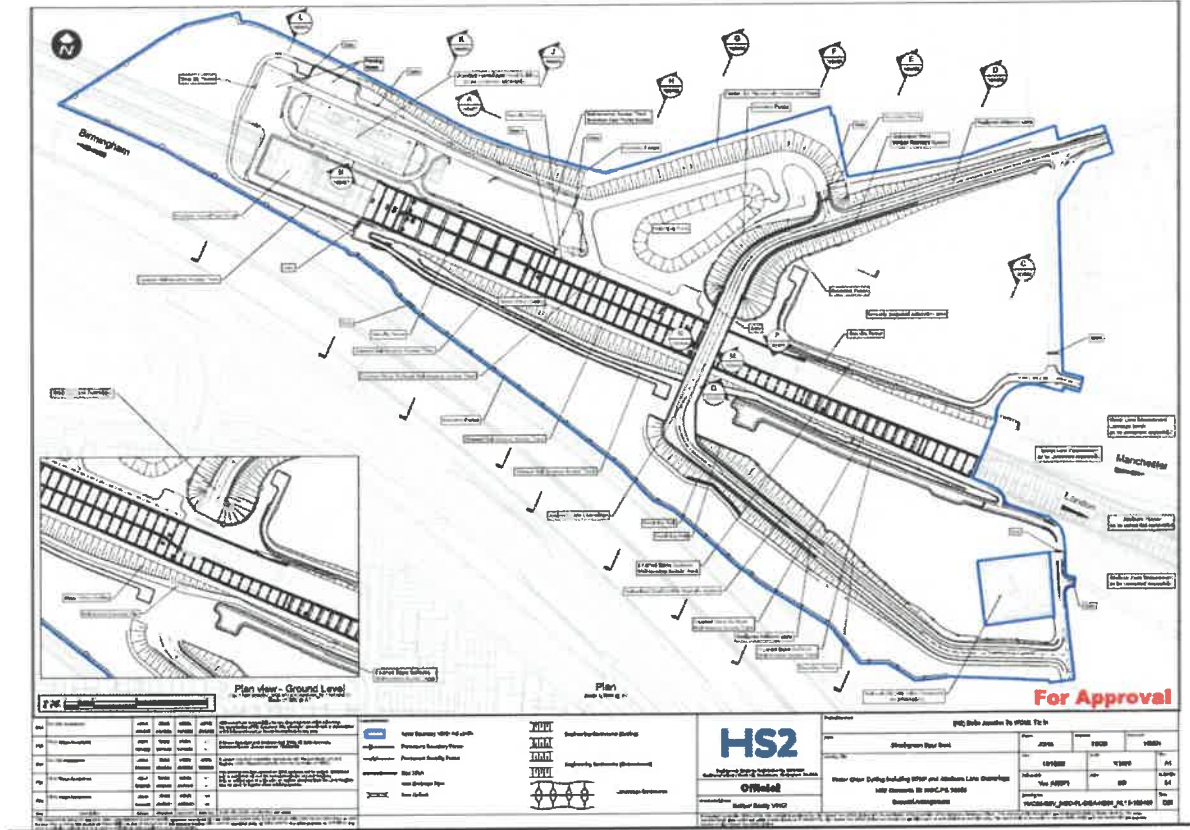
Environmental Health Officer, NWBC

Interested Parties

Ms Felicitas Freeman

Local resident

Appendix 1 Revised General Arrangements Drawing



Appendix 2 Inspector's Site Visit Photographs

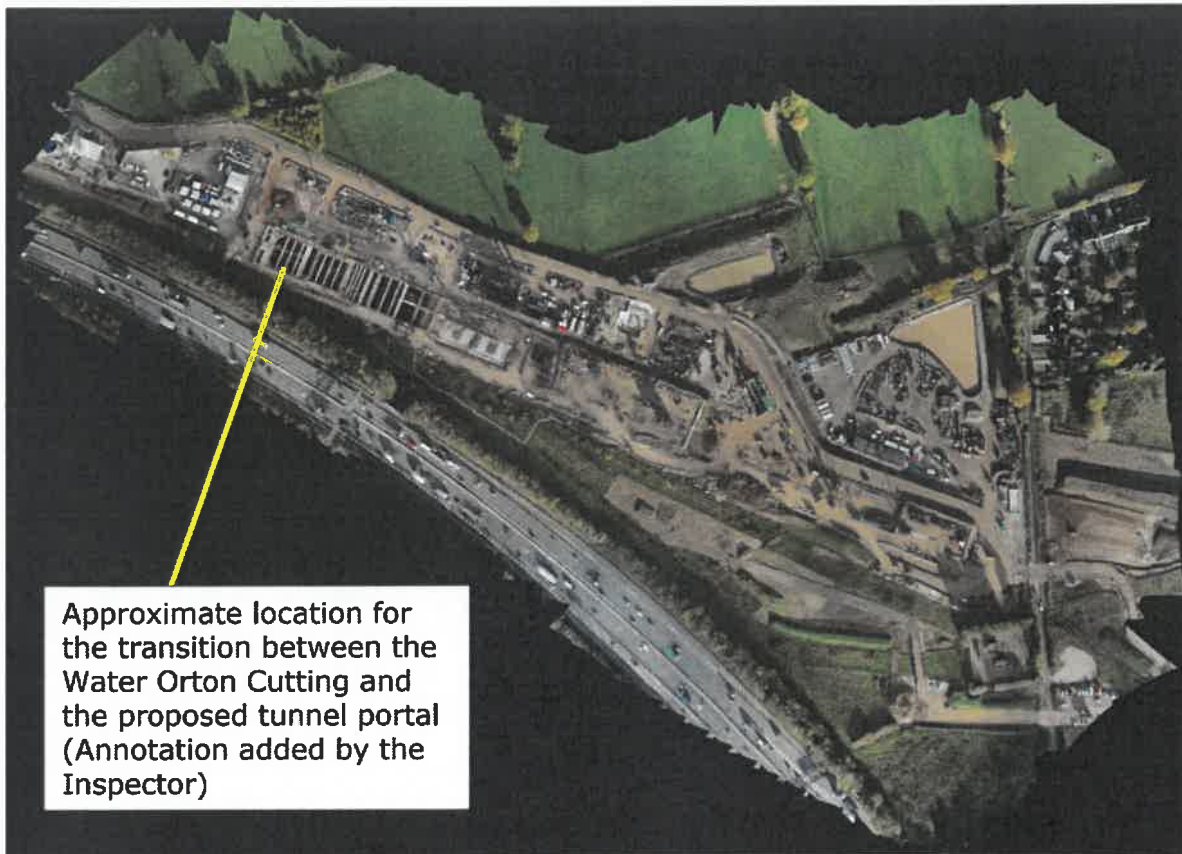


Water Orton Cutting looking eastwards, west of the cutting's merging with the proposed relocated tunnel portal



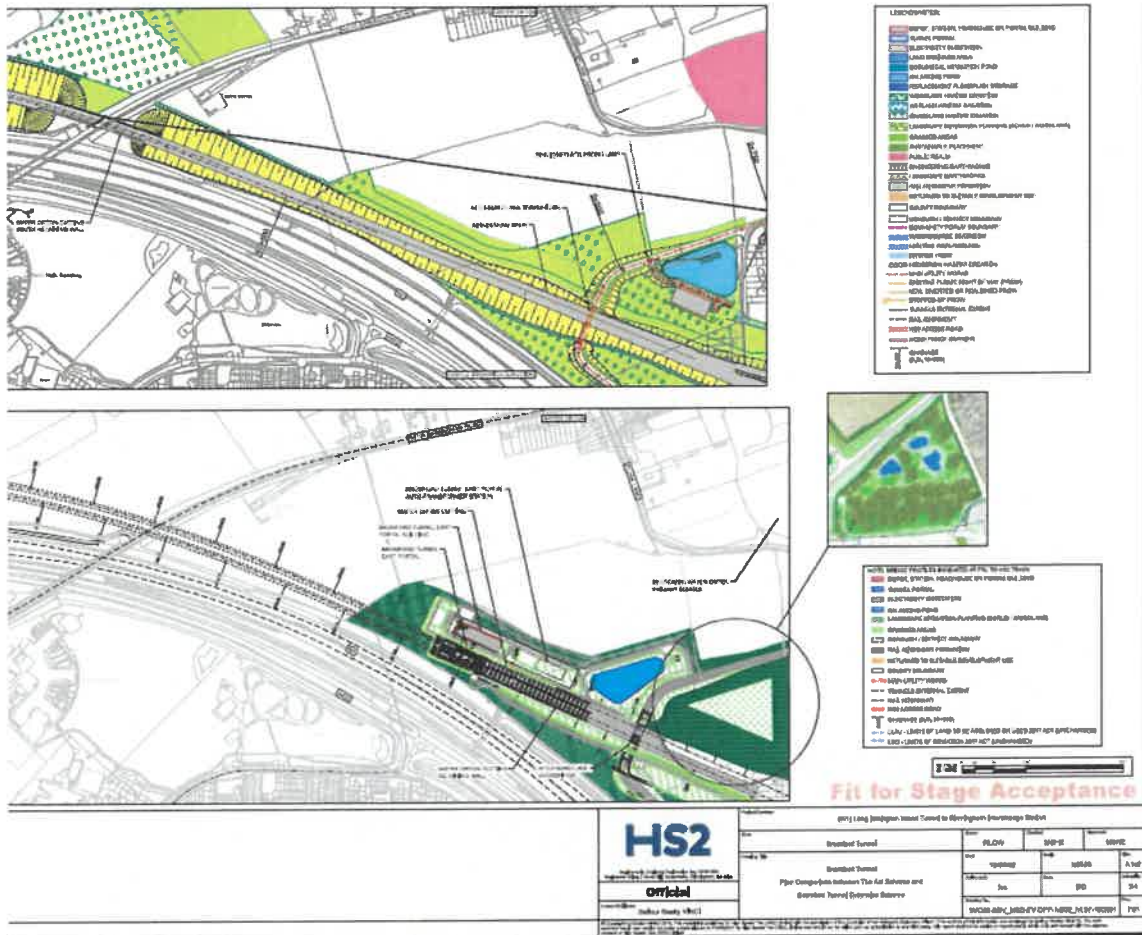
View looking northwards across the cutting, showing in-situ concrete props running between the northern and southern retaining walls and the partial excavation of the ground between a pair props

Appendix 3 Appellant's aerial photograph of December 2022



Approximate location for the transition between the Water Orton Cutting and the proposed tunnel portal (Annotation added by the Inspector)

Appendix 4 Extract from the Appellant's comparison drawing



Scheme assessed in the Environmental Statement shown in the upper image and the proposals subject to the appeal shown in the lower image

Appendix 5 Additional documents submitted prior to and after the Hearing

Document Reference	
Appellant's Documents	
HS2-1	Inspector requested drawing showing comparison between works authorised by the HS2 Act and subject to the appealed Sch17 application submitted on 28 January 2022
HS2-2	Enhanced Inspector requested drawings showing comparison between works authorised by the HS2 Act and subject to the appalled Sch17 application submitted on 30 March 2022
HS2-3	Appellant's response to the Council's Statement of Case submitted on 30 March 2022
HS2-4	Appellant's appeal summary submitted on 30 March 2022
HS2-5	Appellant's Environmental Statement Position Statement submitted on 30 March 2022
HS2-6	Environmental Statement Volume 2 Community Forum Area Report CFA19 Coleshill Junction submitted on 21 April 2022
HS2-7	Environmental Statement Volume 2 Map Books CFA19 Coleshill Junction submitted on 21 April 2022
HS2-8	Environmental Statement Volume 2 Community Forum Area Report CFA25 Castle Bromwich and Bromford submitted on 21 April 2022
HS2-9	Environmental Statement Volume 2 Map Books CFA25 Castle Bromwich and Bromford submitted on 21 April 2022
HS2-10	Illustrative Plans for the appellant's Transport and Works Act Order application submitted on 21 April 2022
HS2-11	Appellant's comments on third parties' appeal representations submitted on 25 April 2022
HS2-12	Email of 3 May 2022
HS2-13	Response to the post hearing submissions of Ms Felicitas Freeman submitted on 6 May 2022

HS2-14	Email of 17 May 2022 providing clarification about information given during the accompanied site visit undertaken on 29 April
HS2-15	Drawing showing General Arrangements overlain on Aerial Photograph (Drawing 1MC08-BBV_CV-DPL-NS02_NL07-000044 Revision P01.1) submitted on 14 June 2022
HS2-16	Email of 24 August 2022 concerning the High Court handing down its judgement in the matter of Buckinghamshire Council v Secretary of State for Transport, Secretary of State for Levelling UP, Housing and Communities and High Speed Two (HS2) Ltd (CO/3869/2021) (the Buckinghamshire judgement)
HS2-17	Response to the Council's submissions concerning the Buckinghamshire judgement and other matters submitted on 23 September 2022
Suite of revised application drawings submitted by the appellant on 4 November 2022	
HS2-18a	1MC09-BBV_MSD-PL-DGA-NS04_NL11-160400 Revision C02 General Arrangements - For Approval
HS2-18b	1MC09-BBV_MSD-PL-DSE-NS04_NL11-160401 Revision C02 Sections A and B - For Approval
HS2-18c	1MC09-BBV_MSD-PL-DSE-NS04_NL11-160402 Revision C02 Sections C, D and E - For Approval
HS2-18d	1MC09-BBV_MSD-PL-DSE-NS04_NL11-16040 Revision C02 Sections F, G and H - For Approval
HS2-18e	1MC09-BBV_MSD-PL-DSE-NS04_NL11-160403 Revision C02 Sections J, K and L - For Approval
HS2-18f	1MC09-BBV_MSD-PL-DEL-NS04_NL11-160404 Revision C02 Elevations M and N - For Approval
HS2-18g	1MC09-BBV_MSD-PL-DEL-NS04_NL11-160405 Revision C02 Elevations O and P - For Approval
HS2-18h	1MC09-BBV_MSD-PL-DGA-NS04_NL11-160403 Revision C02 Landscaping and Environmental Master Plan - For Information

HS2-18i	1MC09-BBV_MSD-PL-DLO-NS04_NL11-160401 Revision C02 Location Plan - For Information
HS2-19	Response to the Interested Parties' comments concerning the revised application drawings submitted on 1 December 2022
HS2-20	Response to the Council's comments concerning the revised application drawings and updated aerial photograph of November 2022 submitted on 12 December 2022
North Warwickshire Borough Council's (NWBC) Documents	
NWBC-1	Council's Case Summary submitted on 30 March 2022
NWBC-2	Council's comments on third parties' appeal representations submitted on 25 April 2022
NWBC-3	Explanatory Notes accompanying the High Speed Rail Act 2017 submitted on 26 April 2022
NWBC-4	Extract from Hansard of 1 March 2016 submitted on 26 April 2022
NWBC-5	Council's hearing speaking note submitted on 26 April 2022
NWBC-6	Planning Forum Note 5 Model Conditions submitted on 28 April 2022
NWBC-7	Council's comments concerning the Buckinghamshire judgement submitted on 23 September 2022
NWBC-8	Council's Interested Parties consultation letter of 8 November 2022 concerning the submission of the appellant's revised application drawings
NWBC-9	Council's comments concerning the revised application drawings 2 December 2022
HS2/NWBC	Statement of Common Ground between the appellant and the Council submitted on 30 March 2022
Submissions made by Interested Parties (IPs)	
IP-1	Post hearing submission of Ms Felicitas Freeman submitted on 27 April 2022

IP-2	Neil Bevan (a resident of the area) comments concerning the submission of the revised application drawings submitted on 14 November 2022
IP-3	Historic England's comments concerning the submission of the revised application drawings submitted on 16 November 2022
IP-4	The Special Management Zone Group North Warwickshire's comments concerning the submission of the revised application drawings submitted on 18 November 2022
IP-5	Natural England's comments concerning the submission of the revised application drawings submitted on 21 November 2022



The Planning Inspectorate

Report to the Secretaries of State for Transport and for Levelling Up, Housing and Communities

by Grahame Gould BA MPhil MRTPI

**an Inspector appointed by the Secretaries of State for Transport and for Levelling Up, Housing and
Communities**

Date: 13 December 2023

Inspector's Addendum Report

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) ACT 2017

NORTH WARKWICKSHIRE BOROUGH COUNCIL

APPEAL AGAINST THE NON-DETERMINATION OF SCHEDULE 17 SUBMISSION

Hearing held on 27 April 2022
Site visit made on 29 April 2022

Water Orton Cutting including the Bromford Tunnel East Portal and Attleboro Lane
Overbridge and ancillary works
Appeal Ref: APP/HS2/18

<https://www.gov.uk/planning-inspectorate>

Appeal Ref: APP/HS2/18**South south-west of Water Orton and north east of junction 4A of the M6 motorway**

- The appeal is made under paragraph 22(3) of Schedule 17 of the High Speed Rail (London to West Midlands) Act 2017.
- The appeal is made by High Speed Two Limited against the decision of North Warwickshire Borough Council to decline to determine the request for the approval of plans and specifications made under Schedule 17.
- The application, reference HS2/2021/0005, is dated 22 September 2021 and the decision refusing to accept and determine the application was dated 8 October 2021.
- The development proposed comprises the Water Orton Cutting including the Bromford Tunnel East Portal and Attleboro Lane overbridge and ancillary works.

Addendum Recommendation: No conditions be imposed in connection with to the request for the approval of plans and specifications concerning the formation of the Bromford Tunnel East Portal.

Background

1. On 31 March 2023 I submitted a recommendation report (RR) to the Secretaries of State (SoSs). In that report I recommended that:
 - the appeal concerning the request for the approval of the formation of the proposed Bromford Tunnel East Portal be dismissed; and
 - the aspects of the appeal concerning the request for the approval of details concerning: the formation of the Water Orton Cutting (the cutting), insofar as those works would be unconnected with the tunnel portal; and the Attleboro Lane Overbridge be allowed.
2. On 27 October 2023 the SoSs requested that I submit an "Addendum Report" (AR) providing recommendations relating to "*the portal's design with reference to the conditions included within Schedule 17 or any changes to operation[al] noise levels or air quality or to comment on any of the benefits that the appellant has attributed to an extension to the Bromford Tunnel*".
3. The request for the AR having been made further to what I had stated in paragraph 48 of my RR, namely:

'Should the SoSs agree with me that the proposed relocated tunnel portal would not benefit from the DPP¹ that would mean the portal would require authorisation via other legislation. Given that context, in order to avoid the potential for any predetermination by the SoSs I consider it would be inappropriate for me to make any recommendations about the portal's design with reference to the conditions included within Sch17 or any changes to operational noise levels or air quality or to comment on any of the benefits that the appellant has attributed to an extension to the Bromford Tunnel. I consider it would in any event not be possible for either the SoSs or myself to arrive at an informed assessment of the

¹ The deemed planning permission granted pursuant to section 20 of the High Speed Rail (London to West Midlands) Act 2017

tunnel portal's visual effects, given the piecemeal way the appellant is seeking to go about obtaining approvals for what would be a new set of works in this location, given the absence of definitive details relating to the tunnel portal building, the autotransformer and any soft landscaping works.'

4. This AR should be read in combination with my RR, with this addendum only addressing the matters that the SoSs have requested I make additional recommendations about.

Proposed Bromford Tunnel East Portal (BTEP)

5. The appealed Schedule 17 (Sch17) application, amongst other things, seeks approval for the formation of a concrete tunnel portal structure at the western end of the proposed cutting. Given the appellant's intention to extend the Bromford Tunnel by 2.9km approval is being sought for a portal that would be located in the countryside on the fringes of Water Orton's built-up area. That would be instead of a portal being sited within the Castle Bromwich Business Park.
6. The following description of what the cutting would comprise is provided in paragraph 3.2.10 of the written statement accompanying the appellant's originally submitted application (appellant's appeal Appendix [AaA] 2):

"The earthworks associated with the Water Orton Cutting are held by a retaining diaphragm wall structure approximately 470m in length on its south side, and by a retaining diaphragm wall structure of approximately 300m in length on its north side. This retaining structure comprises open cut sections of concrete diaphragm wall supported by concrete props."

7. The BTEP is described in paragraph 3.2.15 of the written statement [AaA2] as:

"A concrete structure will be built within the cutting at its western end, forming the eastern portal of the Bromford Tunnel. This structure will continue eastwards from the portal itself within the Water Orton Cutting, with concrete retaining diaphragm walls to the flanks and props forming structural joists above train level. Retaining diaphragm walls will continue within the railway cutting, where a concrete retaining headwall will be constructed, with two circular openings to form the tunnel portal. The tunnel portal will be located completely below existing ground level."

8. Within the written statement [AaA2] it is explained that when high speed trains exit tunnels significant noise can be generated because of soundwaves being produced as part of a "**piston effect**". The proposed tunnel portal would be of a porous nature, with its design including openings in portal's roof. In section 3 of the application proforma (AaA1) it is stated that the cutting would extend approximately 470 metres north westwards from the existing Attleboro Lane. It is therefore my understanding that the transition between the western end of the cutting and the proposed BTEP would approximate to where "Section K" is shown on the appellant's General Arrangements plan (reproduced in Appendix 1 to this report and notated with a red hatched line by myself).
9. The portal would have a rectangular profile and it would terminate in the region of 50 metres to the north west at the proposed tunnel's eastern

headwall. The portal's eastern cross section (ie in the vicinity of Section K) is shown in Figure 1.

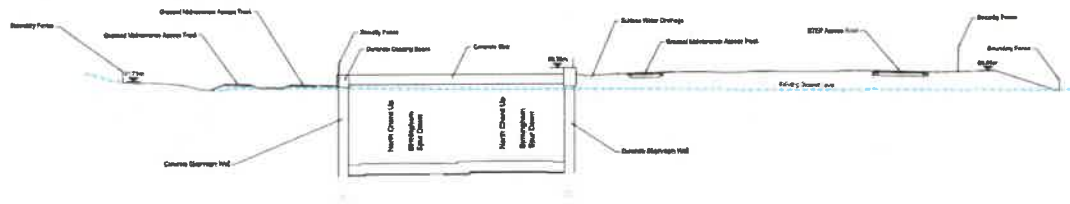


Figure 1 Cross section K

10. The portal's concrete roof slab and capping beams would project around 1.0 metre above the proposed finished surrounding ground level and those above ground elements of the BTEP would be enclosed by 1.8 metre high security fencing. It is intended that some access tracks and parking would be provided on the portal's roof and would be needed for maintenance purposes.
11. The BTEP would largely be a subterranean structure. Consequently, I consider of the above ground elements of the BTEP, for which approval has been sought at this time, of themselves would not be unduly prominent and their appearance would be capable of being softened through the undertaking of soft landscaping. Landscaping does not form part of the works for which the appellant has sought approval under the appealed Sch17 application. Landscaping being a form of mitigation that can be considered in detail when bringing into use applications are submitted under paragraph 9 of Sch17.
12. However, it is clear from details submitted for information purposes only with the appealed application that above ground structures would be required to facilitate the proposed tunnel's operation. In that regard the appellant intends that immediately to the north of the proposed BTEP a portal building would be constructed, housing mechanical, electrical and public health equipment.
13. It is further intended that the proposed portal building would be linked via two gantries to a central portal shaft extending above the BTEP's roof. The appellant has also identified the need to locate an autotransformer within the vicinity of the BTEP and that would be located to the south east of the portal building. The extent of the land reserved for those above ground structures is shown on the submitted General Arrangements Plan (Appendix 1 to this report) and an illustrative image² for them can be seen in Figure 2.

² Extract from drawing 1MC09-BBV_MSD-PL-DSE-NS04_NL11-160401 Revision C02 Sections A and B (Appeal document HS2-18b)

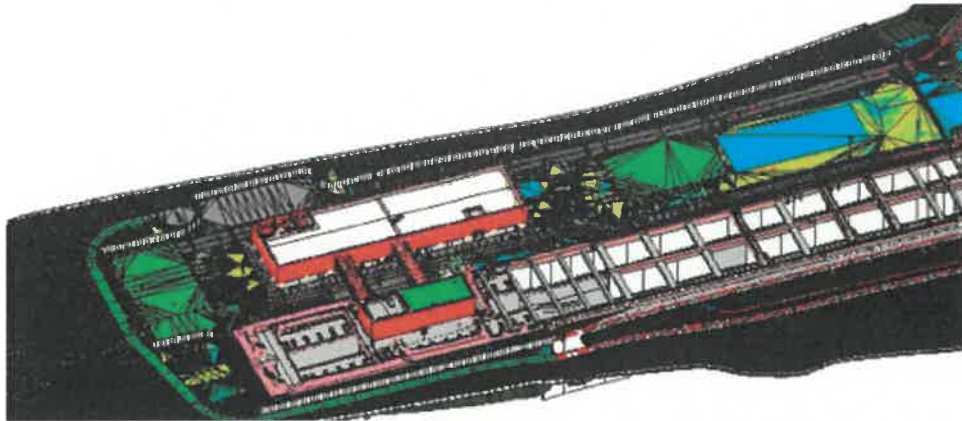


Figure 2 Illustrative image of the tunnel portal and associated above ground structures

14. A consequence of needing to provide a portal building and other above ground structures in the vicinity of the proposed BTEP would be the absence of much land, particularly to the north of the railway line, for the softening of the appearance of potentially unsightly functional structures. The relationship between the above ground structures, the proposed BTEP and land available to accommodate soft landscaping is shown in the illustrative landscaping and environmental master plan (LEMP) included in Appendix 2 to this report. The reference design assessed in the Environmental Statement (ES) for this stretch of HS2 was simply for a railway line in a cutting flanked by planting areas. A comparison between that reference design and what is now being proposed can be seen in Appendix 4 of my RR. The reference design included the undertaking of, amongst other things, a mixture of landscaped earthworks and landscape mitigation planting (scrub and woodland). By contrast the LEMP shows to the north of the BTEP generally low level planting (grassland and shrubs) and a narrow strip of what is described as "high woodland edge".
15. Full details of the above ground structures associated with the operation of the proposed BTEP have not been submitted by the appellant. Consequently, I consider such details could not reasonably be requested in connection with the determination of this appeal. That is because the appellant has expressly excluded a request for the approval of the plans and specifications for the above ground structures from the appealed Sch17 application. That led me in paragraphs 46 and 48 of my RR to express the view that the appellant's proposals were of a 'piecemeal' nature because, in effect, a substantially different set of works are now being brought forward in '*... the absence of definitive details relating to the tunnel portal building, the autotransformer and any soft landscaping works*'.
16. On the information available to me I have major reservations as to whether the soft landscaping works shown on the illustrative LEMP (Appendix 2 to this report) would provide effective mitigation for the above ground BTEP structures. Potentially the only way of addressing what might be the unsightly appearance of a standalone group of structures would be reliance a higher quality of design not usually reserved for this type of functional structure. However, that is not a matter that could reasonably be secured through the imposition of any conditions under paragraph 2 of Sch17 because the portal building and other above ground structures associated with the proposed BTEP are not within the appealed application's scope.

Changes to operational noise levels or air quality

17. A Noise Demonstration Report (NDR) [AaA3] was submitted with appealed application. The NDR is excluded from the submitted documents for which approval has been sought [AaA1]. In section 1 of the NDR it is explained this report is "... *not material to approvals under paragraph 2 and 3, this information will provide reassurance in advance for the request of approval under paragraph 9, that the mitigation is appropriate ...*"³. While the NDR has only been submitted for information purposes only, it is the only noise report that has been provided by the appellant.
18. The NDR's Executive Summary explains it is a report relating to the "... *Proposed Scheme along the Birmingham Spur ...*" and therefore relates to the cutting as well as the:
- Water Orton numbers 1 and 3 Viaducts;
 - Marsh Lane Embankment;
 - Attleboro Flyover; and
 - Attleboro Farm Embankment and Retaining Wall.
19. The NDR is therefore not Water Orton cutting specific and the way it has been written suggests it was intended to accompany a single Sch17 application seeking approval for a comprehensive package of works, including the cutting, within the vicinity of Water Orton. In that regard a lot of the NDR's content focuses on noise mitigation measures concerning the operational railway to the east of Attleboro Lane, ie an area beyond the geographical extent of the appealed application.
20. It is stated in the third paragraph of the NDR's Executive Summary that:
- "This report provides that all reasonable steps are taken into the Proposed Design so that the combined airborne noise from the railway and altered roads, predicted in all reasonably foreseeable circumstances (AFRC), does not exceed the lowest observed adverse effect level (LOAEL) at residential receptors. Where it is not reasonably practicable to achieve this objective, this report demonstrates that the Proposed Design reduces airborne noise as far as is reasonably practicable (AFARP). It is shown in the report that the Proposed Design leads to noise impacts that are similar to those reported in the HS2 Phase 1 ES."*
21. The NDR predicts for the whole of the area to which it relates that seven properties in Attleboro Lane would be subject to night time (23:00 to 07:00) noise levels exceeding the LOAEL (40 L_{pAeq,8hr}). That compares with no such exceedances of LOAEL in Attleboro Lane under the ES reference design. Those exceedances of LOAEL having been attributed to a reduction in the length of landscape bunding. The Council is concerned that the predicted increases in noise received at dwellings in Attleboro Lane could have adverse health or living conditions effects for the affected residents, with there potentially being a need for windows to be kept closed to avoid sleep disturbance.

³ The references to paragraphs 2 (building works), 3 (other construction works) and 9 (bringing into use) being to paragraphs in Sch17

22. The NDR advises that across the whole of the area it covers there would be a reduction from 617 to 503 properties where exceedances of the maximum night time LOAEL ($60 L_{pAF, max}$) would arise. However, the NDR does not explain what contribution, if any, the design for the Water Orton cutting and the proposed BTEP might have in reducing those exceedances. If the design of the cutting and the proposed BTEP were contributing to that reduction I would have expected the appellant to have clearly stated that as part of its appeal case. As I am unaware of the full nature of the proposals contained in any other requests for the approval of plans and specifications for works to the east of Attleboro Lane I cannot comment further on the weight to be attributed to the predicted wider improvement in Water Orton's noise climate. That being something that might have been possible had I been reporting on an appeal that concerned all of the works within the vicinity of Water Orton, as opposed to what I have characterised as being a piecemeal application for some elements of the works affecting this area.
23. It appears that there would be some worsening in the noise climate in Attleboro Lane compared with the ES reference design. Should that be due to the current design for the Water Orton cutting and the proposed BTEP I consider the appellant would not have been able to demonstrate adherence to its commitment to reduce noise as far as reasonably practicable. That I consider creates a difficulty when the cutting and proposed BTEP are being assessed against the tests in paragraphs 2 and 3 of Sch17, namely whether the plans and specifications should be refused or approved with conditions on the ground that the works ought to be modified to preserve local amenity and the works would reasonably be capable of being so modified and in the case of the proposed portal whether it could reasonably be carried out elsewhere within the permitted limits for HS2. In this instance there would appear to be a modification that could be made, the reversion to the ES reference design for the cutting and the Bromford Tunnel, given that those works have previously been demonstrated to have a lesser effect for the residential occupiers of Attleboro Lane.
24. The worsening in the noise climate for Attleboro Lane might be capable of being resolved through the undertaking of mitigation works not identified in the NDR. However, I consider that would be a matter for consideration when a bringing into use application was made under paragraph 9 of Sch17. In connection with the submission of that application I consider it would be necessary for the appellant to submit a comprehensive noise assessment for the Council's consideration, with any necessary noise mitigation measures being incorporated into the works for which approval was to be sought under paragraph 9.
25. With respect to air quality, this is a concern that has been raised by multiple residents in connection with constructing the works subject to the appealed application. I am given to understand firstly that the handling and storage of spoil, reusable spoil and topsoil and dust suppression are matters which come with the scope of paragraph 4 (matters ancillary to development) of Sch17 and secondly the Secretary State for Transport has made a "class approval" under paragraph 5 relating to them. That means that the previously mentioned matters ancillary to the construction of HS2 are subject to the controls incorporated into the class approval and are not for further consideration as part of the determination of the appealed application.

Benefits attributed by the appellant to an extension to the Bromford Tunnel

26. The appellant in section 3.7 of its response to the third parties' appeal submissions has identified the following matters as being benefits of extending the Bromford Tunnel:
- Removing the need to realign approximately 600 metres of the River Tame.
 - Reducing carbon emissions due a reduction in the overall extent of built infrastructure.
 - Relocating the tunnel portal from a floodplain reducing climate change effects due to flood risk.
 - Reducing effects on the Park Hall nature reserve.
 - Reducing effects on farmland.
 - Reducing landscape and visual impacts for heritage impacts.
 - Reducing operational airborne noise effects for a number of residents.
27. The appealed application does not seek approval to the 2.9km extension of the Bromford Tunnel, with only the BTEP forming any part of the intended tunnel extension. Accordingly, I remain of the view that it would be inappropriate for me to comment on the benefits claimed by the appellant, because they relate more to the proposed tunnel extension than a relocated portal and very little information has been submitted about the claimed benefits.

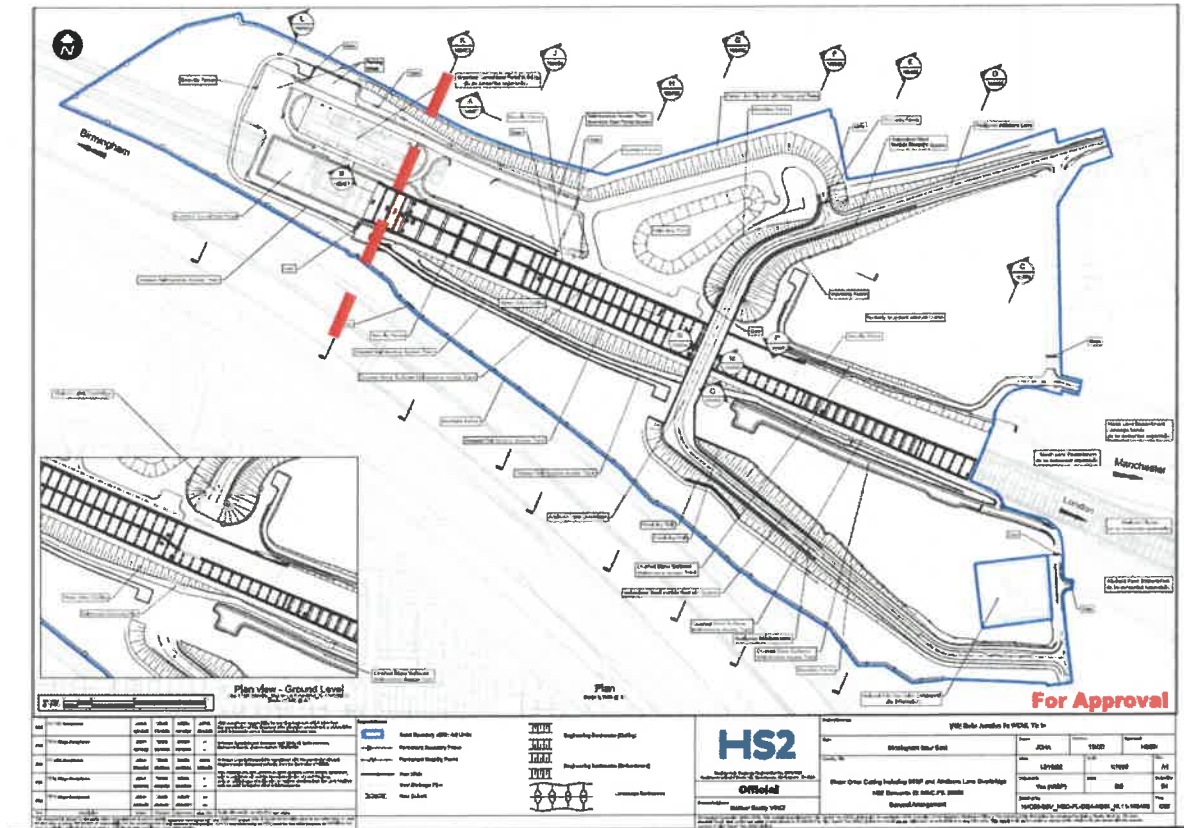
Conclusions

28. For the reasons given above I recommend that no conditions be imposed in connection with the request for the approval of plans and specifications concerning the formation of the Bromford Tunnel East Portal.

Grahame Gould

INSPECTOR

Appendix 1 Revised General Arrangements Drawing



--- Notation identifying Section K added by the Inspector



Appeal Decision

Site visit made on 17 April 2024

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2024

Appeal Ref: APP/R3705/W/23/3330281

Polesworth Sports and Social Club, High Street, Polesworth, Tamworth B78 1DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Westbourne Leisure Ltd against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2021/0238.
 - The development proposed is the change of use of existing function room and additional mezzanine floor to provide bed and breakfast accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing function room and additional mezzanine floor to provide bed and breakfast accommodation at Polesworth Sports and Social Club, High Street, Tamworth B78 1DX in accordance with the terms of the application, Ref PAP/2021/0238, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the interests of clarity I have taken the address from the Appeal Form. I have also noted that, although the description comes from the application form, the proposal includes elevational changes.

Main Issues

3. The main issues in this case are
 - a) whether the proposal would preserve or enhance the Polesworth Conservation Area, and whether it would harm the significance of nearby listed buildings and
 - b) its effect on the living conditions of occupiers of the scheme and its neighbouring properties.

Reasons

Heritage

4. The character and appearance of the Polesworth Conservation Area can be summarised as comprising busy streets serving this large village that enclose a sizeable, peaceful verdant area surrounding the former Abbey and the riverside. Its significance is therefore historic and architectural, as its buildings and open spaces reflect the growth and adaption of this long-established settlement over the centuries with its focus on the Abbey.

5. High Street is on the northern side of the conservation area and appears to be a relatively busy road carrying an appreciable flow of vehicles into and out of Polesworth. Moreover, as it passes through the conservation area the positioning of buildings at or near to the back of the pavement gives the road a narrow, enclosed feel, that emphasises these traffic flows all the more.
6. A number of listed buildings sit among the properties of varied ages and styles that line High Street. Opposite the appeal site are the Grade II* listed Abbey Gatehouse and the adjoining 22 High Street, which date from the 14th and 16th Centuries respectively. Their significance in relation to this appeal is architectural and historic, arising from the way their form, detailing and materials reflect their age and purpose and indicate their links to the Abbey. Further to the west is the Grade II listed Polesworth Congregational Church, whose significance is found in the simple building style that reflects non-conformist church architecture in the early 19th Century. Just beyond the church is the Old School, also Grade II listed, that was rebuilt about 200 years ago. Its significance relates to its appearance and detailing that illustrate and inform its original purpose. When considering the settings of these buildings, they are now experienced very much in the context of the diverse and busy streetscape in which they stand, with its varied buildings, enclosed nature, and relatively heavy traffic flows.
7. The appeal property comprises a large modern club building that is set back from the road behind a hard landscaped car park, with a further informal parking area to the side. I consider it to be a negative feature in the conservation area, partly because of the design and scale of the building that relates poorly to the older, finer grained properties around, and partly because of its condition and the state of its surrounding car parking.
8. The proposal would not extend or enlarge the building's envelope to any appreciable degree, though there would be a refreshing of the elevations and some new windows would be formed. The parking areas would also be laid out and surfaced in a more sensitive manner, with landscaping introduced along the High Street frontage to soften the site's appearance. To my mind such works would have a positive effect on the conservation area. Whilst the building's inherent form and scale would mean it would still be incongruous to some degree in this historic context, its overall appearance would be enhanced and its discordant nature would be less pronounced. I see no reason why improving and upgrading the appearance of the site and building in this way would have a negative effect on the conservation area or the settings of the listed buildings on High Street, given the beneficial nature of such works and, in the case of the listed buildings, the separation involved.
9. Internally, the proposal is to retain the smaller club room that is at the premises now, albeit subdivided into a bar and a function space. The existing larger club room though would have a mezzanine floor inserted and be converted to 2 floors of bed and breakfast accommodation. Although 25 rooms are shown on the plans, this number is not expressly stated in the description of the development.
10. It was contended that such a use would harm the historic environment due to increased noise and disturbance as customers went to or left the bed and breakfast accommodation, whether in vehicles or on foot. I was given no robust details about existing or potential movements, and I have no basis to

find that the proposal would result in a material increase in such activity. Furthermore, it is reasonable to assume that the existing club room may generate movements of significant size from time-to-time that would be focussed around the starting and finishing of events, and some of these could possibly be late in the evening when High Street is otherwise quieter. In contrast, it is more likely that the movements associated with the new use, although a daily occurrence, would be spread throughout each day, thereby meaning their impact was less pronounced.

11. Taking these points together and given how busy High Street now appears to be, I am not satisfied that the new use would lead to any appreciable increase in the volume or quantity of vehicle and pedestrian movements along the road, and such activity as it would generate would not be concentrated to the same extent on times when the road was not so busy. Consequently, mindful of the present nature of High Street and the streetscape in which the listed buildings stand, I have no firm grounds to find that the activity connected with the proposal would cause harm to the various designated heritage assets.
12. In coming to this view I recognise that when passing through the gateway in the Abbey Gatehouse, one is struck by the tranquillity of the open space that lies around the former Abbey. This arises partly because of the way the buildings along the south side of High Street form a barrier, safeguarding it to a great extent from the noise and disturbance on that road. I have no reason to consider these buildings would not continue to have a similar effect on any activity associated with the proposal, and so the character of that area would not be harmed.
13. Whilst the Council contended that permitting this scheme would perpetuate the presence of the club building, there is no strong evidence to show the current discordant nature of the site would be changed if the appeal were to be dismissed. Furthermore, I consider that the external alterations and the new use would, for the reasons given above, mean the building integrated more appropriately into this historic environment when compared to the existing situation.
14. Therefore, I conclude that the proposal would not affect the settings of any of the identified listed buildings on High Street in a manner that harmed their significance. Furthermore, the effect of the proposal would not cause harm to the significance of the conservation area or fail to preserve its character or appearance. As such, the scheme would not conflict with Policy LP15 in the *North Warwickshire Local Plan* (the Local Plan), which seeks to protect or enhance the historic environment, or national guidance in the *National Planning Policy Framework* (the Framework).

Living conditions

15. Mindful that this would be commercially let for short-term bed and breakfast occupancy, I consider the standard of this accommodation, of itself, is not a reason to refuse the scheme. The submitted layout showed a manager's flat, which had no natural light to its lounge or bedroom. Such an arrangement would create unacceptable living conditions for future occupiers. A condition though could be imposed to require the floor layout to be agreed to address this matter.

16. I have noted the relationship of the development to the rear garden of the neighbouring public house. However, again mindful of the commercial nature of the proposal's bedrooms, appreciating they are not to be permanent accommodation, and noting the garden's current relationship to existing houses, this situation should not result in unacceptable accommodation for the scheme's occupiers, or give rise to unreasonable restrictions being imposed on the public house.
17. Housing is to the west of the site but is some distance away and separated by an intervening car park. Houses are also to the north, beyond a strip of land at the back of the appeal site, a garage/access area, and relatively long gardens. In neither case would the proposal be close enough to cause an undue loss of privacy in these surrounding dwellings.
18. A concern was also raised about privacy in the gardens, and in particular for children. Whilst I fully recognise the importance of this and afford it due weight, these gardens already seem to be overlooked, at least in part, by the houses to either side. Furthermore, when the distances to the development, and the presence of the various intervening sheds and garages are taken into account, I consider the loss of privacy in these gardens would not be unacceptable.
19. Accordingly, the proposal would not unreasonably affect living conditions, and so would not conflict with Local Plan Policy LP29, which seeks to avoid and address unacceptable impacts upon neighbouring amenities, or the Framework.

Other Matters

20. Comments were raised about who would stay at the property. However, provided the occupancy remained within the lawfully permitted use class, the nature of the occupants is not a matter that affects the planning merits of the case. Similarly, the issue of need for the development is not something that could be given sufficient weight to resist the proposal. To my mind the formalising of the car parks and the change of the large function room to bed and breakfast accommodation would mean there should not be increased harm to highway safety as a result of parking pressures.

Conditions

21. The standard time limit conditions should be imposed, and, for the avoidance of doubt, the development should be in accordance with the approved plans.
22. In the interests of the character and appearance of the area the car parks should be surfaced and laid out in approved materials, the landscaping should be agreed and implemented, and the external alterations should be undertaken prior to occupancy. Given the site's location in relation to designated heritage assets, the external materials should be approved before development commences.
23. Having regard to the standard of accommodation on offer, the internal floor plan should be agreed and the detached building in the site's north-east corner should be demolished. Turning to highway safety, there should be controls in place to ensure the car parks served the development and remained available for use. Finally, in the interests of sustainability, electric vehicle charging points should be secured.

24. A condition has been suggested to require an agreement of the bed and breakfast's intended booking procedures and the policy it will operate on the length of stay. However, it is the responsibility of the land owner and the operator to ensure the development remains within the parameters of the permission, and consequently I have not been persuaded this condition is necessary to make the scheme acceptable in planning terms.

Conclusion

25. For the reasons stated I conclude the appeal should be allowed.

JP Sargent

INSPECTOR

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development shall be undertaken in accordance with the following approved drawings: 1120 04A, 1120 08 & 1120 09.
- 3) Prior to the commencement of development, details of the intended external materials shall be submitted to and approved in writing by the Local Planning Authority, and the development shall then be undertaken using those materials only.
- 4) Prior to the first occupation of the bed and breakfast accommodation, the bed and breakfast accommodation (including any manager's flat) shall be laid out in accordance with a layout that has first been submitted to and approved in writing by the local planning authority, and that layout shall thereafter be retained.
- 5) Prior to the first occupation of the bed and breakfast accommodation, the external alterations shown on Drawing 1120 004A shall be undertaken in full in accordance with the materials that have first been approved in writing by the Local Planning Authority under Condition 3 above.
- 6) Prior to the first occupation of the bed and breakfast accommodation, all hard surfacing (including car parking) and soft landscaping shown on the approved plans shall be laid out and/or planted in accordance with details (such as materials, planting schedules, maintenance regimes etc) that have first been submitted to and approved in writing by the Local Planning Authority. Any plants that, within a period of 5 years from planting, die, are removed or become seriously diseased, shall be replaced in the next planting season with others of the same size and species as those originally approved.
- 7) Prior to the first occupation of the bed and breakfast accommodation, a Car Park Management Plan shall be first submitted to and approved in writing by the Local Planning Authority, which shall outline the mechanism for securing on-site car parking for guests who are booking or have booked rooms in the accommodation hereby approved. The

development shall thereafter be operated in accordance with the approved Car Park Management Plan.

- 8) Prior to the first occupation of the bed and breakfast accommodation, details of electric vehicle charging points within the car park, together with a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall then be provided in accordance with the approved details and timetable and thereafter retained.
- 9) Prior to the first occupation of any east-facing rooms on the ground floor, the existing single storey element within the site between that elevation and the boundary to the neighbouring public house shall be demolished at least down to slab level. This area shall then be surfaced or landscaped in accordance with details (such as materials, planting schedules, maintenance regimes etc) and a timetable that have first been submitted to and approved in writing by the Local Planning Authority. If any planting is proposed, any plants that, within a period of 5 years from planting, die, are removed or become seriously diseased, they shall be replaced in the next planting season with others of the same size and species as those originally approved.
- 10) Prior to the first occupation of the bed and breakfast accommodation, the car parking shall be laid out and thereafter retained solely for use as a customer and staff car park in connection with the development hereby approved. Unless directly related to the approved use, there shall be no Heavy Goods Vehicles parked, stored or kept on the car park, and there shall be no outside storage on the car park of any materials, plant equipment or structures, including containers.

Appeal Decision

Site visit made on 14 May 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2024

Appeal Ref: APP/R3705/W/23/3335027

Land South of Wood Barn Farm, Coleshill Road, Ansley

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Green against the decision of North Warwickshire Borough Council.
- The application Ref is PAP/2023/0120.
- The development proposed is the erection of replacement dwelling for Alltons Cottage.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The address in the banner heading above is taken from the Council's decision notice as it more accurately describes the location of the appeal site.

Main Issues

3. The main issues in relation to this appeal are;
 - i) Whether the site is in a suitable location for housing development having regard to the development plan;
 - ii) The effect of the proposal on the character and appearance of the landscape area; and
 - iii) Whether the proposed development is of an appropriate density.

Reasons

Suitable Location

4. Policy LP2 of the North Warwickshire Local Plan (LP) 2021, defines the borough's settlement hierarchy directing the majority of development towards its market towns and other defined settlements, with little development supported within the countryside.
5. The appeal site is located within the countryside such that it falls under category 5 'all other locations' of Policy LP2. It sets out that special circumstances should exist to justify new isolated homes in the countryside, noting examples of those that meet rural workers' needs, the optimal use of a heritage asset, the re-use of redundant buildings, the subdivision of an existing residential dwelling, or development of exceptional quality or innovative design, or for rural exception sites in line with national policy. In this respect, the wording of the policy generally reflects that of paragraph 84 of the Framework

which seeks to avoid the development of isolated homes in the countryside unless it meets a specified exception.

6. The appeal site is surrounded by agricultural land and thus does not form a cluster with any existing buildings, nor is it located within a settlement. Although the description of development suggests that the proposal is for a replacement dwelling there is no existing dwelling in situ on the appeal site. The proposal therefore amounts to the erection of an open market dwelling on a vacant plot of land. It does not meet any of the suggested exceptions set out within Policy LP2 and I find that in respect of paragraph 84 of the Framework the appeal site would be isolated.
7. The appellant asserts that the appeal site constitutes previously developed land (PDL). PDL is defined by the Framework as land that was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. The Council suggests that until recently the remains of a former dwelling on the site had blended into the landscape such that the appeal site could not be considered to be PDL.
8. Be that as it may, the clearing of vegetation has revealed the foundations of a former dwelling such that I am satisfied that the land can be considered to be PDL. In this regard my findings are consistent with those set out in appeal decision APP/R3705/W/20/3258573. PDL is distinct from determining a particular use of land and therefore my findings in respect of PDL do not infer acceptance of any particular use for the appeal site. I will return to this matter later in my decision.
9. Although the Framework encourages the use of PDL, it does so where suitable opportunities exist. In this case, the appeal site is not in a location that fits with the Council's spatial strategy for new development. Consequently, I find that the proposal would be in conflict with Policy LP2 of the LP as set out above, and the Framework with regard to rural housing.

Character and Appearance

10. The appeal site consists of a parcel of land contained by hedgerows adjacent to the B4114. The appeal site is located within the 'Church End to Corley-Arden Hills and Valleys' Landscape Character Area, as defined in the Council's Landscape Character Assessment (LCA) 2010. The LCA identifies the need to conserve and restore the typical rural 'Arden' landscape of this area, recommending that new developments should maintain the predominant historic dispersed settlement pattern of hamlets and scattered farmsteads.
11. I observed that there is sporadic development within the vicinity of the appeal site that has occurred organically over time. However, the overwhelming character is of wide-open rolling countryside contained by verdant hedgerows and trees. As a vacant plot free from buildings, the appeal site contributes positively to the undeveloped rural landscape.
12. Notwithstanding that the design of the proposed dwelling is not in dispute,¹ as a 2-storey building, its scale would be appreciable in public views along the main road, particularly across the access to Wood Barn Farm when travelling in a south-westerly direction. It would also be visible in localised views, above the existing boundary hedgerows as well as those proposed to the north-eastern

¹ The Council accepts that the design is acceptable within its officer report.

corner. Being visually and spatially detached from any other built form, the proposal would result in an intrusive form of development that would harmfully introduce a greater degree of urbanisation including car parking and domestic paraphernalia that is not characteristic of this location. It would therefore detract from the positive contribution the appeal site makes to the rural landscape. It would neither conserve the open landscape character, nor maintain the dispersed settlement pattern as required by the LCA, instead resulting in further sporadic development that would erode the openness of the countryside.

13. For the reasons given above, the proposed development would have an adverse effect on the landscape character of the area, contrary to Policies LP1, LP14 and LP30 of the LP. These policies require proposals to be consistent with the approach to place making including to conserve, enhance and where appropriate restore landscape character, objectives shared by the LCA.

Density of Development

14. Policy LP7 of the LP expects housing development to be built at a net density of no less than 30 dwellings per hectare to ensure an efficient use of land. Sites within a countryside location are not precluded from this requirement and indeed, a higher density is specified for development within town centre locations. Notwithstanding the suggested residential use of the appeal site and the countryside location, undisputed by the appellant, the Council suggests the proposed development would result in a density of 10dph² including accounting for biodiversity enhancement. It would therefore be a substantial shortfall from the LP requirement. There is no compelling evidence before me that such a low density would be appropriate in this instance, even in a countryside location.
15. The proposal would not provide for an appropriate density of development. Consequently, it would be contrary to Policy LP7 of the LP as set out above.

Other Matters

16. Historic maps indicate that a dwelling existed on this site for many years³. However, it was knocked down following a demolition order issued by the Council on 19th January 1978. I observed that only remnants of the footings of the former dwelling remain, the wider site consisting of mown grass.
17. The appellant makes the case that the residential use of the site has not been abandoned despite it being over 46 years since a dwelling existed, due to the ongoing maintenance of the land, the lack of an intervening use and the intention of the subsequent owners to pursue an application for a replacement dwelling⁴. However, limited evidence is provided to explain how the land has been maintained and importantly, how it has been used for residential purposes since the earlier demolition. Likewise, the evidence with regard to the intention to continue a residential use is vague, with reference to 3 planning refusals and a dismissed appeal that related to the erection of an agricultural rather than replacement dwelling, made over 40 years ago⁵. It is also noted

² As cited by the Council in its officer report.

³ As found within appendix A of the appellant's statement of case.

⁴ As set out in Section 4 Planning History of the appellant's statement of case.

⁵ Planning application references NW79/0488, NW79/1762, NW81/1636 and appeal reference APP/5395/A/82/04414.

that the appellant refers to the appeal site in the appeal documentation as a paddock,⁶ a term which usually connotes a small field where animals are kept.

18. The determination of whether the original use has been abandoned is complex as indicated by the number of relevant judgements made regarding this matter⁷. It is not for me as part of this S78 appeal to determine the lawful use of the land. It is a matter of fact that there is no longer a dwelling on the appeal site and moreover, there is no certificate of existing lawful use or development (CLEUD) before me to confirm whether the residential use remains extant.
19. Even if I could accept the appellant's position that the residential use of the land had not been abandoned, there is no reasonable expectation that permission would be granted for a new dwelling on the site. Planning law dictates that proposals must be determined in accordance with the development plan in effect at the time of decision-making, unless material considerations indicate otherwise. I have found the proposal fails to comply with the development plan and I cannot be satisfied on the evidence before me that the use of the appeal site remains residential, such that it would form a material consideration sufficient to outweigh the harm identified.
20. The appellant refers me to an appeal decision for a site within a different local authority area⁸. That appeal related to the refusal of the Council to grant a certificate of lawful use or development (LDC) for the residential use of land. That is a different type of application and appeal to that before me such that it is not wholly comparable. Evidence included a statutory declaration and an extensive planning history of attempts to gain planning permission such that the Inspector concluded that on the balance of probabilities the residential use of the land had not been abandoned. The previous appeal does not affect my findings.
21. Letters of support provided relate to a previous proposal for an agricultural worker dwelling, with one of them dating from 1982. Even if I could consider them relevant to the proposal before me, support for a proposal does not equate to a lack of harm. It is neutral in the planning balance, weighing neither for, nor against the proposal.

Conclusion

22. The proposal conflicts with the development plan when considered as a whole and there are no material considerations presented of sufficient weight to indicate that the decision should be made otherwise than in accordance with it. Accordingly, the appeal is dismissed.

M Clowes

INSPECTOR

⁶ Section 3 of the appellant's design & access statement and section 3 of the appellant's statement of case.

⁷ *Panton and Farmer v SSETR & Vale of White Horse DC* EWHC Admin 1138 [1999], *Hughes v SSETR and South Holland DC* (2000) EWCA Civ 506, *Trustees of Castell-y-Mynach Estate v SoS* 10/7/85 JPL 40.

⁸ Appeal reference APP/C3810/X/15/3035706.



Appeal Decision

Site visit made on 14 May 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th May 2024

Appeal Ref: APP/R3705/W/23/3331258

Tameview, Cliff Hall Lane, Cliff, Kingsbury B78 2DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr Darren Gammage against the decision of North Warwickshire Borough Council.
- The application Ref is PAP/2021/0593.
- The development proposed is described as 'two detached dwellings.'

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline with all matters reserved for future consideration except access. I have determined the appeal on this basis treating the submitted site plan provided as illustrative.
3. In December 2023 the Government published a revised National Planning Policy Framework (the Framework). Although some paragraph numbers have changed, the revisions do not relate to anything that is fundamental to the main issues in this appeal. I have referred to the updated paragraph numbers where relevant.

Main Issues

4. The main issues in this appeal are;
 - i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
 - ii) Whether the appeal site is a suitable location for the proposed development having regard to local and national planning policy for the delivery of housing and accessibility to services and facilities; and
 - iii) Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

5. The appeal site is located within the Green Belt to which the Government attaches great importance. Paragraph 154 of the Framework indicates other than in connection with a small number of exceptions, the construction of new

buildings should be regarded as inappropriate within the Green Belt. Of those exceptions, the appellant directs me to paragraph 154g).

Limited Infilling

6. Policy LP3 of the North Warwickshire Local Plan (LP) 2021 reflects the Framework's restriction to development in the Green Belt, providing details of how Green Belt policy is to be applied locally. With regard to infilling, Policy LP3 states that limited infilling in settlements washed over by the Green Belt will be allowed within the infill boundaries as defined on the policies map. The Council confirms that there is no defined infill boundary for Cliff.
7. Importantly, Policy LP3 does not define a settlement as being where there is built development around 3 or more sides. Rather it states that infill development may be acceptable where a site is *clearly part of the built form of a settlement* (my emphasis), suggested as location where there is substantial built development around 3 or more sides of a site.
8. I have not been directed to a definition of what constitutes a settlement or infilling within the Framework or the development plan. Caselaw suggests that it is for the decision-maker to reach a judgement about whether a site is within a settlement and that it is a matter of the facts on the ground, as well as taking account of any relevant policies¹. It is also a matter of judgement as to what constitutes infilling, taking into account the nature and size of the proposed development, the location of the site and its relationship to existing development adjoining and adjacent to it.
9. I observed that Cliff is no more than a collection of buildings including some houses in a generally rural setting. No evidence is before me that Cliff is identified as a settlement within the LP. From the evidence before me Cliff does not contain facilities including as a shop, village hall, church or school such that the future occupants would enhance the vitality of a rural community. There are no road signs marking the entry or exit to Cliff.
10. The appeal site comprises a parcel of land at the western end of Cliff Hall Lane. Although it may look on plan like it is surrounded by dwellings on 3 sides, on the ground the appeal site is perceived from the road as a backland site behind other built development. Due to its undeveloped nature, views of the rolling countryside beyond are afforded above the boundary fence. The appeal site therefore, marks the transition between the built form of Cliff and the open countryside beyond the River Tame which provides an undeveloped border to the west.
11. As viewed from Cliff Hall Lane, the appeal site does not appear as a gap within an otherwise built frontage, given that the dwelling of Tame View is at an angle and tucked out of sight behind the Coach House. The end of Cliff Hall Lane and the access to the appeal site would also be to the front of the northern-most plot such that would not amount to substantial built development. The site is not therefore within an established row of linear development, but a point of transition where development becomes more dispersed.
12. Even if I could accept that the proposed development would be sited between buildings as perceived from the public realm and acknowledging that the proposed site plan is indicative, considerable space would be retained between

¹ Court of Appeal judgement Julian Wood v SSCLG and Gravesham Borough Council, 2015.

the proposed and existing dwellings to the north and south. It seems to me that infilling requires a gap between buildings to be filled, such as when an otherwise built-up frontage is completed and that would not be the case here.

13. On the evidence presented including my observations, the appeal site is not clearly part of a settlement and the proposal would not constitute infilling sufficient to satisfy Policy LP3 of the LP or paragraph 154g) of the Framework.

Previously Developed Land

14. The parties do not dispute that the appeal site constitutes previously developed land (PDL) as defined within Annex 2 of the Framework. No evidence has been presented that would lead me to form a different view. However, the exception under paragraph 154g) of the Framework, only applies where the proposal would contribute to meeting an identified affordable housing need within the Council's area, which is not the case here, or there would be no loss of openness.
15. Paragraph 142 of the Framework indicates that openness is an essential characteristic of the Green Belt, with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension.
16. The appeal site predominantly comprises an area of hardstanding on which approximately 6 touring caravans are stationed. Transient in nature they do not amount to operational development. Their replacement with 2 dwellings of permanent construction, along with associated car parking areas and domestic gardens, would therefore increase the amount of built development on the appeal site, resulting in a significant erosion of 3-dimensional space.
17. Even if the reserved matters stage provided single storey dwellings, the proposed development would be visible above the boundary treatment to the end of Cliff Hall Drive and from the southern end of public footpath T71. Wide open views would also be available from the River Tame and associated wetlands and meadows to the west.
18. The scale of the proposed development would clearly have a greater impact on the openness of the Green Belt in both spatial and visual terms and the purpose of including land within it, than the existing situation. In this regard my findings are not contrary to the Lee Valley Judgement². The exception for PDL under paragraph 154g) would not be met.

Conclusion – Inappropriate Development

19. The proposal would fail to meet any of the exceptions set out by paragraph 154g) of the Framework and would therefore be inappropriate development, which is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It would also fail to comply with Policy LP3 of the LP as set out above.

Suitable Location

20. Policy LP2 of the LP defines the borough's settlement hierarchy, directing the majority of development towards its market towns and other defined settlements, where services and facilities are more readily available. To protect

² Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council and Anon (Rev 1) [2016] EWCA Civ 404.

its landscape character little development is supported within the countryside, other than a limited amount that would maintain the vitality of the rural settlements.

21. Located within the countryside the appeal site falls under category 5, 'all other locations' of LP Policy LP2. Special circumstances should exist to justify new isolated homes in the countryside, noting examples of those that meet rural workers' needs, the optimal use of a heritage asset, the re-use of redundant buildings, the subdivision of an existing residential dwelling, or development of exceptional quality or innovative design, or for rural exception sites in line with national policy. There is nothing in the evidence before me to suggest that the proposal would meet any of the exceptions of Policy LP2.
22. As discussed above, Cliff is no more than a collection of buildings in an evidently rural setting. There are little to no facilities which would support the everyday needs of the future occupiers of the proposed development. Cliff Hall Road is a relatively narrow rural lane with no pavement or street lighting. It connects to Tamworth Road (A51) which links the settlements of Dosthill and Kingsbury.
23. There is no defined footway along the A51 that leads all the way to Dosthill so as to encourage walking to local facilities. There is a footpath along the length of the route towards Kingsbury. However, it is narrow, largely unlit and immediately adjacent the carriageway edge of the road where vehicles travel up to 50mph. It would not therefore be a particularly safe or pleasant experience to walk to Kingsbury from the appeal site, particularly with children, after dark or for those with mobility issues. The facilities and services available in Kingsbury are some distance to the south, such that it would be more convenient for future occupiers to access them via a private car, rather than on foot.
24. The appeal site may provide opportunities for travel by bike, but it is likely to be limited to experienced cyclists rather than families, given the speed of vehicles using Tamworth Road. Bus stops are available on Tamworth Road but they are some distance from the end of Cliff Hall Lane, and there is no substantive evidence before me as to their frequency, such that they attract limited weight.
25. The general conditions of the appeal site as discussed above, are such that future occupiers would be more likely to rely on the private car as a safer and more convenient mode of transport to access supermarkets, schools as well as employment.
26. It is suggested that a recent approval for a residential annexe at the adjacent Coach House³ confers acceptance of the appeal site as meeting the sustainability objectives of the development plan and the Framework. That proposal was considered in 2014, prior to the adoption of the current LP and the publication of the present Framework iteration⁴. The planning policy position was therefore materially different. Moreover, an annexe is a different type of use that relies on a close functional relationship with a main dwelling. Thus, I do not find the circumstances comparable.

³ Planning application reference PAP/2018/0010.

⁴ As set out in the officer report provided within appendix 2 of the appellant's statement of case.

27. The proposed development would not be in a suitable location with regard to the delivery of housing and access to local services and facilities. The proposal would be in conflict with Policy LP2 of the LP as set out above, and the Framework with regard to rural housing.

Other Considerations

28. Paragraph 152 of the Framework states that very special circumstances for new development will not exist until the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. The appellant has not advanced any other considerations which I can weigh against the harm identified.

Other Matters

29. The footprint of the proposed dwellings would extend over the former footings of Cliff Hall. Be that as it may, the evidence indicates that the Hall was demolished in 1968⁵ and there are no obvious remnants of the former structure visible on site, other than perhaps some paving. My findings are not affected.
30. The lack of listed buildings nearby and the siting of the appeal site outside of a conservation area are neutral matters, weighing neither for, nor against the proposal.

Green Belt Balance and Conclusion

31. The proposal would amount to inappropriate development in the Green Belt, resulting in a loss of openness. Referring to footnote 7 of paragraph 11, this is one such policy that, when applied, provides a clear reason for refusing the development proposed. The appeal scheme would not therefore benefit from the presumption in favour of sustainable development.
32. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are outweighed by other considerations.
33. Given the substantial weight to be given to Green Belt harm, combined with the other identified harm arising from the appeal site not being within a suitable location for housing development, and the lack of other considerations, the harm is not clearly outweighed. The very special circumstances necessary to justify the proposal do not exist. The appeal is dismissed.

M Clowes

INSPECTOR

⁵ As set out in the Council's officer report.

Agenda Item No 8

Planning and Development Board

10 June 2024

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

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

Agenda Item No 9

Exempt Extract of the Minutes of the meeting of the Planning and Development Board held on 21 May 2024.

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

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

The Contact Officer for this report is Marina Wallace (719226)