

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

2 SEPTEMBER 2024

The Planning and Development Board will meet on Monday, 2 September 2024 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at NorthWarks – YouTube.

AGENDA

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

REGISTERING TO SPEAK AT THE MEETING

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

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 5 August 2024** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

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

Summary

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

- 5a **Application No: PAP/2024/0349 - Land Off, Old Holly Lane, Atherstone, Warwickshire**

Approval of reserved matters for access, appearance, landscaping, layout and scale for Phase 2A and 2B for the erection of 250 dwellings at land at Old Holly Lane, Atherstone relating to application PAP/2014/0542

5b Application No: PAP/2024/0297 - Land north and south of Junction 9 of the M42, Adjacent to Lichfield Road

Outline planning application, with all matters reserved (except for access), for employment development (Use Class B2/B8 with ancillary E(g)), together with habitat creation, landscaping, parking, service yards, HGV waiting area, footpaths/cycleways, and other associated infrastructure

5c Application No: CON/2024/0012 - Mancetter Quarry, Quarry Lane, Mancetter, CV9 2RF

Variation of condition 2 (Cessation of operations and restoration date) of planning application NWB/19CM009 variation of condition 43 (hours of operation) of planning permission NWB/14CM034

5d 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

5e Application No PAP/2023/0188 – Land at Tamworth Road, Dosthill

Outline planning application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 22,000sqm (GEA) for flexible Use Class E(g)(ii), Eg(iii), B2 and/or B8 with associated car parking and works (Cross boundary application Tamworth BC reference 0163/2023)

5f Application No CON/2024/0013 – Crown Aggregates Limited, Mancetter Road, Hartshill

Erection and use of a steel portal framed workshop building

5g Application No PAP/2024/0274 – Aston Villa Training Ground, Bodymoor Heath Lane, Bodymoor Heath

Master Plan – Building Elite Sports – Facilities Update. 1. Relocate grounds operations store. 2. Construct Rehab/Recuperation and Recovery Centre. 3. Extend Existing Building to provide woman's super league and girls academy centre. 4. Repurpose existing building to create media and administrative support centre. 5 relocate U16 Boys Internal pitch elite football development centre and 6. Associated landscaping

5h Application No PAP/2023/0101 – Land 180 Metres South West of Sewage Works, Gravel Lane, Warton

Change of use of land to a wedding and events venue including the erection of temporary event space and associated structures, formation of car parking and new landscaping

5i Application No PAP/2024/0189 – Sunnyview, Dingle Lane, Nether Whitacre, Coleshill, B46 2EG

Demolition of existing garage block and the erection of a single self/custom build dwelling (Resubmission PAP/2023/0208)

5j 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).

6 Proposed changes to the National Planning Policy Framework and other changes to the planning system — Report of the Head of Development Control

Summary

Draft revisions to the NPPF (“NPPF24”) were announced on 31 July 2024. The changes comprise a mix of proposals that either accept or reverse changes made to the December 2023 version of the framework and then introduce some new policies. The report considers the main changes and explains how they may affect the Borough.

The Contact Officers for this report are Jeff Brown (719310) and Dorothy Barratt (719250).

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).

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

5 August 2024

Present: Councillor Simpson in the Chair

Councillors Bates, Bell, Chapman, Farrow, Fowler, Hayfield, Humphreys, Jackson, Jarvis, Parsons, H Phillips, O Phillips, Ridley, Ririe and Smith

Apologies for absence were received from Councillors, Dirveiks (Substitute Councillor O Phillips), Gosling (Substitute Councillor Jackson), Hobley (Substitute Councillor Jackson) and Reilly (Substitute Councillor Smith)

18 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Humphreys declared a non-pecuniary interest in Minute 20c – Application No PAP/2021/0372 (Flexdart, Marsh Lane, Water Orton, B46 1NS) by reason of being on the Regulatory Board of Warwickshire County Council and took not part in the discussion or voting thereon.

19 **Minutes**

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

20 **Planning Applications**

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

Resolved:

- a **That Application No PAP/2024/0236 (6, Marie Close, Mancetter, Atherstone, CV9 1NF) be granted subject to the conditions set out in the report of the Head of Development Control and with an amendment to include Saturday opening hours from 08:00 to 12:00;**

[Speaker: Ellie Jones]

- b **That Application No PAP/2024/0189 (Sunnyview, Dingle Lane, Nether Whitacre, Coleshill, B46 2EG) be deferred for a site visit;**

[Speaker: Darren Bignall]

- c That Application No PAP/2021/0372 (Flexdart, Marsh Lane, Water Orton, B46 1NS) be granted subject to the conditions set out in the report and the supplementary report of the Head of Development Control together with the completion of a Section 106 Agreement between the applicant, the Borough Council and the Warwickshire County Council in the terms set out in the supplementary report in respect of highway matters and the main report in respect of the phasing of the development; and**

[Speaker: Chris Fellows]

- d That Application No PAP/2023/0188 (Land at, Tamworth Road, Dosthill) be deferred in order to invite the applicant to consider if further mitigation could be included in respect of addressing potential impacts arising from noise and traffic as well as reviewing the landscaping proposed.**

[Speakers: Raymond Collister, Adrian Barnsley, Henry Courier, Stuart Black]

21 Hall Farm, Farthing Lane, Curdworth

The Head of Development control outlined the background to the making of an Emergency Tree Preservation Order in respect of a Willow tree at Hall Farm in Curdworth.

Resolved:

That the Board confirmed action taken under the Chief Executive's Emergency Powers to make a Tree Preservation Order in respect of a Willow tree at Hall Farm, Farthing Lane, Curdworth.

22 Appeal Update

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

Resolved:

That the report be noted.

M Simpson
Chairman

Agenda Item No 5

Planning and Development Board

2 September 2024

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 7 October 2024 at 6.30pm in the Council Chamber

6 **Public Speaking**

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

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
5/a	PAP/2024/0349	1	<p>Land off Old Holly Lane, Atherstone</p> <p>Approval of Reserved Matters for access, appearance, landscape, layout and scale for Phases 2A and B for the erection of 250 dwellings relating to application PAP/2014/0542</p>	General
5/b	PAP/2024/0297	26	<p>Land north and south of Junction 9 of the M42, Adjacent to Lichfield Road,</p> <p>Outline planning application, with all matters reserved (except for access), for employment development (Use Class B2/B8 with ancillary E(g)), together with habitat creation, landscaping, parking, service yards, HGV waiting area, footpaths/cycleways, and other associated infrastructure,</p>	General
5/c	CON/2024/0012	59	<p>Mancetter Quarry, Quarry Lane, Mancetter, CV9 2RF</p> <p>Variation of condition 2 (Cessation of operations and restoration date) of planning application NWB/19CM009 variation of condition 43 (hours of operation) of planning permission NWB/14CM034</p>	

5/d	PAP/2024/0078	62	<p>Land north of Ivy Cottage, Freasley Common, Dordon,</p> <p>Conversion of existing stables into residential dwelling utilising existing access and parking</p>	
5/e	PAP/2023/0188	79	<p>Land at Rush Lane, Dosthill</p> <p>Outline planning application with full details of access (with matters reserved for landscaping, scale, layout and appearance) for development comprising up to 22,000 sqm (GEA) for flexible Use Class E (g) (ii), E(g)(iii), B2 and/or B8 with associated car parking and works (cross boundary application Tamworth BC reference 0163/2023)</p>	
5/f	CON/2024/0013	148	<p>Crown Aggregates Limited, Mancetter Road, Hartshill</p> <p>Erection and use of a steel portal framed workshop</p>	
5/g	PAP/2024/0274	152	<p>Aston Villa Training Ground, Bodymoor Heath Lane, Bodymoor Heath</p> <p>Master Plan – Building Elite Sports – Facilities Update. 1. Relocate grounds operations store. 2. Construct Rehab/Recuperation and Recovery Centre. 3. Extend Existing Building to provide woman’s super league and girls academy centre. 4. Repurpose existing building to create media and administrative support centre. 5 relocate U16 Boys Internal pitch elite football development centre and 6. Associated landscaping</p>	
5/h	PAP/2023/0101	176	<p>Land 180 metres south west of Sewage Works, Gravel Lane, Warton</p> <p>Change of use of land to a wedding and events venue including the erection of temporary event space and associated structures, formation of car parking and new landscaping</p>	

5/i	PAP/2024/0189	191	<p>Sunnyview, Dingle Lane, Nether Whitacre, Coleshill</p> <p>Demolition of existing garage block and the erection of a single self/custom build dwelling (Resubmission PAP/2023/0208)</p>	
5/j	PAP/2018/0755	219	<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 Development Applications

(5/a) Application No: PAP/2024/0349

Land Off, Old Holly Lane, Atherstone, Warwickshire,

Approval of reserved matters for access, appearance, landscaping, layout and scale for Phase 2A and 2B for the erection of 250 dwellings at land at Old Holly Lane, Atherstone relating to application PAP/2014/0542, for

Merevale And Blythe Estates & Bloor Homes Ltd

1. Introduction

1.1 This application is reported to this Board at this time for information only. A full determination report will be prepared in due course. The report therefore describes the proposals and identifies the main Development Plan policies and other material planning considerations against which it will be assessed.

2. The Site

2.1 This comprises eleven hectares, being two agricultural fields land on the west side of Sheepy Road between it and Old Holly Lane and the present built-up edge of Atherstone at River Drive. It is also north of the site of the former Durno's Nurseries now being redeveloped residentially. The Innage Brook runs north/south through the site where it discharges into the River Anker at Alder Mill just to the north of the site. The Alder Mill Business Park is also located here.

2.2 The location plan is at Appendix A.

3. The Proposals

3.1 The proposal is for 250 new houses - 70 constructed off the Sheepy Road between it and the course of the Innage Brook and the balance on the remainder of the site accessed via a loop road running from Old Holly Lane through to a connection in the former Nursery site presently under construction with 123 units. There would be no vehicular connection between the two areas. A green corridor of open space either side of the Brook would be retained as well as a much larger area of open land at the site's northern end, being within the flood plain of the Anker.

3.2 The overall layout is at Appendix B.

3.3 The mix of houses is proposed - 6 one bedroom units, together with 66 two bedroom, 95 three bedroom, 79 four bedroom units and 4 five bedroom houses. 40% of the total would be affordable – that is 100 units – being mainly two and three-bedroom houses, with a proposed tenure mix of 80% affordable rent and 20% intermediate rent. The affordable units would be spread throughout the two parts of the overall site.

- 3.4 Some illustrative street scenes are at Appendix C.
- 3.5 Additionally, there is a significant amount of information in a Design Statement at Appendix D.
- 3.6 The application is accompanied by the following documentation.
- 3.7 An initial Geo-physical survey of the site suggests historic agricultural activity – former field boundaries and indications of possible ridge and furrow regimes.
- 3.8 An Ecological Appraisal identifies that there are no statutory designated sites within 5km of the site and no non-statutory sites within a kilometre. The site is of low ecological value in terms of both the flora and fauna found on site, except for its boundary hedgerows and trees together with the Brook. Anticipated impacts arising from the development are thus low. However, there is scope for new habitat creation and enhancement to existing features such that overall net biodiversity gain can be achieved.
- 3.9 An Arboricultural Assessment identifies ten individual trees on the site, eleven small groups of trees and four lengths of hedgerow. The quality and health of these features has then been assessed and their locations super-imposed on the proposed layout. The Assessment concludes that the layout has been largely designed around the natural features on the site including tree and hedgerow cover, thereby avoiding significant loss. The largest proportion of the existing tree cover is positioned around the site perimeter and along the central water-course – all of which are to be retained. As a consequence, only one individual tree would be removed together with five small groups of trees and two stretches of hedgerow. However, none of these features is regarded to be of high quality. One tree to be retained – a willow – on the brookside is considered to be a Veteran tree and it will require a separate protection plan to avoid works to its root protection area.
- 3.10 A Noise Impact Assessment shows that a limited number of house elevations will need acoustic fenestration and ventilation measures, as a consequence of road traffic noise and potentially from the Alder Mill Business Park. These are those facing Sheepy Road.
- 3.11 A Statement of Community Engagement describes how the applicant has undertaken pre-application consultation with the local community during the period between the end of May and mid-June. A web-site was set up and this was publicised via a direct mailing of 778 residential and business addresses as well as a press release and engagement with local Ward Members and the Town Council. The Report indicates that the website had 827 visits and 16 went on to complete a questionnaire. In response to the questions, 40% welcomed the site being brought forward through the Local Plan process with 40% saying no. In respect of the proposed layout, the main concerns were lack of infrastructure, the loss of countryside and reference to existing flooding and potential overlooking.

Comments on the housing mix and the 40% provision of affordable housing were again more related to the view that there should be no more housing and that the 40% figure was too high. There was support for enhanced bio-diversity.

4. Background

- 4.1 This is an application for the approval of reserved matters. It follows the grant of an outline planning permission in 2022 for the erection of 620 houses on either side of Old Holly Lane. The redevelopment of the former Durno's Nursery site is the first phase in the implementation of this wider residential permission.
- 4.2 The permission also extends over an area of land allocated for residential development in the North Warwickshire Local Plan which was adopted in 2021. This allocation is known as H1 and was for a minimum of 620 dwellings.
- 4.3 Additionally, that Plan allocated further land to the west – known as H2 – for an additional minimum of 1280 dwellings.
- 4.4 The sites of these allocations in respect of the current application are shown at Appendix E.

5. Development Plan

North Warwickshire Local Plan 2021 – LP9 (Affordable Housing Provision), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP27 (Walking and Cycling), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management), LP34 (Parking), LP37 (Housing Allocations) and H1 (Land at Holly Lane, Atherstone)

6. Other Material Planning Considerations

The National Planning Policy Framework 2023

National Planning Practice Guidance

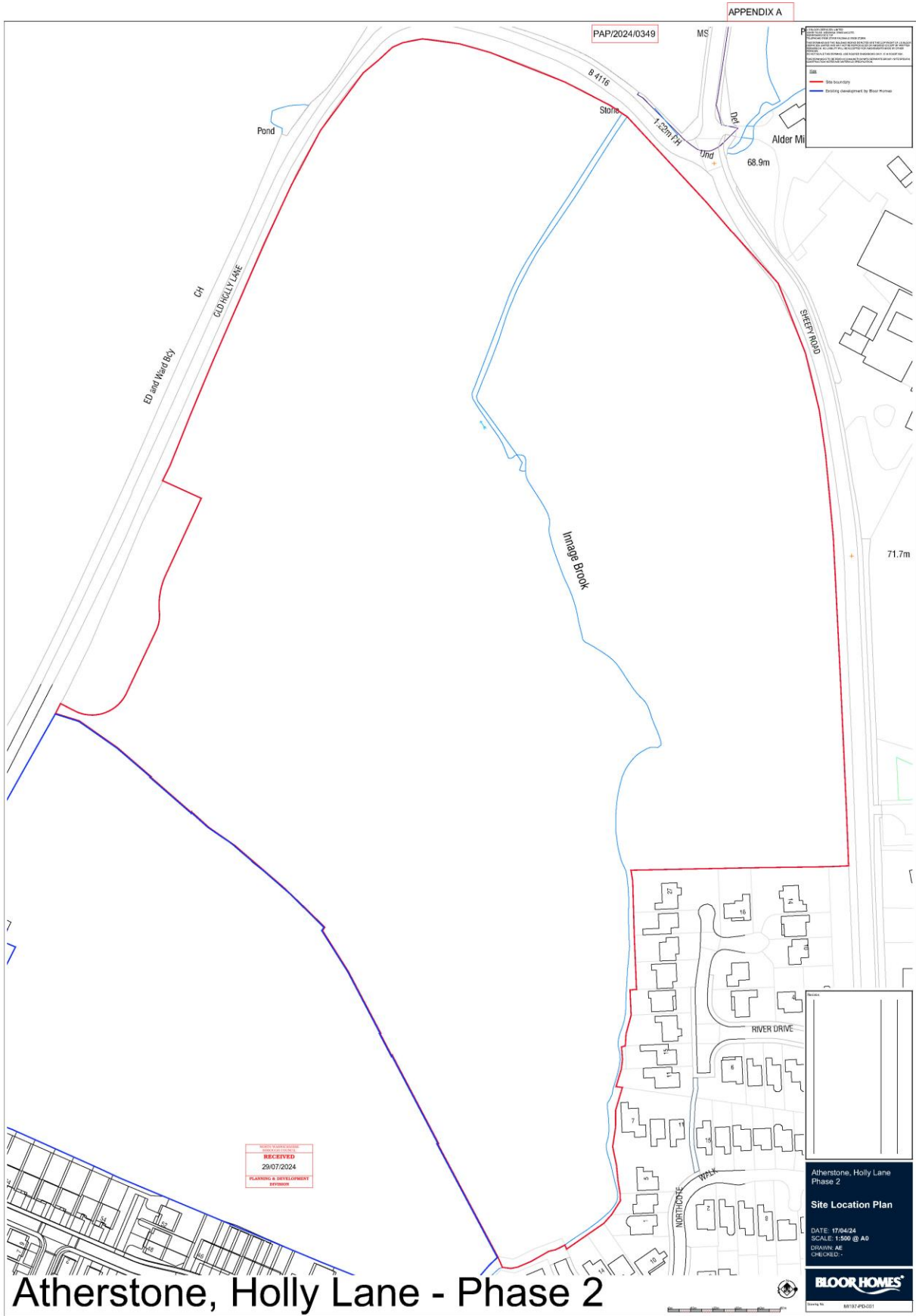
7. Observations

- 7.1 Members will be aware that this site already benefits from an outline planning permission and thus the Board's remit here is limited to looking at the details of layout, appearance and landscaping as well as the detailed access arrangements.
- 7.2 The most important planning policies relevant to these matters are identified above. In particular, the assessment should have regard to the planning conditions contained in the outline planning permission and the matters raised in Policy H1 which deals specifically with the allocation and thus this application.

- 7.3 A full determination report will be prepared in due course when any matters raised through the consultation process will be reported.

Recommendation

That the report be noted.



Atherstone, Holly Lane - Phase 2





Land at Old Holly Lane, Atherstone. Illustrative street elevations

Drawing ref. 70121992-WSPE-DR-A-00003_P04



Land at Old Holly Lane, Atherstone

Phase 2 Design Compliance Statement





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This document has been produced in full compliance with our management systems, which have been certified to ISO 9001, ISO 14001 and ISO 45001 by Lloyd's Register.

Contents

1. Introduction	3
2. The site	4
3. Design evolution	9
4. Design proposals	13
5. Building for a Healthy Life Assessment	26
6. Summary	28
7. Appendix - Condition Schedule	29

2



1. Introduction

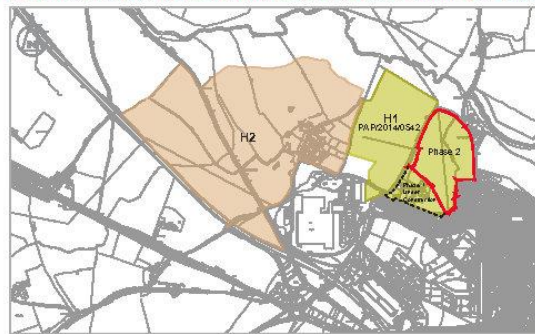
This Design Compliance Statement is submitted in support of a Reserved Matters application for the second phase of residential development at Old Holly Lane, Atherstone, in pursuant to Outline Planning Permission FAP/2014/0542

Phase 2 will deliver a high-quality development of 250 new homes and public open space set within retained and enhanced green and blue infrastructure. The site represents the next stage of delivering the wider vision for development at Whittington and North West of Atherstone as set out in the North Warwickshire Local Plan (NWLP 2021).

Phase 2 covers the eastern side of allocation H1 between Old Holly Lane and Sheepy Road. This statement sets out how the reserved matters application meets policy, the approved masterplan for H1, and the conditions attached to the outline consent.

3

NWLP Site allocations: H1- Land at Holly Lane, and H2 Land off Whittington Lane



Based upon the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. 100001776

Compliance is demonstrated within the following sections:

1. Introduction - outlines the purpose of the document.
2. The site - considers the site and the surrounding context.
3. Design evolution - sets out how the design principles from the approved Design and Access Statement, the site assessment and public consultation have influenced the reserved matters design.
4. Design proposals - details the use, amount, layout, scale, landscaping and appearance of the proposals.
5. Building for a Healthy Life Assessment.
6. Summary.
7. Appendix - Condition schedule.



2. The site

This section presents an overview of the site and the surrounding context and identifies the opportunities and constraints which have informed the reserved matters design.

Location

The Site is located to the north west of Atherstone and is bounded by Sheepy Road to the East, Old Holly Lane to the North and West, and the Phase 1 development (formerly Durnos Nursery) to the south.

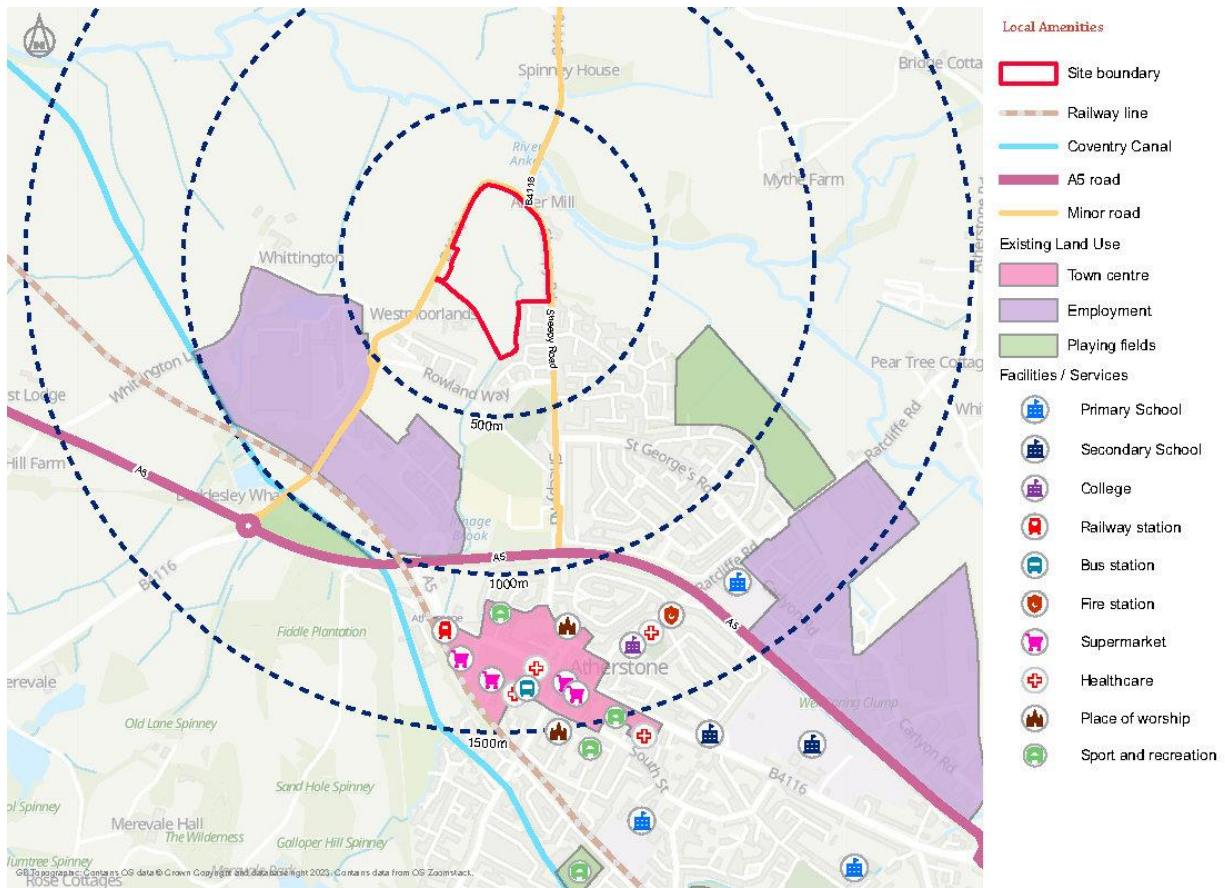
Old Holly Lane connects to Sheepy Road along the sites northern boundary. Sheepy Road runs into Atherstone Town Centre approximately 1km to the south. On the western side of the site, Old Holly Lane runs southwards and connects to the regional road network via the A5 with connections to the M42 to the north west and the M69 to the Southeast.

The site is well connected to public transport infrastructure, the nearest bus stops are at the junction of Sheepy Road and Rolands Way, approximately 300m from the southeast corner of the site. Atherstone railway station is approximately 1km to the south and lies on the Trent Valley section of the West Coast Main Line.

There are no public footpaths or rights of way which cross the site or within the immediate area. Sheepy Road has a footpath along its eastern side which provides a route into town. There are no dedicated cycle paths in the immediate vicinity of the site.

In the wider area, Coventry Canal lies approximately 1km to the Southwest and the tow path provides a traffic free recreational cycle route to a wide area following the route of the canal. The future masterplan for land allocation H2 at Whittington includes a 2/3km stretch of the canal through the centre. This provides a significant opportunity for pedestrian and cycle routes in the wider area and potential future connectivity is a key consideration in the development of H1 phase 2 and future H1 phases.

4





The northern end of the site lies within the flood zone of the River Anker, and a narrow flood zone of Innage Brook runs northwards across the site. The retention, protection and enhancement of the existing green and blue infrastructure is a key consideration in the development of phase 2.

Access

Vehicular access to the parcels was fixed through the outline consent. The parcel on the eastern side, identified as parcel 2A, is accessed from a new junction with Sheepy Road. The parcel to the west of Innage Brook, identified as parcel 2B, is accessed by a continuation of the road from Phase 1 on the southern boundary and by a new junction with Old Holly Lane to the western boundary.

Built Character

There is no defining architectural style in the area surrounding the site. Housing closest to the site in the Sheepy Road area is late 20th century estate development of varying character and style. More modern style has been introduced by recent development off Rowlands Way to the south and the phase 1 scheme. Dwellings are typically constructed of red and buff or buff brick with brown clay or grey concrete roof tiles.

Further afield, a variety of architectural styles are visible in Atherstone. In the town centre, the linear origins of Roman Wading Street is evident, whilst the dense plan of surrounding streets reflects the growth of Atherstone as a medieval market town. Buildings which line the central streets are set directly to back of pavement and are predominantly 3 storeys interspersed with some 2 and 2.5. Many buildings are influenced by Georgian and Victorian style using a variety of red brick shades, some with stone detailing, painted brick or render, and with roofs of brown clay tile or grey slate or concrete tiles.

Landscape Character

The phase 2 site extends to approximately 11 ha and consists of two arable fields divided by the Innage Brook, which runs northwards across the middle and flows into the River Anker which lies to the north. Topographically the land falls gently northwards from the boundary with Phase 1 to the River Anker, a fall of around 6m over a distance of approximately 400m.

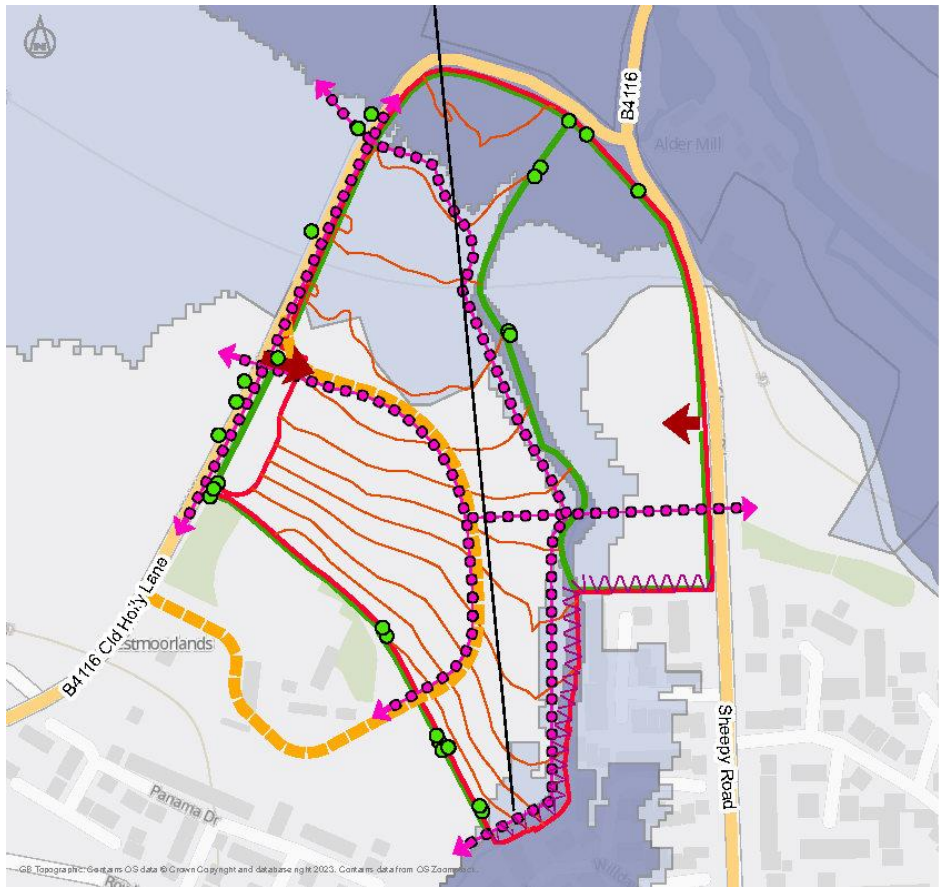
The site is bounded by mature hedgerows to the north, east and west boundaries, and to the south by retained field hedgerow adjacent to Phase 1. Mature trees and vegetation line the Innage Brook on both sides and shape the landscape character of the site.

6



Local architectural styles and materials

7



3. Design Evolution

This section illustrates how the masterplan and design concepts set out in the approved application have been further developed to inform the reserved matters design.



The outline masterplan for allocation H1 was developed in response to the National Planning Policy Framework (NPPF), emerging local policies, and the setting, landscape character and opportunities and constraints offered by the site. The masterplan proposed the creation of a central green corridor and public open space by diverting part of Old Holly Lane to serve the eastern side of the development.



Further consideration of the detail design of phase 2 has introduced a central green space along the link road which will provide a focal point for the western side of the development of area H1. To reinforce the concept of this central placemaking node, a linking street branches eastwards from the green and aligns with entrance junction from Sheepy Road, creating a strong visual east-west connection across Innage Brook, which will tie the two parcels of phase 2 together. This visual link is reinforced by a pedestrian and cycle connection across the Brook, providing connectivity for active travel between the streets and lanes in each parcel and the wider east-west network.



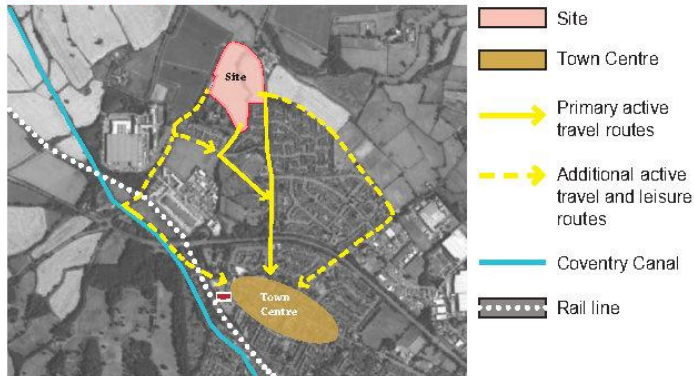


The outline masterplan highlighted opportunities for enhanced connectivity through allocation H1: eastwards crossing Sheepy Road to connect to playing fields at Royal Meadow Drive, and westwards through allocation H1 to future development in allocation H2 and the Coventry Canal corridor.

Phase 2 has been designed in compliance with the outline masterplan and will deliver a network of accessible pedestrian and cycle paths through retained green infrastructure, providing active travel options and promoting health and well-being and opportunities for play on the way activities.

The existing green and blue infrastructure of Innage Brook will provide a green link through development to public open space to the north, creating the first phase of substantial public open space which will form a green buffer to the rural edge of development of allocations H1 and H2. Existing trees and vegetation will be retained and enhanced by new planting to create a development rooted in the existing landscape character.

Active travel routes to town centre



10



Outline application

Outline planning consent for allocation H1 to deliver 620 homes and infrastructure was approved in August 2022 following the signing of the S106 agreement. This reserved matters application for Phase 2 of the development is informed by that wider outline planning consent, adding detail to the previously established principles of development.

- ◆ **1. Local character** - Through careful study, positive aspects of the local vernacular are introduced to ensure that the development responds to the local character and context. The approach is to create an overall identity and image that reflects the local characteristics and building styles of the locality to ensure an appropriate transition between town and countryside.
- ◆ **2. Safe, connected and efficient streets** - The proposed layout promotes the use of more sustainable means of transport for the movement of people at the local level. Road connections within the site and to surrounding areas provide appropriate vehicular access and are designed to reflect their function within the street hierarchy. Sustainable linkages (including cycling and walking) within the development and to surrounding areas are promoted and create routes where people want to go. The design of street types which form the movement framework are integral to the character of the overall of the development.
- ◆ **3. A network of green spaces** - the proposals create a network of multi-functional green spaces that harness ecological benefits to add greater value. This approach respects the landscape setting of the surrounding area and ensures that important biodiversity assets and landscape characteristics are protected and managed in a positive way and that wildlife corridors across the landscape are enhanced. Open space is integrated, flexible and highly accessible from residential areas via footpath/cycle-ways.

11

“The vision for the land at Old Holly Lane is to provide a landscape led, high quality development that integrates with the existing settlement of Atherstone and complements the existing setting.”



Concept sketches





Public Consultation

A programme of online-based community engagement was conducted prior to the reserved matters application being submitted. An accessible interactive engagement website was established where members of the community could view an interactive masterplan and read an overview of the proposed development. A step-by-step feedback questionnaire was provided to gather comments from the community, as well as an option for people to register to receive email updates about the proposed development.

The engagement website was publicised via a direct mailing to 778 residential and business addresses within a 0.5 mile radius of the site. Contact was made with Atherstone Town Council and the local North Warwickshire Borough Council members for the site prior to the launch of the community engagement, with the Town Council helping to publicise the engagement website via their social media accounts.

The website received 764 visits during the engagement period, which ran for just over three weeks from 24th May until 16th June 2024. More information about the pre-application engagement programme can be found in the Statement of Community Engagement that accompanies the planning application.

Pre-application Consultation

Pre-application discussions took place with North Warwickshire Borough Council on 20th May 2024. The feedback received in relation to all of the consultation exercises has been considered in detail and the design response has been determined through an iterative approach that seeks to balance the technical and environmental considerations as well as address the requirements of the outline planning permission for the overall development.



12



4. Design proposals

This section explains how the proposed design complies with the principles of development set out in the outline consent terms of land use, amount, layout, scale, landscape and appearance.

The design has been developed to comply with the National Planning Policy Framework to ensure that the development:

- ◆ Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- ◆ Is visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- ◆ Is sympathetic to local character and history, including the surrounding built environment and landscape setting.
- ◆ Establishes a strong sense of place, using the arrangement of streets, spaces, building types and materials to create an attractive, welcoming and distinctive places to live, work and visit;
- ◆ Optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development; and
- ◆ Creates a places that is safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Land Use

29% of the site is retained as existing natural green infrastructure which will be protected and enhanced through additional planting and management. These areas include retained blue infrastructure, additional sustainable drainage solutions, public open space, boundary buffers with retained hedges and trees, and a network of recreational routes. The proposed land use has responded to the character and topography of the site and reflects the edge of town transition from built development in the south to rural edge in the north.

Amount

A total of 250 dwellings are proposed, with up to a maximum of 40% of those to be provided as affordable housing either on site, through off site contributions, or a combination thereof, compliant with the land use strategy set out in the outline application, and envisaged by the S106 agreement that accompanies the outline planning permission.

A market facing range of typologies compliant with national and local policy is proposed including 1 and 2 bed apartments, and 2 to 5 bedroom houses to accommodate a variety of households delivering much needed homes for people and families.

Access

Points of access from Old Holly Lane, Sheepy Road and the phase 1 development are compliant with the outline consent. The proposed layout provides a well-connected network of streets and spaces which are accessible to all and provide a development that is safe, secure and easy to navigate.

A clear hierarchy of streets, designed in accordance with Manual for Streets and compliant with national and local policy, is proposed to provide both movement and a sense of place to streets and spaces.

13



Principal streets connect the main access point from Old Holly Lane on the western boundary and looping through phase 1 on the southern boundary, and to Sheepy Road on the eastern boundary. Green verges are proposed along principal streets to provide space for regular street trees which provide character and enhance the street scene.

A network of secondary lanes and mews provide links to development at the edges and facing the central green corridor. Internal roads are designed to promote low traffic speeds and encourage safe walking and high permeability throughout the site. An active travel network has been developed in compliance with the outline consent and national policy, creating integral pedestrian and cycle links for users of all ages and abilities, reflecting desire lines and potential future links. The layout is designed to encourage residents to use pedestrian and cycle links to promote active travel and recreation for health and well-being, and to link to wider facilities and services, including sports and recreational facilities, further afield.

A range of residential parking typologies compliant with policy are proposed and every home will have access to secure cycle storage and a means of electric vehicle charging.

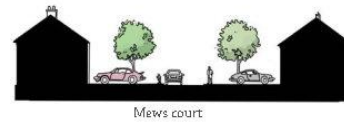
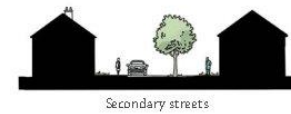
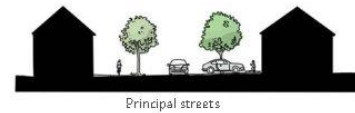
Layout

In compliance with the outline masterplan the layout has been designed in response to the landscape setting of the site to create a coherent sense of place to the second phase of what will be a larger future development.

The layout is designed to be legible and continues the traditional development pattern of the area of a mixed building form close to the back of pavement, which defines streets and creates enclosed perimeter blocks, supplemented by a range of boundary treatments to clearly define public realm and private space. Positive frontage is proposed to principal streets, public open space, and the perimeters of development, providing passive surveillance to the public realm and creating a high-quality urban edge to development when viewed in the wider landscape.

14

Street typologies



Views and vistas through the site and beyond have been considered throughout the layout to create visual links between development either side of Innage Brook, such that the development blocks align with active travel desire lines for pedestrian and cycle connectivity and frame routes.

Careful choice of house typology and material treatment in key locations provides focal points along vistas and views and aids wayfinding. Variation in typologies and material treatment according to defined character areas creates strong street character and sense of place.

Safety and security of pedestrians is promoted by careful design of vehicle access and by changes in road surface material encouraging low vehicle speeds. Lighting to streets and the public realm will ensure pavements, paths and cycle routes are safe and well lit, whilst lighting to routes within the green infrastructure corridors will be appropriate to ecological considerations. Development is designed to face positively onto public realm and routes to provide surveillance and discourage anti-social behaviour.

In compliance with the outline masterplan, a central play space for allocation H1 will be delivered as part of a larger central public open space to the west of Old Holly Lane as part of a later phase.

Scale

In compliance with the outline consent the proposed development is predominantly 2 storeys, with some 2.5 storey units proposed to give localised height to specific views. The introduction of Holly Green as a central public space provides the opportunity for some 3 story units which will enhance placemaking by increasing density around the central core.

The scheme achieves an average density of 36 dwellings per hectare which is compliant with the outline consent. Density reduces appropriately on the northern edge and reflects the density of similar rural edge development in the area.

15

Proposed layout in the context of the approved wider masterplan





Landscape

The landscape setting has been integral in shaping the design process from the masterplan for allocation H1 through to the detail design of phase 2. This ensures the proposals are compliant with, and sit within, the wider green infrastructure framework and strategic principles approved under the outline consent, reflecting local character and creating a high-quality living environment. The green infrastructure framework ensures a multifunctional and connected landscape setting for the development. This is based on a combination of retaining the best of existing vegetation, creating public open space and adding new planting and trees to enhance the landscape setting.

The northern end of phase 2 which lies within the flood zone of the river Anker is set aside to maintain flood capacity and provide accessible open space and recreational routes. Compliant with the outline consent, this creates a managed green buffer between development and the rural edge, and multi-use will ensure the land is maintained appropriately. The existing vegetation along Innage Brook is similarly retained and enhanced to provide a green corridor through the development.

In compliance with the outline consent, the retention of taller mature trees along Innage Brook will help to soften the impact of development in the wider landscape. Existing hedgerows and mature trees are retained and enhanced with additional planting of similar and complementary species to reinforce boundaries and enclosures. Appropriate areas outside the flood plain are set aside to deliver sustainable urban drainage solutions and provide additional ecological habitat.

Grass verges and trees are proposed along principal streets which will soften development and promote green links across the site. Elsewhere verges and trees are proposed to frontages and parking courts to soften and add interest to the street scene. Hard landscape materials, planting to public realm, and planting to front of plots are used to define streets for pedestrians and assist with legibility and wayfinding. Private drives facing the public realm are enclosed by low level timber knee rail fencing appropriate to the semi-rural landscape setting.



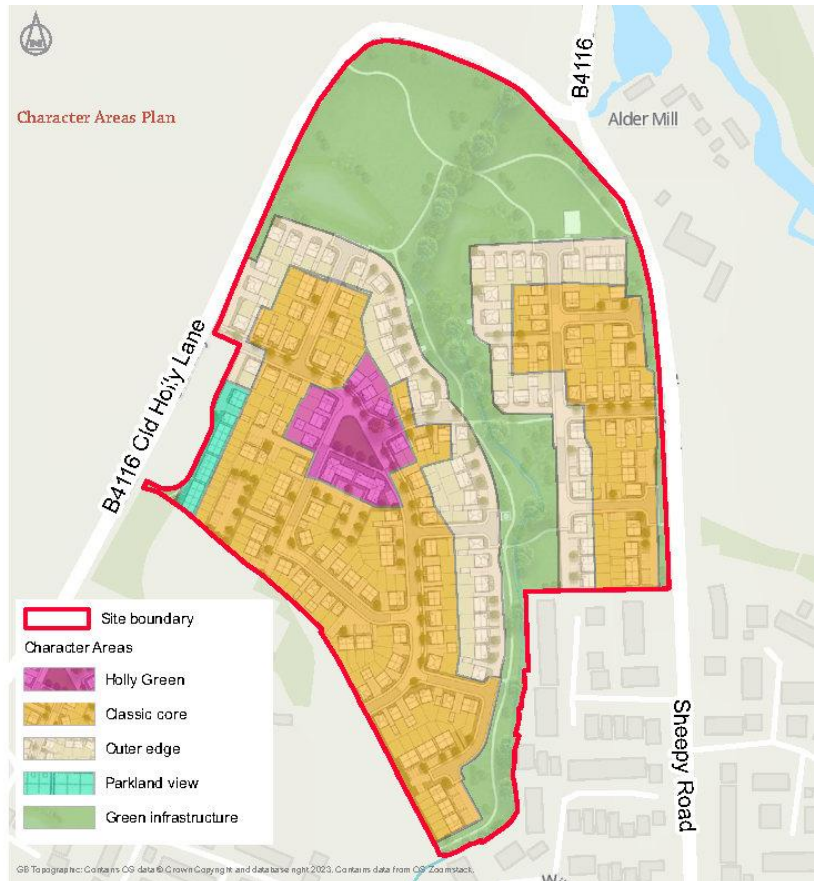
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Appearance

In compliance with the outline consent, development is set back from the site edges to preserve the setting of mature boundary hedgerows and hedgerow trees. Combined with the retention of flood plain areas and the mature green corridor along Innage Brook, this landscape led approach has defined and shaped the development parcels.

Building on the strategies set out in the outline consent, phase 2 introduces four character areas which reflect the local built character of Atherstone in terms of street typologies, architectural styles and materials. The areas are defined as:

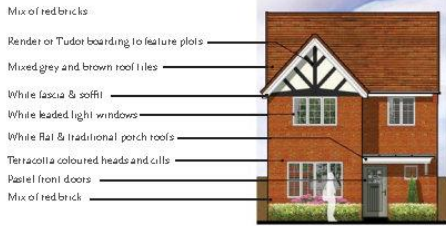
- ◆ Classic Core - This area is predominantly the primary access roads and secondary routes within the development.
- ◆ Holly Green - The central green space and heart of the development on the redirected Old Holly Lane access road.
- ◆ The Outer Edge - Homes typically facing the retained green infrastructure of Innage Brook and the open space to the north.
- ◆ Parkland View - A key note frontage free of vehicles which in the future will form the eastern end of the park at the centre of allocation H1.





Classic Core

These areas provide the core to each development parcel and reflect street character typical of Atherstone, with a mix of house typologies in red brick set behind ornamental hedging. Black railings to front of hedging along primary route.



Holly Green

This area creates a central focal point for the development with buildings and public realm larger in scale. Buff brick and render is used to create a unique built character with generous green space and more formal enclosure using black railing to the front of ornamental hedges.

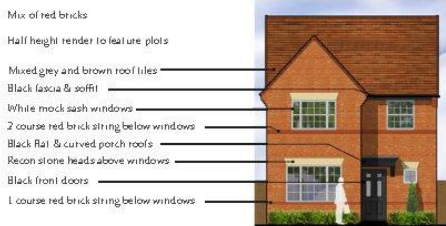


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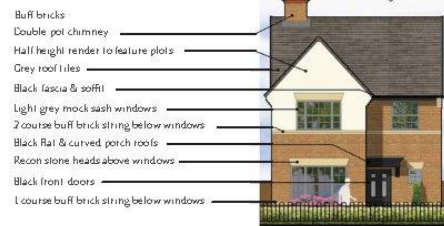
Outer Edge

These areas soften the transition between built development and the green edges of Innage brook and rural landscape to the north. More simpler designs in red brick reflect the rural character with more open informal front gardens and shrub planting.



Parkland View

This area reinterprets the traditional terrace form typical of older parts of Atherstone. Buff brick in combination with bespoke architectural detailing creates a unique character with ornamental hedges and black railings fronting the public open space.



19






Materials

In compliance with the Design and Access Statement approved in the outline consent, a palette of traditional materials and detailing appropriate to the region is proposed. The following materials and details are combined to create distinctive character areas as per the matrix in Table 1 and in more detail in the accompanying materials plan and house type pack.

Facing Materials

-  Forterra: Cumber red
Detail brick - Wienerberger Sienna red
-  Forterra: Lindum Cottage red multi
Detail brick - Wienerberger Sienna red
-  Ibstock: Balmoral
Detail brick - Wienerberger Sienna red
-  Ibstock: Hardwicke Minster Beckstone mixture
Detail brick - Ibstock Hardwicke Minster cream blend
-  Half Height Weber Monocouche Rough Cast Render Chalk.
Full Height Weber Monocouche Rough Cast Render Chalk.

Roof tiles

-  Russell: Highland Slate grey
-  Russell: Grampian Slate grey
-  Russell: Highland Peat brown

Architectural features

-  Off Black Tudor Boarding With Chalk Render.
-  White Tudor Boarding With Earth Render.
-  Feature Chimney

Table 1

	Classic Core	Parkland View	Outer Edge	Holly Green
Forterra Brick Cumber Red or similar	✓		✓	
Forterra Brick Lindum Cottage Red Multi or similar	✓		✓	
Ibstock Brick Balmoral or similar	✓		✓	
Ibstock Brick Hardwicke Beckstone Mixture or similar		✓		✓
Render or similar to key plots, half or full	✓	✓	✓	✓
Russell Highland Slate Grey or similar		✓		✓
Russell Grampian Slate Grey or similar	✓		✓	
Russell Grampian Peat Brown or similar	✓		✓	
White Window Frames White Soffit, Fascias & Canopsys, or similar	✓			
Light Grey Window Frames Black Soffit, Fascias & Canopsys, or similar		✓		
White Window Frames Black Soffit, Fascias & Canopsys, or similar			✓	
Anthracte Grey Window Frames Black Soffit, Fascias & Canopsys, or similar				✓

20



Illustrative street scenes

To comply with the design principles set out in the outline application, the reserved matters layout provides a mix of properties which when combined with materials and treatments according to character area will create distinctiveness and a strong sense of place.



21



22



Landscape Strategy

In compliance with the Design and Access Statement approved in the outline consent, the reserved matters landscape design had been developed in response to the green infrastructure strategy for the wider H1 allocation.

The green infrastructure framework set out in the outline consent creates a multi-functional and connected landscape setting for the wider site. This is based on a combination of retaining existing vegetation, proposed open space and new tree planting to reinforce the existing landscape and provide a new landscape framework. This will create an enhanced and integrated landscape setting providing water management and biodiversity gains.

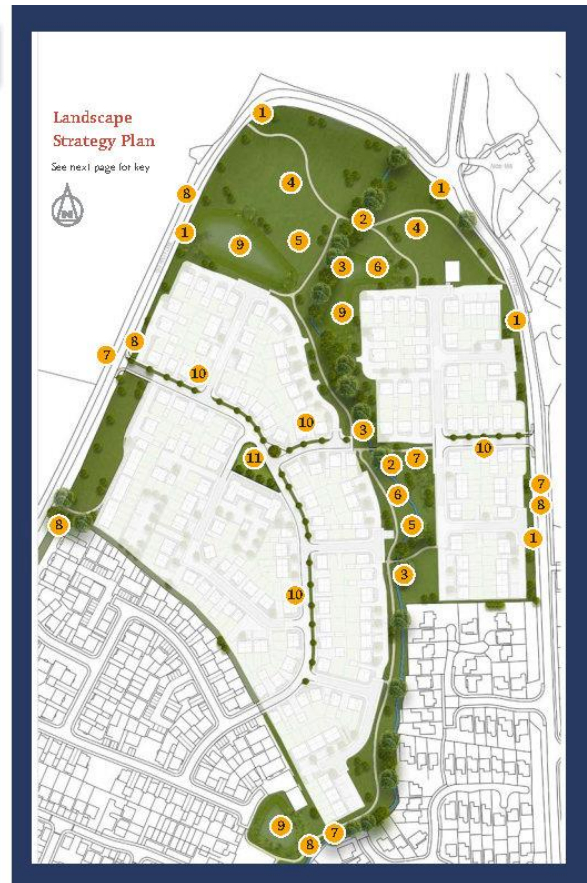
The consented masterplan creates an extensive area of open space to the western, eastern and northern fringes of allocation H1 to aid the transition of the development into the rural areas beyond. This design for phase 2 complies with the framework, setting aside the northern end of the site for public open space within the existing natural setting.

The wider landscape framework creates a destination park in the centre of H1, which is located to the west of Old Holly Road. This application complies with the design of the future central space, providing feature frontage in the form of the Parkland View character area.

The retained landscape frontage to Sheepy Road will form the eastern edge of development. The existing hedgerow and its setting will be retained and enhanced to provide screening and softening of the development edge. Additional trees and planting will enhance the eastern edge and provide a visual transition to the rural landscape beyond. The retained landscape around Innage Brook forms a green spine within the network of accessible footpaths which including feature footbridges which cross the brook.

Grass verges and street trees along principal routes will provide green links through the parcels, and opportunities for front of plot planting and trees will soften development and link habitats for wildlife.

23





1 Existing boundary hedgerow and hedgerow trees retained



2 Habitat retention and enhancement along Innage Brook



3 Footbridges providing pedestrian and cycle connectivity across Innage Brook



4 Public open space supporting healthy lifestyles and well-being



5 Footpaths and recreational routes through public open space



6 Opportunities for play on the way activities



7 Central cycle link providing connectivity between parcels and wider east-west network



8 Footpath connections to wider landscape routes



9 SuDS at lensualion areas and wetland planting to promote habitat creation



10 Grass verges on principal streets to provide space for street trees and create green links



11 Central green space to support placemaking and wayfinding

The comprehensive landscape strategy complies with the design principles established in the outline consent and will deliver a high quality public realm. The public open space to the north provides the first stage of delivering the landscape framework set out in the wider consent.

24



Landscape Materials

In compliance with the Design and Access Statement approved in the outline consent, a palette of hard and soft landscape materials and means of enclosure to private space will create high quality public realm reinforcing the sense of place created by the character areas and aid legibility and wayfinding.

Surface Materials

Materials will be delivered to adoptable standards for roads and pavements using materials which are hard wearing, durable and slip resistant.

Changes in surface materials will distinguish the interface between pedestrian and cycle and vehicle routes to provide safe crossing points.

Changes in surface materials also help define character areas and promote natural traffic calming at regular intervals.

Planting

A comprehensive scheme of new planting to reflect and complement existing native species is proposed. A mix of native and ornamental new trees will be planted throughout the development to create structure and help define character areas.

Formal hedging and shrubs will help define plots and private space, whilst in the public realm, areas of mixed and more informal shrub planting will enhance public open space and help define recreational routes.

Means of enclosure

A variety of means of enclosure is proposed to separate private gardens from the public realm. Means of enclosure will help define character areas providing complementary boundaries to private space.



Tarmac roads and pavements



Block paving



Street trees and shrubs between parking bays



Street trees



Metal hoop top railings and hedge



Railier timber fence



Feature timber fence



Knee rail fence



Hoggin foot paths



Tarmac pavement, lawned frontage with trees, block paved drive



Native hedge



Brick garden enclosure

25



5. Building for a Healthy Life Assessment

This section updates the Building for a Healthy Life (BfHL) assessment from the outline application which has been used throughout the design process to ensure high-quality placemaking and design. This further demonstrates compliance with the principles and strategies approved by the outline consent.

BfHL12 Criteria	Status	Commentary	BfHL12 Criteria	Status	Commentary
Integrated Neighbourhoods			Distinctive Places		
Natural Connections	✓	The development will be well connected through vehicular connections to Old Holly Lane, through Phase1, and to Sheepy Road. The development will sit within a retained mature landscape and form a new high-quality edge to the existing edge of town.	Making the Most of What's there	✓	The proposals retain and enhance the best of the existing green and blue infrastructure, ensuring the development provides a sensitive and suitably high-quality transition from the town to the rural edge. Land retained as public open space opens up recreational opportunities within the landscape.
Walking, cycling & Public Transport	✓	A network of walking/cycle routes is proposed through the site linking to existing active travel routes into town in the south and in the wider countryside to the north, east and west. Local bus routes are available close to the eastern edge via Sheepy Road, and the town has a rail connection on the national network.	A memorable character	✓	The development responds to the context and creates different character areas across the site combined with a mix of styles and materials drawn from the local areas which will combine to create a memorable character.
Facilities & Services	✓	Atherstone is a highly sustainable location with a wide range of public services and facilities all within reasonable walking distance of the site.	Well defined streets and spaces	✓	The layout creates a series of well-defined streets and spaces. Buildings combined with appropriate enclosures provide well defined spaces and a clear definition between public and private space.
Homes for Everyone	✓	A mix of housing to suit local need is proposed with 40% being affordable in line with policy.	Easy to find your way around	✓	The layout combines house typologies, appropriate materials and landscape treatments, and the retained landscape setting to create a legible development with key buildings and vistas providing a unique place and views to help people navigate.

26



BfHL12 Criteria	Status	Commentary
Streets for All		
Healthy Streets	✓	Streets are design to encourage people to choose active travel options, prioritising pedestrian, and cyclists to improve health and well-being. Routes are not restricted to vehicular movement and prioritise safety and connect people with where they want to go.
Cycle & car parking	✓	Every home is provided with cycle access and storage and is located within easy reach of the cycle friendly routes. A mix of parking solutions is provided with electric vehicle charging available to all.
Green & blue infrastructure	✓	Approximately 29% of the site is set aside for green infrastructure and includes retained and proposed blue infrastructure. This will create improved habitat and water management.
Back of pavement, front of home	✓	The development has carefully considered plot frontages with hoop top railings and low hedges proposed along principal routes and the central green to provide character. Properties have side or rear gates for refuse collection, and bin stores and collection points have been included where necessary.



27



6. Summary

This Design Compliance Statement is submitted in support of a Reserved Matters application pursuant to Outline Planning Permission PAP/2014/0542 for Phase 2 of residential development at Old Holly Lane, Atherstone.

The development will create 250 quality new homes and public open space set within retained and enhanced green and blue infrastructure forming a cohesive and sustainable neighbourhood. This will deliver the next phase of the wider vision for development of land at Whittington and Northwest of Atherstone as set out in the North Warwickshire Local Plan (2021).

The reserved matters layout and details have been designed in compliance with the approved outline masterplan for land allocation H1 in the (NWLP). The Design Compliance Statement has set how detailed assessment of the site and its environs combined with reference to national and local policy and guidance have influenced the proposals.

Phase 2 of development at Old Holly Lane is designed to make the most of the existing green infrastructure and deliver efficient land use, providing a new northern edge to the town appropriate to the semi-rural setting. The design is sensitive to the landscape setting of the site and will provide residents with the opportunity to access nature and choose active travel options.

The site will deliver a safe, well-connected community within walking distance of the town, local facilities and services, and with good access to public transport.



Reserved Matters layout

28



7. Appendix -Condition Schedule

This section provides a schedule of the conditions attached to the outline consent and the corresponding documents submitted for Reserved Matters.

Condition Number	Condition Wording	Supporting RM Submission Documents
1	No development within any phase shall commence on site until details of the siting, appearance, landscaping, layout and scale of development (hereinafter called "the reserved matters") for the phase has been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.	For list of submission documents and plans please see submitted Covering Letter
2	The first application for approval of reserved matters shall be submitted no later than 2 years from the date of this permission, and all subsequent reserved matters applications shall be submitted by no later than 8 years from the date of this permission.	N/A
3	The development hereby permitted shall be begun either before the expiration of six years from the date of this permission, or before the expiration of two years from the date of approval of the first of the reserved matters to be approved, whichever is the later. No phase of development shall be begun later than one year from the date of approval of the last of the reserved matters to be approved.	N/A
4	The development hereby approved shall not be carried out otherwise than in accordance with the Site Location Plan received by the Local Planning Authority on 13 October 2014.	N/A
5	No development shall commence on site until details of the phasing of the development have been submitted to and approved in writing by the Local Planning Authority. This shall include the phasing for the construction of the proposed primary road as shown on Masterplan EMS.2451_02-1K or any subsequently approved masterplan and full details of the street hierarchy. The development shall be carried out in accordance with the approved phasing details.	Phasing Plan has been submitted for discharge by Pegasus on behalf of Merevale Estate on 12th June 2024 (Ref: DOC/2024/0038)

29



Condition Number	Condition Wording	Supporting RM Submission Documents
6	Unless otherwise agreed in writing by the Local Planning Authority following the submission of a revised masterplan, the reserved matters shall be designed broadly in accordance with the Masterplan contained in plan reference EMS.2451_02-1K received on 17 October 2014 apart from the location of the attenuation areas which should be submitted for approval as part of the reserved matters stage.	Phasing Plan has been submitted for discharge by Pegasus on behalf of Merevale Estate on 12th June 2024 (Ref: DOC/2024/0038) Attenuation areas are shown on the plans submitted for approval as part of the Reserved Matters application.
7	The total number of residential units within the development hereby approved shall not exceed 620 in number.	N/A
8	No more than 50% of the residential units shall be occupied until the play space and pedestrian/cycle link along Old Holly Lane has been constructed to the written satisfaction of the Local Planning Authority and no more than 60% of the residential units shall be occupied until the play space and pedestrian/cycle link along old Holly Lane are available for public use.	N/A
9	Prior to the commencement of construction of any phase of development on the site the details of the proposed landscaping and boundary treatment relevant to that phase, including boundary drainage shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full in accordance with a programme to be submitted to and approved by the Local Planning Authority.	Landscape Masterplan WSPE-DR-A-00002_P01 prepared by WSP and boundary treatments shown on MI121-PD-020 and explained in further detail on pages 20 - 22 in this Design Compliance Statement for Phase 2a and 2b. It has been agreed that plot landscaping plans will be submitted when we know the layout is agreed to avoid abortive work.
10	No phase of the development shall be occupied until the roads serving that phase of the development including footways, private drives, means of access, car parking and manoeuvring areas have been laid out and substantially constructed.	N/A

30



Condition Number	Condition Wording	Supporting RM Submission Documents
11	<p>Prior to the commencement of construction of any phase of the development a detailed scheme to manage surface water drainage sustainably for that phase shall be submitted to and approved in writing by the local planning authority. Only the approved scheme shall then be implemented in full prior to the occupation of that phase. The scheme shall include:</p> <ul style="list-style-type: none"> • Surface water discharge rates restricted to Q_{bar} for each sub-catchment up to and including the 100 year critical rainstorm event as proposed within figure 4f of the FRA ref: 10137/FRA/02, thus providing 60% betterment on Greenfield runoff rates for the 100 year event; • Infiltration tests carried out to BRE365 to identify soakage potential for the development. The drainage scheme shall favour infiltration where shown to be feasible by these tests; • Implementation of a full range of SUDs as proposed within the FRA, to include above ground landscaped attenuation ponds set outside of the 100 year Climate Change fluvial flood extent; <p>Attenuation must be designed to accommodate a 1 in 100 year critical rainstorm event with an appropriate allowance for climate change (30% of peak rainfall intensity);</p> <ul style="list-style-type: none"> • Details of the performance of the drainage network for each sub catchment, including Micro-drainage calculations and network drawings. Performance must be tested for the 1:1 year, 1 in 30 year and 1 in 100 year critical rainstorm events; • The drainage strategy for each sub catchment will comply with Sewers for Adoption 7th Edition design criteria, demonstrating no above ground flooding up to and including the 1:30 year rainstorm event; • Confirmation of adoption and future maintenance proposals for the drainage features. 	Details will be submitted by a separate discharge of conditions application for Phase 2a and 2b.

31



Condition Number	Condition Wording	Supporting RM Submission Documents
12	All residential units proposed to be built within Flood Zone 2 will have a finished floor level set at least 600mm above the 100 year Climate Change associated in-channel water level. Layout drawings detailing these finished floor levels shall be submitted for the approval of the Local Planning Authority.	FPL drawing MI197-EN-099 is submitted with the Reserved Matters application for Phase 2a and 2b.
13	Prior to the commencement of any phase of development a written scheme for archaeological investigation appropriate to that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The written scheme shall include full details of the investigation to be undertaken, the extent of the area to be investigated and the arrangement for the deposit of the archaeological record. The approved scheme of investigation shall be implemented in accordance with the approved details.	WSI June 2024 prepared by Orion Heritage and submitted with the Reserved Matters application for Phase 2a and 2b.
14	Prior to the commencement of any phase of development an assessment of the nature and extent of contamination appropriate to that phase of development shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by suitably qualified and experienced persons, shall be based on a Preliminary Risk Assessment carried out for the site in accordance with the British Standard for the investigation of potentially contaminated land, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include: i) A survey of the extent, scale and nature of contamination; (ii) An assessment of the potential risks to: • Human health • Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; • Adjoining land; • Ground and surface waters; • Ecological systems; and, • Archaeological sites and ancient monuments.	Details will be submitted by a separate Discharge of Conditions application for Phase 2a and 2b.

32



Condition Number	Condition Wording	Supporting RM Submission Documents
	If any unacceptable contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted including how it is proposed that the remediation will be verified shall be submitted to and approved in writing by the Local Planning Authority. The phase of the site shall then be remediated in accordance with the approved measures before development begins.	
15	In addition to the requirements of condition number 14, if, during the course of development, any unacceptable contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures. Within three months of the completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out in accordance with the verification plan) must be submitted to the Local Planning Authority	Details will be submitted by a separate Discharge of Conditions application if unacceptable contamination is identified for Phase 2a and 2b.
16	No development within any phase shall commence on site until full details of the artificial badger sett to be provided on land within the applicant's ownership, as detailed in the Badger Survey Report as received on 13 October 2014, has been submitted to the local planning authority for their approval in writing. Only the approved details shall then be implemented on site.	Discharged 05/12/2022 (planning ref: DOC/2022/0097)
17	No phase of development shall commence until a detailed Travel Plan in accordance with the outline Travel Plan appended to the Transport Assessment forming part of the outline application for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority for the A5 trunk road. Such a detailed Travel Plan shall include the following: • Measures to be introduced to reduce the dependency on car travel easures • Modal share targets • The methods to be employed to meet the agreed targets	Travel Plan prepared by Lawrence Walker Limited is submitted with the Reserved Matters application for Phase 2a and Phase 2b.

33



Condition Number	Condition Wording	Supporting RM Submission Documents
	<ul style="list-style-type: none"> The penalties to be applied in the event that the agreed targets are not met Timescale of implementation and operation thereafter Mechanisms for monitoring, reviews and updates 	
18	No phase of development shall commence until a Landscape and Open Space Management Plan for that phase, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open space areas, has been submitted to and approved by the local planning authority. The Plan shall include details of the mechanisms which will secure its implementation. The Plan shall be carried out as approved. The landscaping details submitted for the appropriate phase shall include Trees T5, T15, T13, T8 and T14 to be retained for bat roosting and the secondary road being repositioned outside of the root protection area for the English oak trees T15 and T13	N/A
19	No phase of the development hereby permitted shall be commenced until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes at that phase, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.	Details will be submitted by a separate Discharge of Conditions application for Phase 2a and Phase 2b.
20	No phase of the development hereby permitted shall be commenced until a Construction Management Plan relevant for that phase has been submitted to the Local Planning Authority for their approval in writing. This Plan must contain a Construction Phasing Plan, details to prevent mud and debris on the public highway, and HGV Routing Plan. The development shall only take place in full accordance with the plan hereby approved.	Details will be submitted by a separate Discharge of Conditions application for Phase 2a and Phase 2b.

34



Condition Number	Condition Wording	Supporting RM Submission Documents
21	<p>No phase of the development hereby permitted shall be commenced until the site layout has been agreed in writing by the planning authority, with the submission including the following drawings to ensure the development layout is acceptable in highway terms:</p> <ol style="list-style-type: none"> Adoption plan; Vehicle tracking drawings for a refuse vehicle and fire tender; Forward visibility splays; Visibility splays at junctions within the development site; Location of four bus stops along the development spine road 	<p>The following drawings are submitted with this Reserved Matters application:</p> <ul style="list-style-type: none"> Vehicle Tracking Drawings (Fire Tender)- MI121-TR-001 Vehicle Tracking Drawings (Refuse)- MI121-TR-002 Forward visibility splays at junctions are also shown on submitted plans.
22	No phase of development shall commence until a Noise Management Plan and programme for that phase has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include appropriate specification of any noise insulation needed to ensure an acceptable noise climate for the occupiers of the dwelling houses. The approved Plan shall be implemented in full in accordance with the approved Programme.	Noise Assessment prepared by Suono is submitted with this Reserved Matters application for Phase 2a and 2b.

35



General Development Applications

(5/b) Application No: PAP/2024/0297

Land north and south of Junction 9 of the M42, Adjacent to Lichfield Road,

Outline planning application, with all matters reserved (except for access), for employment development (Use Class B2/B8 with ancillary E(g)), together with habitat creation, landscaping, parking, service yards, HGV waiting area, footpaths/cycleways, and other associated infrastructure, for

Richborough Commercial

1. Introduction

1.1 This application has an accompanying Environmental Statement and will thus be reported to the Planning and Development Board for determination in due course. This report introduces the proposal to Members.

2. The Site

2.1 The proposal is split into two parcels of land, the location and extent of which are shown edged red and annotated on the Site Local Plan provided at Appendix A.

2.2 The southern parcel of land extends to 19.51 hectares and a northern parcel of land extends to 7.23 hectares of land.

2.3 The southern parcel is approximately 19.51ha (48.22 acres) in size and comprises agricultural land within the Green Belt. There are no existing buildings or structures within the site boundary, save for overhead powerlines and a below ground gas pipeline.

2.4 Tree cover is mainly limited to the southern parcel's boundaries, with the arable fields being traversed and bound by stretches of bramble clad hawthorn hedgerows. The topography of the southern parcel comprises a valley running east-west through the southern central part of the site with the low point at the eastern boundary of circa. 82.5m AOD. The land rises from here to the south reaching a high point at the southern boundary of circa. 88.5m AOD. The land also rises noticeably to the north, reaching a high point at the northeastern boundary of circa. 98.5m AOD.

2.5 In terms of existing infrastructure, the southern parcel is bisected by a below ground gas pipeline that runs on a broadly north-south alignment through the site. Overhead power lines cross the northern part of the southern parcel, supported on pylons; two of which are located within the southern site parcel. The development proposals have considered these constraints as well as their respective easements. The southern parcel is accessed from Lichfield Road (A446).

2.6 A roughly triangular area of land with a frontage to Lichfield Road (along the north eastern boundary) is excluded from the southern parcel as it does not form part of the land ownership. It is farmed under a separate tenancy.

2.7 The southern parcel is bounded on three sides by significant highways infrastructure, including Lichfield Road (A446) to the east/north, Junction 9 of the M42 to the immediate north and the M42 / M6 (Toll) to the west.

2.8 To the south, the site is bounded by an agricultural field, which was subject to a recent planning application and subsequent appeal for a truck stop development, beyond which is Marsh Lane, which connects the A446 to Curdworth village. The site is 1km from the Hams Hall Rail Freight Terminal and 6km from Birmingham International Airport. It is located to the east of Curdworth, c.1.5km from the centre of the village and immediately east of the M42 and M6 Toll.

2.9 The northern parcel of land is to the north of Junction 9 of the M42, is within the Green Belt, and is intended to be utilised for habitat creation to contribute to the proposed development's bio-diversity (BNG) objectives, Green Belt enhancement and public access. It extends to 7.23ha (17.87 acres) and largely comprises an arable field that has been left fallow and now contains tall ruderal vegetation.

2.10 The northern parcel is contained by belts of trees and hedgerows, but there are no trees located internally.

2.11 Pedestrian access to the northern parcel is via the existing Birmingham and Fazeley Canal towpath along the western boundary, or via Lock House Lane along the northern boundary. An area of temporary hardstanding and an access road running north to south is present on site associated with HS2 construction works.

2.12 The northern parcel is bounded by the Birmingham and Fazeley Canal and towpath and associated footpath along the western boundary. However, there is currently no formal public access to the northern parcel from the towpath. Lock House Lane runs along the northern boundary of the parcel, the M42 Motorway to the eastern boundary and Junction 9 of the M42 Motorway to the southern boundary.

2.13 This wider context is illustrated at Appendix B.

3. The Proposal

a) Introduction

3.1 In general terms this is an outline planning application for the development of land for employment development (Use Class B2/B8 with ancillary E(g)), together with habitat creation, landscaping, parking, service yards, HGV waiting area, footpaths/cycleways, and other associated infrastructure. Details of the proposed access arrangements are submitted for approval in full, but all other matters are reserved for later applications.

3.2 The following reports and information have been submitted with the application.

Design and Access Statement	Nineteen47
Ecological Impact Assessment	Tyler Grange
Economic Needs & Benefit Report	Wisher Consulting
Employment Land Assessment	Lambert Smith Hampton
Energy and Sustainability Statement	Watt Energy
Environmental Statement covering:• Landscape and Visual Impact • Soils and Agricultural Land • Built Heritage and Archaeology • Transport • Air Quality • Noise and Vibration • Socio-economics • Climate Change • Lighting	Asteer Planning with input from relevant consultants
Flood Risk Assessment and Drainage Strategy	RAC-E
Green Belt Review	Tyler Grange
Health Impact Assessment	Pegasus
Market Report and Occupier Overview	CBRE
Outline Skills and Employment Plan	Richborough Commercial
Preliminary Arboricultural Impact Assessment (including Tree Constraints Plan)	Tyler Grange
Phase 1 Ground Investigation Report	M-EC
Statement of Community Involvement	Asteer Planning
Supporting Planning Statement	Asteer Planning
Alternative Sites Assessment	Asteer Planning
<i>Drawings (for approval)</i>	
Parameter Plan	004 Rev F
Proposed A446 Site Access with Auxiliary Lane and Merge Taper Plan	T22578.001 rev F
Site Location Plan	RE-M42J9-AB-01A

b) Additional Detail

3.3 The applicant has provided more background on the scope of the proposals and this identifies the following:

Southern Parcel

- Up to 700,000 sq ft (65,032 sqm) of employment development (Use Classes B2/B8 with ancillary E(g));
- Potentially 845 new FTE jobs on site and 169 FTE jobs off-site;
- Maximum building height of 20m above a proposed ground level;
- New vehicular and pedestrian access from Lichfield Road (A446);

- Overhead pylon corridor including landscape, drainage, ecological mitigation, roads, footpaths/cycleways, parking, service yards and other infrastructure;
- A new footway/cycleway at the southeastern boundary providing direct access into the site from Lichfield Road (A446); and
- Retained and enhanced green and blue infrastructure buffers of a minimum of 10m around the boundary of site which will include landscaping, drainage, ecological mitigation, footpaths/cycle ways and other infrastructure

Northern parcel

- 7.23 ha of habitat creation land and enhanced public access including ecological and landscape mitigation, footway and cycle ways and other infrastructure; and
- New access and egress for pedestrians and cyclists only

3.4 In order to “structure” this proposal on the site, a Parameters Plan has been submitted – see Appendix C. This sets out how the applicant would see the proposal being laid out.

3.5 Further detail has also been submitted in the form of an illustrative layout – see Appendix D and is described below.

3.6 For the southern parcel of land, the layout indicates one way in which the amount of development could be accommodated on the site in accordance with the parameters plan. It shows three large buildings (plots 1-3) could be accommodated in the south, the widest part of the site. As the site narrows towards the north and is constrained by underground and overhead services, three further buildings of smaller footprints are shown to make use of the remaining land available. The proposal also indicates a small area designated for HGV parking and waiting area within the centre of the scheme.

3.7 In terms of the northern parcel of land, this would be utilised for habitat creation contributing towards the development’s Biodiversity Net Gain objectives and Green Belt enhancement. The illustrative masterplan and an illustrative landscape masterplan demonstrates how this could be set out, for instance the illustrative masterplan indicates a path walkway loop into the scheme – see Appendix E.

3.8 As part of the scheme, access is a consideration and Appendix F indicates the proposed access into the site. This would be from the A446 via a left in and left out priority junction arrangement from the northbound carriageway of the A446 Lichfield Road with merge and diverge tapers onto the A446 (of at least 110 metres in length).

3.9 Also it is proposed to improve accessibility to the southern parcel for pedestrian and cyclists. A new staggered toucan crossing is proposed on the A446 at the Hams Hall Roundabout to replace the existing uncontrolled crossing point. A new 3m wide shared footway is proposed between this point and the site access road which would then link to an internal offline walking and cycling network.

3.10 Two pedestrian/cycle accesses are proposed into the northern parcel from Birmingham and Fazeley Canal at Dunton Wharf Bridge and Marston Lane Bridge.

c) Environmental Impacts

3.11 As indicated earlier the application is accompanied by an Environmental Statement and the applicant addresses a series of potential environmental impacts through this document. If Members wish to research any particular impact then the full Environmental Statement is available on the web site, however a useful summary is provided in Planning Statement at Appendix G.

d) The Applicant's Case

3.12 Members will be aware that there are substantial issues involved with this proposal and that their assessment will have to be considered in the final planning balance which will take account of all of the material planning considerations affecting determination.

3.13 It is thus important that the Board understands the applicant's position on these issues. And to this end he has produced a Planning Statement. In order to assist Members on the Very Special Circumstances element of this Statement is attached at Appendix H. In particular it addresses the main crux of the final planning balance – whether inappropriate development in Green Belt (Policy LP3) of the North Warwickshire Local Plan 2021 is clearly outweighed by other considerations. These are identified as:

- The Development plan is out of date;
- The provision of immediate need for employment land;
- The lack of alternative sites outside of the Green Belt; and
- The significant social, economic and environmental benefits.

3.14 The full Statement is available for Members to research if they wish to follow these matters in more detail.

4. Development Plan

North Warwickshire Local Plan 2021 - Policy LP1 (Sustainable Development); LP2 (Settlement Hierarchy), Policy LP3 (Green Belt), LP5 (Amount of Development), LP6 (Additional Employment Land), Policy LP11 (Economic Regeneration), Policy LP12 (Employment Areas), LP14 (Landscaping), Policy LP15 (Historic Environment), LP16 (Natural Environment), LP17 (Green Infrastructure), LP22 (Open Spaces and Recreational Provision), LP23 (Transport Assessments), LP25 (Railway Lines), LP27 (Walking and Cycling), Policy LP29 (Development Considerations), LP30 (Built Form), LP33 (Water and Flood Risk Management), LP34 (Parking), LP35 (Renewable Energy and Energy Efficiency), LP36 (Information and Communication Technologies) and Policy LP39 (Employment Allocations)

5. Other Relevant Material Considerations

Draft Employment Development Plan Document – Scope, Issues and Options 2024

Air Quality and Planning - SPD 2019

West Midlands Strategic Employment Sites Study (Phase One) – 2015

West Midlands Strategic Employment Sites Study (Phase Two) – May 2021

National Planning Policy Framework 2023 – (the “NPPF”)

The National Design Guide 2021

The National Model Design Code 2021

Appeal Decision APP/R3705/W/24/3336295 Land north-east of Junction 10 of the M42 Motorway Dordon – Appeal dismissed.

Appeal Reference - APP/R3705/W/23/3327296 - Land west of Hams Hall roundabout and south of Marsh Lane, Curdworth, B76 0AA – Caesarea Development – 200 HGV spaces Appeal dismissed.

6. Observations

6.1 This application for outline planning permission is seeking approval in principle for a development which will involve the change in the use of land from agriculture to commercial employment use. Members will have to address the following considerations in the determination of the application.

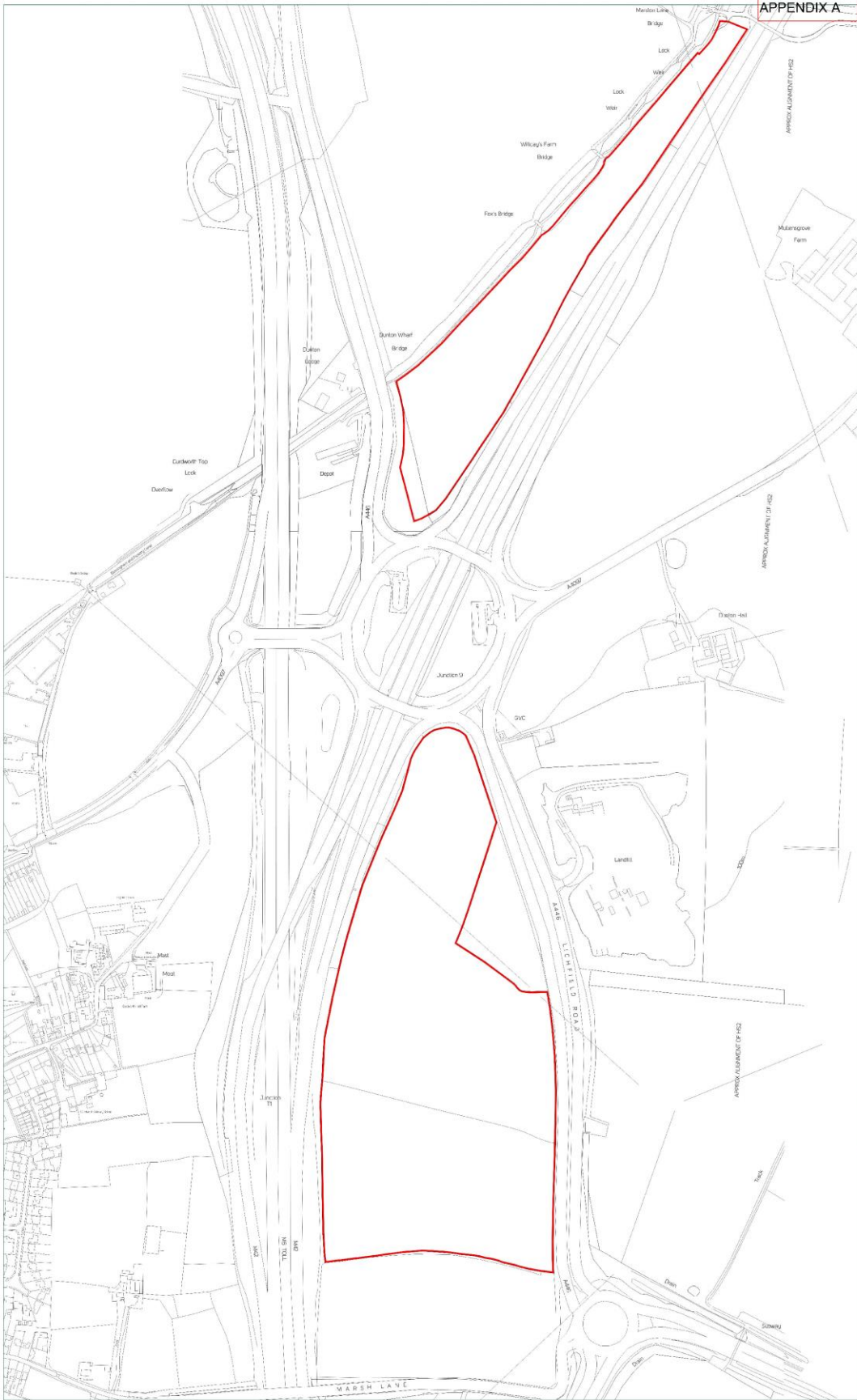
- As inappropriate development in the Green Belt, the impact on its openness and how much weight should be given to this.
- Whether the proposal accords with Local Plan policy LP2 (Settlement Hierarchy)
- Whether the proposal accords with the terms of Local Plan policy LP6 such that it does represent additional employment land.
- Whether the proposal accords with Local Plan policy LP34 in respect of the proposed inclusion of an HGV waiting area
- Whether the identification of any harms arising from the environmental impacts identified by the applicant are acceptable under the terms of the relevant Local Plan policies and whether any residual harms can be mitigated.
- Whether the proposal leads to any cumulative benefits and disbenefits

6.2 As a consequence of these considerations, weights can be afforded to them such that they can then be assessed in the final planning balance, which will include all relevant material planning considerations. If the sum of the weight of other considerations clearly outweighs the sum of weight attached to the harm, then very special circumstances may exist.

6.3 Members may wish to visit the site together before a determination is made.

Recommendation

That the receipt of this application be noted, and that Members consider how a visit to the site might be arranged.



APPENDIX A

Key
 Publication coordinates
 52° 7' 56.000" N 1° 42' 42.000" W

PAP/2024/0297

NORTH NANTWICH/DRENE
 BOROUGH COUNCIL
RECEIVED
 01/07/2024
 PLANNING & DEVELOPMENT
 DIVISION



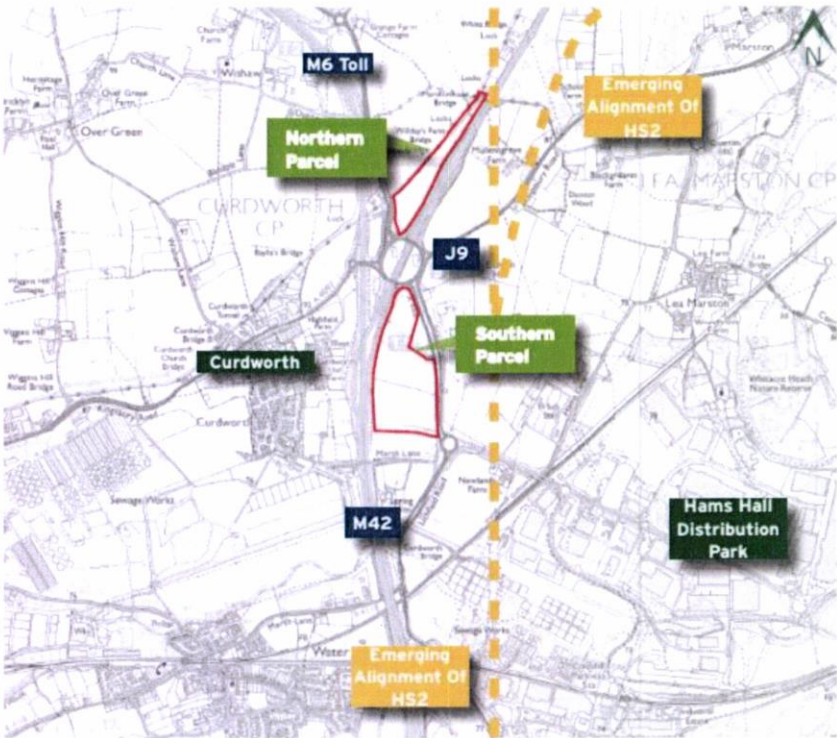
Richborough

nineteen47
 CONSULTING ENGINEERS
 & ARCHITECTS

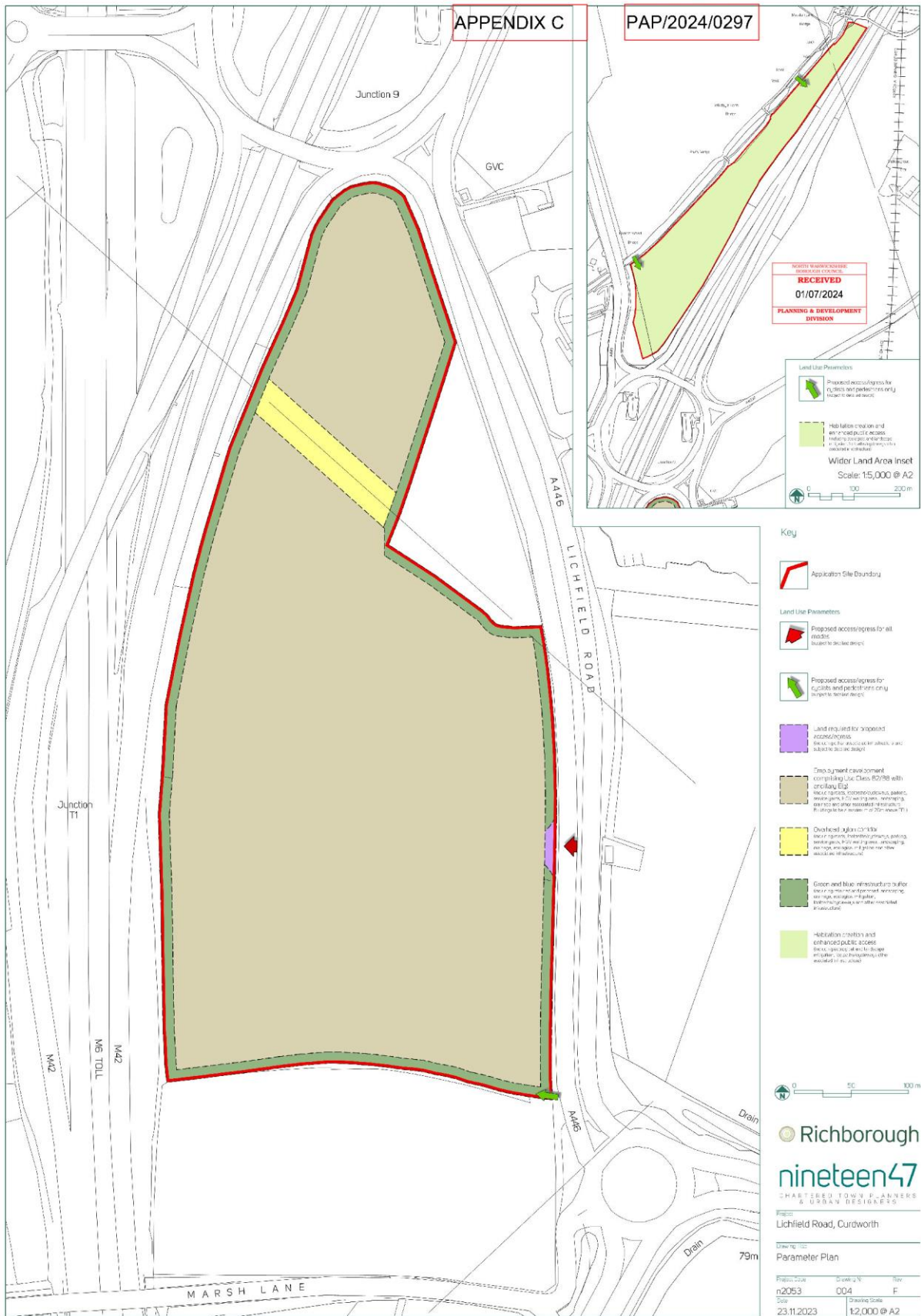
Project:
 Lichfield Road, Curdworth

Drawing No:
 Location Plan

File Code	Drawn By	Rev
n20243	DM	A
19.06.2023	12.500 @ A1	



Wider Context Map - Northern and Southern Parcel



APPENDIX D





Illustrative Masterplan - Northern Parcel



1. THIS DRAWING IS NOT TO BE SCALED FOR CONSTRUCTION PURPOSES.
 2. THE CONTRACTOR SHALL CHECK ALL DIMENSIONS AND LEVELS ON SITE.

F	UPDATED TO SHOW RECEIVED 0.9M FOOTWAY INTO THE SITE AND HIGHWAY BOUNDARY	25.08.24	ML	JP
E	UPDATED TO SHOW PROPOSED IMPROVEMENTS AT A446, SIGNALS AND HARD PAVIL ROUNDABOUT	04.04.24	BHR	JP
D	UPDATED TO SHOW LOCAL ACCESS TO THE NORTH OF THE EXISTING RESIDENCE	11.03.23	ML	JP
C	UPDATED TO SHOW ACCESS ON TOPOGRAFICAL SURVEY	28.04.23	ML	JP
B	UPDATED FOLLOWING CONSULTATION WITH LOCAL HIGHWAY AUTHORITY	01.03.23	ML	JP
A	UPDATED IN ACCORDANCE WITH CLIENT REQUIREMENTS	08.12.22	ML	JP

REV	DESCRIPTION	DATE	BY	AUTH

hub Hub Transport Planning Ltd
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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 DIVISION

CLIENT	RICHBOROUGH COMMERCIAL								
PROJECT	LAND AT LICHFIELD ROAD, JUNCTION 9 OF THE M42								
TITLE	PROPOSED A446 SITE ACCESS WITH AUXILIARY LANE AND MERGE TAPER								
DRAWN	ML	AUTHORISED	JP	SCALE	1:1000	SHEET NO.	A2	DATE	21.11.22
PROJECT NO.	T22578	DRAWING NO.	001	REV	F				

APPENDIX G

PAP/2024/0297

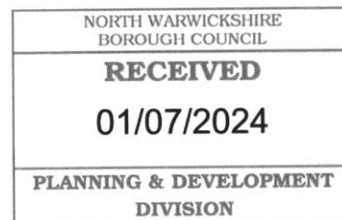


Supporting Planning Statement

Proposed Employment Development
Land at Lichfield Road, Junction 9 of the M42

On behalf of Richborough Commercial

June 2024



CONTENTS

EXECUTIVE SUMMARY	1
2 INTRODUCTION.....	7
3 SITE DESCRIPTION AND CONTEXT	12
4 THE PROPOSED DEVELOPMENT.....	23
5 PLANNING POLICY FRAMEWORK	30
6 EMPLOYMENT NEED AND ASSESSMENT OF RELEVANT POLICIES...	44
7 AGRICULTURAL LAND, HIGHWAYS AND TRANSPORT AND LANDSCAPE VISUAL IMPACT	72
8 OTHER TECHNICAL CONSIDERATIONS.....	83
9 GREEN BELT ASSESSMENT	92
10 VERY SPECIAL CIRCUMSTANCES CASE	106
11 DRAFT HEADS OF TERMS S106	121
12 CONCLUSIONS	122

APPENDICES

APPENDIX 1 - Site Location Plan

APPENDIX 2 – Document and Drawing Schedule

APPENDIX 3 - Parameter Plan

APPENDIX 4 - Illustrative Masterplan

APPENDIX 5 - Planning Policy Schedule

APPENDIX 6 - Local Plan Inspector’s Report Regarding Policy LP6

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Date: June 2024

EXECUTIVE SUMMARY

- 1.1 This Supporting Planning Statement has been prepared by Asteer Planning LLP on behalf of Richborough, in support of an outline planning application, with all matters reserved (save for access) for:

"Employment development (Use Class B2/B8 with ancillary E(g)), together with habitat creation, landscaping, parking, service yards, HGV waiting area, footpaths/cycleways, and other associated infrastructure at Land at Lichfield Road, Junction 9 of the M42 ('the site')".

- 1.2 The site is situated in a highly accessible location for strategic employment development, providing immediate access to the strategic highways network and being located at the heart of the West Midlands 'Golden Logistics Triangle', as part of the M42 Corridor. The site is proposed for development that will meet what we consider to be an immediate and demonstrable need for employment land in North Warwickshire.
- 1.3 The vision for this site is to create a high quality, modern and highly sustainable new business location to meet the significant identified demand for strategic employment in the region, and which capitalises on the location of the site in the Golden Logistics Triangle. The development will also meet an unmet local need for smaller units in North Warwickshire. This site will deliver significant benefits to North Warwickshire, including a wide range of jobs available for local people, newly accessible and usable Green Belt land to benefit the local community and a cutting edge approach to energy efficiency, sustainability and biodiversity enhancement.
- 1.4 The remainder of this section provides a high level summary of our proposals and the compelling reasons why it is wholly appropriate for employment-led development, and should be approved by North Warwickshire Borough Council without delay.

Richborough's Proposals at Junction 9

- 1.5 An illustrative layout for the site has been prepared that is underpinned by robust and rigorously tested parameters, to present a development that capitalises on the site's location and responds the site's opportunities. In summary, the "wider application site" comprises two parcels of land:
- A 'southern parcel' that extends to 19.51 hectares in size, comprising agricultural land that is bound on three sides by significant highways infrastructure, including Lichfield Road (A446) to the east/north, Junction 9 of the M42 to the immediate north, and the M42 / M6 (Toll) to the west. The southern parcel is proposed to accommodate up to

700,000 sq ft of employment development (Use Classes B2/B8 with ancillary E(g));
and

- A 'northern parcel' that extends to 7.23ha and comprises an arable field that has been left fallow and now contains tall ruderal vegetation. This land will be utilised for habitat creation to contribute to the proposed development's Biodiversity Net Gain objectives, Green Belt enhancement and public access.

- 1.6 A Parameters Plan has been prepared which could support a development that is laid out in a number of different ways. This is supported by an Illustrative layout which indicates that the site could potentially accommodate up to 3 "Big box" units (100,000 sq ft +) and up to 3 "Mid Box" units of between approximately 50,000 and 85,000 sq ft - providing adequate flexibility and ensuring the site can meet the needs of prospective end-users; as well as ensuring the site is well master planned and the land available is used efficiently.
- 1.7 In addition, a number of opportunities have been identified that will increase the accessibility of the site as part of the proposed development, including new pedestrian crossings and footways, a new bus stop, the re-routing of existing bus services, improved frequency of existing bus stops and improved integration with the railway timetable to enable multi-modal trips.

The Strategic Case for Development

The Policy Position

- 1.8 The National Planning Policy Framework ("the Framework"), sets the national policy agenda and seeks to attach significant weight to the need to support economic growth and productivity, recognising that planning policies and decisions should acknowledge and address the specific locational requirements of different sectors¹.
- 1.9 At a local level, the adopted North Warwickshire Local Plan (2021) failed to allocate any strategic employment sites, to meet either its own or an established regional need for strategic employment land. As a result of this, Policy LP6 (Additional Employment Land) was included in the adopted Local Plan and states that: "*significant weight will be given in decision taking to supporting economic growth and productivity, particularly where evidence demonstrates an immediate need for employment land, or a certain type of employment land, within Area A on Figure 4.10 of the West Midlands Strategic Employment Sites Study of*

¹ The Framework, Paragraphs 85 and 87

September 2015 (or successor study) which cannot be met via forecast supply or allocations². The site lies within Area A (now Area 2) of the West Midlands Strategic Employment Sites Study (2021), which is effectively the M42 corridor, where there is a significant and identified market demand for regional employment development.

Meeting Employment Needs

Established National, Regional and Sub-Regional Evidence

- 1.10 There is a significant body of evidence that supports economic growth, increasing productivity and increasing the supply of employment sites to support this – particularly in the West Midlands, the Golden Logistics Triangle and the M42 Corridor.
- 1.11 At a national level, the Government’s ‘Build Back Better’ plan for growth (2021) and the Levelling Up White Paper (2022) seek to create an environment where businesses can succeed and places emphasis on supporting the private sector and high-growth businesses within the UK.
- 1.12 At a regional and sub-regional level, a wide range of existing evidence supports the economic growth of the region and points to an acute and immediate need for new employment sites, including:
- **The West Midlands Strategic Employment Sites Study (2021)** – which identifies locations where there is a significant demand across the region, including the M42 corridor (Area A / Area 2), where there is a fundamental lack of supply. This study concludes that there is an “urgent need” to identify an adequate supply of strategic employment sites across the region.
 - **The Coventry & Warwickshire Housing & Economic Development Needs Assessment (“HEDNA”) (2022)** – which identifies a significant need for strategic B8 employment land across the Coventry and Warwickshire area, identifying a requirement for 551ha of land to 2041 and 735ha of land to 2051 (which is not disaggregated by Authority).
- 1.13 Locally, North Warwickshire has consistently failed to engage with the requirement to meet its need for strategic employment land through plan making, resulting in a significant unmet need for at least 10 years; exacerbated by a failure to exercise its duty to cooperate

² North Warwickshire Local Plan (2021), Policy LP6

on strategic matters with neighbouring economic geographies, such as the Coventry and Warwickshire FEMA and the Greater Birmingham FEMA.

An Updated Assessment of Demand and Supply

- 1.14 As part of this application, an updated assessment of employment need has been undertaken by Lambert Smith Hampton (“LSH”). LSH’s evidence contests the figures in the HEDNA and identifies various methodological weaknesses, including the use of incomplete data, the use of completions data from 2011-2019, replacement demand assumptions, forecasting for demand due to traffic growth and the selection of scenarios to estimate growth demand.
- 1.15 To address the failings of the HEDNA and to identify a strategic B8 need figure for Coventry and Warwickshire that is robust and PPG compliant, LSH has undertaken an assessment using correct completions data and estimating the recent shift in the demand in the e-commerce sector using up to date data.
- 1.16 The below table sets out the supply and demand balance for the Coventry and Warwickshire FEMA, comparing the HEDNA against LSH’s own assessment:

	Strategic B8 Need (2021-41)	Large Site Supply	Shortfall
HEDNA	551 ha	336.1 ha	-214.9 ha
LSH	678 ha		-341.9 ha

- 1.17 If the Coventry City Council’s Gigafactory site (which is not available for B8 uses) is excluded from the supply, then the gross area of large sites in the Coventry and Warwickshire FEMA reduces to 279.6 ha gross and therefore the shortfall increases.
- 1.18 Based on LSH’s analysis, the HEDNA effectively under-estimates the need for strategic B8 land in the Coventry and Warwickshire FEMA by 127ha by 2041 and 248ha by 2050 . In addition, LSH identifies a shortfall of 48.8ha in Greater Birmingham FEMA, which has historically have looked to North Warwickshire to accommodate unmet employment land need.
- 1.19 When considering supply in North Warwickshire, due to the lack of strategic employment allocations, LSH identify less than a 1 years supply of sites that can meet the need for strategic B8 uses.

- 1.20 For local general industrial B2 and B8 land, LSH also identifies a need of 56.1 ha between 2021-2041. LSH's report identifies a supply of just three sites totalling, 8.8 ha – representing a shortfall of 47.3ha.
- 1.21 For local general industrial (B2 and B8) land, LSH identifies a need for 56.1ha for 2021-2041. LSH's report identifies a supply of just three sites totalling 8.8 ha – representing a shortfall of 47.3ha of general industrial (B2 and B8 sites) in North Warwickshire. In summary, the evidence points to a critical undersupply of both strategic B2 and B8 and general industrial / local B2 and B8 employment land – therefore demonstrating an immediate need.
- 1.22 In addition, a Market and Occupier Overview has been undertaken by CBRE, and submitted as part of this application, to provide a market overview, review of occupier demand and consideration of a disposal strategy for the site. It demonstrates that there is currently a high level of demand for space in the region due to a lack of available speculative space, market stability, on shoring via Brexit, the continued rise of e-commerce and an increase in R&D manufacturing operators.
- 1.23 As set out in Chapter 6 of this document, we consider that the proposed development fully meets the tests of planning policy, and engages the "significant weight" that should be attributed based on Policy LP6 of the adopted Local Plan.

The Green Belt & Other Potential Harm

- 1.24 The Green Belt in North Warwickshire was first proposed in 1955 but formally approved in the 1970's. Since this time, the Green Belt around the site has been fundamentally altered by major infrastructure and other development, including the construction of the M42, the M6 Toll, Hams Hall Distribution Park; and now the introduction of HS2 – all of which has significantly impacted the function and contribution of the Green Belt in this location.
- 1.25 In this context, Tyler Grange consider that, overall, the southern parcel makes a limited contribution to the purposes of the Green Belt. However, whilst the impact upon the openness of the wider Green Belt would be limited, the Applicant acknowledges that the harm to openness of the Green Belt should be afforded substantial weight in the decision-making process.
- 1.26 The robust suite of technical assessment work undertaken by the Applicant's consultant team demonstrates other impacts identified are negligible or minor adverse. It is therefore concluded that, overall, the weight attributed to the 'other harm' is limited.

Very Special Circumstances

1.27 In accordance with Paragraph 152 of the Framework, proposals that are harmful to the Green Belt and should not be approved except in 'Very Special Circumstances' ("VSC"). This submission present a clear and robust VSC case that demonstrates that:

- The adopted Development Plan is inconsistent with the Framework as it fails to plan for or meet an up to date need for strategic and local employment land and therefore the employment policies which are most important for determining the application are out of date;
- There is a significant immediate need for employment development within Area A of the West Midlands Strategic Employment Sites Study and therefore Policy LP6 of the Development Plan is engaged;
- There are no alternative sites in North Warwickshire outside of the Green Belt which can meet this immediate need. This need therefore must be met in the Green Belt – and the site provides a location which makes a limited contribution to the purposes of the Green Belt; and
- There are range of economic, social and environmental benefits that will be generated by this proposal – which should be afforded very significant weight. These are detailed in full in Chapter 10 of this document.

Conclusions and the Planning Balance

1.28 The application demonstrates that the proposed development is not in conflict with the adopted Development Plan, and that the proposals fully comply with Policy LP6. The proposals demonstrate an immediate need for employment land and demonstrate public benefits which can be afforded very significant weight in relation to socio-economic and economic benefits, significant weight in relation to social benefits and significant weight in relation to environmental benefits. It has therefore clearly been established that there are substantial benefits set out in this application that outweigh any harm to the Green Belt or other harm - demonstrating that the VSC's exist to wholly justify the proposed development.

10 VERY SPECIAL CIRCUMSTANCES CASE

10.1 Policy LP3 seeks to protect the Green Belt and is consistent with Paragraph 152 of the Framework (2023), in stating that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'Very Special Circumstances' ("VSC").

10.2 The VSC case in support of the proposed development comprises:

- The Development Plan is 'out of date' and inconsistent with the Framework as it fails to plan for or meet up to date need for strategic and local employment land and therefore the employment policies which are most important for determining the application are out of date;
- There is a significant immediate need for employment development within Area A of the WMSESS and Policy LP6 is engaged;
- There is a lack of alternative sites, as demonstrated by an Alternative Sites Assessment, prepared by Asteer and submitted with this application, which concludes that the need demonstrated in North Warwickshire must be met in the Green Belt;
- There are range of economic, social and environmental benefits that will be generated by this proposal. These elements of the case are summarised in this Chapter and should be read alongside the following technical reports which support the VSC case for the proposed development:
 - Employment Land Assessment prepared by LSH; this report sets out the substantial evidence base which demonstrates a need for strategic B2 and B8 employment floorspace within North Warwickshire. The report assesses the quantitative and qualitative employment land supply of large scale logistics at regional, sub-regional and local levels;
 - Economic Need and Benefits Report prepared by Wisher Consulting; this report sets out the main economic needs in North Warwickshire and immediately adjacent areas that the proposed development will help to meet, before setting out the range of economic, employment and fiscal benefits that the scheme will deliver

Out of Date Development Plan

- 10.3 The current Development Plan for NWBC comprises the Local Plan (2021) which covers the period until 2033. The Local Plan was submitted for examination on 27 March 2019 and therefore was prepared in the context of the Framework (2012). However, the Local Plan did then consider and incorporate a later version of the Framework, published in 2019.
- 10.4 A Proposals Map was also adopted in 2021, depicting the settlement boundaries, allocations for housing, employment, town centres and a series of environmental constraints and opportunities. This demonstrates that the Borough has a significant amount of Green Belt land which wraps around the settlements and allocations and is tightly drawn.
- 10.5 It has already been explained in this SPS, that the employment allocations within the Local Plan do not adequately plan for the identified strategic employment need. It is also clear that the local and strategic employment need cannot be accommodated within the settlement boundary and this is a view supported by the WMSESS (2021) and various other evidence based documents.
- 10.6 A history of the WMGB is set out in the previous chapter of this SPS but in summary, the Green Belt was proposed in 1955 but not formally approved by the Secretary of State until 1975. The Green Belt within North Warwickshire was altered through the New Local Plan process leading to the Plan's adoption in September 2021. This involved the removal of areas identified for development or with planning consent for development, including Hams Hall Power Station B site, a housing site at Lindridge Road, Wishaw, Water Orton new Primary School site, and redevelopment of part of former primary school site. No changes to the Green Belt to allow for the Council's identified and immediate strategic need for employment land were made.
- 10.7 The Local Plan was informed by evidence (the WMSESS 2015 and 2021) which suggested that the Green Belt should be reviewed in the context of the identified and immediate strategic employment need. However, this principle was not taken forward through the Local Plan process which resulted in the inclusion of Policy LP6, at the request of the Inspector during the Local Plan Examination, In effect, the LPA has failed to plan positively to meet the identified OAN for employment land.
- 10.8 Section 3 of the Framework relates to 'Plan-Making'. Paragraph 17 states that,

"the development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area. These strategic policies

can be produced in different ways, depending on the issues and opportunities facing each area. They can be contained in:

- a) joint or individual local plans, produced by authorities working together or independently (and which may also contain non-strategic policies); and/or*
- b) a spatial development strategy produced by an elected Mayor or combined authority, where plan-making powers have been conferred”.*

10.9 Paragraph 20 of the Framework states, “*strategic policies should set out an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and place making), and make sufficient provision for:*

- a) Housing (including affordable housing), employment, retail, leisure and other commercial development...”*

10.10 Neither the Local Plan (2021) nor Core Strategy (2014) included strategic policies for strategic employment development to address the local planning authority’s priorities for the development and use of land in its area, despite the evidence base making it clear there was a strategic need for employment development, specifically B8.

10.11 Therefore, the Development Plan does not accommodate strategic policies to accommodate the Borough’s employment need in full and those employment policies contained within the Development Plan do not allocate sufficient land to meet the strategic need. Therefore, the Council does not have a Development Plan which is consistent with national policy and the employment policies, which are most important for determining the application, are out of date.

10.12 It is acknowledged that the Council is preparing an Employment DPD. The stated intention of the emerging Employment DPD is to allocate strategic employment sites, if these are found to be necessary. However, the preparation of the Employment DPD has already been significantly delayed and adoption is anticipated in 2026, at the very earliest, despite the fact the Council requires it to address the identified need for strategic sites set out in the evidence base dating back to at least 2015. There has, therefore, been a protracted failure of the statutory development plan to address the significant need for more strategic and local employment land.

10.13 Paragraph 49 of the Framework states,

“arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”*

10.14 In this case, the development proposed is not so substantial, or its cumulative effect would be so significant (as demonstrated by the submitted ES) that to grant planning permission would undermine the plan-making process. The Council's strategic employment need will require a number of sites to come forward, of which this would be just one.

10.15 Equally, the emerging Employment DPD is not at an advanced stage for the reasons set out above; and therefore carries no material weight in the decision making process. On this basis, the proposed development is not (even arguably) premature to meet this longstanding unmet need.

10.16 The approach taken by the Council is the antithesis of paragraphs 85 and 86 of the Framework which seek to build a strong, competitive economy and set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth and the Framework's plan-making policies which seek to ensure all plans include strategic policies to make sufficient provision for employment land.

10.17 The Council does not have a Development Plan which is consistent with national policy and the Council's employment policies, which are most important for determining the application, are out of date. In summary, the Council has failed over a protracted period to address the unmet need for employment land.

Immediate Need for Employment within Area A of the WMSESS

10.18 Chapter 8 of this SPS summarises the substantial evidence base, which spans many years and demonstrates a prolonged and compelling requirement for immediate additional employment land that can meet strategic and local need, specifically B8. Firstly, the site is located within Area A of the WMSESS.

- 10.19 Based on LSH's assessment, between 215ha and 342ha of additional land will be required to meet the demand for strategic B2 and B8 need up to 2050. In terms of supply, the LSH report concludes that, when measured against average take-up of 8.85ha per annum (which itself is an underestimation of need, as it fails to reflect that recent take-up has been severely constrained by the lack of readily available sites) the 42.8ha of available employment land in North Warwickshire represents just four years' supply.
- 10.20 Crucially only 20% of this land, some 8.5ha, is available for B8 development. This amounts to less than one year's supply. The remainder is reserved for B2 manufacturing. This is a material consideration of very significant weight.
- 10.21 For local general industrial (B2 and B8) land, The HEDNA identifies a need for 56.1ha for 2021-2041. LSH's report identifies a supply of just three sites totalling 8.8 ha – representing a shortfall of 47.3ha of general industrial (B2 and B8 sites) in North Warwickshire. In summary, the evidence points to a critical undersupply of both strategic B2 and B8 and general industrial / local B2 and B8 employment land.
- 10.22 It has therefore been demonstrated that there is compelling evidence of an immediate need, within Area A of the WMSESS, for strategic and local employment land and that there is a critical and immediate need for strategic B2 and B8 land.
- 10.23 The proposed development will contribute towards meeting this significant and immediate need, specifically the need for strategic B8 development. Policy LP6 is therefore clearly engaged and significant weight should be attached.

Lack of Alternative Sites

- 10.24 A review of potential alternative sites within North Warwickshire that lie outside of the Green Belt has been undertaken, to establish if there was significant non-Green Belt land available for strategic B8 uses. This assessment indicates that:
- There are no sites allocated in North Warwickshire that can meet the demonstrable immediate need for strategic employment land.
 - There are no sites outside the Green Belt in North Warwickshire that can meet the demonstrable immediate need for strategic employment land.
 - There is a severe and evidenced lack of supply across both the Coventry and Warwickshire and Greater Birmingham FEMAs, which North Warwickshire is a part of;

and therefore there is a clear lack of alternative sites across the wider FEMA and sub-region.

10.25 It is therefore concluded that the need for strategic and local employment sites needs to be met within the Green Belt, on sites which meet the tests of Policy LP6 and which have excellent strategic access to the highway network.

Other Social, Economic and Environmental Benefits

10.26 Chapter 12 of the ES and the Economic Need and Benefits Report assesses the socio-economic effects of the proposed development. In particular, it assesses the likely significant effects resulting from the proposed development through:

- Permanent on-site job creation and the profile of jobs to be created. Total estimated operational phase employment as a result of the proposed development stands at 1,014 Full time Equivalent (FTE) jobs, comprised 845 FTE on-site jobs plus 169 FTE off-site jobs in local supply chains. If the development attracted more B2 occupiers rather than B8 occupiers then the jobs impact would increase.
- All off-site expenditure and permanent off-site job creation.
- Any fiscal effects – i.e. additional Business Rate capture as a result of the Development.
- Construction phase employment and expenditure effects.

10.27 The assessment identifies the main economic needs in North Warwickshire and immediately adjacent areas that the proposed development will help to meet, before setting out the range of economic, employment and fiscal benefits that the scheme will deliver. A summary is provided below.

Need for Jobs and Economic Benefits

10.28 At first sight, North Warwickshire is in many respects an economic success story. For example, North Warwickshire already has a higher than average "job density". Job density represents the ratio of total jobs to population aged 16-64. The latest 2021 data from the Office for National Statistics ("ONS") shows that North Warwickshire has a job density of 1.23, substantially higher than GB average of 0.85.

10.29 North Warwickshire exhibits net in-commuting (rather than net out-commuting). North Warwickshire had a net inflow of 8,350 workers each day according to 2011 Census –

which means far more people travel into the district for work than travel out. This is not typical for a location on the fringes of a big city, such as Birmingham.

10.30 Notwithstanding the above, North Warwickshire and neighbouring communities exhibit demonstrable economic needs which are summarised below.

10.31 Whilst economic inactivity is low in percentage terms, there is still a level of inactivity that needs to be tackled in North Warwickshire. There are circa 970 unemployed residents and deprivation issues in the east of the district around Atherstone. The district is not huge geographically and these pockets of deprivation are located less than 7km from the proposed development.

10.32 North Warwickshire and the site area specifically are highly integrated economically with neighbouring districts – especially the east side of Birmingham, the northern segment of Solihull and Tamworth. There are very substantial current labour market and employment needs in these neighbouring communities, many of which are no more than 6km from the site. Most of these areas already have some public transport links to the site and these links will be strengthened and broadened through public transport improvements that are proposed as part of the planning application.

10.33 There are future employment needs in North Warwickshire that will arise due to accelerating population growth in the district. Population is forecast to increase by circa 10,500 in the next 20 years, far higher than the growth of 3,500 in the last 20 years and this will require a commensurate uplift in levels of employment growth.

Type and Scale of Jobs / Economic Benefits Created

Construction Jobs

10.34 The enabling and construction phase will support the local construction sector. It is estimated by Richborough that total construction costs, inclusive of infrastructure works, across the proposed development will be circa £60 million. Construction is likely to span circa two years - so this implies circa £30 million of construction spend per annum.

10.35 Government provides metrics on the ratio of construction spend to job creation³². For a development such as this employment scheme, the guidance suggests a figure of 20 jobs per £1 million of construction turnover. On this basis, the proposed development will

³² OffPAT Construction Job Appraisal Guidance.

support in the region of 600 on and off-site FTE construction jobs per annum. This figure includes both contractors on-site and in construction supply chains off-site.

- 10.36 Construction jobs are to be highly valued. The construction industry offers very accessible employment opportunities, with extensive use of apprenticeships and trainees.
- 10.37 The construction sector also offers more social mobility than any other sector of the UK economy. 53% of those in management or professional roles in construction were from families where the main earning parent was from a skilled trade of a lower occupational group.

Permanent Occupier Jobs

- 10.38 The new development plots will yield a substantial number of new on-site jobs. The proposed development will involve the construction of up to 700,000 sq ft of new B2/B8 floorspace across a range of units. The units will be primarily targeted at the logistics and distribution sector.
- 10.39 The assessment of effects outlined below is based on a fully complete and fully occupied scheme.
- 10.40 Official guidance is provided by the Homes and Communities Agency (now under the trading name of Homes England) on employment creation metrics⁷ and has been used in this assessment. Given the type of floorspace to be created, the "regional distribution facility" category is selected from the employment density guidance. This shows a recommended employment density of 77 sqm per FTE job. It should be noted that the overall density for distribution facilities factors in a small element of office provision which is common in logistics units and the same approach has been taken for the proposed development.
- 10.41 Based on the above, some 845 FTE jobs would be accommodated in a fully developed and fully occupied scheme. If the development attracted more B2 occupiers rather than B8 occupiers, then the jobs impact would increase.
- 10.42 There would also be a further 169 FTE off-site jobs created as a result of the proposed development.
- 10.43 Jobs are expressed in FTEs (Full Time Equivalents) as set out in the employment density guidance. The actual number of jobs, when an element of part time working is factored in, will be greater.

10.44 Empirical evidence shows that distribution/logistics jobs are good quality and highly sought after. They are predominantly full time, command salaries above the UK all-sector average and are available across a range of skill levels. Research suggests that around a quarter of all jobs in logistics can be categorised as “high skilled” (such as managers and directors, analysts, programmers and software developers).

10.45 The jobs will realistically go to local residents. Empirical evidence on the logistics sector shows that over 50% of the on-site workforce will be drawn from within a 10km radius of the site. There is substantial labour market need within the 10km site catchment, and an already established presence of logistics operators and relevant workforce skills. The bus and transport improvements proposed by the scheme will improve the accessibility of the site to the neighbouring labour markets.

Other Economic Benefits

10.46 It is estimated that the proposed development will result in a £65 million GVA contribution per annum. The development and occupation of the proposed development will also yield in the region of £2.5 million of Business Rate revenue each year.

10.47 Given the strategic nature of the site, the proposed development will attract significant multi-national and national operators to the area which would provide jobs and sustained economic benefits for the local area. Including contractors off site and construction supply chains off-site the development will support in the region of 600 on and off site construction jobs per annum.

10.48 The Illustrative Masterplan has demonstrated that the site can also accommodate units of less than 100,000 sq ft which could accommodate units for local businesses.

10.49 The development of up to 700,000 sq ft of new employment floorspace support's the Government's objectives to address regional inequalities as part of the levelling up agenda.

10.50 The above socio-economic and other economic benefits are substantial and meet a plethora of national and local planning policy aspirations. On this basis, they would be afforded **very significant weight** in the planning balance.

Social Benefits

Enhanced Connectivity

10.51 The proposed development will seek to deliver the following connectivity enhancements:

- A staggered 'toucan' crossing (pedestrians and cycles) on Lichfield Road (A446) / Hams Hall Roundabout which would replace the existing uncontrolled crossing on the southbound approach. The proposed crossing would be provided between the crossing point and the site access road and would connect into the internal network of the proposed development at the southeast corner.
- A new 3.0m shared footway would also be provided on the central island to link both crossings and the existing footway along the western verge would be improved to a 3.0m shared footway.
- A new eastbound bus stop on Faraday Avenue, approximately 90m east of Hams Hall Roundabout and 400 metres from the proposed development access road.
- Re-routing the X13 bus service to make a U-turn at Hams Hall Roundabout and serve the new bus stop.
- Re-routing the 76 bus service to make a U-turn at the Faraday Avenue/Edison Road roundabout to serve the new bus stop.
- Improve the frequency of both the 76 and X13 bus services to make it more convenient and attractive to travel by bus.
- Improve integration with the railway timetable to allow multi-modal trips and interchange between bus and rail at Coleshill Parkway.
- A new pedestrian and cycle route through the northern land to enable users of the canal tow path to explore nature and enjoy enhanced access to the Green Belt.
- A financial contribution made by the Applicant for improvements to the canal tow path at the boundary of the northern parcel of land.

Training, Education and Skills

10.52 The proposed development provides an opportunity to deliver training, education and skills through partnerships with the local training colleges. The Applicant is committed to further exploring how the proposals can link with existing programmes and an update will be provided on this through the determination period. An Outline Skills and Employment Plan has been prepared by Wisser Consulting and submitted in support of this planning application. As detailed within the SCI by Asteer Planning, the applicant also contacted the Councils Warwickshire Skills Hub and will continue these discussions through the determination period.

Green Belt Enhancement

10.53 Paragraph 147 of the Framework (2023) explains that, when it is concluded necessary to release Green Belt, ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land should be considered.

10.54 PPG³³ provides specific examples of 'compensatory improvements', including:

- new or enhanced green infrastructure;
- woodland planting;
- landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);
- improvements to biodiversity, habitat connectivity and natural capital;
- new or enhanced walking and cycle routes; and,
- improved access to new, enhanced or existing recreational and playing field provision

Proposed Enhancements

10.55 An Illustrative Landscape Strategy Plan (ref. n2053_005 Rev H) has been prepared by Tyler Grange, which establishes the following principles for the northern parcel:

- Use of native species, where appropriate, to maximise opportunities to contribute towards local landscape character, reinstate green infrastructure, and wildlife habitat opportunities.
- Inclusion of a fenced recreational route within the northern parcel to be accessed via the canal towpath.
- Incorporation of enhanced planting along all boundaries to aid in screening and filtering views towards the proposed development (including views from the M6, the roundabout to the north, Marsh Lane to the south, and Lichfield Road to the east).

³³ Paragraph: 002 Reference ID: 64-002-20190722, Revision date: 22 07 2019

10.62 This unit gain represents the minimum that can be delivered on-site and there is an opportunity to increase this to an approximate 35% gain in habitat units through a higher split of neutral rather than amenity grassland on the southern parcel.

Tree Planting

10.63 The extent of tree loss and replacement will be determined at reserved matters stage, but the Applicant is committed to a minimum of 2:1 replacement strategy, with a 4:1 replacement for any Category A trees.

10.64 The above environmental benefits meet a plethora of national and local planning policy aspirations. On this basis, they should be afforded **significant weight** in the planning balance.

Summary and Conclusions

10.65 It has been demonstrated that the following VSC's are present:

- The Council does not have a Development Plan which is consistent with national policy and the Council's employment policies, which are most important for determining the application, are out of date. In summary, the Council has failed over a protracted period to address the unmet need for employment land.
- There is compelling evidence of an immediate need, within Area A of the WMSESS, for strategic and local employment land and that there is a critical and immediate need for strategic B2 and B8 land – and therefore Policy LP6 is engaged.
- There are no alternative sites and the need for strategic and local employment sites must be met within the Green Belt, on sites which meet policy LP6 and which have excellent strategic access to the highway network.
- The very significant socio-economic and economic benefits, significant social benefits and significant environmental benefits, as demonstrated in this section.

10.66 The requirement to justify whether or not VSC's exist is clearly set out in the Framework. This involves consideration of harm arising due to the appropriateness of the development and any other harm. It is considered that the proposals will result in very significant socio-economic and economic benefits, significant social benefits and significant environmental benefits.

10.67 Taking the above into consideration, it has been established that the VSC's set out in this SPS, in addition to the very significant and significant benefits listed in this Chapter outweigh the harm to the Green Belt and other harm; and therefore VSC's exist to justify the proposals at the application site.

General Development Applications

(5/c) Application No: CON/2024/0012

Mancetter Quarry, Quarry Lane, Mancetter, CV9 2RF

Variation of condition 2 (Cessation of operations and restoration date) of planning application NWB/19CM009 variation of condition 43 (hours of operation) of planning permission NWB/14CM034, for

Tarmac

Introduction

This application has been submitted to the County Council as the Minerals Planning Authority and it has invited the Borough Council to make representations as part of the final assessment of the case.

The Site

Mancetter Quarry is an amalgamation of three mineral workings with rock now only being extracted from one, as the other two have largely been restored. The working quarry is to the south of Purley Chase Lane around 1.5km south-west of Mancetter. It comprises a processing area including an asphalt plant to produce coated roadstones. Otherwise, the aggregate is used as road stone and for rail ballast. In light of these technical qualities, it is recognised as a resource of national importance.

An overall plan is at Appendix A.

Planning Background

In 2015, the County Council granted planning permission for a lateral, westwards extension of the one working quarry towards the former Purley Chase golf course. An established Agreement requires a routing arrangement which requires all unladen HGV's to enter the site via Quarry Lane through Mancetter from the west, but to exit the site via Purley Chase Lane to the east.

The Proposals

The current proposals are to:

- i) Extend the life of the extended quarry from 2025 to 2030 and
- ii) To replicate the existing working hours over the same period.

The quarry owners say that extraction levels have been less than anticipated with pre-Covid levels only now being achieved and thus the resource is still required.

Development Plan

The Minerals Local Plan for Warwickshire 2018-2032 – Policies MCS 1 (Supply of Minerals); MCS3 (Crushed Rock), MCS 5 (Safeguarding Minerals and Infrastructure) and DM 10 (Mineral Safeguarding)

North Warwickshire Local Plan 2021 – LP29 (Development Considerations)

Mancetter Neighbourhood Plan 2016 – 2029.

Other Material Planning Considerations

The National Planning Policy Framework 2023

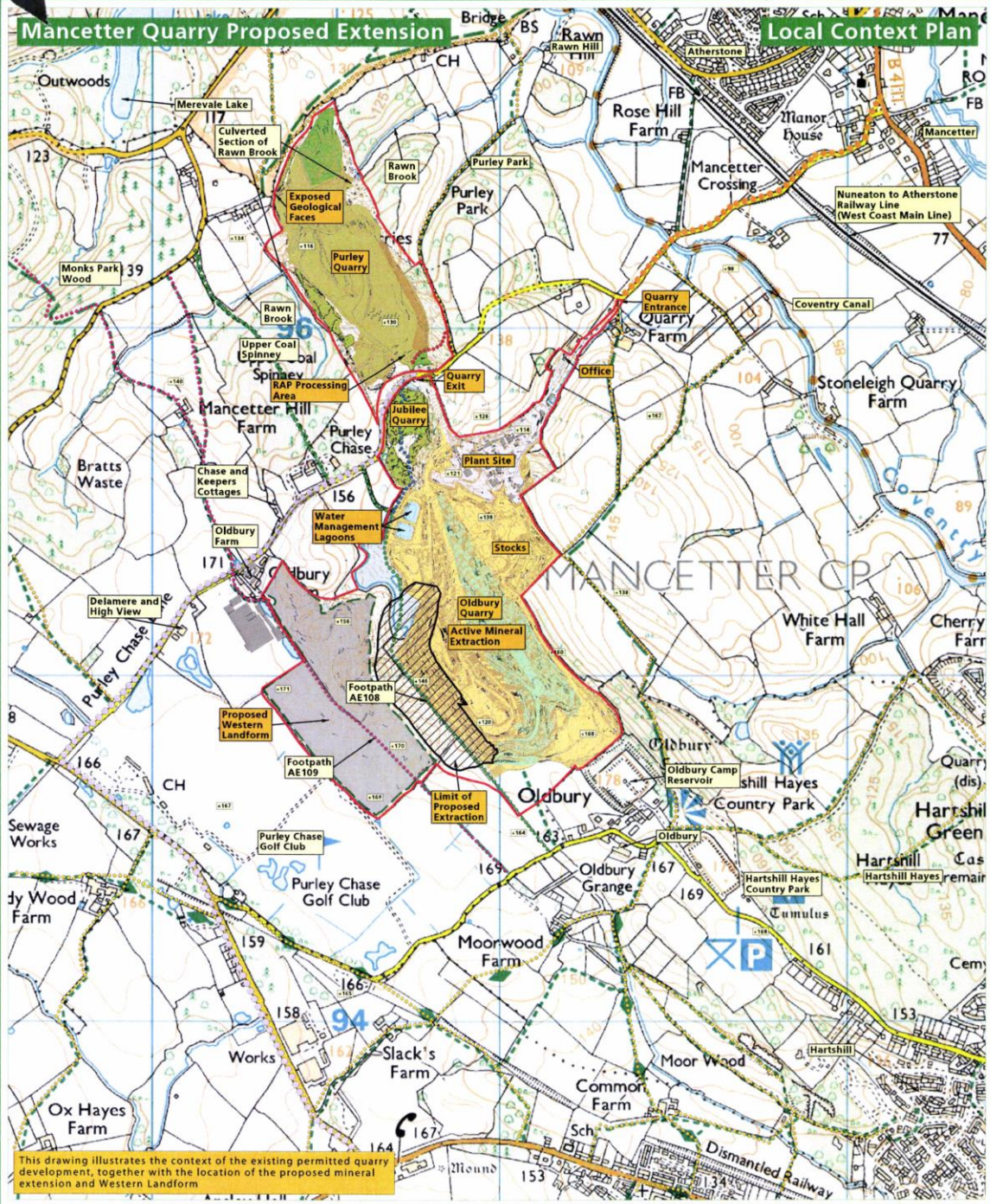
Observations

There is no objection in principle here given the significance of the mineral resource here and the established planning situation. The Council did not object at the time of the 2015 planning permission for the extension. There are however two matters that the County Council should be made aware of. Firstly, that the established Agreement for the routing of HGV's should continue and secondly, that it is necessary to engage with Tarmac about the future restoration of the last working quarry.

In respect of the second of these, the covering Statement published with this current planning application makes it clear that the later phases of the development are yet to have final restoration schemes submitted. In this regard the Mancetter Parish Council has lodged the opportunity for using the quarry for natural environment/recreation/ and tourism uses linking in with Hartshill Hayes and the interest in Mancetter during the roman period, when it responded to the recent consultation on the Borough Council's Economic Development Strategy. It is considered that this should be followed through with the County Council as early as possible.

Recommendation

That the Council does not object to the proposed extension, but that the County Council confirm that the existing HGV routeing arrangement remains and that it commences early consultation with Tarmac about the future restoration of the quarry involving both the Mancetter Parish Council and this Council as soon as possible with a view to restoration to a recreation use.



Legend

Application Site Boundary	Area of Natural Regeneration	Public Rights of Way	Footpath Created Through Existing S106 Agreement
Limit of Proposed Extraction	Area of Current Active Working Quarry	Public Bridleway AE108	Vehicle Routing - Incoming Lorry Movements
Proposed Western Landform / Soils / Overburden Placement Area	Plant Site and Access	Public Bridleway AE109	Vehicle Routing - Exiting Lorry Movements
		Other Public Rights of Way	
		Existing S106 Commitment to Create Footpath on Restoration	

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LAFARGE TARMAC
 Lafarge Tarmac Limited

Mancetter Quarry
 Local Context Plan

Drawn By: Scale: 1:5000 @A1
 R.A.S. / R.G.D. 1:10,000 @A3
 Date: Drawing No: M095 / 00044
 July 2014 File Ref: M95 103 A

General Development Applications

(5/d) 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 was referred to Board on 10 June 2024, but the determination was deferred as Members sought clarification on the exact boundaries shown on the Site Location Plan, the Topography as Built Plan and the Proposed Plan. Members also requested a note on the alleged breaches of planning control concerning access and the location of the existing stable block.

The previous Board Report is attached at Appendix A.

Updated Information

1. Updated Plan
 - 1.1. An objection was received from a neighbouring property concerning the red line on the submitted plans not matching up.
 - 1.2. An updated Site Location Plan (0002_100C) and Proposed Site Plan (0002_150F) has been produced. These are attached at Appendix B and C.
 - 1.3. It is officers' opinion that the red line boundaries now match the boundary shown on the Topography Plan. The revised plans were circulated to the objector on 29th July 2024. He still maintains that the plans are not a true reflection of the topographic survey.
 - 1.4. As with all plans, there may inevitably be slight variations between Land Registry plans, Ordnance Survey plans and topographical plans when produced at minute scales. It is considered that all plans now follow the same red line and are therefore as accurate as they can be.
 - 1.5. It is important to note that this application should not provide the opportunity for limitless tweaking of the boundaries when the red line boundary is in accordance with the topographical survey. Due to objections, there is the infinite opportunity for amendments to the red line boundary. Members are advised that it is the applicant's plan and that the Board should determine the application on the basis of that plan.

- 1.6. The purpose of the red line is to define the application site. The applicant is therefore able to define their own red line, as long as then the appropriate Notices have been served on all of the relevant landowners. It is not down to the Local Planning Authority to define the application site. Furthermore, the Planning Practice Guidance is clear that land ownership, including any restrictions that may be associated with land, is not a planning matter.
- 1.7. This application is for the change of use of the existing building. It is accepted that part of land to the south of the site is not within the applicant's control. However, since the June Board, a Certificate B Notice has now been served on the Parish Council as land-owner and the statutory 21 days' notice period has been provided.
- 1.8. Following the Certificate B Notice being served, Dordon Parish Council were reconsulted with and comments were requested by 10th July 2024. No comments were received. The Case Officer emailed the Parish Council on 15th July 2024 to clarify whether they were intending to provide any comments however, no response has been received.
- 1.9. Overall, it is considered the red line boundary highlights the building that is included as part of the application and the area of land that is required for access. The Site Location Plan and Proposed Site Plan are considered acceptable. Whilst not all of the land is in the applicant's ownership, the correct Notice has been served.

2. Breach of Planning Control- Access

- 2.1. Since the June Board, officers understand that the applicant has met with Dordon Parish Council to present historic documents concerning the access to them. The outcome of this meeting is unknown. Officers also met the applicant separately to also review these documents. What is apparent is there is a long and intricate history regarding Freasley Common becoming a Common and issues of access dating back to 1988. This history of the Common becoming a Common is not a material consideration in determining this application but it is important to set it out in this Board Report in order for Members to fully understand how the access arrangements at Ivy Cottage came to be as they currently are.
- 2.2. Freasley Common was registered as Common Land in 1968. An enquiry took place in 1988 which determined that there was an absence of a discovered owner and as such, ownership was vested to Dordon Parish Council. Following this, the applicant, who was the Secretary to the Common Rights Holder Committee at the time, wrote to Dordon Parish Council in November 1989 to seek confirmation for how they would like to proceed with various concerns over potential erosion of common land. This included the provision of hard standing surfaces for access. Dordon Parish Council responded in January 1990 to confirm that the Common Rights Committee should continue to decide on matters relating to the Common including current and future access applications. A Village meeting was held in February 1990. A letter from the applicant to Dordon Parish Council confirmed that access matters should be limited to those who own land only accessible from the common but who wish to upgrade the quality and therefore agreed that the Common Rights Committee should

determine such applications. 15 applications were subsequently received to cross the Common including one from Ivy Cottage. A vote was held and ratified by Rights Holders. The access at Ivy Cottage was passed unanimously 7 to 0. The Parish Council wrote to accept these measures in January 1991. As such, this is how the access across the Common Land to Ivy Cottage became to be allowed.

- 2.3. At that time, the access was not constructed of the asphalt concrete that is clearly visible today meaning that the physical characteristics of the access have changed over time. Furthermore, the vote from the Common Rights Holder Committee to allow for access across the common land does not mitigate the need for formal planning permission from the Local Planning Authority and/or the Highways Authority. Evidence from Google Earth imagery does evidence that the access in question has been established from at least April 2007. Given the passage of time, the access formation regardless of its need for permission, would be immune from formal enforcement action.
- 2.4. Representations for this application have reported that the existing access, which as stated above is established is allowed over common land and is lawful because no enforcement action has been taken, has recently been bound. The laying of bound material may constitute an active breach of planning conditions.
- 2.5. A retrospective planning permission was granted in September 2013 for the erection of a stable building and menage (PAP/2013/0210). There was a condition (Condition 8) attached to the permission which reads as follows:

Notwithstanding the plans submitted the development shall not be used for the purposes of stabling horses until details of the surfacing (including around surface for a distance of 15.0 metres, as measured from the near edge of the public highway carriageway), drainage and levels of the car parking and manoeuvring areas have been submitted to and approved in writing by the Council. The unit shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.’.

- 2.6. Condition 8 does require a discharge of conditions application detailing a bound surface for a distance of 15 metres, as measured from the near edge of the public carriageway. Google Streetview imagery does evidence that a bound surface in the form of asphalt has been laid along the length of this access, between the public highway and application site since sometime between October 2021 and October 2022. However, no such Discharge of Condition application has been received to address Condition 8 despite the engineering works undertaken.
- 2.7. In respect of the enforcement implications of this, it is necessary to understand that a breach of condition 8 would occur, if the stabling of horses had begun BEFORE the determination of a Discharge of Condition application to hard surface the access. The wording of the condition is specific – it refers to the use,

not to the start of work on the building. Section 17B of the Town and Country Planning Act 1990 states that planning conditions need to have been in breach for ten or more years, to no longer be actionable. Therefore, the enforceability of this condition does depend on what date the stabling of horses in the stable building began.

- 2.8. Information provided by the applicant states that whilst the building has been constructed it has never stabled a horse. Notwithstanding this, the building would be lawful, if built in accordance with the approved plans. Nonetheless, given the condition wording, as the stable building has never been used to stable horses between 10th September 2013 and 10th September 2023, the condition would now no longer be enforceable. This thus leaves the engineering works which would constitute a breach of planning control as they have not been completed for a four-year period. When considering the expediency of such action, Members are asked to note that the works are not recent – they are almost four years old – and that Condition 8 did actually anticipate these works. Indeed, the works as seen on site may well have been approved if a discharge condition application had been submitted. Moreover, the current outstanding application seeks regularisation of the position. It is in all of these circumstances that it is not considered expedient to commence enforcement action.
 - 2.9. Members are also reminded that a supposed breach of planning control cannot be a reason for refusal on a planning application incorporating such works of the supposed breach. The planning application needs to be considered on its own merits and in reference to the Development Plan and any other material considerations in accordance with the planning judgement of section 38(6) of the Town and Country Planning Act 1990. Given the reasons set out above and given that the asphalt is shown on the Proposed Site Plan, it is considered that this is not a reason for refusal.
3. Breach of Planning Control- Enforcement Notice
 - 3.1. Another objection was received during the public consultation in March 2024 from another neighbouring property. The objector alleged that two previous appeal decisions R3705/C/14/3000653 and R3705/C/14/3000654 in relation to land adjacent to the stable had not been complied with.
 - 3.2. For background context, appeal decisions R3705/C/14/3000653 and R3705/C/14/3000654 were in relation to a retrospective planning application to vary conditions of PAP/2013/0210 to allow an allotment area, green house and hen house (PAP/2024/0168). The application was refused. It was taken to appeal, which was dismissed, and an enforcement notice was served (ENF/2014/00029). The applicants appealed against the enforcement notice but that failed. The conclusion was that the wall should be reduced to a height of no more than 2m and the land returned to its prior condition including removal of the greenhouse, hen house and raised planting beds. The objector does not believe that this has happened.

- 3.3. This, however, is a separate issue to the change of use application that is pending. This application does not seek to regularise the development that is alleged to be in breach. This complaint is with officers and is being investigated separately to this application. It does not have material weight on the determination of this application.
4. Appeal Decision APP/R3705/C/14/3001038
 - 4.1. The stable block was built approximately 1m higher on the western boundary than approved in PAP/2013/0201. An enforcement notice was subsequently served. This was taken to appeal APP/R3705/C/14/3001038. The Inspector concluded that the stable block being built taller did not result in a material harm. It was concluded that the appeal should succeed, and planning permission granted. On these grounds, the enforcement notice was quashed. As such, the building structure as it is today, is lawful.

Recommendation

The recommendation remains as set out in Appendix A, but that Condition 2 is to be updated to refer to the amended plans.

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 and 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 ensembles, 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 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 para 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 of 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 B



Appendix C



General Development Applications

(5/e) Application No: PAP/2023/0188

Land at, Tamworth Road, Dosthill,

Outline planning application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 22,000sqm (GEA) for flexible Use Class E(g)(ii), Eg(iii), B2 and/or B8 with associated car parking and works (Cross boundary application Tamworth BC reference 0163/2023), for

Summix RLT Developments Ltd

1. Introduction

1.1 This application was referred to the Board's August meeting, but determination was deferred in order to invite the applicant to consider whether further amendments could be made to the proposal to assist in mitigating some of the potential adverse impacts arising as set out in the representations received from the local community. The Board particularly identified visual and noise impacts as its main concerns.

1.2 Since the previous Board Meeting, Tamworth Borough Council has granted planning permission for the landscape/ecological works within that part of the site located in its' Administration's area.

1.3 The previous Board Report is attached at Appendix A.

1.4 The Supplementary Report tabled is at Appendix B.

1.5 The additional papers circulated for Members at the August meeting are at Appendix C.

1.6 Members will recall that a petition was handed in at the meeting from local residents. This contained 21 entries referring particularly to the heights of the proposed buildings, 24/7 noise and the impact of increased traffic movements. Since the meeting a further written objection has been received again re-iterating these concerns.

2. Additional Information

2.1 The applicant has responded to the deferral and this is attached in full at Appendix D.

2.2 He has agreed to the inclusion of semi-mature trees in the location of the "gap" and sewer easement referred to at the meeting. As indicated, these would be on the applicant's land and not affect that easement.

2.3 He has reviewed his proposals in respect of both noise and visual impacts but is not proposing changes beyond those already made or mitigated through the recommended conditions. The letter fully explains the reasons for this.

2.4 He has also referred to the discussion at the meeting relating to traffic generation and it can be seen that a further note is to be provided which will be circulated when it is received. It is anticipated that this will clarify the reference to HGV movements through Kingsbury quoted at the meeting.

3. Observations

3.1 Whilst the response set out is dis-appointing, Members are advised that this should not attract weight in their consideration of the proposals as set out before the Board at its last meeting. The recommendation to grant planning permission is not affected.

Recommendation

As set out in Appendices A and B together with the substitution of the new Landscape Plan number in condition 2.

General Development Applications

(5/d) Application No: PAP/2023/0188

Land at, Tamworth Road, Dosthill,

Outline planning application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 22,000sqm (GEA) for flexible Use Class E(g)(ii), Eg(iii), B2 and/or B8 with associated car parking and works (Cross boundary application Tamworth BC reference 0163/2023), for

Summix RLT Developments Ltd

1. Introduction

1.1 The receipt of this application was first referred to the Board in July 2023. That report is attached at Appendix A. The Board resolved to visit the site and a note of that visit is at Appendix B. Both of these Appendices should be treated as an integral part of this current report.

1.2 Members will be aware that a small part of the application site is within Tamworth Borough Council's area – see Appendix C.

1.2 Since the initial submission and its report to the Board, there have been two amendments made. Both relate to the prospective heights of the buildings within the development. The original submission proposed heights of 18.5 metres throughout the site. A first amendment reduced this to 13.5 metres along the southern side of the access road and the second reduced this further to 12.5 metres, whilst retaining the 18.5 metres height elsewhere on the site. The plans for determination in this report are those of this second amendment.

1.3 In respect of other updates, then there has been no change to the Development Plan since the last report. However, the National Planning Policy Framework (the "NPPF") was updated in late December 2023 and any references in this current report will be to that edition. The mandatory 10% nett biodiversity gain requirements do not apply in this case, as the application was submitted before the Regulations took effect in mid-February 2024.

2. Plans to be Determined

2.1 As indicated above, the proposals now before the Board for determination relate to the second amendment. The new Parameters Plan is attached as Appendix D. It retains the three development areas as included in the first amendment, but the maximum building height here is now shown as 12.5 metres for the two Zones, A and B, fronting the service road. The 18.5 metre limit is retained for Zone C. There has been no change to the size of these three Zones and the proposed Use Classes within each also remains as per the first amendment. There has neither been any change in the overall maximum Gross Floor Area of the total development – 22,000 square metres. Members should be aware that this figure includes a 2000 square metres allowance for internal mezzanine space.

2.2 The Green Infrastructure Plan that coincides with this new Parameters Plan is at Appendix E. It shows the proposed tree planting along the service road; the retention of the public footpath together with the pond and areas of existing grass and scrubland running north alongside the railway cutting.

2.3 Members will be aware that the Parameters Plan sets a framework for the eventual development of the site. This would then be “detailed” at the reserved matters stage once the individual occupiers of the three Zones are known. The applicant however has submitted two potential options as to how the reserved matters detailing might be achieved. These are at Appendices F and G, but do not form part of the plans for determination of this outline planning application.

2.4 The amendments described above have arisen due to the applicant responding to concerns about the visual impact of the proposals in the wider surroundings as well as in the immediate setting – particularly on the outlook of occupiers of Ascot Drive on the other side of the service road. The applicant has provided a series of long sections through the site, and these are attached at Appendix H. The lines of these sections are defined in the OS Map at the bottom of the Appendix. Also attached at Appendix I is a series of three sections running from Ascot Drive through to the site – using one of the Options in the illustrative plans – defined in the plan at the bottom of that Appendix. The third of these sections runs through the currently open “gap” at the end of the private drives at the far eastern end of Ascot Drive.

2.5 The applicant has also submitted a series of photographs illustrating this open “gap” as it is now, and the superimposition of the building heights and proposed tree planting at various time intervals – see Appendix J.

3. Background

3.1 The general planning history of the application site and its surroundings was set out in Section 3 of Appendix A.

3.2 In respect of the application site itself, then it was recorded that following restoration of the land, planning permissions had been granted between 1997 and 2010 for industrial uses - including B1, B2 and B8 uses through an approved layout covering the whole site. The layouts included the construction of the access arrangements described in Section 2 above. The 2010 permission here is the last one and it is a renewal of the earlier consents. It is extant because of the construction of the junction onto the A51 together with the embankments for the spur road extending eastwards from this.

3.3 A copy of the 2010 layout is at Appendix K.

4. Representations

4.1 At the time of the initial submission, nineteen letters of objection were received referring to the following matters:

- Noise and light pollution from 24/7 operations.
- There already is noise emanating from the existing premises.
- Access through Dosthill is poor with school premises having to be passed.
- There is no need for further warehouses.
- It will lead to overnight HGV parking.

5d/57

- There will be an adverse impact on wildlife.
- There are existing flooding and drainage issues which would be exacerbated.
- The site will be a visual eyesore.
- The warehouses will be visually intrusive and dominate the rear outlook from local residences.
- There will be at least 20 houses which back onto this development leading to loss of outlook and privacy particularly from the access road.

4.2 Re-consultation has now taken place in respect of the second amendment. Eleven representations have been received. They all say that the reduction in height to 12.5 metres is immaterial to them, as their key concerns as raised above are not altered - particularly noise and traffic.

4.3 The residents around the drive at the end of Ascot Drive where the "gap" is, and referred to above, submitted their own photographic record of the visual impact of the development proposed under the first amended proposal - see Appendix L. In response to the second amendment, they maintain their objection indicating that there would be no visual impact for at least seven years and also expressing concern about the potential noise impacts.

5. Consultations

Tamworth Borough Council – The application which has been submitted to the Tamworth Borough Council is to be reported to its Planning Committee on 6 August. The officer recommendation is that planning permission is granted subject to conditions.

Warwickshire County Council as Highway Authority - It has no objection to the access arrangements and has expressed an informal view that there is no objection in respect of the wider impact, but a formal response is still awaited. The up-to-date position will be reported at the meeting.

Staffordshire County Council as Highway Authority – No objection.

Warwickshire County Council as Lead Local Flood Authority - No objection subject to conditions.

Staffordshire County Council as Lead Local Flood Authority – No objection subject to conditions.

Warwickshire County Ecologist – An objection has been received based on the ecological assessment of the present site, as the proposals would not enable a bio-diversity nett gain.

Warwickshire Archaeology - No objection.

Warwickshire Fire and Rescue Services - No objection subject to a standard condition.
Network Rail - It originally objected because of drainage issues that currently arise from the site and which are affecting the line to the east of the site.

Environmental Health Officer - No objection subject to conditions.

Warwickshire Police (Design) - Detailed comments sent to applicant which will deal with design matters for the subsequent reserved matters application.

Active Travel England - No comments to make.

6. Observations

a) The Principle of the Development

6.1 Members will be aware from the background section of Appendix A - paragraphs 3.1 to 3.11 - and the summary in section 3 above, that the land the subject of this application has the benefit of an extant lawful industrial use. Hence the principle of such development on the site is acknowledged. The key issues with this current application are therefore not related to the principle of the use, but to address any adverse impacts that might arise as a consequence of the new proposals. The representations and consultation responses received as above, identify the most important impacts and the remainder of the report will need to address these, particularly in respect of what mitigation can be included.

6.2 However before doing so, it is necessary to say that the current proposals are different to the approved 2010 scheme - an increase of 2000 square metres of floor space. The mix of employment uses remains about the same - around 50% of the site area being B2/B8. This is not considered to be a material difference, but in any event the impacts of the current proposal are the ones that have to be assessed and those will be evaluated against present Development Plan policy and not against what may have been approved back in 2010.

b) Highways

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

6.4 It is of substantial weight that the two relevant Highway Authorities have indicated that they do not object in principle to the proposals. This is very largely as a consequence of the extant planning permission.

6.5 Nevertheless, both Authorities are aware of the matters raised by the representations, and these were the subject of initial concerns from those two Authorities - they both submitted initial “holding” objections. In essence they sought additional information and clarification on a number of matters.

6.6 In respect of off-site matters to the north of the site, then Staffordshire County Council is the relevant Highway Authority. It looked in particular at traffic running through Dosthill and the capacity of the junction of the A51 with the A5 at Two Gates.

As a consequence of further modelling and analysis, it no longer maintains an objection. In respect of off-site matters in Warwickshire, then its County Council was looking at traffic passing through Kingsbury. Similarly, the County has been assessing further modelling and analysis of the A51/A4097 roundabout, and it is the outcome of this that

5d/59

is still awaited – as referred to in the Consultation section above. As a consequence, the recommendation below allows for this. Should there be no objection, Members are advised that the NPPF guidance is that highway refusals should only arise if there are “severe” residual cumulative impacts. That would not be case if both Highway Authorities do not object.

6.7 In respect of site-specific matters, then Warwickshire County Council is the relevant Highway Authority. It has no objection in principle given the extant permission and because the access junction with the A51 has already been implemented to the specifications required to cater for that permission – and indeed the prospect of it being a junction in connection with a previous proposal for a possible Dosthill By-pass. The County Council therefore consider it to be suitable for the current proposals.

6.8 There are two other matters that Warwickshire County Council as Highway Authority has been asked to comment on - the need for an emergency access and overnight HGV parking.

6.9 In respect of the former, then Warwickshire County Council as Highway Authority points out that the Warwickshire Fire and Rescue Service has not objected to the proposals. The Warwickshire Fire and Rescue Service was specifically asked to look at the proposal in this regard, but it did not lodge an objection, or request a secondary access point. Access around any future buildings on the site will be a matter to be dealt with under the Building Regulations. As a consequence, the Highway Authority has not requested a secondary access.

6.10 In respect of the matter raised about overnight HGV parking – particularly along the length of the access spur road – there are three measures that can be conditioned. The first is that no barriers should be constructed across the access into the site off the spur road such that access can be retained at all times. The second relates to a condition requiring HGV parking space to be provided within the curtilage of each building and that this be included in the details submitted within the reserved matters applications. Finally, Warwickshire County Council has indicated that it would not adopt the spur road or the roads within any approved layout. As such it could not sponsor Traffic Regulations Orders under the Highways Acts - eg. waiting and parking restrictions. This however does mean that the Borough Council itself can impose a planning condition restricting the parking of any vehicle along either side of the spur road as recommended below. The applicant has agreed to such a condition.

6.11 It is therefore in all of these circumstances, subject to final clearance from Warwickshire County Council, that it is considered that the proposals do satisfy the relevant planning policies referred to in para 4.2 above.

c) Landscape

6.12 Policy LP14 of the Local Plan says that new development should look to conserve, enhance and where appropriate restore landscape character so as to reflect that as described in the North Warwickshire Landscape Character Assessment of 2010. This aligns with policy LP1 which says that development must “integrate appropriately with the natural and historic environment”, and also with Policy LP30 which says that proposals should ensure that they are “well related to each other and harmonise with both the immediate and wider surroundings”. This is all reflected in the NPPF at para

5d/60

135 (c) which says that developments, amongst other things, should be "sympathetic to local character and history including the surrounding built environment and landscape setting".

6.13 Clearly there is an industrial lawful use of the land here and the site also has other lawful industrial uses around its boundaries. It is low-lying in respect of the surrounding landscape. This setting and the extant use are thus material factors in assessing the overall landscape impact of its location. The landscape character here as described by the 2010 Assessment, is marked by "an indistinct and variable landscape with pockets of agricultural land and woodland, but fragmented by restored soil heaps, large scale industrial buildings and busy roads as well as being bordered by urban development". Overall, it is considered that the proposal can be absorbed into this landscape. This can be seen from the long sections submitted at Appendix H which illustrate how the proposal as a whole "sits" within a lower lying area of land than much of the surrounding area. The heights of the buildings now proposed, help mitigate its impacts and there are other industrial buildings on three sides of the site or there is land with extant permissions for industrial development. Additionally, the current Parameters Plan outlines a scheme which does mitigate the landscape impact and is one which offers a significant betterment over the extant plans.

6.14 Whilst the proposals do not restore landscape character, they do recognise and respond to the site's setting sufficiently well, to satisfy the general content of the relevant planning policies.

d) Visual Impact and Residential Amenity

6.15 Local Plan policy LP29(9) says that new development should "avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution". Policy LP30 says that amongst other things, proposals should "ensure that all elements of the proposal are well related to each other and harmonise with both the immediate setting and wider surroundings".

6.16 The starting point here is that there is an extant lawful industrial use for the site. Given this and thus that there will be the visual and residential amenity impacts arising from this position, the issue is whether these can be reasonably addressed in order to avoid unacceptable impacts and that the elements of the proposal are well related to the wider surroundings.

6.17 Looking first at the visual impact, it is considered that the reductions in height of the closest buildings to the residential properties of Ascot Drive have been of significant benefit - reducing from 18.5 to 12.5 metres. This is not only in respect of the properties at its far eastern end, but also for all of the other properties which run along the length of Ascot Drive. Whilst it is acknowledged that the success of the proposed tree planting, its maintenance and the period of time to maturity are concerns, the overall outcome is proportionate to the circumstances here. This is evidenced by the long and short-sections in Appendices H, I and J. The proposed landscaping, alongside the rear of the residential properties in Ascot Drive -- see Appendix E - too is a significant benefit which supplements the reductions in height. It is certainly a significant betterment over the extant position - see Appendix K. In light of all of these considerations, it is concluded

that the proposal can be said to satisfy the content of the relevant policies in respect of the visual impact.

6.18 The next matter is that of potential noise impacts. Again there are several factors that need to be included in the final assessment here – the 2010 approval for General Industrial Uses (Use Class B2) alongside the spur road with no “hours” restrictions; the extant Use Class B2 premises at the Hunnebeck site again with no “hours” restrictions, the other B2 users and permissions on the other side of Rush Lane and the knowledge that noise complaints have been made as a consequence of emissions from some of these premises. In other words, the ambient day and night-time noise levels for the setting of this site are potentially higher than that in a residential or semi-rural area. However, voluntary use restrictions by some occupiers does give rise to periods of quieter ambient levels – night times and at weekends. Additionally, the Council and its Environmental Health Officers were involved in the refusal of planning permission on this site for a residential development. An appeal against that refusal was subsequently withdrawn. The noise environment of the setting here is thus one that has been well documented and understood by the Council Environmental Health Officers. As a consequence, the current proposal has been heavily scrutinised by those officers.

6.19 The Environmental Health Officer has not objected to the current proposal, but that is subject to a series of detailed technical noise conditions. Given the background set out in the previous paragraph, it is considered that substantial weight is given to that position. That has been arrived at taking into account that the proposed development lies between unrestricted B2 Users and thus in itself will act as a “buffer” to noise emanating from these premises. That may seem “odd” given the industrial nature of the proposal, but planning conditions can condition design features that assist in further mitigating likely noise concerns, in addition to the more technical noise conditions setting out explicit night and day-time noise thresholds for both internal and external plant, machinery and activity. The design features conditioned would refer to the heights of the buildings themselves through the Parameters Plan, the landscaping proposals, the location of loading and service yards and the parking concerns as expressed above. It is considered that all of these conditions would strongly indicate that the current proposal offers a betterment over the 2010 extant permission as illustrated at Appendix K. The combination of these conditions – in the terms of policy LP29 – would “avoid and address unacceptable” impacts.

e) Flooding and Drainage

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

6.21 The representations identify existing issues. Indeed, the two Lead Local Flood Authorities raised initial holding objections. Additional background information and clarification has been submitted to both Authorities sufficient to enable the objections to be lifted in principle, but subject to a series of very detailed conditions. The overall drainage strategy remains that as originally described in Appendix A – paragraph 4.14. Members are aware that the combined advice of the NPPF and the policy objective of

LP33, is that the requirement is for an applicant to demonstrate that the surface water discharge from a development is "self-contained", in that it does not worsen any existing situation. In other words, it is not the responsibility of the applicant, or indeed the Local Planning Authority, to require that the applicant addresses or resolves existing flooding problems through his development proposal. Here the solution is to provide two "attenuation" basins within the site, one on the eastern boundary and the second along the southern boundary at the lowest points on the site, but still able to discharge into the existing pond in the corridor of open land alongside the railway - see Appendix E. Its outlet at its northern end, discharges into a culvert passing under the railway line, and then towards the east.

6.22 This pond is within the application site. Both Lead Local Flood Authorities are satisfied that the inclusion of this pond is an essential factor in the overall drainage strategy. However, because of silting in the pond reducing the efficacy of the discharge into the culvert, it is currently over-flowing and part of its discharge is overland towards the railway cutting. This is why Network Rail has also lodged a holding objection. There are ongoing discussions between the relevant parties. The issues revolve around the capacity of the pond to take additional flows from the development and secondly its proper maintenance. Network Rail's objection is not an objection on planning grounds to the proposal as there is the extant planning permission. Its concern is that the maintenance of the pond is not within its ownership and thus outside of its control. As a consequence, there could be the prospect of continuing discharge onto its land and railway assets. The proper maintenance of the pond – even if enlarged - is thus a planning consideration as it is an essential element of the overall drainage strategy for the development. The way forward from a planning perspective would be to include agreement on a maintenance plan for the pond or an enlarged pond, within the overall management plan to be required for the maintenance of the whole surface water system. This could be achieved through an appropriately worded Grampian planning condition – as set out below. This approach would satisfy the relevant policy requirements and be in the interests of all of the parties involved.

f) Heritage

6.23 Local Plan policy LP15 says that the quality, character, diversity and local distinctiveness of the Borough's historic environment will be conserved and enhanced. In order to do so, an assessment has to be made of the potential impact of the proposals on the significance of heritage assets that might be affected by the proposal, as set out in Section 16 of the NPPF. Whilst there are no assets on the site, the boundary of the Dosthill Conservation Area is several hundred metres to the north-west.

6.24 The Council is under a Statutory Duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. To do so, the impact of the proposal on the significance of the Area needs to be assessed.

6.25 The significance of the Conservation Area lies in the retention of the original settlement of Dosthill with surviving properties and some of its semi-rural village character. It is not considered that the proposal would have any harm on this significance due to the separation distances; the intervening topography and built form, the lack of intervisibility and the fact that there is an extant planning permission on the site. As a consequence, the proposal would not harm the character or appearance of the Area, thus satisfying the relevant policy.

5d/63

g) Biodiversity

6.26 Local Plan policy LP16 says that the quality, character, diversity and local distinctiveness of the natural environment is to be protected and enhanced as appropriate, relative to the nature of the development proposed and net gains for bio-diversity should be sought where possible. The Board is also aware of the new Regulations introduced in February this year. As this proposal was submitted prior to their introduction, there is no mandatory 10% nett gain required. Nevertheless, the proposal still has to show a net bio-diversity gain, where possible, in order to accord with Policy LP16.

6.27 Members will have seen from the consultation section that the County Ecologist has objected to the proposals because there would be no nett gain. However, this response as stated above, is caveated because that conclusion has been reached on the basis of an evaluation of the existing ecological value of the site, without reference to what it might have been under the extant planning permission. The County Ecologist acknowledges this position, indicating quite properly, that the resolution here is a matter for the Local Planning Authority. It was anticipated that the 2010 approved plans would be implemented shortly after approval, but that did not happen. The site has thus re-generated naturally since the landfill operations were completed several years ago before that 2010 permission. Its bio-diversity value has increased throughout that time. The land in the tri-angular corridor between the railway and the residential development, within the Tamworth Borough Council area, was not the subject of the development proposal approved within the 2010 permission. It too has re-generated and is now of value as a potential Wildlife Site. The matter before the Board is thus to balance these different factors.

6.28 Members are advised that the starting point for this assessment has to be the extant planning permission. To a large extent this has been the position taken above when considering the principle of the proposal; the highway and the landscape impacts as well as the visual impacts and matters to do with residential amenity. It would not now be reasonable to deal with the bio-diversity issue any differently. Additionally, the mandatory statutory requirement does not apply to this application and the relevant policy refers to achieving net gain, "where possible". As a consequence, the applicant has agreed to the inclusion of appropriately worded condition as the land outside of the development areas and where there is the most significant bio-diversity interest, is still land that is under his control. It is noteworthy too, that the Officer report before the Tamworth Borough Council Planning Committee for this area is also one of support, subject to the inclusion of conditions. It is thus considered that this approach is proportionate in these circumstances.

7. Conclusion

7.1 Members will be aware that "old" extant planning permissions do surface from time to time. This is one of those and thus the principle of the development is acknowledged. The site has a lawful industrial use. Such permissions however may be "new" to the local community which may well have changed since the date of such a permission. This is the case here. In these circumstances the remit of the Local Planning Authority is to consider and address the impacts arising from this position. This has been undertaken here under a number of different matters as recorded above. As a

consequence, it is considered that an appropriate and proportionate balance has been achieved.

Recommendation

- a) That the Council is minded to GRANT outline planning permission subject to the conditions as set out below together with the addition of conditions as may be recommended by the Warwickshire County Council as Highway Authority.
- b) However, should that Highway Authority raise an objection which cannot be resolved through further planning conditions; Informatives or by legal Agreement, the application be referred back to the Board for further consideration.
- c) The conditions referred to in (a) above are:

Standard Conditions

1. Details of the appearance, landscaping, layout and scale (hereinafter called the "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. If the development hereby permitted is to be constructed in more than one phase, details of the proposed phases of construction shall be submitted to the Local Planning Authority for approval prior to, or at the same time as, the first application for approval of the reserved matters. The Phasing Plan shall include details of the separate and severable phases, or sub-phases of the development. Development shall be carried out in accordance with the approved phasing details, or such other phasing details as shall subsequently be submitted to and approved in writing by the Local Planning Authority.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004, and to prevent an accumulation of unimplemented planning permissions.

3. The first application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. All applications for approval of reserved matters shall be made to the Local Planning Authority not later than five years from the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004, and to prevent an accumulation of unimplemented planning permissions.

4. The development hereby permitted shall be begun not later than three years from the date of approval of the last of the reserved matters to be approved.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004, and to prevent an accumulation of unimplemented planning permissions.

Defining Conditions

5. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents:

- a) The Site Location Plan - 23008/SGP/ZZ/ZZ/DR/A/131000 P2 received on 2/5/23.
- b) The Parameters Plan - 23008/SGP/ZZ/ZZ/DR/A/001001 P7 received on 15/5/24.
- c) The Green Infrastructure Plan - P23/0345/EN/0007/C/GI received on 15/5/24.
- d) Existing Site Access - 70102401/SK/002 Rev A received on 20/2/14.
- e) Existing site access swept path analysis 16.5m artic 701102401/ATR/001Rev B received on 20/2/24.
- f) The Framework Travel Plan prepared by WSP received on 3/8/23 referenced 70102401/001.

REASON

In order to define the extent and scope of the permission.

6. The development hereby permitted shall provide for no more than a maximum figure of 22,000 square metres of floorspace (GEA) for uses within Use Classes Eg (ii), Eg (iii), B2 and B8 of the Town and Country Planning (Use Classes) Order 2020 (as amended).

REASON

In order to define the scope and extent of the planning permission.

7. The uses approved under Condition 6 above shall be located on the site, as set out in the Parameters Plan approved under Condition 5 above.

REASON

In order to define the scope and extent of the planning permission and in the interests of the amenities of the area.

8. The proposed layout in the reserved matters applications shall be designed in general accordance with the Parameters Plan approved under condition 5. The reserved matters applications shall contain full details of the finished floor levels of all proposed buildings, above ordnance datum, in relation to existing ground levels. In particular, the layout for Zones A and B as defined by the Parameters Plan shall avoid service/loading and unloading areas being located along the northern edge of each of these two Zones.

REASON

In order to define the implementation of the permission so as to reduce the risk of adverse noise impacts.

9. The specific sound from any individual unit arising from internal or external uses, including operational sources of an industrial/commercial nature within the development, the operation of fixed plant, machinery, plant and mobile plant including deliveries, heating, air handling and/or ventilation equipment shall not exceed the levels outlined below:
 - i) 40dBLAeq,1hr at any residential property on Ascot Drive, Haydock Lane or Epsom Close. The specific sound level shall be measured or predicted at a height of 1.5 metres above ground level at 1 metre from the facade containing a habitable room with an opening window, between 0700 and 2300 on any day. The measurements and/predictions should demonstrate the noise limits for daytime are within gardens of the nearest affected noise sensitive receptors at 1.5m above the adjacent ground level as a free field" level as defined by BS 7445:2003 "Description and measurement of environmental noise (parts 1 to 3)" for an area of not less than 75% of any dwelling's garden.
 - ii) 35dBLAeq15min at any residential property on Ascot Drive, Haydock Lane or Epsom Close. The specific sound level shall be measured or predicted at a height of 4.5 metres above ground level at 1 metre from the facade containing a habitable room with an opening window of any residential dwelling between 2300 and 0700 on any day.
 - iii) Where the residential dwelling is a bungalow, all measurement heights for day and night time are 1.5 metres above ground level.

REASON

In order to avoid significant adverse noise impacts on health and quality of life in line with the National Planning Policy Framework (para 185); the Noise Policy Statement for England 2010 and Local Plan policy LP29.

10. Within six months of the occupation of any of the new industrial/commercial units within the development hereby permitted, noise compliance monitoring shall be undertaken by a suitably qualified professional and the results of the noise measurements and/or predictions shall be submitted to the Local Planning Authority in writing. The submission should provide evidence that the specific sound level from the industrial/ commercial internal and external sources within that unit arising from its operation of the new development meets the levels as described in condition 9.

If the specific sound level from these sources exceeds the limits set out in condition 9, additional mitigation measures are to be recommended and included in that submission. Any such measures that are approved in writing by the Local Planning Authority, shall then be installed or introduced to the written satisfaction of the Local Planning Authority. These measures shall be permanently retained and maintained in proper working order for the duration of the operational life of the development.

REASON

In order to demonstrate compliance with condition 9 and so to avoid significant adverse noise impacts on health and quality of life in line with the National Planning Policy Framework (para 185); the Noise Policy Statement for England 2010 and Local Plan policy LP29.

11. All access arrangements into, through and out of the site together with all off-site highway alterations shall be carried out in accordance with the plans approved under Condition 5.

REASON

In order to define the scope and extent of the planning permission.

12. There shall be no gate, barrier or other structure constructed or placed across the access into the development area from the spur road running east from the junction with the A51, thus allowing unobstructed vehicular access at all times.

REASON

In order to reduce the potential for noise pollution arising from parked vehicles not being allowed to enter the site and to reduce the potential for on-street vehicular parking.

13. There shall be no on-street parking of any vehicle whatsoever on any part along both sides of and the whole of the spur road running east from the junction with the A51.

REASON

In order to reduce the potential for noise pollution arising from parked vehicles and to reduce the potential for on-street vehicular parking thus leading to highway safety concerns.

14. The layout in the reserved matters applications shall include HGV parking spaces at a minimum of 1 HGV space per 375 square metres of B8 floor space.

REASON:

In order to reduce the potential for noise pollution arising from parked vehicles and to reduce the potential for on-street vehicular parking thus leading to highway safety concerns.

Pre-Commencement Conditions

15. No development shall take place, including any works of demolition or site clearance, until a Construction Environmental Management Plan (CEMP) has first been submitted to and approved in writing by the Local Planning Authority for the whole of the development hereby approved. The Plan shall provide information for:

- a) The parking of vehicles for site operatives and visitors.
- b) The routing for vehicles accessing the site associated with the construction of the development and signage to identify the route.
- c) The manoeuvring of vehicles within the site.
- d) Loading and unloading of plant and materials used in the construction of the development, including top-soil.
- e) The location of the site compounds.
- f) Storage of plant and materials.
- g) The erection and maintenance of security hoarding fencing.
- h) Wheel washing facilities.
- i) Measures to control the emission of dust and dirt during construction.
- j) Measures to control and mitigate disturbance from noise.
- k) A scheme for the recycling/disposal of waste resulting from the construction works.
- l) Any on-site lighting as required during construction.
- m) Measures to protect existing trees and hedgerows proposed for retention.
- n) Delivery, demolition and construction working hours.
- o) The means by which the terms of the CEMP will be monitored including details of the procedure for reporting and resolving complaints as well as the details of the person or persons to contact in such circumstances.

The approved CEMP shall be adhered to at all times throughout the construction period of each phase of the development as approved under Condition 2.

REASON

In the interests of reducing potential harm to residential amenity and in the interests of highway safety.

16. No development shall take place including any works of demolition or site clearance, until a Landscape and Ecological Management Plan ("LEMP") for the whole site, including the triangular area of land that lies between the railway line to the east, the residential properties to the west and the development area to the south, has first been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be in general accordance with the approved Parameters Plan approved under condition 5. The LEMP shall include:
- a) a description and evaluation of the features to be managed;
 - b) ecological trends and constraints on site that might influence management,
 - c) the aims, objectives and targets for the management,
 - d) descriptions of the management operations for achieving the aims and objectives,
 - e) prescriptions for management actions,
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period),
 - g) Details of the monitoring needed to measure the effectiveness of management,
 - h) Details of each element of the monitoring programme,
 - i) Details of the persons or organisations(s) responsible for implementation and monitoring,
 - j) Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives and targets,
 - k) Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,
 - l) The legal and funding mechanisms by which the long-term implementation of the LEMP will be secured by the developer and the management body(ies) responsible for its delivery,
 - m) How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above shows that the conservation aims and objectives set out in (c) above are not being met so that the development still delivers the full functioning bio-diversity objectives of the originally approved scheme.

The details in that Plan shall then be implemented on each phase of the development of the site and it shall be adhered to at all times during the lifetime of the development.

REASON

In the interests of enhancing and protecting bio-diversity.

5d/70

5e/95

17. No development shall commence on site including any works of demolition or site clearance, until a detailed surface water drainage scheme for the whole site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) Evidence to show that the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm is limited to the Qbar greenfield run off rate of 4.32 l/s/ha for the site in line with the Outline Flood Risk Assessment and SUDS Strategy prepared by HWA (v3) dated August 2023.
 - b) A detailed assessment demonstrating the on-site water courses suitability as a receptor for surface water run-off from the development. This assessment shall include:
 - A condition survey of the watercourse and evidence of any remedial measures identified as necessary;
 - A review of flood risk impacts from the watercourse demonstrating consideration for downstream receptors off site in the context of the proposals,
 - Evidence demonstrating that all development and surface water infrastructure is outside the anticipated fluvial flood extent.
 - c) Drawings/plans illustrating the proposed sustainable surface water drainage scheme. The Outline Flood Risk Assessment and SUDS Strategy prepared by HWA (v3) dated August 2023 may be treated as a minimum and further source control SUDS should be considered during the detailed design stages as part of a "SUDS management train" approach to provide additional benefits and resilience within the design.
 - d) Detailed drawings including cross sections, of proposed features such as infiltration structures, attenuation features and outfall structures. These should be feature-specific demonstrating that such surface water drainage systems are designed in accordance with the SUDS Manual CIRIA Report C753 and cross sections should demonstrate that all SUDS features will be accessible for maintenance whilst also providing an adequate easement from the on-site watercourse.
 - e) Provision of detailed network level calculations demonstrating the performance of the proposed system to include:
 - suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall) with justification of such criteria,
 - simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events,

5d/71

- together with results demonstrating the performance of the drainage scheme including attenuation storage, potential flood volumes and network status for each return period,
- and evidence to allow suitable cross- checking of calculations and the proposals.

f) The provision of plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. This overland flow routing should:

- demonstrate how run-off will be directed through the development without exposing properties to flood risk;
- consider property finished floor levels and thresholds in relating to exceedance flows, and
- recognition that exceedance can occur due to a number of factors such that exceedance management should not rely on calculations demonstrating no flooding.

Only the scheme that has been approved in writing shall then be implemented in full on site.

REASON

To reduce the risk of increased flooding and to improve and protect water supply.

18. No phase of the development hereby permitted shall commence until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire-fighting purposes relevant to each phase, has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented within the relevant phase.

REASON

In the interests of public safety.

19. No development within any phase of the development hereby approved shall take place until details of all external lighting specifications for that phase have been submitted to and approved in writing by the Local Planning Authority. The details shall be accompanied by an Impact Assessment in order to show that there are no adverse impacts arising from any proposed light source or from the glow of light arising from each phase. The Assessment shall also include an analysis of the cumulative impact of lighting arising from the whole site. In particular the details shall avoid external lighting being installed on the northern-most elevations of the buildings to be erected in Zones A and B as defined by the Parameters Plan approved under Condition 5 above. The lighting shall be installed, operated and maintained at all times in accordance with the approved details.

5d/72

5e/97

REASON

In the interests of reducing the risk of adverse harm to the residential amenity of the local community.

Pre-Occupation Conditions

20. There shall be no occupation of any building hereby approved for business purposes within any phase of the development, until a Drainage Verification Report for the installed surface water drainage system as approved under Condition 17 within that phase, has been submitted to and approved in writing by the Local Planning Authority. It should include:

- a) Demonstration that any departures from the approved design are in keeping with the approved principles.
- b) As built photographs and drawings
- c) The results of any performance testing undertaken as part of the application process,
- d) Copies of all statutory approvals such as Land Drainage Consent for Discharge,
- e) Confirmation that the system is free from defects, damage and foreign objects.

The report should be prepared by a suitably qualified independent drainage engineer.

REASON

To ensure that the development is implemented as approved and thereby reducing the risk of flooding.

21. There shall be no occupation of any building hereby approved for business purposes within any phase of the development until a site-specific maintenance plan for the approved surface water drainage system including the pond as identified on the Green Infrastructure Plan approved under Condition 5, has first been submitted to and approved in writing by the Local Planning Authority. It shall include:

- a) The name of the party responsible, including contact names, address, email address and phone numbers.
- b) Plans showing the locations of features requiring maintenance and how these should be accessed and assessed.
- c) Details of how each feature is to be maintained and managed throughout the lifetime of the development,
- d) Provide details of how site vegetation will be maintained for the lifetime of the development.
- e) The procedures for reporting the monitoring undertaken on an annual basis or other period as may be agreed.
- f) Details of the any remedial measures to be undertaken in order to retain the functioning of the system and the pond, together with its outfall, in accordance with the details approved under Condition 14.

5d/73

- g) Evidence through the submission of Verification reports that any measures undertaken under (f) above have been completed and that they have achieved the appropriate outcome.

REASON

To ensure that the maintenance of sustainable drainage structures so as to reduce the risk of flooding.

22. No phase of the development hereby permitted shall be occupied for business purposes until the roads serving that phase, including footways, means of accessing plots, car parking and manoeuvring areas have been laid out and substantially constructed in accordance with details first submitted to and approved in writing by the Local Planning Authority. Areas for the parking and manoeuvring of vehicles shall be retained for these purposes at all times thereafter.

REASON

In the interests of highway safety

Other Conditions

23. No works involving the disturbance of any surfacing of public footpath 200/T24/1 or proposals to resurface it shall commence until details of such works are first submitted to and approved in writing by the Local Planning Authority. Only the approved works shall then be implemented on site.

REASON

In the interests of maintaining unobstructed public access.

24. Any contamination that is found during the course of construction within any phase of the development hereby approved, that was not previously identified shall be reported immediately to the Local Planning Authority. Development within that phase shall be suspended and a risk assessment carried out and submitted to the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to the Local Planning Authority. Work shall then only resume or continue on the development in that phase, in accordance with the schemes that have been approved in writing by the Local Planning Authority.

REASON

In the interests of reducing the risk of future pollution.

Informatives:

- a) The Local Planning Authority has met the requirements of the NPPF in the issue of a positive decision following full engagement with the applicant on a number of technical matters together with securing amendments and planning conditions so as to mitigate potentially adverse impacts.
- b) In respect of Condition 9 above - the term "specific sound" relates to the sound source being assessed. For the avoidance of doubt, the "specific sound" source relating to this condition is from any individual unit within the proposed development including all sources of external and internal plant and equipment. The Laeq values represent the "specific sound level". For the purposes of this planning condition, the "specific sound level" LAeq Tr is the equivalent continuous A-weighted sound pressure level produced by the specific sound source at the assessment location over a given reference time interval i.e. Tr = 1 hr for daytime and Tr = 15 minutes for night-time.
- c) Attention is drawn to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The Local Planning Authority will pay particular attention to the potential impact of any proposed advertisement, particularly if illuminated, on the northern facing elevations of any building to be erected in any of the three Zones identified on the Parameters Plan. This is in order to protect the amenities of nearby residential property.
- d) Attention is drawn to the Borough Council's Air Quality Planning Supplementary Planning Document and the applications for reserved matters should evidence how their proposals have addressed the matters raised therein.

General Development Applications**(5/a) Application No: PAP/2023/0188****Land at, Tamworth Road, Dosthill,****Outline planning application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 23,000sqm (GEA) for flexible Use Class E(g)(ii), Eg(iii), B2 and/or B8 with associated car parking and works for****- Summix RLT Developments Ltd****1. Introduction**

1.1 This major application will be reported for determination in due course, but at the present time this report provides an introductory description of the site and proposal, including a summary of the planning history of the site and the most important planning policies relevant to that determination.

1.2 Part of the application site lies within the administrative area of Tamworth Borough Council and thus an application has also been submitted to that Council.

2. The Site

2.1 This is an L-shaped site of 7.8 hectares between the Tamworth Road (the A51) to the west and Rush Lane to the east. To the north is a corridor of open land beyond which are the rear gardens of a residential estate being the southern edge of the built up area of Dosthill. To the south-west, with two common boundaries to the site, is a general industrial site comprising both buildings and a large open yard surrounded by palisade fencing and occupied by Hunnebeck. Beyond Rush Lane to the south-east of the site and lying between the site and the Birmingham-Derby railway line further to the east, is land that is partially occupied by Kingsbury Pallets – a Company that recycles wooden pallets – as well as open restored land. On the other side of the railway line – which is in cutting – are the premises of the Weinerberger Brickworks and an associated clay quarry. A Biffa landfill site is also in this general area to the east of the site and on the other side of the railway. To the south of the site is an access leading to a former mineral extraction and land fill site – known as Hockley No 2.

2.2 The site's highest point is along the A51 frontage and it drops towards its lowest point to the east in the vicinity of the Rush Lane bridge over the railway. The site also falls from the Rush Lane frontage to this lower level. There is a small difference in levels between the site and the open yard of the Hunnebeck premises, but there is a more marked drop immediately to the east of the A51. The site itself is reclaimed land that has a limited amount of natural regeneration and is generally level throughout. There is a hedgerow along its Rush Lane boundary.

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5e/101

2.3 The site includes an existing junction with the A51, including a closed off "spur" extending a few metres into the site. This has been constructed on a ramp or bund that reduces in height as it extends further to the east, almost to the site's eastern boundary. On the other side of this, is a north facing landscaped slope and the rear gardens of the residential premises referred to above. There is also a wooden fence closer to the A51, running at a higher level to the rear of other houses here.

2.4 There is open and naturally regenerated land containing open water in the north-east corner of the site which extends as a corridor of open land running north, but to east of the residential estate and west of the railway cutting.

2.5 A location plan is attached at Appendix A which illustrates this description

2.6 A plan illustrating the two Local Authority areas is at Appendix B and it can be seen that that part in Tamworth's area is the "corridor" of land referred to in paragraph 2.4 above.

3. Background

a) General Historic Background

3.1 The application site together with much of the now developed land as the residential estate, the industrial premises referred to above and the whole of the land between Rush Lane and the railway to the east, was formerly used for the extraction of clay for the manufacture of pipes and bricks. Two large brickworks and numerous brick kilns occupied the whole of this area. As clay was extracted, the brickworks and kilns were demolished with the resultant land being quarried for the final clay reserves. Accompanying these permissions was a Section 106 Agreement signed by both the Staffordshire and Warwickshire County Councils, obligating a corridor of land to be safeguarded for the construction of the southern section of a Dosthill By-Pass with a junction onto the A51. Following extraction, the land was backfilled and a further planning permission was granted by Warwickshire, as Minerals Planning Authority, for restoration following completion of the landfill operations.

3.2 The Weinerbeger brickworks continues to this day, but with clay now extracted from reserves further to the east.

3.3 As final extraction and landfill operations were completed west of the railway line, the present geography of the area came into being.

b) The Hunnebeck Premises

3.4 This site came into being in 1960 when permission was granted for the manufacture of concrete pipes. There were subsequent additions including the extension of the site to include the open yard seen today. It is now occupied by Hunnebeck who supply, pre-assemble, maintain and repair forming and shoring material for the construction and civil engineering sectors.

3.5 From a planning perspective, the Hunnebeck premises have a lawful and unrestricted B2 General Industrial use.

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5e/102

c) The Residential Estate

3.6 The residential estate was granted permission in 1997. Its southern limit is defined by the safeguarded land referred to in paragraph 3.1.

d) Land East of Rush Lane

3.7 In 2005 an outline planning permission was granted for B1, B2 and B8 uses for the whole of the land east of Rush Lane and west of the railway cutting. This was extended in 2013. In 2019 a detailed permission was granted for the Kingsbury Pallets business – a B2 use – on the southern portion of this land. This has been implemented and the site is operational today. It is subject to planning conditions restricting working hours.

3.8 The land to the north – the remaining portion of the 2013 site - benefits from the 2005 industrial permission.

e) The Application Site

3.9 Following the restoration of the land, planning permissions have been granted over the period since 1997 up to 2010 for B1, B2 and B8 uses over the site. These include the construction of the access referred to in paragraph 3.1 above. This has been implemented in part – the "spur" referred to in paragraph 2.3.

3.10 The 1997 permission has been taken up through the construction of this "spur" and thus the lawful use of the application site is for industrial development.

3.11 In 2017 an outline planning application for the residential redevelopment of the application site with up to 185 houses was submitted. This was refused on the grounds that it would not be appropriate to agree to residential use within the industrial setting as described above, particularly with unrestricted neighbouring lawful B2 uses. An appeal was lodged, but this was withdrawn in early 2022.

4. The Proposals

4.1 This is an outline application for the commercial re-development of the site and in effect this repeats the permissions granted here since 1997 but brings them into line with the current Use Classes Order. The "E" Use Classes referred to are essentially the former B1 Use Class (office; research and development, and industrial uses which can be carried out in a residential area without causing detriment to the amenities of the area). The "flexibility" referred to in the description enables movement between the uses proposed without the need for further referral back to the Council for a period of ten years. The applicant says that this approach offers flexibility in the letting and market requirements for the units to be constructed here.

4.2 A Parameters Plan is submitted and is part of the application to be determined. This shows two developable areas – Zone A running along the majority of the northern boundary – with a maximum building height of 13.5 metres from finished floor level to ridge, and Zone B covering the remainder of the site with a maximum height of 18.5 metres. The Plan also includes a "Green Infrastructure" area running around the site and including the whole of the "corridor" of land referred to in paragraph 2.4 that falls with the Tamworth Borough Council area. Two illustrative layouts have been provided to show how the site might be laid out within these parameters.

4.3 Vehicular access into the site would be from an extension of the A51 utilising the "spur" mentioned above, with no access off Rush Lane.

4.4 The public right of way that crosses the north-eastern corner of the site would not be affected.

4.5 The Parameters Plan is attached at Appendix C, with the two illustrative layouts at Appendices D and E. A Green Infrastructure Plan is at Appendix F.

4.6 The application is accompanied by a significant amount of documentation.

4.7 A Transport Assessment concludes that the existing access junction arrangement onto the A51 remains suitable for accommodating the proposed development and thus no off-site highway improvements are recommended. The Assessment identifies the cycling and pedestrian infrastructure with a shared footway/cycleway running along the east side of the A51 into Dosthill. The bus stops on that road alongside the site are also mentioned. A Travel Plan has also been submitted which sets out proposals to encourage the use of public and shared transport as well as appropriate cycle and pedestrian links – e.g., secure cycle storage on site, pedestrian/cycle links through the site and setting up a car share scheme.

4.8 A Noise Impact Assessment describes work done to assess the existing ambient noise levels over a range of different measures. It then looks at both noise generated from the proposal as well as from the access road. In respect of the former then, the Assessment concludes that noise generated by the development should be controlled through the design of the site layout and through planning conditions, there being no significant impact in principle. In terms of the noise generated from use of the access road, the Assessment concludes that this would not have a materially greater impact over the existing traffic noise arising from the A51. A Construction Management Plan should be conditioned in the event of a permission being granted.

4.9 An Air Quality Assessment concludes that with appropriate mitigation measures in place the effect of dust and particulate matter during the construction period would constitute a low risk, but that once operational there would be no significant impact based on national assessment criteria.

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5e/104

4.10 A Landscape and Visual Impact Assessment notes that the site is not subject to any statutory or non-statutory landscape designation. The Assessment concludes that the baseline character of the setting will be completely altered as a consequence of the proposal with an impact, but that within the wider context of the significant industrial and commercial development on the edge of a suburban area, the magnitude of that impact would be low. Implementation of the proposed landscaping and green infrastructure will help mitigate this further. In terms of the visual impact, then the Assessment says that the site is "contained", given the setting and with the proposed parameters plan respecting the fall in levels across the site, the visual impact would be limited, however particular care should be taken in ensuring sufficient landscaping along the northern frontage so as to reduce the impact of the development from first floor windows in the nearby residential estate.

4.11 A Preliminary Ecological Appraisal describes a number of habitats over the site – dense rose and bramble scrub, semi-improved and marshy grass land, a number of trees and a large on-site pond supporting a reed bed with other ephemeral ponds. However, the site as a whole is largely homogenous and lacking the heterogeneity required to create the complex network of transitional habitats which are considered to be ecologically valuable. The proposed retention of the trees along the southern boundary and sensitive enhancements around the setting of the pond are considered to be beneficial to bio-diversity gain. Any enhancements to strengthen and support green corridors would add value to the overall site. In terms of the fauna then there was no evidence found of reptiles, bats, badgers, otters or water voles. The pond was found to have potential for great crested newts. There are two Sites of Special Scientific Interest within two kilometres of the site – Kingsbury Brickworks and Kingsbury Wood - but because of the geological designation of the first and the separation distance from the second, no adverse impacts on the SSSI's are identified. There are several non-statutory Wildlife and Potential Wildlife Sites within a kilometre of the site, but there is unlikely to be any adverse impact on these, provided protection and precautionary measures are included during the construction phases. The drainage measures to be implemented should also not change the existing hydrological regimes or the water quality.

4.12 An Arboricultural Assessment identifies no ancient or veteran trees on the site and that tree cover is limited to low quality groups along the eastern and southern boundaries, but with trees of moderate quality towards the northern and north-eastern boundaries – particularly in the east of the residential estate. These trees would be retained in the proposed green infrastructure area shown on the Parameters Plan. New tree and hedgerow planting along the site boundaries will help with bio-diversity gain and to visually screen the site from Rush Lane.

4.13 A Heritage Assessment concludes that as the site has been the subject of substantial extraction and infilling as well as having the original buildings all demolished there is no longer any underground heritage interest. There is considered to be no harm to Listed Buildings or the Conservation Area in Dosthill – around 400 metres to the north-west of the site - because of intervening built development.

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5d/80

5e/105

4.14 A Flood Risk and Drainage Assessment identifies the site as falling within Flood Zone One, the one most suitable for new development – particularly as the proposed use is one of the less vulnerable “end users”. All other flooding risks are considered to be low, particularly if Sustainable Surface Water drainage systems are introduced. These should be split into several features which would eventually discharge into the pond in the north-east of the site and the wider open watercourse network – the naturally lowest point on the site. These too will have the benefit of removing the existing surface water collections in the lower parts of the site. There is a public foul water sewer in the north-east corner of the site flowing to the north-east. Underground gravity connections will be made to this, unless the levels require a pumping system.

4.15 A Lighting Assessment says that at this outline stage in the process, there are no details that can be assessed. It does however identify the location as being in the “suburban” zone of national guidance. That is “well inhabited rural and urban settlements, small town centres of suburban locations”. The design at detailed stage would thus respect the maximum lighting levels for the Zone. Within the development too, there would be a variety of areas with different levels of lighting – e.g., loading areas and perimeter lighting. The two illustrative layouts both show the areas that need to have higher levels of lighting at the rear of buildings away from the residential area to the north.

4.16 An Energy Statement confirms that the development will need to conform to the new Building Regulations being introduced in respect of energy efficient design and generation of energy from renewable sources. The Statement confirms that Air Source Heat Pumps and Solar Photovoltaic Panels would be appropriate for the development.

4.17 A Preliminary Ground Conditions and Coal Mining Risk Assessment describes the history of the site in some detail concluding with its infilling and capping in 1999. It says that the site is considered to be of low to moderate environmental sensitivity given the aquifers below the site and the absence of a source protection zone or potable water supply abstractions within the surrounding area and the historic landfilling of the site and the wider area. In terms of potential contamination then ground gas mitigation measures are recommended retaining the existing venting arrangements, together with measures to remediate marginal concentrations of metals and hydrocarbons. There is a low risk from historic mining activity.

4.18 The Applicant has provided a summary of the socio-economic benefits which he sees arising. These are an estimated 288 temporary jobs during the construction phase with financial benefits to the local construction businesses during the 18 month build out timeframe and between some 300 and 600 FTE jobs on site, once the development is operational depending on the occupiers.

4.19 Statement of Community Involvement describes the applicant’s pre-application consultation work. He refers to a dedicated consultation website and that over 600 leaflets were distributed to local residents and businesses. Local Councillors, the MP’s and Parish Council were also contacted. There have been 45 responses which highlighted the main issues as being traffic and highways, noise and the impact on wildlife.

5a/6

5d/81

5e/106

4.20 Planning Statement draws all of these documents together and puts forward the applicant's case and his assessment of the proposal against the relevant planning policies of the Development Plan

5. Development Plan

The North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Amount of Development), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP17 (Green Infrastructure), LP27 (Walking and Cycling), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management), LP34 (Parking) and LP35 (Renewable Energy)

6. Other Material Planning Considerations

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

The Tamworth Borough Council Local Plan 2006 – 2031: Policies SC2 (Presumption in favour of Sustainable Development); EC7 (Strategic Employment Areas), EN1 (Landscape Character), EN3 (Open Space and Green and Blue Links), EN4 (Protecting and Enhancing Biodiversity), EN5 (Design of New Development), SU1 (Sustainable Transport Network), SU2 (Delivering Sustainable Transport), SU3 (Climate Change Mitigation), SU4 (Flood Risk and Water Management) and SU5 (Pollution, Ground Conditions, Minerals and Soils)

Emerging Tamworth Local Plan – Issues and Options 2022

The North Warwickshire Landscape Character Assessment 2010

7. Observations

7.1 The Board will have noticed that there are material planning considerations here which suggest that there may be no objection in principle to this proposal. The Board will need to satisfy itself that any impacts arising from the proposal do not cause demonstrable harm either individually or cumulatively. The main ones to consider are the visual impacts together with potential issues arising from the traffic generated by the proposal as well as from noise, given that this was the main focus of attention with the last application. The Board will also need to be satisfied that there is bio-diversity net gain arising from the development.

7.2 The determination report will outline the consultation responses in order to assist in the Board's consideration of these potential impacts, so as to verify or not the conclusions from the applicant's documentation.

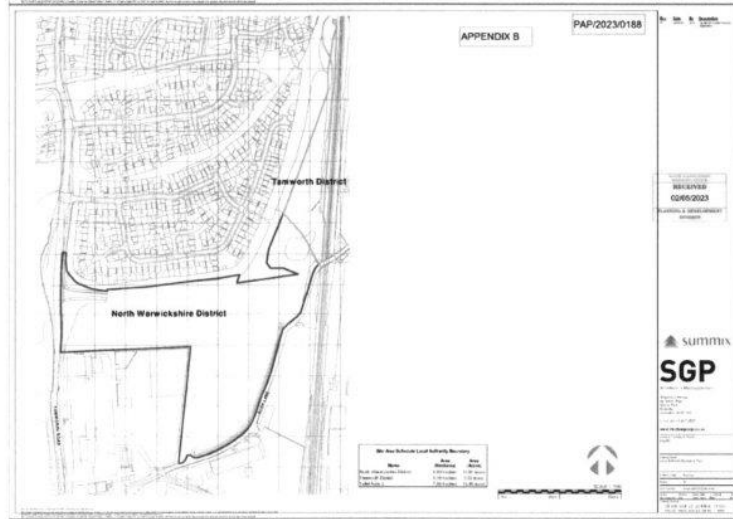
Recommendation

That the receipt of the application be noted.

5a/7

5d/82

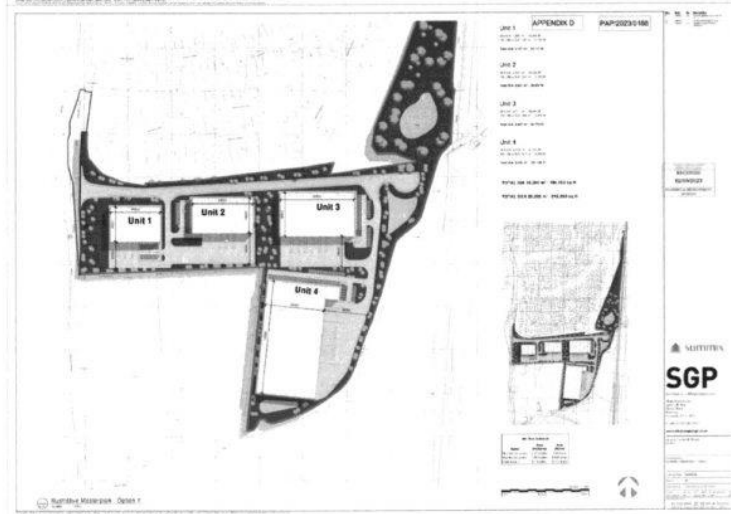
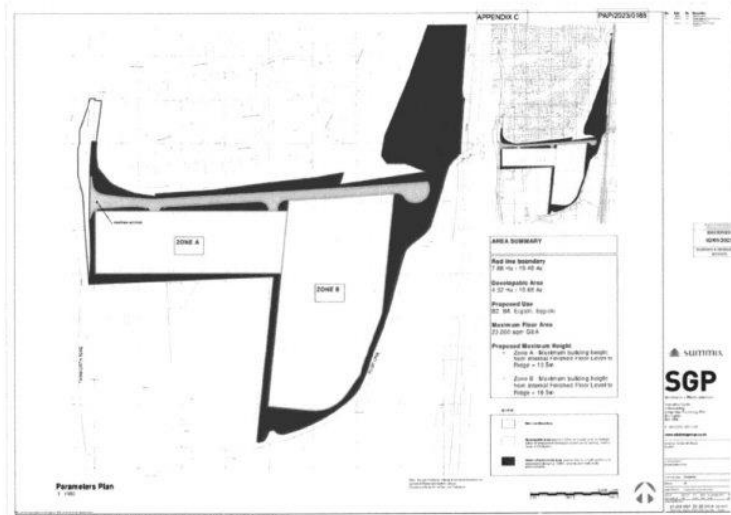
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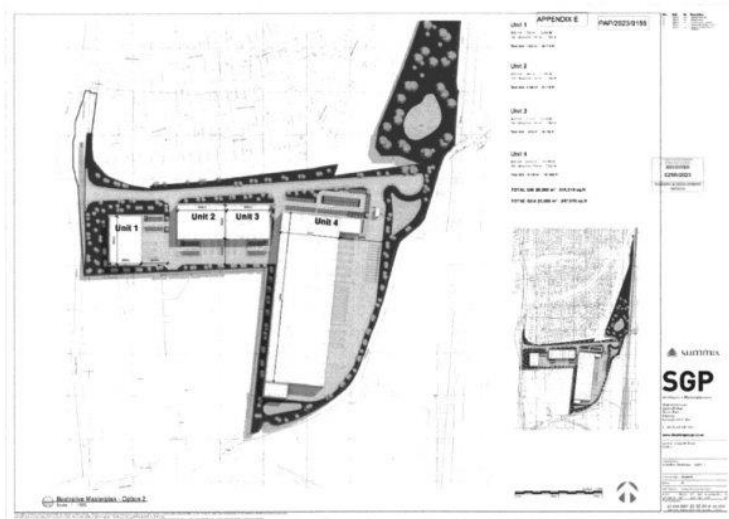
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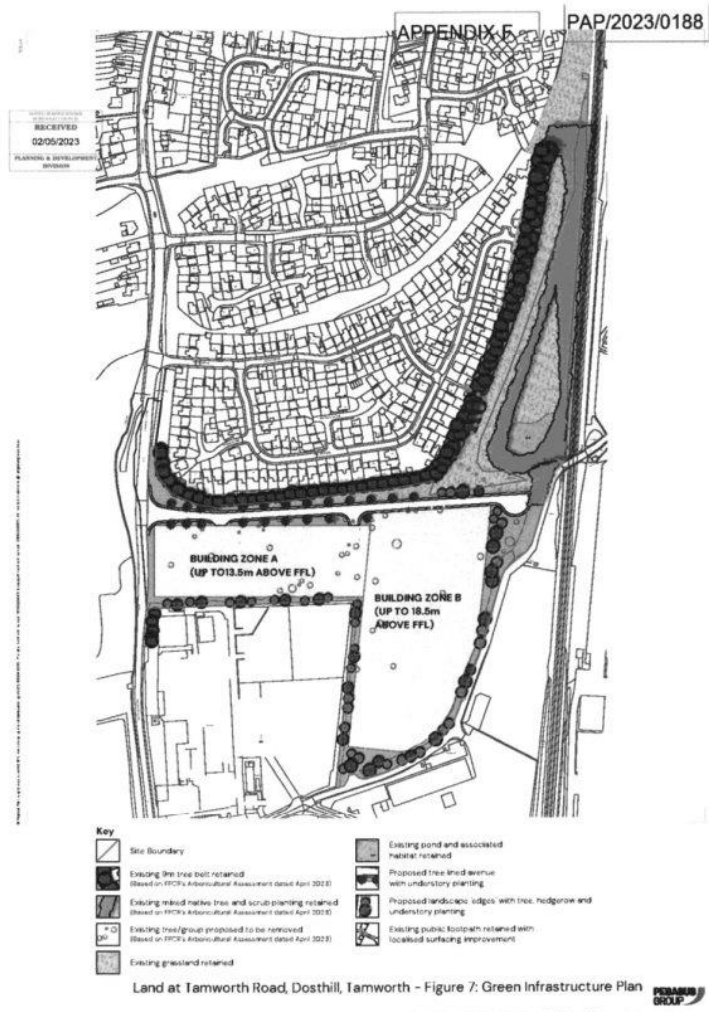
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5a/10

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5a/11

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PAP/2023/0188

Rush Lane, Dosthill

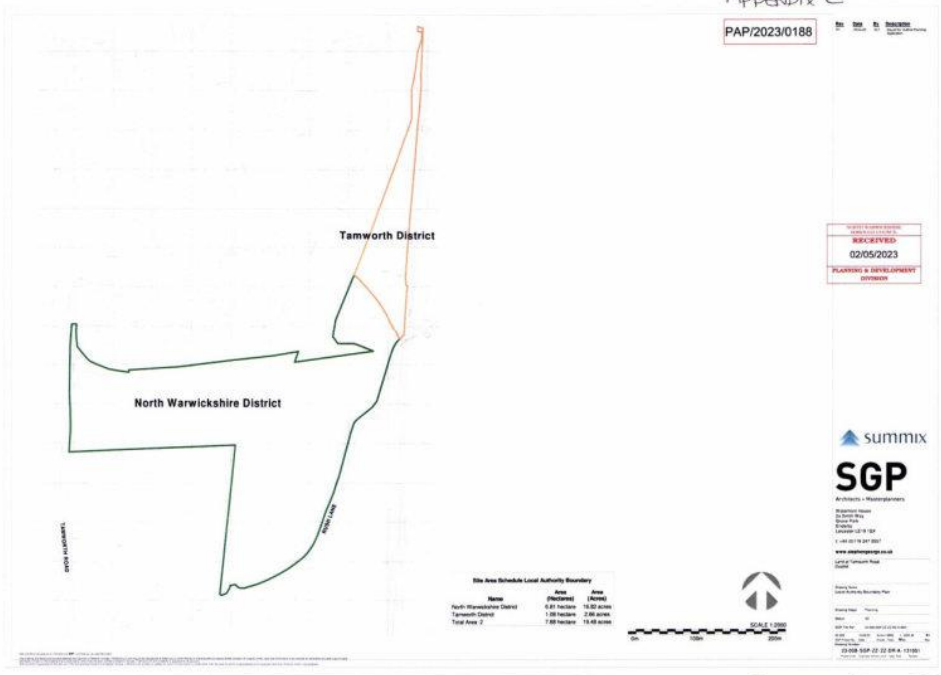
Site Visit – 22nd July 2023 at 1100

Present: Cllrs Fowler, Gosling, Philips, Ridley and Simpson together with J Brown

1. Members met on the A51 where the current "spur" road runs to the east across the northern part of the site.
2. They were shown plans of the extent of the site and illustrative layouts.
3. From here Members saw the A51, the raised level of the spur road, the Hunnebeck building and the brickworks on the other side of Rush Lane. In particular they noted the changes in levels sloping away from the A51 towards the east and the change between the spur road and the Hunnebeck premises.
4. The line of the residential properties in Ascot Drive immediately to the north was pointed out as well as the tree cover between them and the line of the spur.
5. Members then walked eastwards into the site stopping at the end of the Hunnebeck yard. There they saw the extent of that yard, the storage of materials in the yard and the lighting columns around its perimeter. The levels of the larger site and those of Ascot Drive were again noted.
6. The buildings of the brickworks and Kingsbury Pallets were pointed out.
7. Members then walked down to the eastern edge of the site where they saw the open land that lies between the railway line and the edge of the residential development which is within the Tamworth Borough Council area.
8. Whilst here they looked at the existing ponds here as well as across the site to the Kingsbury Pallets building and the A51 to the west.
9. The ground levels were again noted.
10. Members then made their way back to the A51.
11. The visit concluded at around 1140.

APPENDIX C

PAP/2023/0188



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APPENDIX D

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PAP/2023/0188



- Key**
- Site Boundary
 - Existing 9m tree belt retained (Based on FPCR's Arboricultural Assessment dated April 2023)
 - Existing mixed native tree and scrub planting retained (Based on FPCR's Arboricultural Assessment dated April 2023)
 - Existing tree/group proposed to be removed (Based on FPCR's Arboricultural Assessment dated April 2023)
 - Existing grassland retained
 - Existing pond and associated habitat retained
 - Proposed tree-lined avenue with understory planting
 - Proposed landscape 'edges' with tree, hedgerow and understory planting
 - Existing public footpath retained with localised surfacing improvement
 - Proposed open detention basin (based on HWA's Outline Flood Risk Assessment & SUDs Strategy VD2)

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Land at Tamworth Road, Dosthill, Tamworth - Figure 7: Green Infrastructure Plan



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APPENDIX I
vista3d

Land at Tamworth Road Dasthill

4.1. Viewpoint 4 - Baseline (viewing distance 300m - this is the distance top eye to paper to gain a true representation of the image)



Land of Tamworth Road Dosthill

4.2. Viewpoint 4 - Proposed view at year 1 (Viewing Distance 300m. This is the distance from eye to paper to gain a true representation of the image)

Unit 3 @ 12.5m



Land of Tamworth Road Dosthill

4.3. Viewpoint 4 - Proposed view at year 7 (Viewing Distance 300m. This is the distance from eye to paper to gain a true representation of the image)

Unit 3 @ 12.5m

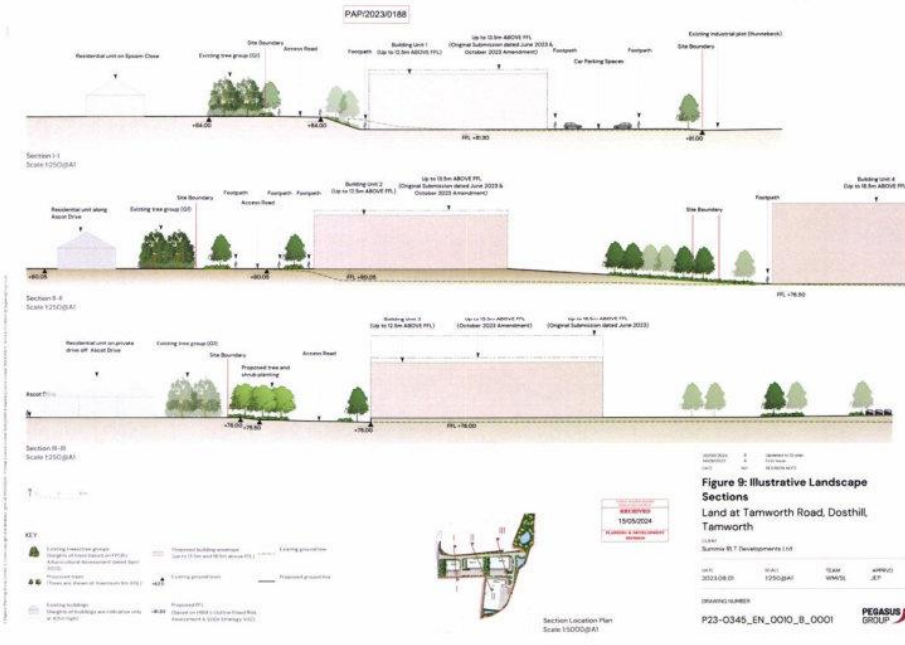


4.4. Viewpoint 4 - Proposed view of year 15 (Viewing Distance 30cm) - This is the distance from eye to paper to gain a true representation of the image)

Unit 3 @ 12.5m



APPENDIX J

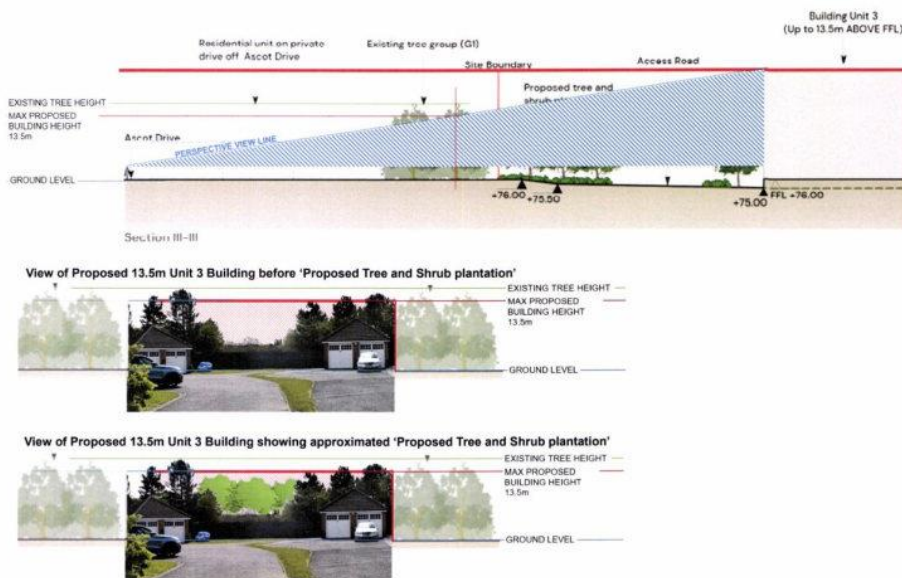


APPENDIX K



APPENDIX L

Perspective View Visual Impact @ eyelevel from Ascot Drive



2009
(Build +8yrs)



2010
(Build +7yrs)



2012
(Build +9yrs)



2019
(Build +16yrs)



2023
(Build +20yrs)



Image source: Google Streetview

Planning and Development Board – Supplementary Report**5 August 2024****PAP/2023/0188****Land at Tamworth Road, Dosthill**

Outline planning application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 22,000 sqm (GEA) for flexible Use Class E (g) (ii), E (g) (iii), B2 and/or B8, with associated car parking and works (cross boundary application Tamworth BC reference 0163/2023) for

Summix RLT Developments Ltd**1. Introduction**

- 1.1 This application is included on the Agenda for the Board's 5 August Meeting.
- 1.2 It indicates that the final consultation response from the Warwickshire County Council as Highway Authority was still awaited at the time of publication of the report. The recommendation reflects this position.
- 1.3 That response has now been received and with the agreement of the Chairman, this Supplementary Report has been prepared for circulation, rather than have the matter tabled on the evening of the Meeting.

2. The Highway Authority Response

- 2.1 As anticipated in the main report, the Warwickshire County Council as Highway Authority has formally responded with no objection.
- 2.2 It has requested that conditions be placed on any planning permission that might be granted.
- 2.3 The first one refers to providing the access onto the A51 in line with the plans and making good any damage. It also requires no gates to be added. The provision is covered by Conditions 5 and 11 as recommended to the Board.
- 2.4 The second one requires the submission of a Green Travel Plan. The one submitted requires amendment. A revised Plan has now been received and it would appear to meet the changes required by the Highway Authority. This version will be substituted in the recommended condition 5(f) of the main report. Should this not be the case, then an additional pre-occupation condition will need to be added.
- 2.5 The third requires the submission of a Construction Management Plan. This is already included in the draft conditions recommended to the Board – number 15.

- 2.6 These have been referred to the applicant as is required, and there is no objection to their inclusion.
- 2.7 The County Council additionally, has requested a sum of £7k for the “processing and implementation” of a Traffic Regulation Order (TRO) to “restrict parking on the A51 if overspill parking from the site occurs”. The money would be kept by WCC for this purpose for a period of five years after the last building on the site is occupied. It would be returned after this period, if not used for a TRO.
- 2.8 The applicant has agreed that he would provide this contribution through a separate Section 106 Unilateral Undertaking with the Warwickshire County Council. As a Unilateral Undertaking, it need not be compliant with the relevant Section 106 tests. However, in this case it is considered that it would be as it is directly related to mitigating a potential adverse impact – ie. parking on the A51. Moreover, it can also be treated as an extension of the planning condition recommended in the main report concerning parking on the spur road – condition 13.

Recommendation

That planning permission be granted subject to the conditions as set out in the Main Report at Appendix A, subject to the substitution of the Travel Plan referenced in Condition 5(f) with Version Two dated July 2024 and the completion of a Section 106 Unilateral Undertaking by the applicant with the Warwickshire County Council in the terms as set out in this Supplementary Report.

PAP/2023/0188

Rush Lane, Dosthill

Site Visit – 1st August 2024 at 1630

Present: Cllrs Bell, Humphries, Phillips, Ridley and Simpson together with A. Barnsley on behalf of residents and J Brown

1. Members met at the access to the private drives of the houses in the vicinity of numbers 63 and 73 Ascot Drive.
2. They were shown the two illustrative options for the possible layout of the development beyond the houses. The heights of the buildings were also outlined.
3. Additionally, copies of the plans submitted by the applicant showing the short cross sections through Ascot Drive were circulated as well as the equivalent prepared by the residents. Photographs of the period between 2009 and 2023 were handed around illustrating the growth of tree cover beyond the houses over this time period. Residents expressed concern that new planting by the applicant would take many years to become effective.
4. Whilst here, the residents drew attention to that tree cover but also the noticeable gap in the middle between the two detached garages. It was explained that this gap was due to the presence of a main sewer and its easement. Residents are prevented by a Covenant not to plant over this easement. The question was raised as to how the applicant's proposed tree planting could thus go ahead.
5. The visual impact of the buildings was raised.
6. Other matters were raised in respect of the Noise Assessment particularly to the HGV movements at the rear of the houses, 24/7 working and the prospect of B2 and B8 uses.
7. The visit concluded at around 1650.

Planning Committee Members Briefing

Project name: Land at Tamworth Road, Dosthill
Planning Committee: Agenda Item 5/d, Planning Committee 05.08.2024
LPA Reference: PAP/2023/0188

This application seeks Outline Planning Permission for the development of the site to provide up to 22,000sqm (GEA) of:

- Class E(g)(ii) Research and Development
- Class E(g)(iii) any industrial process, which can be carried out in any residential area
- Class B2 General Industrial
- Class B8 Storage and Distribution

It is proposed that the site will be divided into 3no. parameter zones, which dictate the maximum building heights and land uses, as per Figure 1.

Details of layout, appearance, scale and landscaping are to be subject of subsequent Reserved Matters.

The development will provide numerous economic, social and environmental benefits by helping to meet the demand for employment, storage and logistics floorspace. Importantly, the site:

- Benefits from an extant planning permission for industrial / employment use.
- The site will deliver numerous job opportunities in a sustainable location within close proximity to the strategic road network.
- Highways and Environmental Health (noise) officers raise no objection to the application proposals.

Background – The site was historically used for the extraction of clay for the manufacture of bricks, before it was then used for landfill operations. Since the end of these activities in the 1990s, the site has become scrubland, vegetation and trees. Subsequently, planning permissions were secured at the site between 1997 and 2010 for employment uses (B1, B2 and B8), with this permission having been implemented through the construction of the access / spur road. Consequently, the site benefits from an extant planning permission which could continue to be implemented at any time. This is a significant material consideration in the determination of this current application.

Principle of Development – The principle of this site being used for employment purposes has been established through the extant planning permission. Paragraph 85 of the NPPF which sets out that planning decisions should “help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

Pegasus Reference: P23-0345



Height / Massing / Scale / Materiality – The height, massing, scale and materiality of the proposed buildings will form a subsequent Reserved Matters application for consideration by the LPA. The Parameters Plans specify that any building within Zones A and B shall be a maximum height of 12.5m, whilst Zone C will have a maximum height of 18.5m. In direct response to neighbour consultee comments, these heights have been reduced during the application determination. An indicative layout is provided at Figure 2 below, however the building form will be subject of any subsequent Reserved Matters application.

Access – The principal access to the site is via an existing junction with Tamworth Road, which is of suitable width and visibility to serve the proposed development. The access road within the development will be privately maintained and include parking / waiting restrictions to ensure no loitering vehicles within close proximity of the Ascot Drive residents. No access is provided onto Rush Lane.



Figure 2 – Illustrative Site Configuration (subject of Reserved Matters)

Traffic Generation – Inevitably, the development of this vacant site will result in associated traffic using the A51 Tamworth Road, principally routing southwards through Kingsbury to access the M42/M6 and strategic road network. However, as presented within the accompanying Transport Assessment, the level of trips that were forecast by the extant planning permission were greater than the current proposal and the assessment work has demonstrated that the proposed development does not have a significant impact on the operation of the highway network. Following completion of this assessment work (including junction forecast modelling), neither Warwickshire or Staffordshire County Council Highways Authority raise object to the application proposals.

Noise – A robust noise impact assessment has been submitted with the application, which has been scrutinised and by the Council's Environmental Health Officer (EHO), who raises no objection. Noise from the operations of the proposed development is controlled via planning conditions, with a requirement for servicing and deliveries to take place away from nearby residential properties, thereby enabling the proposed building to act as noise buffer. Noise generated along the proposed access road is not anticipated to materially change the ambient sound level over existing traffic noise arising from the A51.

Visual Amenity and Landscaping – Additional landscaping screening is proposed along the site's northern boundary, which will reduce the visual impact of the proposed development from the residential properties to the north. A comprehensive landscaping scheme, alongside a ecological management plan, will be adopted elsewhere across the site, to enhance landscape and biodiversity features.

Sustainable Energy Features – The proposed development will exceed compliance with Part L of Building Regulations 2021, with inclusion of an all-electric approach to energy supply, incorporating the use of air source heat pumps (ASHP) and Solar PVs. This application is supported by a BREEAM pre-assessment which demonstrates how the proposed development is able to achieve BREEAM 'Excellent'.

Economic Benefits – Significant economic benefits and job opportunities will be delivered by the proposed development. The Economic Benefits Statement, submitted with the application, sets out that an estimated 288 temporary jobs could be support per annum during the build phase, with between 144 full-time equivalent jobs and 294 full-time equivalent jobs (based on floorspace) during the operational phase, dependent on the type of operation occupying the premises. In addition, the proposed development provides opportunities for significant Gross Value Added generated by the site, as well as business rates and wages which will benefit the local economy.

The concerns and views expressed in this document apply specifically to the residents of 67, 65, 63, 73, 71, 69, 60 & 58 Ascot Drive.



Visual impact concerns



Previous Residential Proposal PAP/2017/0340 - REFUSED

DECISION NOTICE	Application Ref: PAP/2017/0340
Major Outline Application	Grid Ref: Easting 431604.76 Northing 299086.67
Site Address Land Between, Rush Lane And Tamworth Road, Cliff	
Description of Development Outline Application for up to 185 dwellings, public open space, landscaping, sustainable urban drainage, and associated infrastructure - all matters reserved except access	
Applicant Summix RL T Developments Limited	
Your planning application was valid on 2 August 2017. It has now been considered by the Council. I can inform you that:	
Planning permission is REFUSED for the following reason:	
<p>1. It is not considered that the site is an appropriate location for new residential development as the proposal does not accord with Policies LP 1, LP2 and LP 29 (9) of the North Warwickshire Local Plan 2021 as supported by Sections 12 and 15 of the NPPF 2021. This is because the proposal is not considered to result in a high quality of sustainable design which positively improves the character and appearance of Doshill or the environmental quality of the area. The proposal does not integrate with wider development. It is separated physically, visually and spatially from existing residential development leading to an isolated, self-contained development with no connectivity or linkage to existing residential development, or to local facilities and services and with no sense of place or community. The setting is industrial in character and appearance with neighbouring lawful B2 and B8 uses. These by definition are not suitable in a residential area. A high standard of amenity is not achieved. This in part is because of the measures being proposed to mitigate the impacts of off-site noise sources and because the development cannot be integrated effectively with existing business facilities.</p>	

2.5 The second contextual consideration provided in the HA report is that noise from Hunnebeck's can be mitigated by having windows closed and alternative means of ventilation provided. I do not disagree that this method can be used to control noise and may be effective in this case, however it does not overcome the issue during periods when residents may wish to open windows.

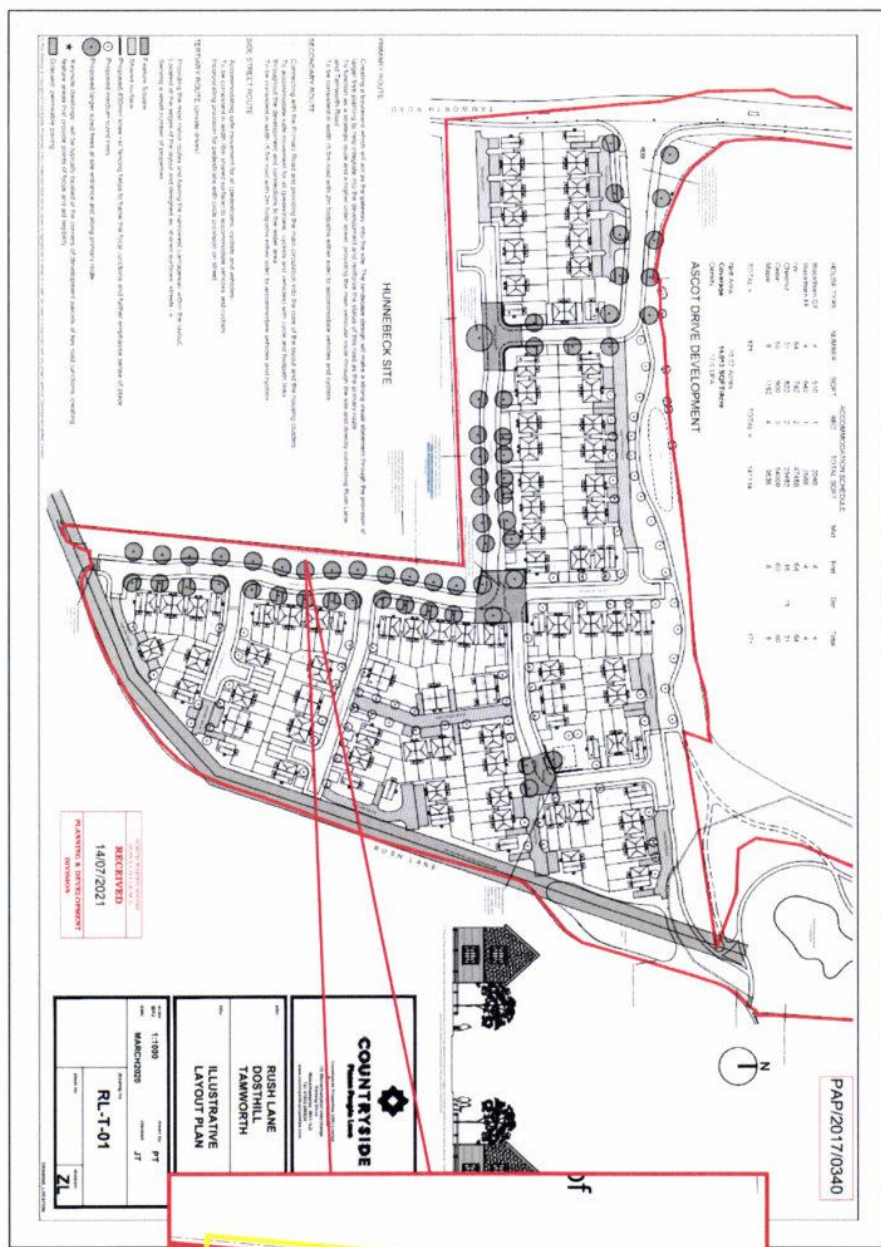
2.6 It is SR's view that during these periods, noise from Hunnebeck's will be clearly audible within residents' properties. In addition, as advised in paragraph 2.3 above there is a potential for a significant adverse impact on the use of residents' gardens. As a consequence noise from Hunnebeck's will potentially cause complaints and restrictions on the continued 24-hour operation of the Hunnebeck's site. This is in conflict with the policy aims as set out in paragraph 182 of the NPPF. The additional information provided by HA in the Technical Note does not provide any evidence to contradict SR's view in this case.

3.0 12 May 2021 – Meeting

3.1 At the time of the meeting both SR and HA summarised their positions regarding the technical assessment of noise and the impact of noise from the Hunnebeck's on the proposed residential development. HA maintains the position that noise from Hunnebeck's can be mitigated through the measures discussed above. As advised in para 2.6 it is SR's view that Hunnebeck's is an inherently noisy site, and the development of noise sensitive properties closer to Hunnebeck's than existing noise sensitive properties, will potentially cause complaints and as a result restriction on the continued 24-hour use of the site.

The previous application PAP/2017/0340 was refused with one of the reasons being that the setting around the proposal is industrial (B2 and B8 - as proposed in the current application) and measures to mitigate the impacts of the industrial noise cannot be achieved. This included the use of a specific 'Eco-Gramm' barrier along the one of the Hunnebeck boundaries. It is also referenced that the industrial character and appearance by definition are not suitable in a residential area.

Therefore the current proposal to build a significant industrial development with B2 and B8 uses adjacent to an EXISTING residential setting (Ascot Drive) should be refused on the same basis as the above. Concerns were noted at a meeting in May 2021 that new residents of the previous PAP/2017/0340 proposal would potentially cause complaints due to the 24-hour operation of the Hunnebeck site. Again, this is the same scenario as the noise concerns raised by the residents of Ascot Drive throughout the application process, and is likely to result in current residents of Ascot Drive complaints should the proposed B2 and B8 industrial use be granted.



ASCOT DRIVE DEVELOPMENT

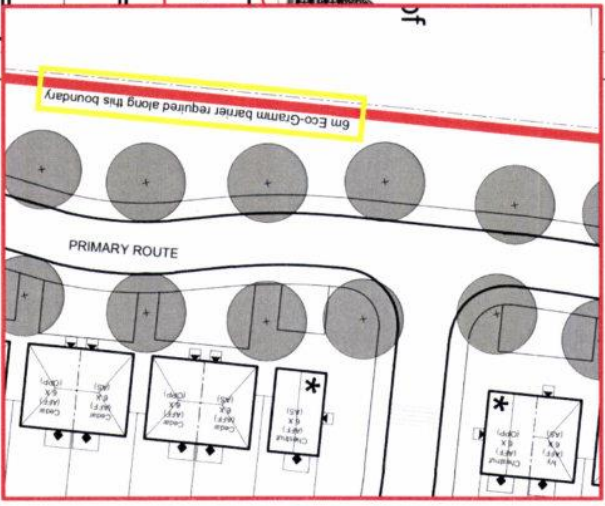
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14/07/2021
PLANNING & DEVELOPMENT
COUNCIL

COUNTRYSIDE
RUSH LANE
DOSTHILL
TAMWORTH

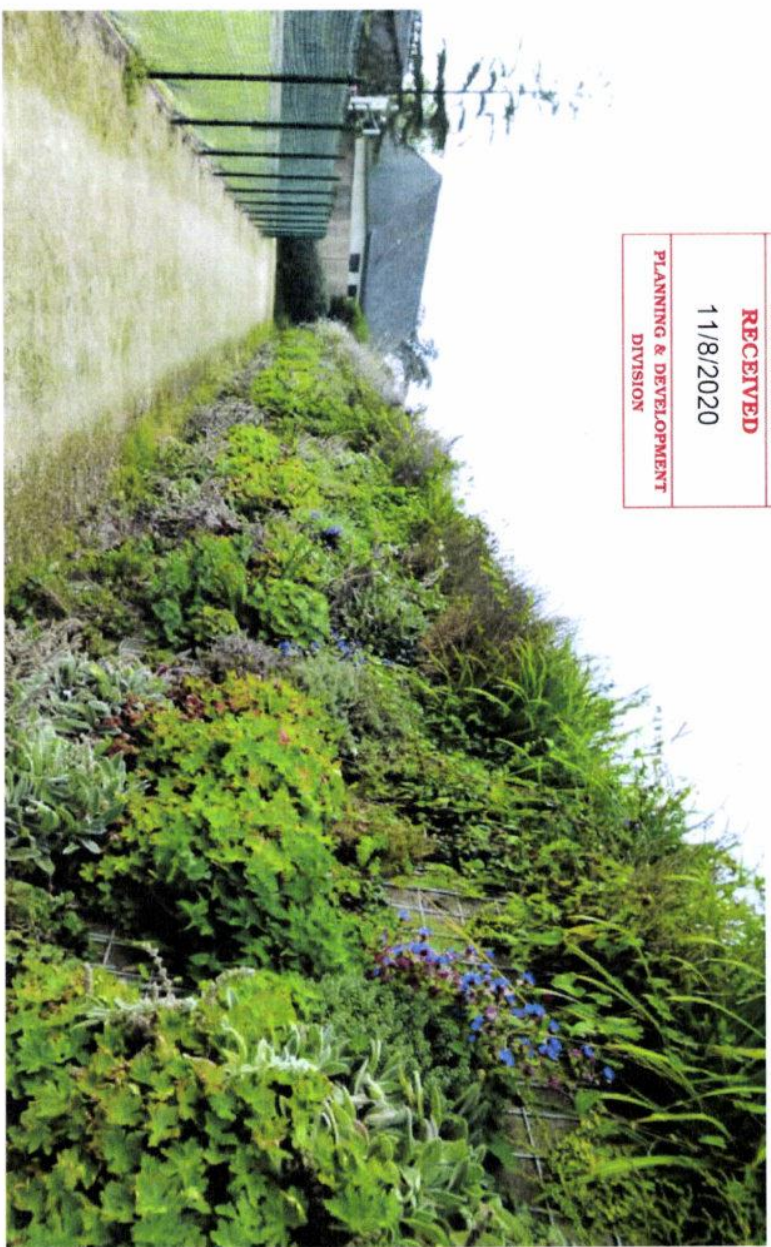
ILLUSTRATIVE
LAYOUT PLAN

Scale: 1:1000
Author: JT
Date: 14/07/2021
Project: RL-T-01



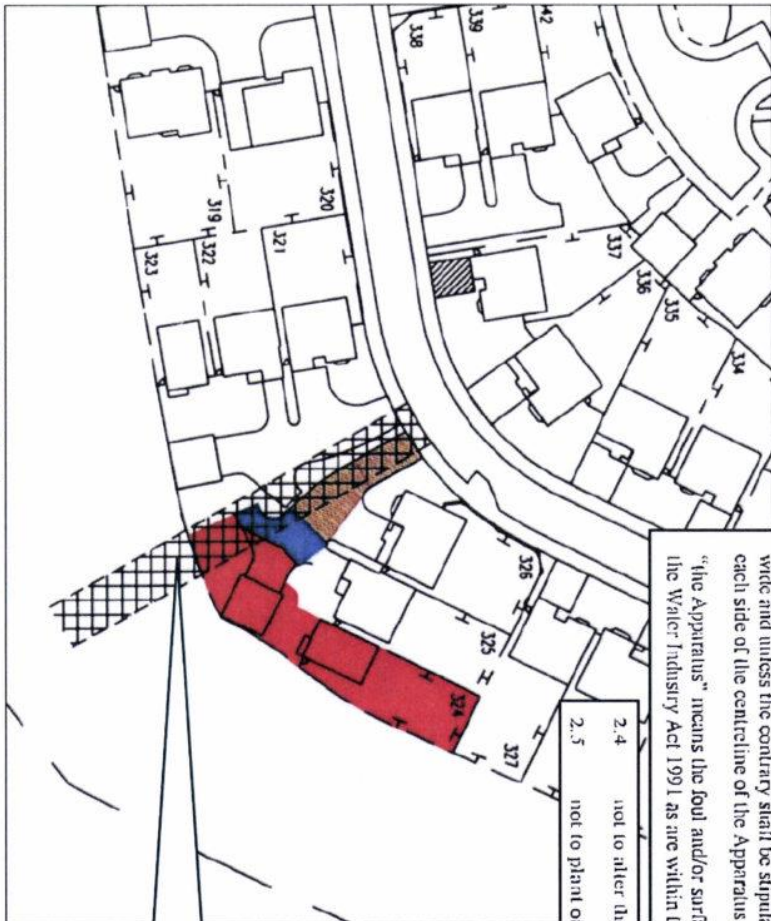
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DIVISION



Example of the 'Eco-Gramm' barrier that was deemed insufficient to mitigate noise from the Hunnebeck site.

Restrictions imposed in this area of Ascot Drive



"the strip of land" means the strip of land shown on the Plan and hatched black thereon and being [] metres wide and unless the contrary shall be stipulated or be clear from the drawings the strip of land shall lie one half to each side of the centreline of the Apparatus

"the Apparatus" means the foul and/or surface water sewers and any accessories thereto as defined by section 219 of the Water Industry Act 1991 as are within the strip of land

- 2.4 not to alter the ground levels within the strip of land
- 2.5 not to plant or cause or permit to be planted any trees or shrubs in the strip of land

The significant gap in the existing vegetation/tree planting exists due to a restriction imposed on this area of Ascot Drive due to the pass through of the mains sewers (surface water and foul). The area of cross hatching shown in the diagram left restricts building over, altering ground levels or plant any trees or shrubs in the strip of land.

This hatched markings extends to the 'bund' and area identified by the applicant to plant additional trees to fill the significant gap in existing vegetation/trees. This may restrict planting and crucially the effectiveness of the proposed planting.



Extract taken from 67 Ascot Drive TP1 document

Example of ~12.5m high buildings in an industrial environment for scale of applicant proposal

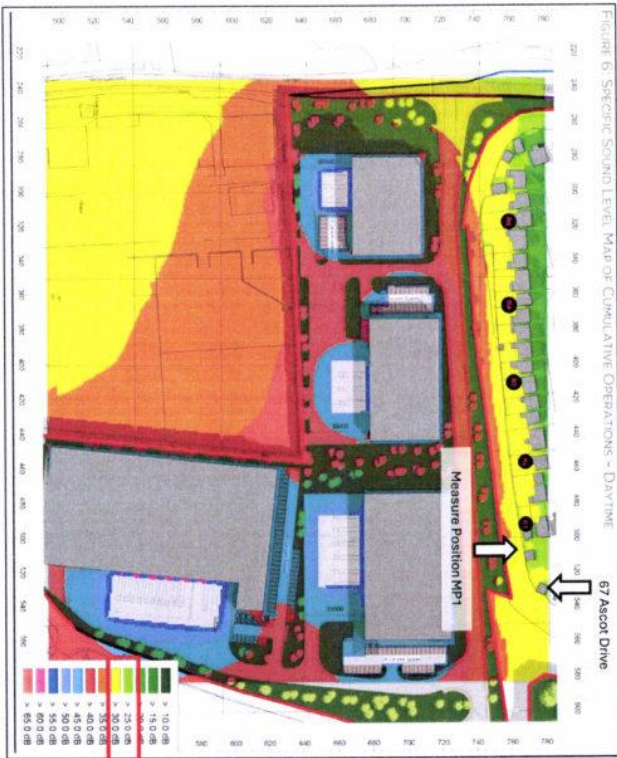


Noise impact Concerns

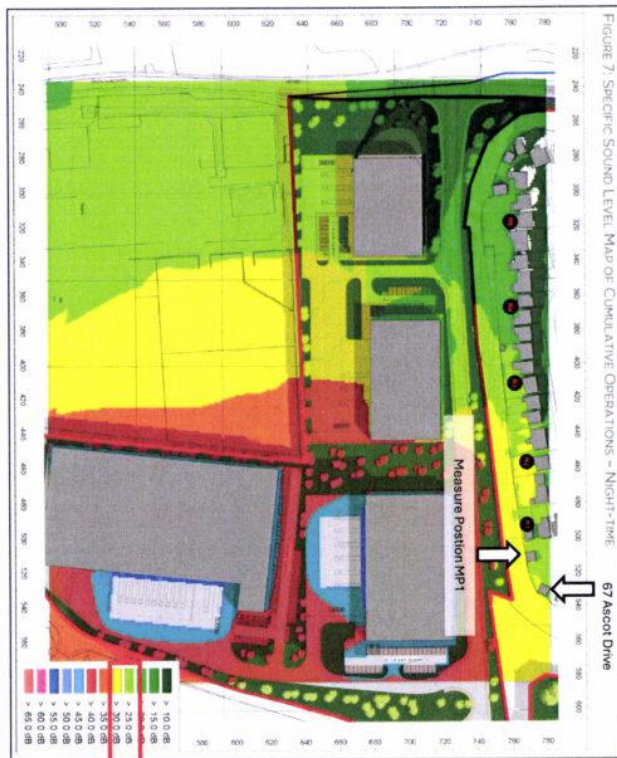
PAP/2023/0188 – Noise Assessment including simulations – DISPUTED BY ASCOT DRIVE RESIDENTS

The assessment has identified that noise levels arising as a result of probable operations are predicted to be at a level defined as a **Low Impact** at the closest off-site noise-sensitive receptors, in BS4142:2014+A1:2019 terms.

The assessment has also identified that noise effects arising as a result of vehicles using the proposed access road will not be significant, when considered against the residual acoustic environment of the area.



Measurement Position	Period	Noise Level, dB			
		L _{max} †	L ₉₀	L ₁₀	L _{1max}
MPI	Daytime	48.5	40.0	48.0	81.0
	Night-Time	45.4	35.0	45.0	68.6
	Early Morning	48.9	43.0	50.0	70.1



Extracts above are taken from the Inacoustic Noise Assessment received 31/08/2023. Additional annotation added for referencing.

PAP/2023/0188 – Noise Assessment including simulation – DISPUTED BY ASCOT DRIVE RESIDENTS

TABLE 18. TYPICAL SOUND LEVELS FOUND IN THE ENVIRONMENT

Receptor	Sound Level – dB				Change in Ambient Level	Sound Level (dBA)	Location
	Specific Sound Level: L _{Aeq,T} -hour	Existing Ambient Level: L _{Aeq,T}	Future Ambient Level: L _{Aeq,T}	Ambient Level			
1	24.5	Peak Daytime	48.5	48.5	0.0	20 to 30dB(A)	Threshold of hearing
		Peak Early Morning	48.9	48.9	0.0	30 to 40dB(A)	Quiet bedroom at night
		Peak Night-time	45.4	45.4	0.0	40 to 50dB(A)	Living room during the day
1	19.8	Peak Night-time	45.4	45.4	0.0	50 to 60dB(A)	Typical office
			48.9	48.9	0.0	60 to 70dB(A)	Inside a car
			48.5	48.5	0.0	70 to 90dB(A)	Typical high street
1	24.6	Peak Early Morning	48.9	48.9	0.0	100 to 110dB(A)	Inside factory
			48.5	48.5	0.0	110 to 130dB(A)	Burglar alarm at 1m away
			45.4	45.4	0.0	140dB(A)	Jet aircraft on take off
1	19.8	45.4	45.4	0.0	140dB(A)	Threshold of Pain	

Extracts above are taken from the Inaccoustic Noise Assessment received 31/08/2023. Additional annotation added for referencing.





The recommendation of the Noise assessment notes that the proposed Access Road and vehicular movements associated with the industrial development will have absolutely no change to the ambient noise level in the MP1/Receptor 1 area of Ascot Drive and is therefore 'Low Impact'. The simulations created for all times of day (Daytime and Night-Time shown on the previous page) indicate that noise levels will in fact be improved over the current noise levels recorded.

As a group of residents, we dispute that this can be possible given that there is currently no access road or vehicular movement in that area at any point of the day. For reference the current noise taken at MP1 is equivalent to a typical office environment and the proposed additional noise is that of a quiet bedroom at night, therefore has no change in ambient level. This cannot be an accurate simulation.

The proposed access road and noise associated with HGV movements, reversing into warehouse bays, general movements in and out of the industrial site that is entirely reliant upon a vegetation/tree as barrier to migrate this noise impact cannot be accurate. As previously highlighted the vegetation/tree barrier has a significant break in its coverage in this area of Ascot Drive due to the covenant and pass through of the Mains Sewers, which will take 15+ years to be established to near the level of coverage of the existing vegetation/trees. This vegetation/tree varies throughout the year depending on the season and thinning accordingly. The previous domestic dwelling application for this site noted that a specific 'Eco-Gramm' barrier was not sufficient to mitigate the noise of existing industrial operations. The time period of 15 years that has been indicated for maturation of the proposed vegetation/tree planting to create the proposed barrier is also not acceptable to the residents within this area of Ascot Drive.



ZONE B
 Max Height: 12.5 m
 Use: B8, E(g)(ii), E(g)(iii)

- Key**
-  Site Boundary
 -  Existing 9m tree belt retained (Based on FPCR 5 Arboricultural Assessment dated April 2023)
 -  Existing mixed native tree and scrub planting retained (Based on FPCR 5 Arboricultural Assessment dated April 2023)
 -  Proposed landscape 'edges' with tree, hedgerow and understorey planting



Land at Tamworth Road, Dosthill, Tamworth - Composite Plan

1924-2024-0001 | 1924-2024-0001 | 1924-2024-0001 | 1924-2024-0001 | 1924-2024-0001 | 1924-2024-0001 | 1924-2024-0001 | 1924-2024-0001 | 1924-2024-0001 | 1924-2024-0001

HC/BL/P23-0345

16 August 2024

Mr Jeff Brown
North Warwickshire Borough Council
Planning Control
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Dear Mr Brown

Town and Country Planning Act 1990 (As Amended)
Land at Tamworth Road, Dosthill, B77 1QL
Planning Reference – PAP/2023/0188

As you are aware, our planning application was deferred by North Warwickshire Borough Council (NWBC) Planning Board on Monday 5th August 2024 with a request for the Applicant (Summix RLT Developments Ltd) to consider further scheme amendments to appease concerns regarding residential amenity.

Since this time, the application was also considered at Tamworth Borough Council (TBC) Planning Committee who resolved to grant planning permission for the land within their administrative boundary. The Decision Notice was subsequently issued on 8th August 2024 (TBC Ref. 0163/2023), TBC raising no concerns regarding the principle of development.

I set out below the Applicant's position in order for the application to revert to Planning Board on Monday 2nd September:

Landscaping / Trees

To provide visual screening, the Applicant is happy to commit to the planting of semi-mature trees to infill "the gap" along the northern boundary. As previously demonstrated, these trees would be located so as not to interfere with the existing sewer (which is not within the Applicant's ownership or being relied upon to serve this development). The Green Infrastructure Plan has been updated to include an annotation to this effect (Dwg No. P23-0345_EN_0007_D_GI enclosed with this submission) and this will form an "approved drawing" which any future Reserved Matters (RM) application would have to adhere to. A planning condition could also be added if the LPA consider necessary.

Noise

Please find enclosed at **Appendix 1** commentary from our acoustic consultant, summarising the noise environment and impact of the proposed development upon nearby residential properties.

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In summary, the proposed development has been designed to reduce the potential for any significant noise effects, by locating all potentially significant noise-generating activities on the sides of buildings facing away from the residential area of Ascot Drive. Additionally, it is anticipated that additional built form at this site will also reduce the noise effects associated with existing surrounding uses (Hunnebeck / Kingsbury Pallets) by adding intervening screening. The proposed development would necessarily operate with a regime of stringent noise controls in place, and is considered to offer an appropriate balance of development and amenity protection.

Transport and Highways

Although contained within the submitted Transport Assessment, there was discussion at Planning Board regarding the quantum of HGV movements associated with the proposed development. The Applicant will provide the Planning Officer clarity on this matter in advance of Planning Board on 2nd September.

One suggestion from residents was for Zone C to be served from an access onto Rush Lane, thereby reducing HGV movements within proximity of the residential properties located to the north of the site. We have reviewed this with our Transport Consultant (RPS), however would discount for the following reasons:

- The existing junction of Rush Lane / Tamworth Road is a simple priority junction, without a separate right turn lane from Tamworth Road. Therefore, safety would be a concern;
- The existing junction of Rush Lane / Tamworth Road is on a 50mph section of Tamworth Road, whereas our current site access is 30mph;
- Rush Lane serves the quarry and other uses, which WCC have continually highlighted the HGV movements that have been observed at the junction;
- The width of Rush Lane is narrow to accommodate additional HGV movements;
- There is no pedestrian or cycle connection and if we provide a formal access, we should be providing a safe access for pedestrians / cyclists, but this would not be achievable.
- The extant planning permission (NWBC Ref. 2010/O292) relies upon access from Tamworth Road, with only an emergency access provided from Rush Lane.

It should be reminded that NPPF Para 115 states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” The Highways Authority (both WCC and SCC) raise no objection to the development proposals and therefore there is no reason to refuse this application on highways grounds.

Land Uses / Hours of Operation

For the reasons set out below, the Applicant is unwilling to make further amendments to the scheme or accept restrictions on the use:

- *Commerciality* – the Applicant is seeking to maintain maximum flexibility to enable a viable scheme to be delivered as part of any RM application. Any further restrictions on the distribution of uses across the site / operating hours if likely to significantly impact upon commerciality and ability to fully occupy the development. This decision has been informed by input from leading commercial agents (Savills, CBRE, Tungsten) who have



knowledge of occupier requirements, as well as the Warwickshire Property and Development Group.

- *Amendments to date* – At the request of the LPA / local residents, the Applicant has already undertaken numerous concessions during the application determination (over last year), as summarised below:
 - Limitation of Zone A (which occupies the prime site frontage) to Use Class E(g)(ii) research and development and Use Class E(g)(iii) light industrial.
 - Omission of B2 general industrial from Zone B. Zone B will therefore only allow Use Class E(g)(ii) research and development; E(g)(iii) light industrial; and B8 storage and distribution.
 - Reduction in height of Zones A from 13.5m to 12.5m and reduction in height of Zone B from 18.5m to 12.5m.
 - Reduction in overall maximum floor area from 23,000sqm GEA to 22,000sqm GEA, and developable area from 4.32ha to 4.21ha.
 - Provision of additional tree planting to provide visual buffer.
- *Technical justification* – There is no technical basis on which to restrict operational hours or the distribution of use classes across the site. The EHO has raised no objection on noise grounds and the Highways Authority (both WCC and SCC) have not raised concerns on transport grounds. Such restrictions are therefore unnecessary in our view and would not meet the tests of NPPF Para 56.
- *Site constraints* – Whilst the Applicant is seeking to maintain maximum flexibility / parameters for any future RM application, the site itself will dictate to some extent the unit size and typology, lending itself to smaller units. For example, the site is not of sufficient size to accommodate an Amazon distribution centre, which typically operate in excess of 25,000sqm.
- *Reserved Matters stage* – It must be remembered that this application seeks Outline consent, with many of the matters of concern mitigated by the layout to be determined at Reserved Matters (RM) stage. The “developable area” included on the parameters plan show the land to be used for the employment floorspace as well as car parking, internal roads, servicing and footpaths. The visualisations accompanying this outline application (Vista3D May 2024) are based upon a building at the maximum parameter (worst case), however it is the RM application which will determine the exact configuration, layout and height of the units and consequently the visibility from Ascot Drive. It is our view, that the maximum parameters (height and developable area) to be secured by this outline application will be appropriately and proportionately mitigated through additional tree planting at the northern site boundary, to infill “the gap” which is currently experienced from Ascot Drive.
- *Extant permission* – The current application will provide a betterment when compared with the extant permission (NWBC Ref. 2010/O292) for the following reasons:
 - Extant permission allows B2 within close proximity of residential (referenced as Warehouse A on approved Site Plan PO02), whereas the current application does not allow B2 use within Zone B;
 - Servicing yards for the approved B2/B8 warehouse (referenced as Warehouse A on approved Site Plan PO02) are located to north of unit and therefore the building does not act as an acoustic barrier. Whereas the current application includes a



planning condition which restricts the location of servicing yards to the north of the building.

- o The ridge height of Warehouse A (approved plan P401) measures (approx.) 13.5m, which is 1m greater than the current proposals maximum parameter for Zone A / B.
- o Planning conditions are imposed upon the current application which place strict controls over the operational noise from the proposed development when measured at the nearby residential properties of Ascot Drive, Haydock Lane and Epsom Close. These are enforceable by the LPA.

I trust the above usefully set out the Applicant's position in respect of application PAP/2023/0188, and trust this application can progress back to NWBC Planning Board on 2nd September 2024 for determination. Should you have any queries in respect of the above, then please do not hesitate to contact me.

Yours faithfully,

Pegasus Planning Group

Henry Courtier
Director

Henry.Courtier@pegasusgroup.co.uk

Enc.



Appendix 1 – Letter prepared by Inacoustic (dated 15th August 2024)

15th August 2024

your reference PAP/2023/0188

our reference 22-431

By e-mail: Henry.Courtier@pegasusgroup.co.uk

Henry Courtier
Pegasus Group
21 Ganton Street
London
W1F 9BN

Dear Henry,

RE: Land at Rush Lane, Tamworth. Responses to Neighbour Noise Objections. Fee Proposal.

Further to the note received from the residents of Ascot Drive; in particular, addresses, 58, 60, 63, 65, 67, 69, 71 & 73, which raises concerns with regard to various aspects of the planning submission, including the Noise Impact Assessment prepared by Inacoustic dated 10th August 2023, please find below the respective considered responses.

As a pretext to the individual responses, it should be respectfully noted that the concerns are largely borne of a lack of understanding of the majority of the report's content, including the assessment principle of a baseline environment and the impact of predicted noise from future activities upon it.

Direct Responses:

It should be noted that the opening text of the resident's noise objection, following the provision of extracts from the report, states:

The recommendation of the Noise assessment notes that the proposed Access Road and vehicular movements associated with the industrial development will have absolutely no change to the ambient noise level in the MP./Receptor 1 area of Ascot Drive and is therefore Low Impact'. The simulations created for all times of day (Daytime and Night-Time shown on the previous page) indicate that noise levels will in fact be improved over the current noise levels recorded.

As mentioned above, the principle of assessing the effects of a specific future noise source against an existing baseline is clearly not understood, here. Obviously, the introduction of a new road will not remove existing noise from the atmosphere. The table extracts in the objection document, which are drawn from Table 17 of the assessment, set out the following information, in left-to-right column order:

- The receptor position references, as shown on Figures 6, 7 and 8 of the Noise Report;
- The predicted noise level at the receptor, arising from the use of the new road in isolation;
- The measured baseline equivalent continuous energy level ($L_{Aeq,T}$) for each assessment period, at the receptor positions (established by means of a detailed noise survey,

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undertaken over three consecutive days, in accordance with the requirements of BS7445, BS61672 and BS4142);

- The total future noise levels arising as a result of adding the predicted specific sound level to the measured baseline levels; and
- The relative change in the baseline sound level as a result of the addition of the predicted noise i.e. the predicted future ambient sound level minus the measured ambient sound level.

The decibel scale is logarithmic, so the addition of two sound levels of equivalent value, will result in an increase of circa 3 dB e.g. 50 dB + 50 dB = 53 dB. The addition of a new noise source that is predicted to be circa 20 dB below the prevailing noise level will engender no change i.e. 48.5 dB + 24.5 dB = 48.5 dB, which is why a relative change of 0 dB is predicted and presented.

In other words, the noise generated by predicted traffic on the proposed access road will be substantially below the level that already exists at the receptor positions and is not predicted to engender an increase in the existing noise level at those receptor positions. In this case, the calculation considers a baseline environment, which is currently governed by the presence of a busy road, a busy rail line and surrounding industry, which is all, admittedly, further from the dwellings than the proposed development.

To equate this energy contribution principle to something visually tangible, it is useful to use light as an analogy. For example, the sun obviously emits light energy, but is a distant source, and against that light baseline, a candle, which is much closer to a receptor's eyes than the sun will have no effect on the levels of light received by the receptor's eye, due to the comparative energy levels. This may be a simplistic comparison, but the principle is the same as trying to hear a whisper in a rock concert, to stretch the principle to its extremes.

Further to the above; it should also be noted that this exercise does not state or demonstrate that the new road will not be audible; much as the candle in the light analogy would not be invisible. That traffic may be heard, but it will not be sufficient to change the level of measurable sound energy received at the receptor position.

It should also be noted that the proposed access road will be located beyond an existing close-board timber boundary fence, which separates the dwellings from the application site, and at the foot of an embankment, as the road is proposed at a lower elevation than the dwellings (to varying degrees), so its activity generated noise will be attenuated by the intervening screening and distance loss to the receptors.

The objection goes on to state:

The proposed access road and noise associated with HGV movements, reversing into warehouse bays, general movements in and out of the industrial site that is entirely reliant upon a vegetator/tree as barrier to migrate this noise impact cannot be accurate. As previously highlighted the vegetator/tree barrier has a significant break in its coverage in this area of Ascot Drive due to the covenant and pass through of the Mains Sewers, which will take 15+ years to be established to near the level of coverage of the existing vegetator/trees. This vegetator/tree varies throughout the year depending on the season and thinning accordingly. The previous domestic dwelling application for this site noted that a specific 'Eco-Gramm' barrier was not sufficient to mitigate the noise of existing industrial operations. The time period of 15 years that has been indicated for maturation of the proposed vegetator/tree planting to create the proposed barrier is also not acceptable to the residents within this area of Ascot Drive.

It should firstly be noted that narrow bands of vegetation are acoustically transparent. A vegetated visual barrier may reduce receptor sensitivity by removing the exposure of one sense to a potential

source of noise, but will not necessarily reduce the actual level of sound energy i.e. if you can't see a noise source, you are less likely to be sensitised to it, so may perceive it as quieter, but the decibel level remains the same. This is where sound and noise become slightly separate phenomena; sound is physics, but noise is the psychological reaction to a sound. In essence, narrow tree lines only act as a barrier to sound, if you cut them down and turn the collected timber into solid fencing, but they may reduce someone's sensitivity to noise, by blocking the visual connection to the source.

Consequently, the presence of vegetation or otherwise in this circumstance will not meaningfully affect the propagation of sound and is purely a visual impact consideration.

Further Explanation and Narrative:

We were previously engaged for some considerable time in trying to secure the principle of residential uses on this site. Despite the incorporation of considerable acoustic design and mitigation measures into the proposed residential scheme, the Local Authority were not sufficiently assured that residential uses within such close proximity to the Hunnebeck commercial premises would not constitute a significant agent of change and acoustically constrain the Hunnebeck operations. The presence of the pallet recycling yard, which shreds waste pallets within an open-air facility and the longstanding Wienerberger operations further compounded these concerns. Consequently, the development type was altered to something which the Local Authority felt was more appropriate for the site.

The Hunnebeck site was previously observed to undertake a considerable amount of noise-generating activity, including the hammering of steel formwork; primarily during the day, but potentially during the night.

These activities, alongside the existing roads and rail lines in the area colour the sound environment of the site and surrounding area and the receptors have presumably become habituated to their noise contributions. These activities comprise the prevailing ambient sound environment i.e. the baseline, upon which the predicted effect of the future sources has been considered i.e. an existing baseline of mixed commercial and transport-attributed acoustic contributions.

The content of the noise assessment report and the conceptual design, which was derived with noise mitigation as a core principle, have resulted in a situation where the specialist noise officers at the Local Authority have no outstanding objections to the development. Consequently, the evidence provided has been deemed sufficiently robust to assure those officers that the following planning conditions, which have been proposed by the Local Authority, can be achieved:

1. *The specific sound from any individual unit arising from internal or external uses, including operational sources of an industrial/commercial nature within the development, the operation of fixed plant, machinery, plant and mobile plant including deliveries, heating, air handling anc./or ventilation equipment shall not exceed the levels outlined below:*
 - i) *40dB_{L Aeq,1hr} at any residential property on Ascot Drive, Haydock Lane or Epsom Close. The specific sound level shall be measured or predicted at a height of 1.5 metres above ground level at 1 metre from the facade containing a habitable room with an opening window, between 0700 and 2300 on any day. The measurements anc./predictions should demonstrate the noise limits for daytime are within gardens of the nearest affected noise sensitive receptors at 1.5m above the adjacent ground level as a free field" level as defined by BS 7445:2003 'Description and measurement of environmental noise (parts 1 to 3)' for an area of not less than 75% of any dwelling's garden.*
 - ii) *35dB_{L Aeq,15min} at any residential property on Ascot Drive, Haydock Lane or Epsom Close. The specific sound level shall be measured or predicted at a height of 4.5 metres above*

ground level at 1 metre from the facade containing a habitable room with an opening window of any residential dwelling between 2300 and 0700 on any day.

iii) Where the residential dwelling is a bungalow, all measurement heights for day and night time are 1.5 metres above ground level.

Reason: In order to avoid significant adverse noise impacts on health and quality of life in line with the National Planning Policy Framework (para 185); the Noise Policy Statement for England 2010 and Local Plan policy LP29.

2. *Within six months of the occupation of any of the new industria./commercial units within the development hereby permitted, noise compliance monitoring shall be undertaken by a suitably qualified professional and the results of the noise measurements and/or predictions shall be submitted to the Local Planning Authority in writing. The submission should provide evidence that the specific sound level from the industria./ commercial internal and external sources within that unit arising from its operation of the new development meets the levels as described in condition 9.*

if the specific sound level from these sources exceeds the limits set out in condition 9, additional mitigation measures are to be recommended and included in that submission. Any such measures that are approved in writing by the Local Planning Authority, shall then be installed or introduced to the written satisfaction of the Local Planning Authority. These measures shall be permanently retained and maintained in proper working order for the duration of the operational life of the development.

Reason: In order to demonstrate compliance with condition 9 and so to avoid significant adverse noise impacts on health and quality of life in line with the National Planning Policy Framework (para 185); the Noise Policy Statement for England 2010 and Local Plan policy LP29.

These planning conditions will ensure that activities associated with the site will be sufficiently quiet, so as to not exceed the *No Observed Adverse Effect Level* threshold of the PPG Noise (as detailed in the Noise Impact Assessment Report). Noise within this range is described as *Noticeable and Not Intrusive*, with the following accompanying narrative:

Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.

In summary, it would be unrealistic to expect a new commercial development to be entirely inaudible at a receptor in such close proximity, but it is not unrealistic to expect or condition it to not significantly alter the acoustic characteristics of the surrounding area. In this case, the development is designed to optimise the principle of self-screening, which will minimise the propagation of sound towards the receptors, consequently reducing the potential for any significant noise effects, by locating all potentially significant noise-generating activities on the sides of buildings facing away from the residential area of Ascot Drive.

It should also be noted that the addition of significant, appropriately designed development massing between Ascot Drive and the existing commercial activities, particularly the Hunnebeck site, may also reduce the noise effects associated with these existing uses by adding intervening screening. The proposed development would necessarily operate with a regime of stringent noise controls in place, and is considered to offer an appropriate balance of development and amenity protection, by adding a buffer of low-noise sustainable commercial development on a brown-field site, between an established heavy industrial area and encroached residential development. Consequently, the

interests of both land user types are considered to be protected by such a proactive planning approach.

Hopefully, the above explanation adds clarity to the information presented within the technical Noise Impact Assessment Report and assists in allaying any outstanding concerns of the local residents and their elected representatives.

Authored by:

A handwritten signature in black ink, appearing to read 'Neil Morgan', written in a cursive style.

Neil Morgan MSc MIOA
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Key	
	Site Boundary
	Existing 9m tree belt retained (Based on FPCR's Arboricultural Assessment dated April 2023)
	Existing mixed native tree and scrub planting retained (Based on FPCR's Arboricultural Assessment dated April 2023)
	Existing tree/group proposed to be removed (Based on FPCR's Arboricultural Assessment dated April 2023)
	Existing grassland retained
	Existing pond and associated habitat retained
	Proposed tree lined avenue with understory planting
	Proposed landscape 'edges' with tree, hedgerow and understory planting
	Existing public footpath retained with localised surfacing improvement
	Proposed open detention basin (based on HWA's Outline Flood Risk Assessment & SUDs Strategy V02)

Note:
Proposed tree planting to infill 'the gap' to be semi-mature trees (girth: 18-20cm; height: 4.0-5.0m)

Land at Tamworth Road, Dosthill, Tamworth – Figure 7: Green Infrastructure Plan



PEGASUSGROUP.CO.UK | TEAM/DRAWN BY: WM | APPROVED BY: JP | DATE 4/28/2023 | SCALE 1:2500@A3 | DRAWG: P23-0345_ENL_0007_D_GI | CLIENT: Summix RLTD Developments Ltd |

General Development Applications

(5/f) Application No: CON/2024/0013

Crown Aggregates Limited, Mancetter Road, Hartshill,

Erection and use of a steel portal framed workshop building, for

Warwickshire County Council

Introduction

This application has been submitted to the County Council as the Minerals Planning Authority and it has invited the Borough Council to submit representations to be considered as part of its determination of that application.

The Site

Hartshill Quarry is located to the west of the Mancetter Road and to the east of Hartshill. It is an established hard rock quarry operating under a planning permission which permits extraction up to 2042.

The Proposal

As described above, this is for a new workshop building measuring 20 by 10 metres and 8 to its ridgeline. It would be located against the far eastern side of the present processing area with all access from within the quarry site itself. The applicant says that it is needed to store plant and machinery inside.

A general location plan together with elevations are included at Appendices A and B.

Development Plan

The Minerals Plan for Warwickshire

The North Warwickshire Local Plan 2021 – LP29 (Development Considerations) and LP30 (Built Form)

Other Material Planning Considerations

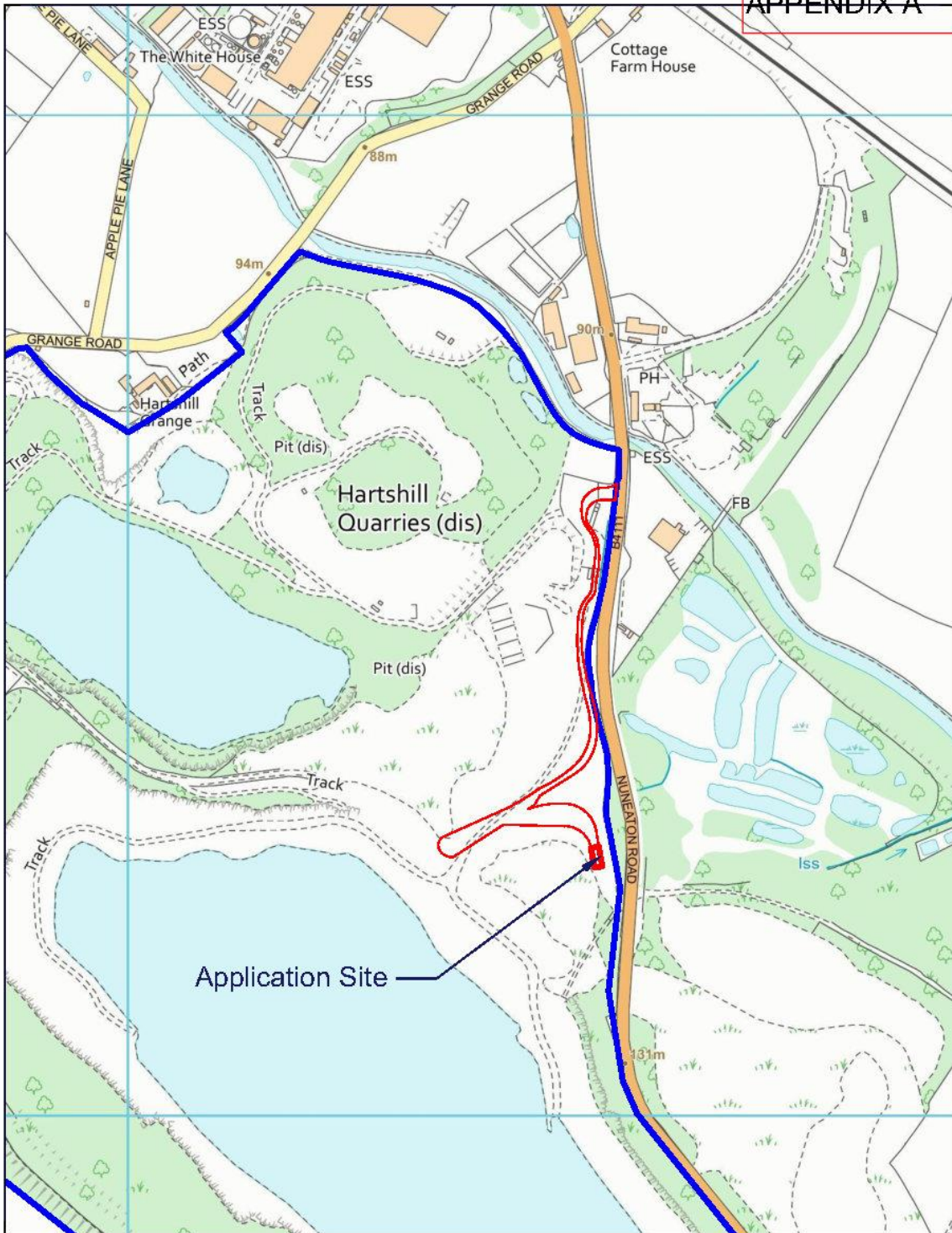
The National Planning Policy Framework 2023

Observations

There is no objection to this proposal as its location is wholly within the working area of the quarry and adjacent to its eastern boundary where there is substantial perimeter woodland and landscaping. There are no neighbouring residential properties affected by the new building and the site itself would not be visible from a public perspective.

Recommendation

That the Council has no objection to the proposal subject to the building being removed at the expiry of the planning permission for the quarry.



Key and Notes	Crown Aggregates	C3-02-07-24-01 Location Plan	CASTELLUM Consulting
	Hartshill Quarry	23 July 2024	www.castellumconsulting.co.uk
	Nuneaton Road	1:5,000 at A4	
	Nuneaton	©2024 Castellum Consulting. All rights reserved. OS Map Copying License Number 100098752	
	Warwickshire		
	CV10 0RT		
<p>All dimensions must be verified on site. Figure dimensions override those marked. Areas indicated on this drawing are for guidance only and should be checked on site. The drawing is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorised person, either wholly or in part, without the express written consent of Castellum Consulting.</p>			

General Development Applications

(5/g) Application No: PAP/2024/0274

Aston Villa Training Ground, Bodymoor Heath Lane, Bodymoor Heath

Master Plan – Building Elite Sports – Facilities Update. 1. Relocate grounds operations store. 2. Construct Rehab/Recuperation and Recovery Centre. 3. Extend Existing Building to provide woman’s super league and girls academy centre. 4. Repurpose existing building to create media and administrative support centre. 5 relocate U16 Boys Internal pitch elite football development centre and 6. Associated landscaping for

Aston Villa Football Club

1. Introduction

- 1.1 This application is referred to the Board because if the recommendation below is supported, the case will need to be referred to the Secretary of State under the 2024 Direction, the proposals being in the Green Belt.
- 1.2 Members have visited the site prior to this meeting and a note of that visit is at Appendix A.

2. The Site

- 2.1 Members will be familiar with the Club’s Training Ground located off of Bodymoor Heath Lane and running alongside the A4091 Tamworth Road between the Kingsbury Water Park and the Belfry Hotel and Golf courses and south of Middleton Hall. It is located in open countryside with significant established tree and woodland perimeter woodlands and landscaping. It comprises a full training ground complex with multiple pitches of varying size (some flood lit), a main Football Academy Building with an indoor training pitch and a variety of other training and changing accommodation spread throughout the holding. The complex is divided effectively into two by a substantial area of retained woodland.
- 2.2 A general location plan is at Appendix B.

3. Background

- 3.1 The Club moved its training facilities to Bodymoor Heath in the 1990’s and the Academy Building followed in 2002 with additional pitch provision. The majority of this was located alongside Bodymoor Heath Lane and the A4091 to the south of the Academy Building. However, the acquisition of this land by HS2 Ltd meant that these facilities had to be relocated. The land to the north and east had mostly been the subject of sand and gravel extraction from the 1950’s and the Club acquired this with a view to relocate the “lost” pitches. At the same time, the additional land, enabled the Club to expand its facilities to include more youth

and women's facilities. The expansion of the site was approved in 2018 and is now the extent of the existing accommodation.

4. The Proposals

- 4.1 In general terms, the overall proposal contains several separate proposals, but in particular to substantially enhance provision, accommodation and facilities for women's and youth training opportunities. There is thus the introduction of expanded Academy facilities to enable this, away from the main central hub at the site of the new pitches.
- 4.2 The overall proposal is described in the header above. Each element will now be looked at and these can be identified on Appendix C. The first three are in the general location of the Academy between it and the wood.
- 4.3 The existing grounds maintenance store is located on the original pitches south of the Academy building. It is now no longer central to the whole holding and needs to be larger to accommodate more and bigger plant and vehicles. It is proposed to demolish the existing structure and relocate it more centrally alongside the central wooded area to the west of the main Academy Building. It would measure some 540 square metres in floor area – the existing is 304 square metres - and be around 7 metres to its ridge with a very shallow pitch and constructed in black metal cladding. It is illustrated at Appendix D.
- 4.4 The re-purposing of space within the existing Academy Building would lead to the inclusion of a new mezzanine floor of some 417 square metres, to accommodate a new media centre and administrative accommodation. This would replace temporary accommodation of around 145 square metres and be located by the side of the Academy Building. It would also significantly expand office space in the main building. There would be no extension of the building, but it will require external changes in the form of window and door openings. The indoor 3G pitch will remain. The plans of this are at Appendices E and F.
- 4.5 The new rehabilitation, recuperation and recovery centre is a new two storey building set very close to the main Academy building. Its purpose is to provide over-night bedroom accommodation for players and staff when they return to Bodymoor Heath after late evening fixtures. The overall size would have a 1158 square metres footprint and have a flat roof around 8 metres tall and be constructed in a facing brickwork. This is illustrated at Appendices G and H.
- 4.6 The remaining elements are to be located in the area of the new pitches following the 2018 permission beyond the intervening woodland. There are only a few small buildings here at present, offering basic accommodation.
- 4.7 The most significant new building, although not in size, would be an extension to the existing Women's accommodation so as to provide a new purpose-built Academy facility to replicate much of the training accommodation that is presently available for the Men's teams at the main Academy. The extension

would require the demolition of some temporary buildings leaving a net increase in floor area of 847 square metres. It would be the same height as the existing building and be constructed with the same materials. The location plan is at Appendix I and the elevations are at Appendix J.

- 4.8 The most significant building in terms of size however is the addition of a new indoor 3G pitch in this area of the holding, along with associated single storey accommodation. It would be for U16 girls' and boys' teams. This would cover an existing grass pitch. It would in effect be a large white fabric "domed" structure - around 15 metres to its highest point. It together with the accommodation is shown on Appendices K and L.
- 4.9 The final element is to add lighting to another of the pitches close to the Academy building as shown on Appendix M – six 15-metre tall columns. There is an existing flood lit pitch here to the west.
- 4.10 As indicated, some of the elements involve demolitions and the plan at Appendix N illustrates where these are.
- 4.11 The additional landscaping proposed is to strengthen the corridor of established planting along the western side of the main access road running north/south through the site from the existing Academy building to the site of the new Academy.

5. Consultations

Warwickshire County Council as Lead Local Flood Authority – No objection in principle but more detail is required.

Warwickshire County Council as Highway Authority – No objection subject to comments on the Construction Management Plan

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

Warwickshire County Ecologist – No objection in principle but more detail is required.

Warwickshire County Council (Infrastructure) – An annual contribution of £5,000 is requested over five years to go towards enhancing public transport facilities to the site.

Environmental Health Officer – No objection

6. Representations

None received.

7. Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP3(Green Belt), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP33 (Water and Flood Risk Management), LP35 (Renewable Energy and Energy Efficiency) and LP30 (Built Form)

8. Other Material Planning Considerations

The National Planning Policy Framework 2023 – (the “NPPF”)
National Planning Practice Guidance – (the “NPPG”)
The Town and Country Planning (Consultation) (England) Direction 2024

9. Observations

a) Green Belt

9.1 The site is in the Green Belt and as Members are aware, the construction of new buildings in such a location is deemed to be inappropriate development by the NPPF and thus harmful to the Green Belt, carrying a presumption of refusal. However, the NPPF does define a number of exceptions to this and one in particular is wholly relevant to this application. This is where the new buildings comprise “the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it” – paragraph 154 (b). As there is an established outdoor sports and recreation provision here, the Board will need to assess the proposals against the content of this exception.

9.2 The first matter is to consider whether the proposals are appropriate facilities for such outdoor uses. It is important to recognise that the definition does not refer to “essential” facilities, only that they should be “appropriate”. Each element of the overall proposal will need to be looked at. The first is the relocation and enlargement of the Grounds maintenance store. It is clear that this needs to be replaced and since the date of the original construction, machinery has changed too. Given the nature of the lawful and established use, this building is an appropriate facility for the maintenance of the whole outdoor facility. The second is the media and support centre. These works are wholly internal and thus are not affected by this definition. However, they do involve the demolition of other buildings on the site which would overall result in some improvement to the openness of the area around the existing buildings. The third element is the extension to the Women’s Academy building. There is an existing building here fulfilling in part the Academy role that is occurring in the main building. It is entirely reasonable given the increasing profile of the Women’s Leagues and the need to ensure equal provision that this extension should be considered to be an appropriate facility. The fourth element is the new indoor pitch. This is appropriate given that another indoor facility has already been approved on the site next to the Academy and that equal provision should be extended to as many teams and

cohorts as possible given the very wide range of provision already at the site and so as to enhance that provision. The fifth element is to light a further pitch. This is appropriate given that there are already “lit” outdoor pitches on the site and that its provision extends the ability to use existing outdoor facilities. The final element is the rehabilitation and recovery centre. This has been left to last as it is the one matter that might not be considered to be “appropriate”. In effect this new building is bedroom accommodation. Normally, such over-night accommodation would only be considered to be appropriate on site for security reasons. However, this is connected to the established use and activity of the Club particularly in order to retain its status both nationally and internationally. It is therefore a provision that only relates to the current applicant. The alternative is for the Club to book hotel space, but that would not provide the immediate access to medical, physio and treatment provision already at the site. On balance, it is considered to be an appropriate facility, but only in the circumstances of this particular applicant.

- 9.3 The overall conclusion therefore is that as a “package”, this proposal would represent appropriate facilities for the purposes of the NPPF. As such, it is now necessary to consider the proposals against the conditions attached to paragraph 154(g) – namely is the openness of the Green Belt preserved and is there any conflict with the purposes of including land within the Green Belt. Each of the proposals will be looked at in turn and then there needs to be consideration as a whole – the cumulative impacts.
- 9.4 There is no definition of openness in the NPPF, but the NPPG does provide guidance by identifying four elements that should be considered in any assessment – spatial, visual, the degree of associated activity and whether the proposal is permanent or not. These will be reviewed in respect of the each of the various developments.
- 9.5 The grounds maintenance building will be larger than the existing and will be re-located. There will thus be an adverse spatial impact, but that is mitigated because at present it is very visible being on the open land to the south of the Academy building that is to be taken by HS2. However, it is larger and to be located on open land and thus there will be a spatial and visual impact. It is an advantage that it is to be located alongside substantial woodland cover and near to an existing lit football pitch. This does therefore lessen both its spatial and visual impact. As the new site is located on land that is currently used for the outdoor parking/storage of machinery there would only be a limited increase in activity. The building would be permanent. In all of these circumstances it is considered that there would be a negligible adverse impact on the openness of the Green Belt.
- 9.6 The media and support centre comprises internal works and thus the openness of the Green Belt is retained. The demolition of the existing buildings would add weight to this conclusion.

- 9.7 The rehabilitation and recovery centre would be a new building. It will thus have a spatial impact and the openness of the area will be lessened as a consequence. Similarly, that would be mirrored in there being a visual impact. However, the building would be built very close to the much taller and larger Academy building with its indoor pitch. Its spatial and visual impact is thus much reduced. The level of activity would not be increased as there is an immediate access to the main buildings with no vehicular access. The building too would be permanent. It is considered that there would be negligible loss of openness.
- 9.8 The extension for the Women's Academy is again quite large – doubling the size of the existing and this is located at the northern and more open end of the larger holding. However, it is only visible from within that holding with substantial perimeter woodland areas and close by other permanent structures. The proposal will have a spatial and visual impact because of its size. The degree of activity would be likely to increase as the purpose of the building is to enhance this side of the overall provision. The building thus becomes far more of a focus. The building would be permanent. In all of these circumstances it is still considered that there would only be a limited adverse impact on openness.
- 9.9 The new indoor pitch is large and would be very visible at this end of the holding. It would be by far the largest structure here. There would thus be a loss of openness from the spatial and visual perspectives. The degree of activity would increase too as it becomes a “destination”. It too would be permanent. Given the overall setting of this part of the holding – an intensively used outdoor sports area with existing permanent associated structures and a surrounding landscaped perimeter, the overall loss of openness is considered to be moderate.
- 9.10 The new lighting columns would reduce openness, but as they are close to the existing Academy buildings and other lit pitches, the overall spatial and visual impact would be negligible.
- 9.11 Bringing these assessments together, it is concluded that there would be negligible adverse impacts on the openness of the Green Belt from four of the various developments, limited impact from the Academy extension and moderate impact from the new indoor pitch. It is evident that the greater impacts are from those parts in the more open northern section of the holding. It is necessary as already indicated, to establish what the cumulative impact might be. In all of the circumstances above, it is considered that the cumulative impact is moderate. This is because of the number of new buildings and particularly the new indoor pitch which as identified would be a significant structure in the most open part of the current complex.
- 9.12 Turning to the five purposes of including land in the Green Belt, it is considered that there would be no conflict, given the established and lawful use of the site as whole.

9.13 In conclusion therefore it is considered that the proposal as a whole is inappropriate development in the Green Belt, but that the actual level of harm to its openness is moderate in extent.

b) Other Harms

9.14 It is now necessary to establish whether there are any other harms that need to be added to the harm side of the final planning balance.

i) Landscape

9.15 The various individual sites for the proposed buildings are all located within an “artificial” landscape comprising an outdoor sports setting. The overall site is self-contained being surrounded by widespread woodlands also with intervening woodland largely not overlooked by higher ground. There would be no overall impact on the wider landscape here as any impact is locally confined.

ii) Heritage

9.16 The Council is under a statutory duty to have special regard to the desirability of preserving any Listed Building or its setting or any features of special architectural or historic interest which it possesses. The Grade 2 star Middleton Hall and its associated group buildings are around 600 metres to the north. Whilst there is no direct impact on the fabric of any of these buildings, it is the Hall’s setting that is the issue here. The proposals are separated from the Hall by a substantial wooded area which is of sufficient depth and height to result in no visual inter-visibility. The main approach to the Hall is from the north with the backdrop of this woodland. This would not change with the proposals. The proposed new lights are significantly further away - at least a kilometre with additional areas of intervening mature woodland. There is neither likely to be a material change in noise impacts over and above that which occurs now. As a consequence, it is considered that there would no harm caused to the setting of the Hall.

iii) Bio-Diversity

9.17 The applicant has provided a bio-diversity assessment together with an appropriate bio-diversity metric in line with the new Regulations concerning bio-diversity nett gain. The applicant argues that as the proposals are not located on any priority or non-priority habitats given that the footprints of the new buildings would hard-standings, access-ways or unused land, that the proposals are exempt from the 10% gain. However Local Plan policies still require a net gain. The proposals have thus incorporated new enhancements, and these would be on land owned by the applicant adjoining the current sports pitch complex. Regardless of whether the applicant considers the proposals are exempt, the proposed enhancements still would amount to a 17.4% increase to be achieved by enhancing existing grassland habitats and creating mixed native scrub land. The County Ecologist has thus not objected in principle but has asked for more

information and clarification particularly in respect of establishing the actual detail of the enhancements and to complete an outstanding bat survey. The outcome is expected to be a number of bio-diversity implementation and maintenance conditions. If this is the case, then there would be no conflict with the Local Plan policies.

iv) **Other Matters**

9.18 In respect of other matters, then the design of the various buildings is varied with each being designed to meet its own purpose/function. On the other hand, there is no common approach to existing buildings and structures throughout the site. As such there is no evidence to support a refusal on these grounds.

9.19 The existing lights around the pitches are conditioned in respect of their hours of operation and that would need to be repeated here in respect of the new lights.

9.20 It is noteworthy that the highway authority has not raised an objection and that the Local Lead Flood Authority has sought more detail which is anticipated would result in the imposition of conditions.

c) **The Harm Side of the Final Planning Balance**

9.21 As a consequence of all of these matters it is concluded that the harm side of the balance would only consist of the substantial definitional Green Belt harm, but the moderate actual Green Belt harm caused.

d) **The Applicant's Planning Considerations**

9.22 It is now necessary to assess the planning considerations put forward by the applicant to establish whether they do carry sufficient weight to clearly outweigh the harms identified above, so as to constitute the very special circumstances necessary to support the proposal.

9.23 In essence the case put forward by the applicant is that the proposals as a whole significantly enhance the sports provision at the site and thus enable the Club to retain its Academy status and to offer equal facilities and opportunities across a far wider range of ages and cohorts than at present. The substantial increase nationally in the Womens' and girls' football has largely driven many of the current proposals. Additionally, it is said that such facilities are already available at other Premier League football Clubs throughout the country, including sites within the Green Belt.

9.24 It is considered that this consideration carries significant weight. Members will have already agreed to the weight to be given to this matter when earlier proposals were being considered at this site. This is a continuation of that same consideration.

e) The Final Planning Balance

- 9.25 It is concluded that the significant weight to be given to the applicant's case does clearly outweigh the moderate harm to the Green Belt harm that has been identified. Members will be aware that there are elements of this proposal, that had they been submitted individually, would have almost certainly have been found not to be inappropriate development – i.e. the grounds maintenance building, the introduction of the mezzanine floor for the media centre and the additional flood lights. This adds weight to the outcome of the balance identified above. The fact that the applicant has elected to deal with them as a comprehensive package is of value, as Members can assess the overall impact rather, than look at the matters on a piecemeal basis.
- 9.26 There was reference above in Section 5 to a request from the County Council as Local Transport Authority for an annual payment towards enhancement of public transport facilities to the site. This is understandable as the site is in a relatively isolated area. However, there is no evidence provided by that Authority of the extent of any existing public transport provision, the route(s) and frequencies that should be explored, or to any survey work that has been undertaken to understand the origin of the visitors and players that presently visit the site, their means of accessing the facilities and the routes they take. It is not considered that the request therefore satisfies the statutory tests for such contributions because of the lack of definition and background evidence supporting the request.

f) Conditions

- 9.27 The schedule of recommended conditions has been forwarded to the applicant and there is no objection. Members should note the condition relating to the restrictions imposed on the use of the accommodation block.

g) Referral

- 9.28 It is considered that the outstanding matters relating to ecology and to drainage issues are not ones that affect the principle of supporting the overall package. As such, the matter can be referred to the Secretary of State at this time. Any subsequent grant of permission would however have to await the receipt of those outstanding consultations. If there is an objection, then the case will be referred back to the Board for re-consideration.

Recommendation

That the Council is minded to **GRANT** planning permission subject to:

- a) There being no “call-in” of the application by the Secretary of State, following referral of the case to him under the 2024 Direction;

- b) The inclusion of conditions set out below on the grant of that planning permission,
- c) The inclusion of any additional conditions requested by the outstanding consultation responses from the County Ecologist and Lead Local Flood Authority, but that
- d) Should objections be received from either of these consultations, that the application be referred back to the Board for a review of its position.

Conditions

a) Defining 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 numbered;

1143-LS-01 Landscape Specification AVFC Bodymoor Heath

1143-SW-01 2024-06-07

1143-SW-02 2024-06-07

1143-SW-03 2024-06-07

1924-HBA-V1-02_Rehabilitation Recuperation and Medical Recovery Centre - Proposed Site Plan

1924-HBA-V1-03_Rehabilitation Recuperation and Medical Recovery Centre - Floor Plans

1924-HBA-V1-04_Rehabilitation Recuperation and Medical Recovery Centre - Elevations

1924-HBA-V2-02_U16 Boys Internal Pitch Elite Football Development Centre - Proposed Site Plan

1924-HBA-V2-03_U16 Boys Internal Pitch Elite Football Development Centre - Floor Plan

1924-HBA-V2-04_U16 Boys Internal Pitch Elite Football Development Centre - Sheet 02

1924-HBA-V2-05_U16 Boys Internal Pitch Elite Football Development Centre - Sheet 03

1924-HBA-V3-04_Womens Super League and Girls Academy Centre Extension - Proposed Site Plan

1924-HBA-V3-05_Womens Super League and Girls Academy Centre Extension - Proposed Plans

1924-HBA-V3-06_Womens Super League and Girls Academy Centre Extension - Proposed Elevations

1924-HBA-V4-03_Media and Administration Support Centre - Proposed Site Plan

1924-HBA-V4-04_Media and Administration Support Centre - Ground Floor Plan

1924-HBA-V4-05_Media and Administration Support Centre - First Floor Plan

1924-HBA-V4-06_Media and Administration Support Centre - Proposed Elevations
1924-HBA-V5-02_Grounds Operation Store - Proposed Site Plan
1924-HBA-V5-03_Grounds Operation Store - Floor Plans
1924-HBA-V5-04_Grounds Operation Store - Elevations
1924-HBA-XX-P01_Site Location Plan
1924-HBA-XX-P02_Existing Large Scale Site Plan 1-2000
1924-HBA-XX-P03_Proposed Large Scale Site Plan 1-2000
1924-HBA-XX-P04_Existing Site - Proposed Demolition Plan
1924-HBA-XX-P05_Proposed Site Plan - Pitch Illumination
1924-HBA-XX-P12_Proposed Site Sections - V1 and V4
1924-HBA-XX-P13_Proposed Site Sections - V2 and V3
1924-HBA-XX-P14_Proposed Site Sections - V5
2024.06.05 2561 AVFC Development Women's Super League & Girls Academy centre Energy and Sustainability Statement- Rev 3
2024.06.05 2561 AVFC Grounds Operation Store Energy and Sustainability Statement
2024.06.05 2561 AVFC Media and Administration Support centre Energy and Sustainability Statement- Rev 3
2024.06.05 2561 AVFC Rehabilitation, Recuperation & Medical Recovery centre Energy and Sustainability Statement- Rev 3
2024.06.05 2561 AVFC U16 Boys Internal Pitch Elite Football Development centre Energy and Sustainability Statement- Rev 3
Fig 2 Bodymoor Heath Baseline UKHab A4
Fig 3 Bodymoor Heath Proposed UKHab A4
HarperEnv_AVFC_Masterplan Building Elite Sport_BNG_FV01
SK22435 Transport statement 100624 FINAL WITH APPENDICES
Statutory_Biodiversity_Metric_AVFC_June2024

As received by the Local Planning Authority on 12 June 2024

HLS8806 First Team Pitch - proposed floodlights
Foundation 15m HAL330 mast
SITECO_FL11_Sport_UK[15][15]
5XA779127H01AA - 3 Brick BLC
As received by the Local Planning Authority on 20 June 2024

AVFC Building Elite Sports Masterplan Construction Management Plan
As received by the Local Planning Authority on 2 August 2024

18249 C3006 PO6 - traffic sign and road marking schedule

As received by the Local Planning Authority on 2 August 2024

REASON

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

Pre-Commencement Conditions

3. No works other than demolition shall take place until a Phase 2 (Intrusive) detailed assessment for contaminated land has been undertaken. If the assessment identifies contaminated land, then details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of development.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified 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.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. Where remediation works have been carried out in pursuance with the preceding conditions 3 and 4, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Pre-Occupation Conditions

6. The landscaping and planting scheme as approved by condition 2 shall be implemented and carried out in the first planting season after construction, and shall subsequently be maintained, unless agreed in writing with the Local Planning Authority. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

7. In the first planting season after completion of the buildings the 1143-LS-01 Landscape Specification AVFC Bodymoor Heath as approved by condition 2, and the L1159 - 2.1 - 1000 - P02_LANDSCAPE MASTERPLAN, covering Ecology shall be implemented in full.

REASON

In the interests of nature conservation, thus achieving sustainable development objectives set out in the National Planning Policy Framework.

8. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any development to the satisfaction of the Local Planning Authority

REASON

In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

Other Condition

9. The Construction & Environmental Management Plan and Construction Method Statement received on 2 August 2024 as approved under condition 2, shall be adhered to throughout the construction period of the development.

REASON

In the interests of the amenities of the area.

10. There shall be no burning of waste on site whatsoever.

REASON

In the interests of the amenities of the area.

11. No removal of trees or shrubs / hedges shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing by the Local Planning Authority. No trees, shrubs / hedges shall be removed between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme.

REASON

In order to safeguard protected and/or priority species from undue disturbance and impacts.

12. The facilities on site shall be managed and operated in accordance with the submitted Transport Statement and shall not be used for any other purpose or by any operator other than Aston Villa Football Club without prior approval from the Local Planning Authority.

REASON

In the interests of the amenities of the area and safety on the public highway.

13. Visibility splays from access to the site fronting Bodymoor Heath Lane shall be maintained in accordance with approved drawing No. 18249 C3006 PO6

REASON

In the interests of the amenities of the area and safety on the public highway.

14. The 40 bedroom accommodation/ Rehabilitation, Recuperation and Medical Recovery Centre shall only be used by staff and players representing the Aston Villa Football Club and by no other persons whomsoever.

REASON

In the interests of the controlling the use of the building such that it remains an "appropriate facility" in the Green Belt as defined by para 145 (b) of the NPPF.

Notes

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

2. 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. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.
3. Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.
4. 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.
5. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

6. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
7. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588
8. Commercial premises or builders should not use bonfires to dispose of any rubbish produced as a result of their operations. The burning of controlled waste is an offence under the Environmental Protection Act 1990. Burning of waste such as plant tissue can take place under a suitable exemption from the Environment Agency however, such bonfires must not cause a nuisance to any residents nearby
9. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".
10. There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
11. The applicant is advised that to comply with the condition relating to the protection of trees, the measures should be in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".
12. The Councils Environmental Health team have set out the following to aid the car charging condition; Electric vehicle charging should be provided at a frequency of one charging point per parking space for residential with allocated parking.
13. The applicant is advised to consider Construction Logistics and Community Safety (CLOCS), when formulating construction plans. The development works undertaken shall consider the Construction Logistics and Community Safety (CLOCS) Standard as set out under <https://www.clocs.org.uk/>.

PAP/2024/0

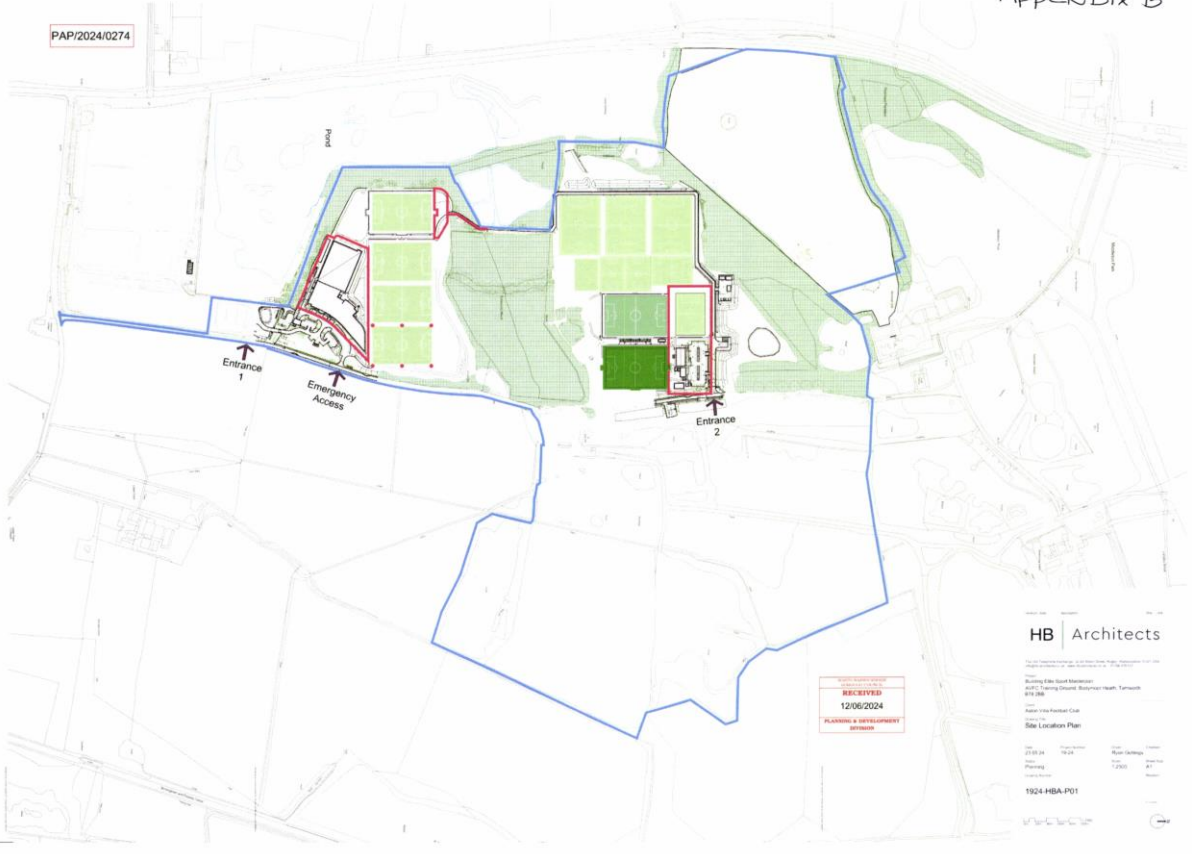
Aston Villa Training Ground, Bodymoor Heath Road, Kingsbury

Site Visit - Saturday 13th April at 1000

Present: Cllr's Bell, Dirveiks, Humphries, Ririe, Simpson and Whapples together with S Darke and two other Club representatives (Aston Villa) and J Brown

1. The visit had been arranged at pre-application stage, such that Members could have an early understanding of the proposals within their setting.
2. The proposals were identified – a player accommodation block; the re-use internally of the existing indoor pitch for office/administration and media space, a tractor shed, an extension to the women's Academy building, a new indoor half-size pitch together with an additional five pitches and five smaller pitches.
3. The reasoning behind each of the proposals was set out – particularly in the need to expand facilities for women's and girl's training and playing. The purpose of the accommodation block was also explained.
4. Members were then shown the location of the accommodation block at the rear of the existing indoor pitch. They progressed through the existing building into the indoor pitch area itself.
5. Members then walked to the location of the new tractor shed and through the wood to the newer pitches. Here they saw the location of the new indoor pitch and the building to be extended. The location of the new pitches was also pointed out – beyond a further woodland belt to the north.
6. The visit concluded at around 12 noon.

PAP/2024/0274



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HB Architects
 Planning & Development
 2107 Training Centre, Broomfield Heath, Tamworth
 B79 8BE
 Team: 1104 Football Club
 Project: 1924-HBA-P01
 Site Location Plan

PAP/2024/0274



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DETAIL DRAWING INFORMATION
 V1 - REHABILITATION, RECREATION & MEDICAL RECOVERY CENTRE
 V2 - U16 BOYS INTERNAL PITCH/ELITE FOOTBALL DEVELOPMENT CENTRE
 V3 - U16 & GIRLS ACADEMY CENTRE EXTENSION
 V4 - MEDIA & ADMINISTRATION SUPPORT CENTRE
 V5 - GROUNDS OPERATIONS STORE

HB Architects
 Planning & Development
 2107 Training Centre, Broomfield Heath, Tamworth
 B79 8BE
 Team: 1104 Football Club
 Project: 1924-HBA-P03
 Proposed Large Scale Site Plan

PAP/2024/0274



South Elevation



West Elevation



North Elevation

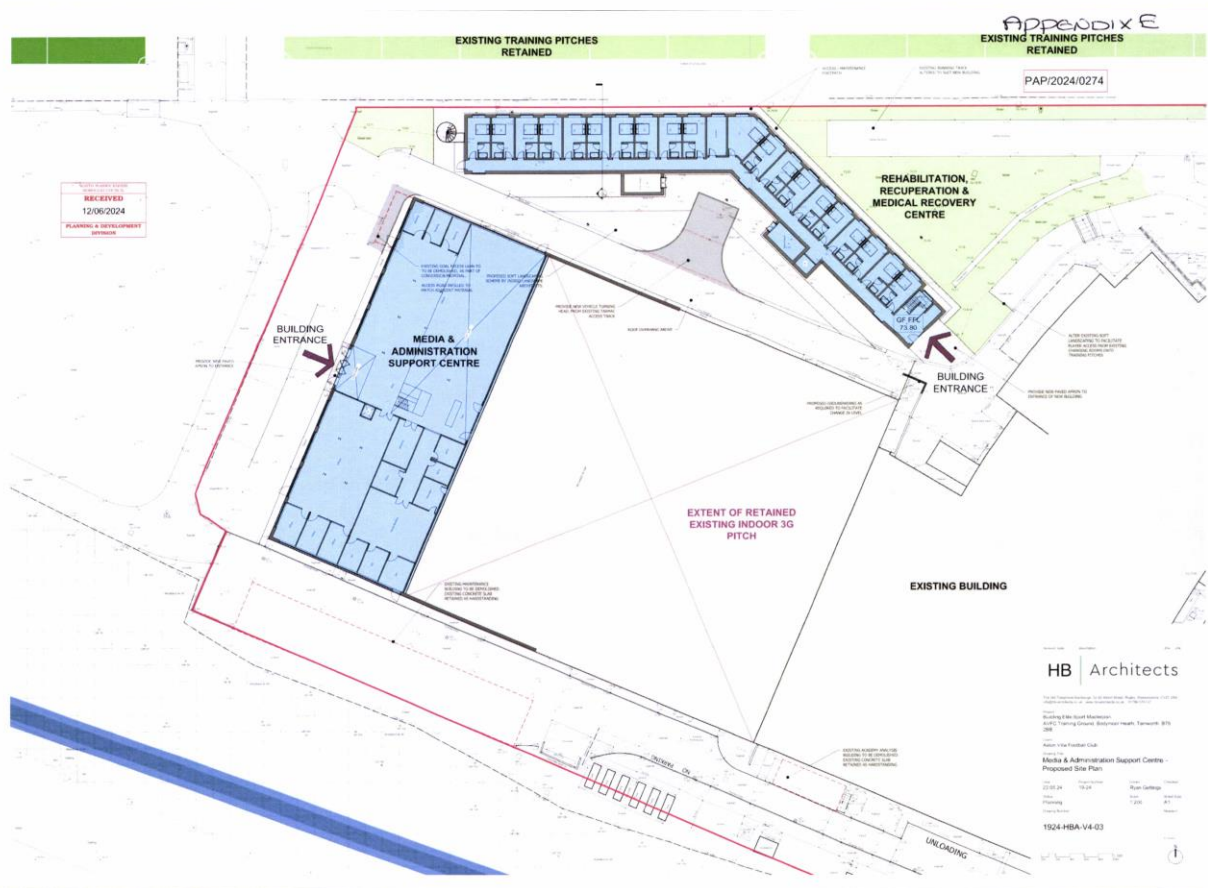


East Elevation

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SECTION

Materials Legend
■ BLACK PROFILED CLADDING
□ COLOURED COATED ALUMINIUM WINDOWS & DOORS

HB Architects
Title: Grounds Operation Store - Elevations
Client: METON HILL FOOTBALL CLUB
Project No: 1924-HBA-VS-04
Date: 12/06/2024
Scale: 1:100
Author: [Name]
Check: [Name]



APPENDIX E
EXISTING TRAINING PITCHES
RETAINED

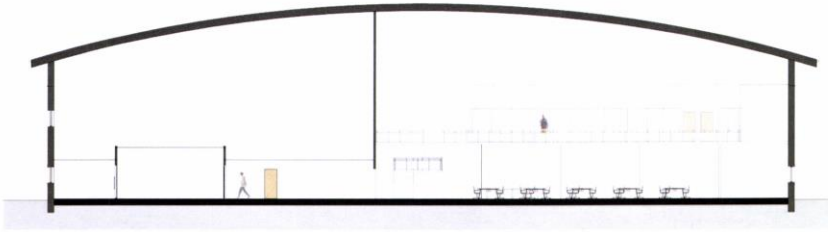
PAP/2024/0274

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12/06/2024
PLANNING & DEVELOPMENT
SECTION

HB Architects
Title: Media & Administration Support Centre - Proposed Site Plan
Client: METON HILL FOOTBALL CLUB
Project No: 1924-HBA-V4-03
Date: 22/05/24
Scale: 1:500
Author: [Name]
Check: [Name]

APPENDIX F

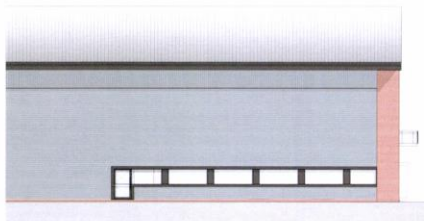
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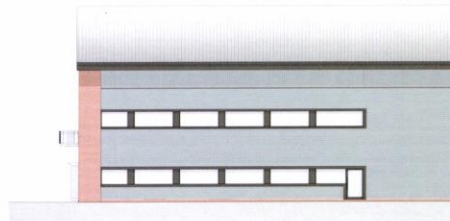
Typical Section



North West



Part North East



Part South West

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PLANNING & DEVELOPMENT
DIVISION

Materials Legend

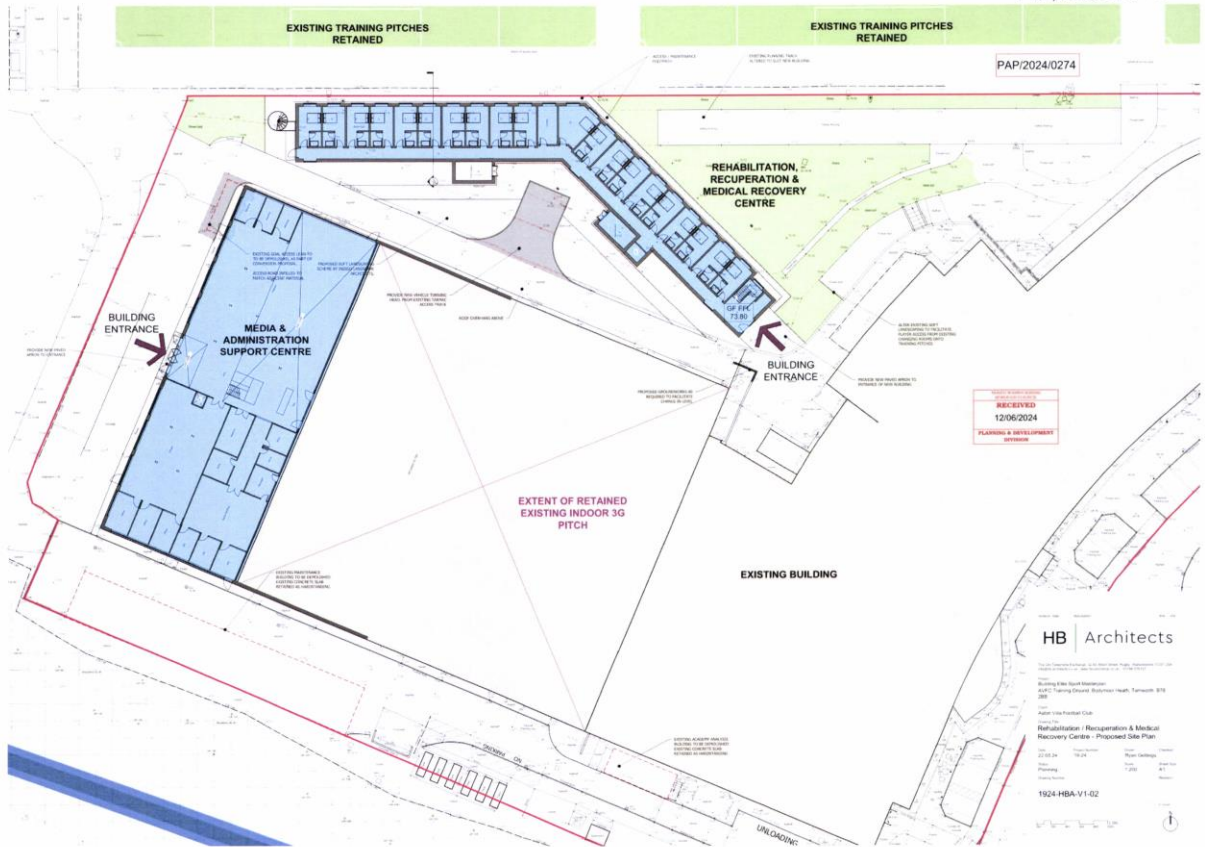
- EXISTING CLADDING
- UPPER PROFILED CLADDING
- FACED BRICK

HB Architects

1924-HBA-V1-06

APPENDIX G

PAP/2024/0274



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DIVISION

HB Architects

1924-HBA-V1-02

APPENDIX H

PAP/2024/0274



North East

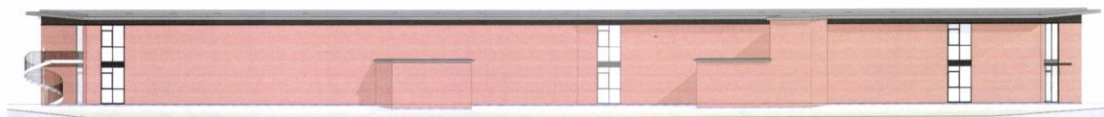
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SERVICES



West



South East



South West



Typical Section

Materials Legend

- FACED BRICK TO MATCH EXISTING STREET-FACING SIDE
- FACED BRICK TO MATCH EXISTING STREET-FACING SIDE
- POUNDER COATED ALUMINIUM WINDOW & DOORS
- SHALE FL / ROOF

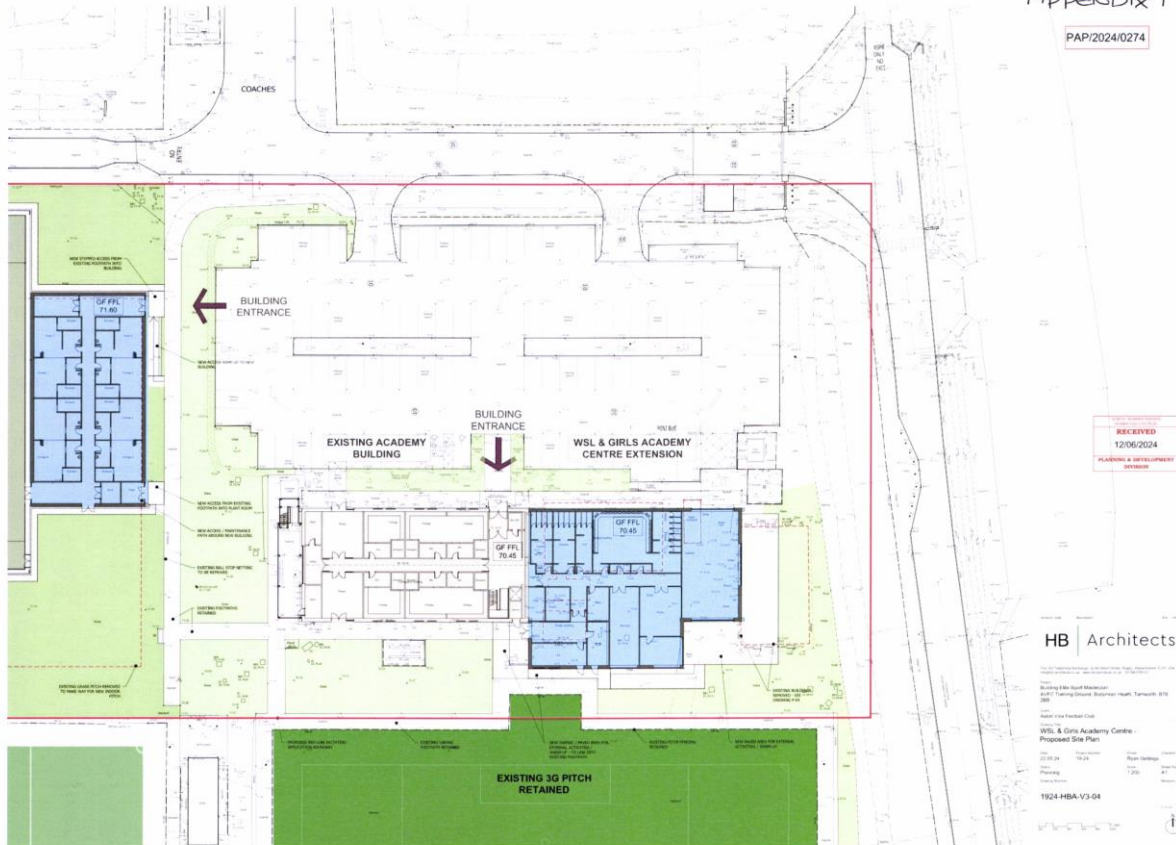
HB Architects

1924-HBA-V1-04

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SERVICES

APPENDIX I

PAP/2024/0274



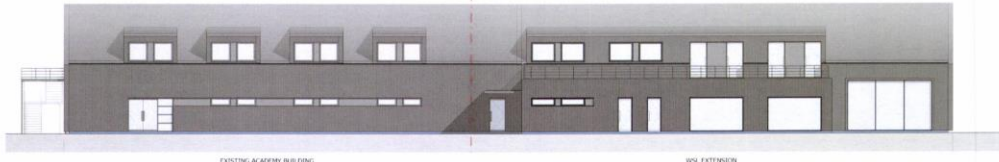
HB Architects

1924-HBA-V3-04

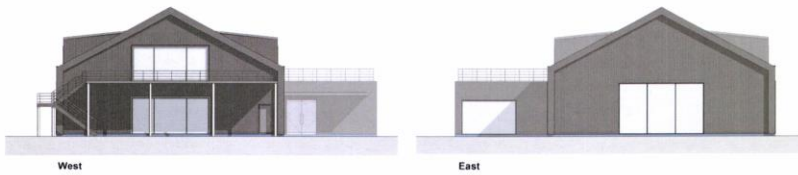
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PLANNING & DEVELOPMENT
SERVICES



North (Facing Car Park)



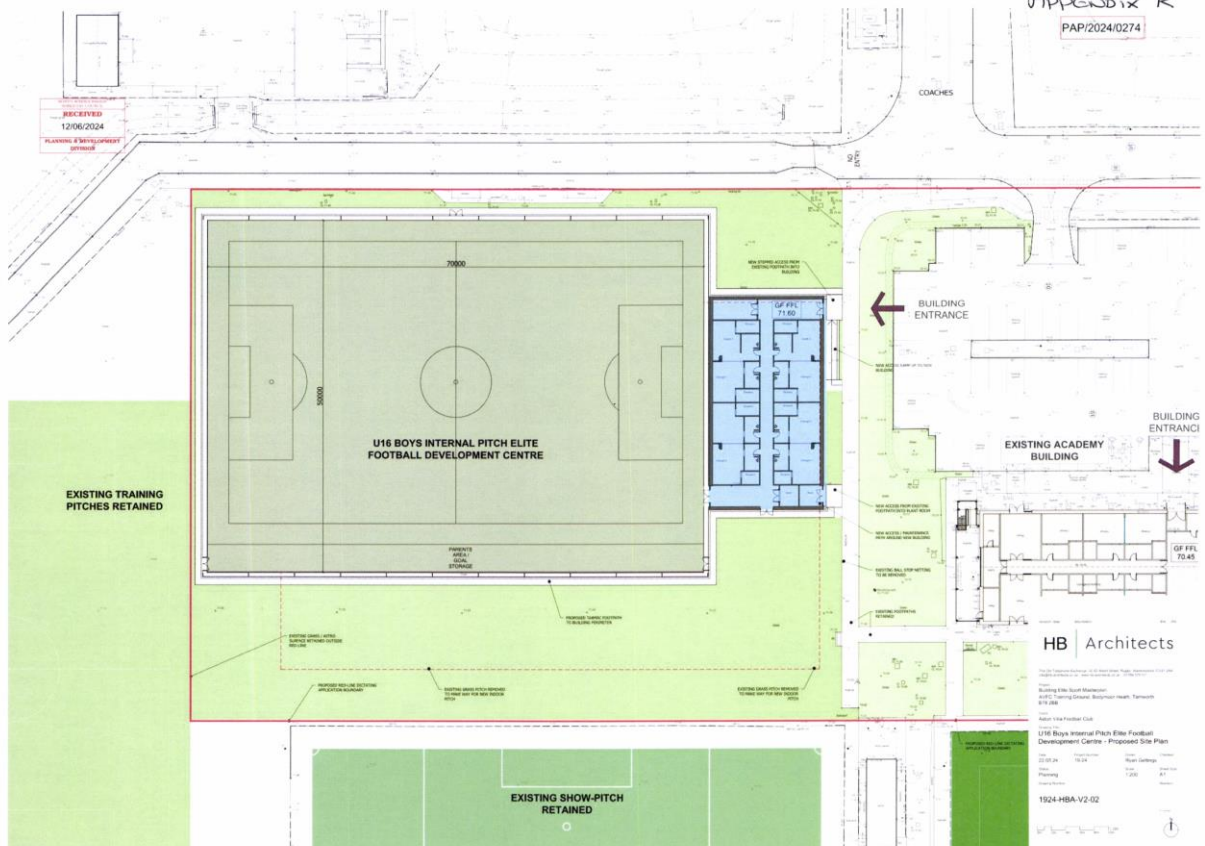
South (Facing Pitches)



Materials Legend
 ■ BLACK PROFILED CLADDING TO MATCH EXISTING
 ■ POWDER COATED ALUMINIUM WINDOWS & DOORS TO MATCH EXISTING

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DIVISION

HB Architects
 72-76 Sandringham Road, 1st Floor, North Sydney, NSW 1585
 Phone: 02 9439 1234
 Email: info@hbarchitects.com.au
 Website: www.hbarchitects.com.au
 Project: U16 Boys Internal Pitch Elite Football Development Centre Extension - Elevations
 Date: 22.05.24
 Drawing No: 1924-HBA-V3-06
 Scale: 1:100
 Project No: 1924-HBA-V3-06



HB Architects
 72-76 Sandringham Road, 1st Floor, North Sydney, NSW 1585
 Phone: 02 9439 1234
 Email: info@hbarchitects.com.au
 Website: www.hbarchitects.com.au
 Project: U16 Boys Internal Pitch Elite Football Development Centre - Proposed Site Plan
 Date: 22.05.24
 Drawing No: 1924-HBA-V2-02
 Scale: 1:200
 Project No: 1924-HBA-V2-02

APPENDIX L

PAP/2024/0274

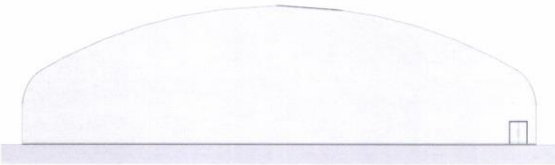
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DIVISION



North



South



West

HB Architects

1924-HBA-0274

APPENDIX M

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EXISTING PITCHES WITH
EXISTING FLOODLIGHTING

EXISTING PITCHES WITH
PROPOSED FLOODLIGHTING

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1924-HBA-P05

PAPI/2024/0274



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DIVISION

BUILDINGS TO BE DEMOLISHED

BUILDING 1 - WOMEN'S BLOCK A	200 SQM
BUILDING 2 - MEDICAL CENTRE	145 SQM
BUILDING 3 - RECREATION/AMPHITHEATRE	78 SQM
BUILDING 4 - MAINTENANCE BUILDING	804 SQM
BUILDING 5 - WOMEN'S BLOCK B	200 SQM
BUILDING 6 - WOMEN'S BLOCK C	160 SQM
TOTAL FOOTPRINT TO BE DEMOLISHED	1467 SQM

HB Architects

Project: Large Scale Site Plan - Demolition Plan

Client: [illegible]

Project Manager: [illegible]

Architect: [illegible]

Date: 12/06/2024

Scale: 1:2000

Sheet: 1924-HBA-P04

General Development Applications

(5/h) Application No: PAP/2023/0101

Land 180 Metres South West Of Sewage Works, Gravel Lane, Warton,

Change of use of land to a wedding and events venue including the erection of temporary event space and associated structures, formation of car parking and new landscaping, for

Mrs J Swinnerton

1. Introduction

1.1 This application is being reported to Board at the request of local Ward members concerned about possible adverse impacts.

1.2 Members have undertaken a site visit which was carried out after publication of this report and thus a note will be circulated at the meeting.

2. The Site

2.1 The application relates to the site of a former quarry and part of an arable field located at the end of Gravel Lane, Warton. The quarry is around 7 to 13 metres deep and is entirely contained by the quarry walls and its established perimeter landscaping. The site is located at the northern end of the village outside of the defined settlement boundary and is approximately 490m south-west of the junction of Austrey Road with Gravel Lane. The land is owned by the Swinnerton family which has a large farm landholding in the area. Open countryside and farmland surrounds the site to each of its boundaries. To the north-east of the site is a Severn Trent sewage works.

2.2 The location of the site is identified below on the Google Earth imagery map at Appendix A and there is location plan at Appendix B.

3. The Proposal

3.1 In short, the application seeks planning permission for the change of use of land to provide a self-contained wedding and events venue for up to 12 events a year in total together with associated engineering operations, some of which are retrospective. This use commenced in 2023 but has not continued during 2024 because of the need to authorise the retrospective elements and thus the submission of this application.

3.2 Each of these events would require the erection and then removal of temporary structures. These include those referred to below. The marquee could accommodate 160 people, but the venue could cater for a maximum of 200 visitors. The car park – would provide space for 108 cars – and be surfaced in a grass cellular turf reinforcement grid to ensure its grassed appearance. This is located between the existing Severn Trent works and the site of the quarry. The application includes the following:

- Siting of temporary structures (marquee, bar-tent and portable timber bar, temporary toilet block with built in waste tanks and bin storage)
- Revealing stone stairway (*retrospective*)
- Installation of lighting and security cameras (*retrospective*)
- Installation of post and rail fencing and timber gate (*retrospective*)
- New hard core surface to field access (*retrospective*)
- Installation of grass cellular turf reinforcement grid for proposed car parking area (*part retrospective and part proposed*)
- New landscaping to car park boundary (*proposed*)
- New driveway from the car parking area to the event space (*proposed*)
- Gravel footpath within the venue site (*proposed*)

3.3 The plan at Appendix C which shows these features and there are some photographs at Appendix D which show the site when in use during 2023.

3.4 A planning statement, transport statement and noise assessment have been submitted in support of the proposal indicating the proposal relates to diversification of the land to allow for a farming enterprise and attraction. A landscape value impact assessment, noise management plan and car parking management plan have also been submitted. The development is predominantly a use involving structures of a temporary nature capable of erection and removal for each event.

4. Background

4.1 There is no planning history for this quarry.

4.2 Planning permission has been granted for the redevelopment of former agricultural buildings by nine houses off Gravel Lane close its junction with the Austrey Road. Under the conditions imposed, only five of these can be occupied using the existing access arrangements. The occupation of the remainder has to await improvements to that section of the Lane between the site and Austrey Lane involving making a 5.5 metre carriageway width with a single 1.5 metre wide footpath.

4.3 Members will be aware that the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, defines what development can be undertaken without the need for the submission of a planning application. This is known as “permitted development” - in other words planning permission is granted by virtue of the Order.

4.4 Within Part 4 to Schedule 2 of the Order there are permitted development rights for the temporary use of land. These include the holding of temporary events for up to 28 days in a calendar year. This however is restricted to 14 days for markets such as car boot sales and for motor events. Additionally, recent amendments to the Order have added the temporary use of land for up to 60 days for recreational campsites subject to a limit of 50 pitches.

4.5 The Order is this a significant material planning consideration which will carry significant weight in the determination of this case.

5. Development Plan

North Warwickshire Local Plan 2021 - LP1(Sustainable Development); LP2(Settlement Hierarchy), LP13 (Rural Employment), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form,) and LP34 (Parking).

6. Other Relevant Material Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

North Warwickshire Landscape Character Assessment 2010

National Planning Policy Framework 2023 (NPPF).

National Planning Practice Guidance (NPPG).

Noise Policy Statement for England (NPSE)

7. Consultations

Warwickshire County Council as Highway Authority – No objection following a number of consultations and subject to a number of conditions.

Warwickshire Fire and Rescue Services – No objection subject to access requirements

Environmental Health Officer – No objection following a number of consultations and subject to conditions.

8. Representations

8.1 Seven letters of objection have been received raising the following points:

- Excessive and noise and traffic next to property.
- Music events are of concern.
- Ask that music after 12300 be curtailed.
- Exit of guests at unsociable hours would impact on existing properties.
- Use not in keeping with the countryside location.
- Impacts on wildlife and residents.
- Need to do noise monitoring from a number of locations.
- Should restrict number of events and finish to 2200.
- Will impact on sleep patterns.

8.2 Warwickshire Geological Conservation Group – The Group points out that the quarry is “a good exposure in Warwickshire of the Triassic Polesworth Formation, formerly known as the Bunter Pebble Beds, which is of considerable educational Value”. The Group has met the applicant and has no initial concerns with the proposal and has asked for some interpretation boards to be erected.

8.3 One letter of support has been received.

9. Observations

a) Principle of Development

9.1 The site is outside of the defined development boundary of Warton located in an isolated location in the open countryside and hence is in a Category 5 location under the settlement hierarchy defined by Local Policy LP2. This says that new development is not generally acceptable in such a location, but that it should be limited to that necessary for agriculture, forestry or other uses that can be shown to require a rural location. The latter category here is given further definition and support through Local Plan policies LP11 and LP13, which both support proposals for farm diversification through the introduction of new uses. This is reflected too in the NPPF at para 89, where it says that “sites to meet local business and community needs in rural areas, may have to be found adjacent to or beyond existing settlements and in locations not well served by public transport”.

9.2 It is considered that the use proposed here is one that could well be one that would require a rural location and it is advanced by the applicant as a “farm diversification” development. In other words, there is not a presumption of refusal here. The policies referred to above, whilst supportive are also conditioned. It will thus be necessary to assess whether these conditions can be satisfied. Members will know that if not, there has to be demonstrable evidence to show significant harm if they are to the subject of a possible refusal. Each will be looked at in turn.

b) Landscape and Visual Impact

9.3 Policy LP14 of the Local Plan says that new development should look to conserve, enhance and where appropriate restore landscape character so as to reflect that as described in the North Warwickshire Landscape Character Assessment of 2010. This aligns with policy LP1 which says that development must “integrate appropriately with the natural and historic environment”, and also with Policy LP30 which says that proposals should ensure that they are “well related to each other and harmonise with both the immediate and wider surroundings”. This is all reflected in the NPPF at para 135 (c) which says that developments, amongst other things, should be “sympathetic to local character and history including the surrounding built environment and landscape setting”.

9.4 The site is in the “No Mans Heath to Warton Lowlands” landscape character area as defined by the 2010 Assessment referred to above. This describes “a well-ordered landscape with scattered farmsteads and nucleated hilltop villages including Warton and Austrey. The villages include both traditional vernacular buildings and more recent development connected by a network of minor roads and lanes. It is a distinctly rural landscape ... and wide, open views are possible”. The Landscape management strategies include avoiding farm diversification schemes that are inappropriate to an agricultural landscape and only encouraging informal recreation. It is not considered that the proposal would have any adverse impact on the overall character of this Landscape Area as it could be absorbed into that landscape, particularly as the site is

small, low lying and contained within a former quarry, and because the use would not be frequent with the remainder of the development – particularly the car park - being surface development that can be fully landscaped. Any landscape impact would thus be very local, limited and intermittent.

9.5 Visually the development is confined and contained within the quarry which is secluded and enclosed. The car parking area however to the north of this would be visible, but any hard surfacing or grasscrete would not impact detrimentally on the rural character of the area. Its visual impact can also be mitigated through additional planting. However, the existing hedge landscaping is significant and even during winter months, the permanence of the development is such that it will not be highly visible. The proposed materials of the parking area will help reduce some of the harm. The activity associated with the use will however make the scheme apparent. However, this can be conditioned such that the activity is limited in terms of the number of events held and their hours. In terms of landscape and visual impacts, the proposal does not have an unacceptable impact on the landscape and would thus accord with the relevant Development Plan policies.

c) Residential Amenity

9.6 Local Plan policy LP29 (9) says that new development should “avoid and address unacceptable impacts upon neighbouring amenities through overlooking, noise, light, air quality or other pollution.” The NPPF at para 180(e) says that planning decisions should “prevent new and existing development from contributing to or being put at unacceptable risk or being adversely affected by unacceptable levels of noise pollution”, and paragraph 191 says that proposals “should mitigate and reduce to a minimum, potential adverse noise impacts”.

9.7 This is the most significant of the potential concerns with this application. It is not considered that matters of overlooking are of significance here given the separation distances and the intervening topography and land uses. It is the potential for noise impacts that is the clear concern. Light and general disturbance through increased activity may well stem from the use, but it is first necessary to assess potential noise impacts. Indeed, it is this which is the common theme running through the objections. Members will have seen from their visit and from the plans in the Appendices that the character of the area is rural with the site surrounded by open farmland. The ambient noise levels are thus low, meaning that the introduction of a new source of noise will require careful consideration. However, they will also have seen the separation distances to the closest residential property – some 400 metres – and be aware that the quoted policies refer to avoiding “unacceptable” levels of noise, not to the elimination of all noise. The Environmental Health Officer has thus been fully engaged with the applicant on this case, in order to assess whether this position can be satisfied. The comments below are largely taken from his advice given the technical nature of noise assessments.

9.8 He says that in terms of noise character, amplified live and recorded music contains special characteristics and qualities which existing residential dwellings would not expect to experience particularly during evenings and at night-time, when ambient noise levels are low. This has been recognised in case-law where predicted noise was below ambient levels but was still considered to be a nuisance due to its obtrusive qualities that were out of character with the nature of the area.

9.9 In order to provide the most robust technical assessment of noise impact, he says that the most appropriate guidance is provided within the Concerts Code of Practice. He has applied this guidance in respect of the characteristics of this site; the ambient noise levels, the fact that the noise sources would be within temporary structures, the frequency of the events and nature of those noise sources. His considered technical advice is that 12 events during a single calendar year would not be “unacceptable” provided that each event is finished at 23:30 hours and that the following noise threshold is not exceeded. This has been calculated as a direct consequence of on-site measurements between 2100 and 2400 hours.

> 49dB LAeq,15min measured or predicted at 1m from the façade of any residential property.

9.10 Whilst limiting the number of events here together with their duration and imposing a noise threshold, Members should also consider the size of these events. The conditions set out here are based on the characteristics of this particular site – the size, location and ground levels of the site as it now is. Spillage of the use beyond the former quarry site would almost certainly require a different assessment to be explored. Conditions thus should be considered to “contain” the use as well as to limit the visitor capacity of the site. These conditions would also help in reducing “ancillary” disturbance arising from vehicular use of Gravel Lane.

9.11 Whilst Members may still have concerns because of the nature of the noise source here, they are referred back to the paragraphs 4.3 and 4.4 above. Permitted Development Rights for temporary events at this site could enable a larger number of different types of events during a calendar year. These rights would not be conditioned – to either operational hours, numbers of visitors or to noise limitation thresholds. Both Planning and Environmental Health Officers consider that controls and planning conditions would be a substantial improvement over these unregulated “permitted development” events.

9.12 Based on all of the circumstances set out above, it is therefore considered that the proposal would not have an unacceptable impact on the neighbouring amenity in terms of noise and disturbance and thus the relevant policies would be satisfied. If noise complaints are received, then these would be dealt with through Environmental Protection Act legislation as well as through planning procedures affecting breaches of conditions.

d) Highway Impacts

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

9.14 Access here is directly from Austrey Road via the length of Gravel Lane. As indicated earlier, the section of this lane from the Road to the residential site is to be improved as a consequence of that planning permission. Beyond this, the lane is not wide enough for two-way traffic and it only serves the Severn Trent works and Bramcote Hall Farm, being a gravel track. The Highway Authority has no objection subject to

conditions limiting the frequency of events and their size. In particular, these would be for just 12 events a year, the agreement of a Travel Plan so as to prevent use of the Lane by coaches and to provide the directional and marshalling arrangements to ensure safe passage and use of the car park.

9.15 In these circumstances, it is considered that the proposal would accord with the content of the relevant planning policies.

e) Heritage Impacts

9.16 As reported above, the quarry has geological interest. It is of significance that the Local Geological Group does not object to the proposed level of use, and it is noted that the display of interpretation board can be conditioned.

f) Farm Diversification

9.17 It is necessary to review all of the above in respect of the planning policies both in the Local Plan and in the NPPF relating to farm diversification proposals. National guidance under paragraph 88 of the NPPF sets out that planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside. There is a similar approach set out in Local Plan policy LP13 on Rural Diversification, which seeks to support and encourage small scale rural businesses to develop and to enable their expansion, but this is conditioned such that it should not impact detrimentally on the countryside character in environmental or sustainable terms. The policy is written such that all of these conditions need to be met. These conditions are:

- a) the development in terms of its scale, nature, location and layout would contribute towards sustaining the long-term operation and viability of the farm holding;
- b) it would not cause an unacceptable adverse impact to the safe and free movement of pedestrian, vehicular or other traffic on the trunk or rural road network as a result of heavy vehicle usage,
- c) there would be no adverse impacts arising from increased noise or other form of pollution,
- d) there are adequate foul drainage facilities, and
- e) there would be no adverse impact on the character of the surrounding natural or historic environment.

It is thus appropriate that these conditions are assessed.

9.18 Firstly, the land is owned by the applicant's family which farms over 300 acres in the locality. The site is not utilised as part of the farm landholding and is thus "surplus" to the agricultural use of the holding. The proposal would make use of this "spare" land and generate an additional source of income. Additionally, that income would provide some stability given the risks linked to the agriculture industry. The use is also to be managed and operated by the applicant and not by a third party. There is thus some weight that can be given to this matter.

9.19 Secondly, the proposal could have the potential to cause highway safety issues. The County Council concludes that planning conditions would have to be placed on the grant of any planning permission here in order to “limit” its use because of the physical characteristics of the site and the use.

9.20 Thirdly, in respect of noise and other pollution, the position is set out above in section (c) where it was concluded that subject to a number of conditions, the use would not give rise to unacceptable noise impacts because of the physical characteristics of the site and the separation distances to the closest residential property.

9.21 Fourthly, drainage on site is to be provided by portable and temporary facilities. They provide appropriate provision in respect of this proposed change of use.

9.22 Finally, in respect of impacts on the natural or historic environment, there is considered to be no adverse impact on any heritage assets. In fact, the local geology group has not objected saying that the existing fencing protects the geological asset and allows visitors to see the rock formation here. The introduction of interpretation boards for the scheme too, which the applicant proposes to provide, and would allow positive appreciation of the quarry. In respect of the natural environment then it is not considered that there would be loss of bio-diversity given the proposed conditional scope of the use and its temporary character. The construction of the car park would enable grass to continue to grow and new hedgerow planting would be a benefit. Overall, it is considered that there would be no adverse impact.

9.23 Whilst this proposal is being advanced as a farm diversification project supporting the existing agricultural business, it is considered that even if it were not, then the proposal as a whole, would still accord with the overall NPPF policy background set out in paragraph 9.17 above of supporting new business opportunities in rural areas.

10. Conclusion

10.1 Following through on the approach identified in paragraphs 9.1 and 9.2, it is considered that this proposal, after consideration of the potential impacts, is acceptable in this rural location.

Recommendation

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

1. The application hereby approved is for the following as indicated on the approved plan, 244_PL-01 Location Plan, 244_PL-02, Existing Site Plan, 244_PL-03A Proposed Site Ext Works Plan, 244_PL-04A Proposed Site Layout Plan, 244_PL-05_Proposed Parking Layout,

- Siting of temporary structures (marquee, bar, temporary toilet block and bin storage)
- Revealing stone stairway (*retrospective*)
- Installation of lighting and security cameras (*retrospective*)
- Installation of post and rail fencing and timber gate (*retrospective*)
- New hard core surface to field access (*retrospective*)
- Installation of grass cellular turf reinforcement grid for proposed car parking area (*part retrospective and part proposed*)

- New landscaping to car park boundary (*proposed*)
- New driveway from the car parking area to the event space (*proposed*)
- Gravel footpath within the venue site (*proposed*)

REASON: To define the permission.

Within 3 months of the approval date

2. Within 3 months of the permission hereby approved exact details of the car parking area including details of how the spaces will be marked out, including construction of the new driveway from car parking to the event space and footpath within the venue site shall be submitted and approved in writing to the local planning authority. The development shall be shall in accordance with the approved details.

REASON

To define the permission and to protect the visual amenities of the area.

3. Within 3 months of the permission hereby approved exact details of Information Boards relating to the geological importance of the site, interpretation, history of the site and their proposed siting shall be submitted and approved in writing to the local planning authority. The approved details shall be carried out within 3 months of their approval.

REASON

To ensure that the geological importance of the site is enhanced on site.

4. Within 3 months of the permission hereby approved details of the landscaping, which shall include bio-diversity off-setting and surface water drainage attenuation shall be submitted and approved in writing by the local planning authority. The approved details shall be carried out within 6 months of their approval.

REASON

To ensure that the visual amenities of the open countryside is mitigated, sufficient bio-diversity off-setting is provided and adequate surface water drainage of the site is provided to accord with guidance in the Local Plan.

5. Within 3 months of the permission hereby approved a Green Travel Plan shall be submitted to the local planning authority. This shall include measures to increase employees and visitors travelling to and from the site by reduce numbers of motor vehicles or other forms of transport, including measures to monitor, review and improve this. The approved Green Travel Plan shall be carried out within 3 months of the approval of the condition.

REASON

In the interests of highway safety and to ensure that means of sustainable travels are positively informed by the applicant to reduce the relatively unsustainable location of the site.

Compliance conditions

6. The development hereby approved shall be carried out in accordance with the Car parking management plan received on the 15th May 2024 which covers including marshalling, timings and measures of any overflow parking.

REASON

To protect the highway safety.

7. The development hereby approved shall be carried out in accordance with the Noise Management Plan received on the 24th January 2024.

REASON

To ensure that the adjacent residential amenities of the area are protected.

8. A maximum of 12 event days per calendar year shall be permitted at the site. The events use hereby approved shall not exceed 200 people (including staff) at any such event.

REASON

In the interests of highway safety and to protect the amenity of the residential properties in the vicinity of the site.

9. An event defined by condition 8 means taking place on one day and not over multiple days or a weekend but excluding those days either side of the event day that are required to set up and take down equipment. An event is defined as more than 30 people including staff.

REASON

To define the permission to and protect the amenities of the residential properties in the vicinity of the site.

10. The site shall be used only as an events venue and at no point shall be permitted to hold alternate uses.

REASON

In the interests of highways safety and to protect the amenity of the residential properties in the vicinity of the site.

11. Events including the playing of live amplified music or amplified recorded music at the site shall be limited to 12 events per year. During the permitted events, the music noise level shall not exceed:

- 49dB LAeq,15min when either measured or predicted at 1m from the façade of any residential property or property used for residential purposes e.g. hotel/B&B/hostel.

- Within the MNL, the Leq 5min measured or predicted at 1m from any property used for residential purposes (e.g. hotel/B&B/hostel) shall not at any time exceed 62dB in the 63Hz 1/1 octave band or 59dB in the 125Hz 1/1 octave frequency band.
- The live amplified music or amplified recorded music shall start no earlier than 09:00 and cease at 23.30.

REASON

To protect the amenity of the residential properties in the vicinity of the site.

12. No events which take place shall take place outside the hours of 09:00 and 00:00.

REASON

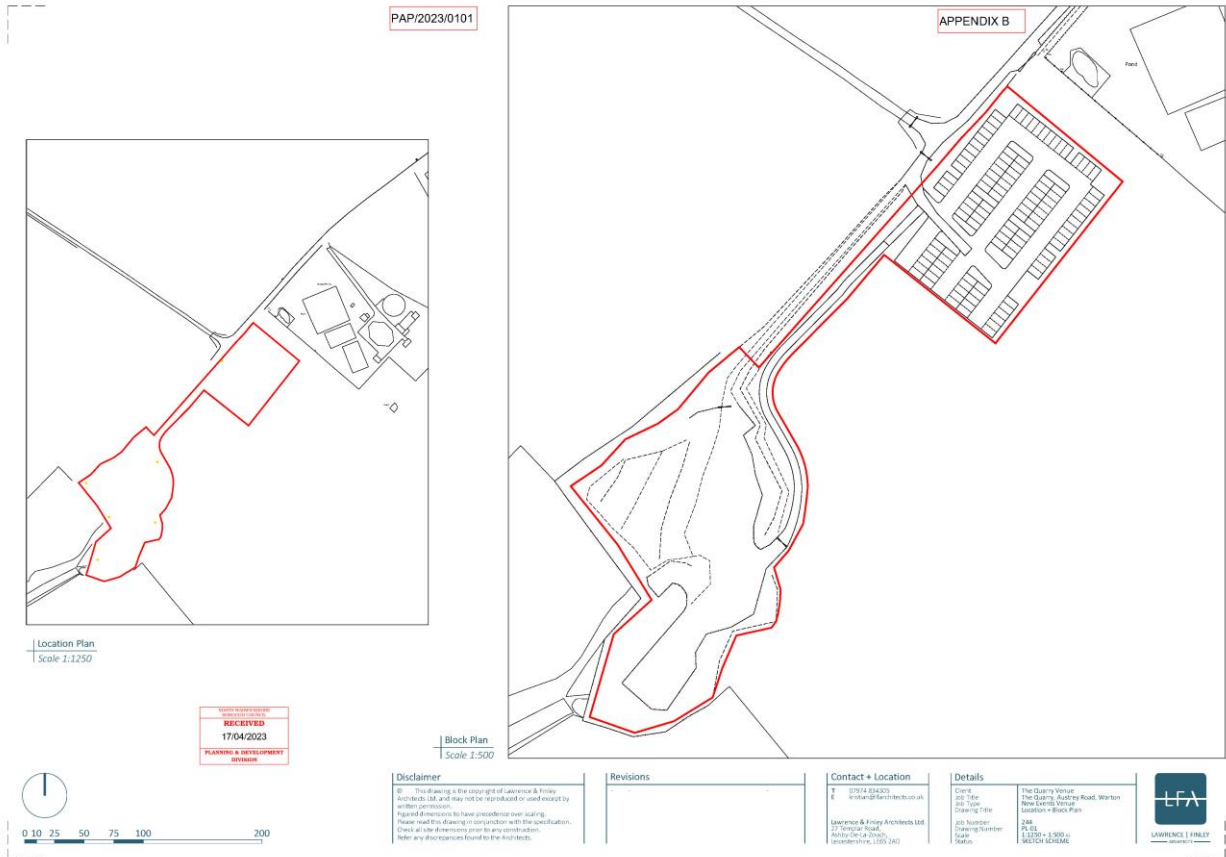
To the ensure that the proposal do not impact on the amenities of adjacent residential properties.

13. Notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), other than that, no other development including buildings or uses falling within Schedule 2, Part 4 shall be carried out on the site unless express planning permission for such development has been granted by the Local Planning Authority.

REASON

To enable the Local Planning Authority to assess the impact of such proposals on the highway and to the ensure that the proposal do not impact on the amenities of adjacent residential properties.

APPENDIX A





APPENDIX D





Wooden bar and bar tent in situ on the site during an event. These are removed and stored off site when not in use.



Portable toilets in situ during an event hired from third party specialist company

General Development Applications

(5/i) Application No: PAP/2024/0189

Sunnyview, Dingle Lane, Nether Whitacre, Coleshill, B46 2EG

Demolition of existing garage block and the erection of a single self/custom build dwelling (Resubmission PAP/2023/0208), for

Mr & Mrs Bignall

1.Introduction

1.1 This application was referred to the Board at its August meeting, but determination was deferred in order that Members could visit the site.

1.2 A copy of the previous report is at Appendix A and the Supplementary Report that was tabled at the meeting is at Appendix B

1.3 The site visit has been arranged for a date after publication of this report. A note of this will be circulated at the meeting.

2. Observations

2.1 The Supplementary Report outlines the dimensions of the buildings that are to be demolished. There are differences between those of officers and the applicant as identified in that report. The reason for this is also outlined. Members will see the situation on site at the visit. However, even if the applicant's figures are taken to represent the existing situation, the proposal would still represent a footprint increase of 97% and a volume increase of 213%.

2.2 The main report acknowledges that the site is "previously developed land". In these circumstances, the complete redevelopment of the site, as here, would be appropriate development in the Green Belt provided that it would not have a greater impact on the openness of the Green Belt than the existing development. The main report on page 5b/12 explains fully why this is not considered to be the case here – including both quantitative and qualitative assessments. The proposal is thus inappropriate development in the Green Belt.

2.3 In these circumstances, as Members are aware, the material planning considerations put forward by the applicant need to "clearly" outweigh the cumulative level of harm caused – that is Green Belt and any other harms – such that they amount to the very special circumstances necessary to support the proposal.

2.4 Apart from the Green Belt harm caused, the previous report identified other harms. These are reflected in the recommended refusal reasons, numbered (ii) to (v). They are harms to Local Plan policies LP2 - the site being in an unsustainable location; LP29 (5) – the site not encouraging sustainable forms of transport, LP29 (6) – not providing a safe and suitable access and LP29 (2) – not providing acceptable residential amenity for occupants. Additionally, there are harms to Nether Whitacre Neighbourhood Local

Plan policies DB1 and HP1 – an unsustainable location, and HP2 - although the site is PDL, it doesn't accord with Green Belt policy.

2.5 The applicant's considerations are fully set out in Section C of the main report – the proposal being self-build; the visual enhancement of the area, the personal circumstances of the applicant and comparison with a nearby site.

2.6 At the last meeting the applicant – in his address to the Board – drew Members' attention to a number of matters. He emphasised the local connections of his family; that the site had been acknowledged by officers to be PDL, and that officers too had not objected to the design which was appropriate for a rural setting and that the overall proposal would relate well to the immediate setting nor be unduly imposing. These matters reflect and expand on the considerations set out in paragraph 2.5 above.

2.7 Members will be aware that all matters and considerations are put into the final planning balance described in paragraph 2.3. As such, acceptance of an appropriate design is not the sole consideration in the assessment of this balance. It carries weight, but the Board needs to assess whether that is of such weight that it overrides all of the other matters to be assessed in that final balance. The main report considers that it does not and this together with the applicant's other considerations do not "clearly" outweigh the total level of harm here. To emphasise this point, the NPPF at footnote 7 indicates that Green Belt protection is never out of date by protecting assets of particular importance and that Members will be aware that "design" is not one of the four elements that make up a judgement on "openness" as set out in National Planning Policy Guidance.

2.8 It has also been suggested that the Government's consultation on changes to the NPPF should be given weight. As that consultation is not yet finished and the Government has not considered the outcome of that consultation, this matter carries no weight.

Recommendation

As set out in Appendix A.

APPENDIX A

General Development Applications

(5/b) Application No: PAP/2024/0189

Sunnyview, Dingle Lane, Nether Whitacre, Coleshill, B46 2EG

Demolition of existing garage block and the erection of a single self/custom build dwelling (Resubmission PAP/2023/0208), for

Mr & Mrs Bignall

Introduction

The application is reported to the Planning and Development Board as it is accompanied by a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act.

The Site

The application site comprises 0.035ha of land along the eastern side of Dingle Lane within the hamlet of Hogrills End. The site consists of ruderal vegetation, areas of hardstanding and two derelict single storey, timber garages, and an attached lean-to. A vehicular access is present within the north-western corner of the site. An established, mature hedgerow forms a boundary to the site with Dingle Lane with fencing and further hedgerows found along the remaining boundaries.

Wayside Cottage lies to the north, The Malthouse to the south-west and The Mound, Kendal Cottage and Sunnyview to the south. Open land, well defined by trees and hedgerows, extends beyond the site to the east. The site lies outside of any defined development boundary and falls within the West Midlands Green Belt, as recorded within the 2021 North Warwickshire Local Plan.

The site and its neighbouring context are illustrated at Appendix A, with an aerial photograph provided by the applicant found at Appendix B.

The Proposal

Planning permission is sought for the erection of a detached, two-bedroom 'self/custom build' property following demolition of the existing garages. The application is a resubmission of a previously withdrawn application, reference PAP/2023/0208.

The dwelling measures 11.8m by 6m with a 2m by 4m 'lean-to' provided along its northern elevation, a gabled 1.75m deep single-storey projection at the rear, and an oak porch to the principal elevation. The property would stand 5.95m high to the apex of a gabled roof. Externally, walls will be clad in timber above a brick plinth, laid under a slate roof. The two bedrooms are provided within the roof space with further living accommodation set out at ground floor level.

The dwelling is to be sited to the south of the plot and orientated with its principal elevation running parallel to dingle lane. Small pockets of external amenity space are provided to the west and south of the dwelling with a patio located to the rear (east).

5b/9

Access will be obtained from the existing position in the north-western corner of the site with parking and circulation areas laid out to the north of the property.

The Proposed Site Plan is provided at Appendix C and the Floor Plan and Elevations are at Appendix D.

Background

The previous application for a single dwelling on the site was withdrawn by the applicant, reference PAP/2023/0208.

Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP5 (Amount of Development), LP7 (Housing Development), LP8 (Windfall), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

Nether Whitacre Neighbourhood Plan 2023-2038 (Adopted January 2024) - DB1, HP1, HP2, HP3 and TP1

Other Relevant Material Considerations

National Planning Policy Framework 2023 (NPPF)
Planning Practice Guidance (PPG)
MHCLG National Design Guide
Self-Build and Custom Housebuilding Act 2015 (As amended)
Levelling-up and Regeneration Act 2023
Natural Environment & Rural Communities Act 2006
Conservation of Habitats and Species Regulations 2017
Air Quality SPD (2019)
Provision of facilities for waste and recycling for new developments and property conversions SPD (2023)
Car Parking Standards (Local Plan 2021)

Consultations

Environmental Health Officer – No objection subject to conditions.

Warwickshire County Council as Highway Authority – Objection, pending further information. The response is provided in full at Appendix E.

Representations

Nether Whitacre Parish Council object to the application, citing that the proposals are outside of a development boundary, lead to significant harm to the openness of the Greenbelt, and would be imposing on the street scene. The parish conclude that the development is inappropriate within the Green Belt and that special circumstances to justify the development do not exist.

The parishes response is provided in full at Appendix F.

Observations

Planning applications are required to be determined in accordance with the development plan, unless material considerations indicate otherwise, pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

a) Green Belt

The site lies within the West Midlands Green Belt. North Warwickshire Local Plan (NWLP) policy LP3 clarifies how the Green Belt applies to land and settlements within the Borough, affirming that inappropriate development is, by its definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The National Planning Policy Framework (NPPF) provides further Green Belt guidance with appropriate forms of development listed at paragraphs 154 and 155. Para 154(g) deems the infilling or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development, as appropriate Green Belt development.

Previously Developed Land is defined within Annex 2: Glossary of the NPPF as "*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) ...and any associated fixed surface infrastructure...*".

The application site comprises two, low-level single storey garages and hardstanding and is thus land occupied by a permanent structure. Therefore, the site is considered to be PDL, and, by extension, the scheme represents redevelopment of PDL, satisfying the first caveat of the aforementioned exception.

Consideration thus falls to the whether the proposed development would have a greater impact on openness than the existing development. The concept of openness, although not defined in statute, is generally regarded as a state of being free from built development.

Leading court cases in *Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466 and *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)* [2020] UKSC 3 confirm that openness is an 'open-textured' concept which is capable of possessing both visual and spatial dimensions.

Recent updates to Planning Practice Guidance elucidate this further, listing different factors which can be considered when assessing a proposal's impact on openness: its spatial and visual aspects, the duration of development and its remediability, and the degree of activity likely to be generated by it (Paragraph: 001 Reference ID: 64-001-20190722).

Currently, the site consists of two single-storey garages, an attached lean-to, and areas of hard surfacing. It is alleged the garages were formerly used in connection with the use of the dwelling at Sunnyview, although no planning permission exists for the residential use of the buildings, or the site in general. A signed letter from the previous landowner states that the site has been used as a residential garden in connection with Sunnyview for several decades; however, this alone is not sufficient to confirm a residential use of the land in question. Indeed, aerial photography is not supportive of the sustained use of the land for a period of over 10 years before to the date of the application.

Notwithstanding the uncertainty surrounding the sites lawful use, the site contains two single-storey garages and a lean-to (albeit in an advanced state of disrepair). The structures have an approximate footprint and volume of 34m² and 69.5m³ respectively, with the garages standing 2.5m high¹. The hard surfacing covers an area of approximately 92m².

The proposed dwelling would be of a palpably greater scale than the existing structures with a building footprint of 89m² (an increase of 162%) and a total building volume of 370m³ (an increase of 432%). Additionally, c.130m² of hard standing would be provided to the north of the property for parking and circulation with further hard surfaces laid out within the curtilage.

The development would noticeably increase the amount and 'spread' of hard surfacing and buildings within the site, which is considered to result in a greater impact on openness from a spatial perspective.

Visually, the existing development has a limited impact due to the garages siting, height, and scale. The proposed dwellings siting, greater height, width, bulk, and massing would render it a much more conspicuous feature than the existing development and readily discernible from within and surrounding the site along Dingle Lane, reducing openness from a visual perspective. The reduction in ground levels by up to 700mm suggested by the applicant is noted; however, this is not considered to alter the above assessment.

Additionally, establishing a two-bedroom dwelling and permanent residential use of the site, with the inevitable domestic paraphernalia and vehicle movements that such a use would entail, generates a greater degree of activity than the existing development, further harming openness.

Given the above, considered holistically, the proposed development would have a greater impact on the openness of the Green Belt than the existing development. Accordingly, the proposals do not meet the Green Belt exception listed above and thus consist of inappropriate development within the Green Belt.

This definitional green belt harm, and moderate actual harm through a loss of openness, is attributed substantial weight in the overall planning balance (paragraph 153 of the NPPF).

¹ Scaled floor and elevation plans of the existing garages have not been provided. Therefore, the calculations are based on the site location plan and officer assessments on-site.

b) Assessment of other 'harms'

i) Settlement Hierarchy and Sustainability

NWLP Policy LP2 sets out a settlement hierarchy for the Borough, essentially a cascade approach which seeks to distribute development sustainably across North Warwickshire at a rate commensurate with the level of services and facilities each settlement possesses. In practice, this means that most new development is directed towards the larger, more sustainable settlements such as Coleshill, Atherstone, and Polesworth and Dordon - Category 1 Market Towns - with comparatively limited development in rural areas. LP29(5) also sets out that all development should encourage sustainable forms of transport with a focus upon pedestrian access and cycle facilities.

These policies are considered to be wholly consistent with the NPPF which seeks to ensure that local plans 'promote a sustainable pattern of development' (paragraph 11a), locate housing 'where it will enhance or maintain the vitality of rural communities' (paragraph 83), and by focusing significant development 'on locations which are or can be made sustainable' (paragraph 108c).

The application site falls within the hamlet of Hogrills End, a rural setting to the north of Shustoke, beyond its reservoir, and outside any defined development boundary. Accordingly, the development is deemed to be category 5 under LP2. The policy makes clear that development in such locations will not, in general, be acceptable.

The settlement pattern in this area is sporadic with the limited development that does exist, generally vernacular built forms and sporadic farmsteads, dispersed along the rural road networks. There are no established services and facilities within Hogrills End nor public transport links. This functional isolation from established settlements would require the proposed occupiers to rely almost exclusively on private motorised travel to larger settlements for day-to-day living, amenities, and places of employment. The distances to larger settlements, combined with the narrow, winding road geometry and lack of footpaths, would discourage active travel, in conflict with LP29(5).

As a category 5 location, LP2 states that special circumstances should exist to justify development. The proposals are not considered to conform to any of those detailed in the policy and fundamentally would locate new housing in an unsustainable location. Consequently, the development would conflict with policy LP2, a key component of the Local Plan, as well as policy LP29(5).

ii) Highway Safety and Parking

Policy LP29(6) of the NWLP states that new development should provide safe and suitable access to the site for all users. Paragraph 115 of the NPPF makes clear that development should only be refused on highways grounds where it would give rise to an unacceptable impact on highway safety, or in situations where the residual, cumulative impacts on the road network would be severe.

Warwickshire County Council, as the Local Highway Authority, have objected to the development, citing several concerns. Firstly, the access is c.6m wide, exceeding the requirements for a single dwelling set out in the Warwickshire County Council Design Guide (3.5m). They also require a bound surfacing for the first 5 metres and positive drainage incorporated.

Moreover, the Authority states that Dingle Lane is subject to the National Speed Limit (60mph for cars), requiring visibility splays of 215m in each direction. The visibility splay described on the proposed site plan indicates an 'x' distance of 2m and 'y' distances of 29m to the north and 33m to the south. Whilst the County acknowledges that actual travel speeds may be lower due to the alignment and topography of the road and adjacent vegetation, speed surveys have not been provided to justify the reduced visibility splays proposed.

Although the access width and bound surfacing could be conditioned, as a speed survey has not been submitted, the application has not demonstrated that the visibility splays proposed would ensure the provision of safe and suitable access to and from the site for all users, failing to accord with NWLP policy LP29(6).

iii) Amenity

Local Plan Policy LP29(9) states that development should avoid and address unacceptable impacts upon neighbouring amenities. The separation distances provided from the new dwelling to adjacent properties to the north and south would ensure that no unacceptable impacts would arise by reason of loss of sunlight, daylight, and overshadowing.

LP29(2) makes clear that development should 'take into account the needs of all users' with paragraph 135(f) of the NPPF adding that decisions should ensure developments provide 'a high standard of amenity for existing and future users.'

The property does not appear to meet the Nationally Described Space Standards: bedroom 2 is below the 11.5m² minimum space standard (9.6m²) and the floor-ceiling height does not exceed 2.3m for 75% of the gross internal area.

Additionally, concern is extended to the quality and utility of the amenity space surrounding the dwelling. All external amenity space consists of relatively shallow strips between outer walls and site boundaries, particularly to the south where the depth narrows to less than 2m, offering limited utility.

The restricted depth and proximity to hedgerow boundaries would also create a highly enclosed and shaded environment. To the west, within the front garden, the maximum depth is just 10 ft. This depth, combined with the height of the boundary hedgerow and the proposed lowered ground levels, is inclined to restrict daylight into the ground floor and front-facing windows.

As a whole, it is considered that the development would not provide its occupants with acceptable living conditions. Paragraph 135(f) of the NPPF makes clear that decisions should ensure developments provide 'a high standard of amenity for existing and future users.' Removal of the visually important boundary hedgerow is unlikely to be acceptable in mitigation.

5b/14

iv) Design

The NPPF identifies that good design is a vital component of sustainable development, setting out that proposals which are poorly designed and fail to reflect local design policies and government guidance should be refused (p139). At the local level, several policies demonstrate the council's aim of securing high-quality developments within the borough.

NWLP policy LP1 declares that all development must demonstrate a high quality of sustainable design that positively improves an individual settlement's character, appearance, and environmental quality. Policy LP30 (Built Form) provides detailed design guidance for new buildings.

The policy states that all elements of a proposal should be well related and harmonise with the immediate and wider setting (LP30a), with new development expected to reflect characteristic local architecture and materials (LP30d and LP30e) whilst ensuring that buildings and spaces connect to the surrounding environment (LP30f).

There is no objection to the general design of the proposals which is considered appropriate for its rural siting. Massing is appropriately articulated with elevations well-ordered and composed. External materials would be reflective of the immediate and wider setting's prevailing characteristics.

Nether Whitacre PC have expressed concern that the dwelling could, due to the land levels and close proximity to the road, prove very imposing on the street scene. Whilst the concerns are noted, the proposals to lower the ground levels, and the dwellings single storey nature, low eaves height and suitable material use, are considered to ensure that the building would relate well to the immediate and wider setting and not form an unduly imposing feature within the street scene.

The development would accord to LP30 of the North Warwickshire Local Plan.

v) Historic Environment

The Mound and Kendal Cottage, a Grade II Listed timber framed former house which was subsequently divided into two dwellings (the now adjoining Sunnyview) lies approximately 40m to the south of the application site. Whilst imparting no harm to the physical fabric of the listed building, the impact of the development on its setting requires assessment.

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 sets out that, in considering whether to grant planning permission for development which affects a listed building, or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

NWLP policy LP15 seeks to conserve the 'quality, character, diversity and distinctiveness of the historic environment', and requires any harm to, or loss of significance, to be clearly and convincingly justified.

Kendal Cottage is a Grade II Listed, C16/17 timber-framed cottage, a vernacular building whose significance lies within its origins, decorative exposed framing, and rural setting. The asset's significance and setting have been heavily diluted and harmed through substantial and visually prominent C20 additions which now form the separate dwelling known as Sunnyview. Set against this context, the physical and visual separation from the proposed dwelling, and the developments subsidiary form (6m height, lowered ground levels and low eaves), the development is not considered to propagate harm to the setting of the listed building. Accordingly, the statutory duty is considered fulfilled and the requirements of LP15 are met.

vi) Ecology/Natural Environment

NWLP policy LP14 requires new development to retain existing landscaping where possible and encourages new planting to incorporate native species and provide biodiversity benefits. LP16 states that proposals should protect and enhance the natural environment. In addition to planning policy, there is a complex range of applicable legislation and guidance relating to nature conservation.

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity in the exercise of their functions. Additionally, under domestic and European legislation, protection is given to certain species of wild plants, bird, and animals. In particular, a number of species are protected under the Habitats Directive. These species are often referred to as "European Protected Species" ("EPS") which have full protection under The Conservation of Habitats and Species Regulations 2017, as amended.

The buildings to be demolished are not considered to offer suitable characteristics for roosting bats as their corrugated sheet roof could lead to extreme temperature fluctuations, unsuited for bat habitation. Whilst trees and mature vegetation surround the site, with a small copse and waterbody present to the east, the dwelling would be sited away from the mature trees in the site's north-eastern corner, and sensitive construction measures, including tree and hedge protection, together with landscaping and habitat enhancements, could be secured through condition. Removing ruderal vegetation throughout the site, which is of little ecological value, would not be objectionable. Subject to conditions, the development would comply with the relevant policies and legislative requirements listed above.

vii) Nether Whitacre Neighbourhood Plan

The Nether Whitacre Neighbourhood Plan (NWNP) has recently been adopted following a referendum and thus forms part of the development plan. It has full weight. The applicant asserts that the proposals conform to the NWNP and thus should be supported, relying on an excerpt of supporting text to the housing policies which states that "Development should provide the opportunity for local people to remain within the Parish".

As case law makes clear – see *Gill, R (On the Application Of) v London Borough of Brent [2021] EWHC 67 (Admin)* – decisions should be made in accordance with planning policies and not supporting text which does not have the full force of a policy.

Policy DB1 supports new development within the development boundary, providing such development is in accordance with the adopted Local Plan and the NPPF. The proposals do not conform to the NPPF, and the site lies outside of a development boundary.

HP1 supports new dwellings which represent infilling within the parish development boundary. The development falls outside of the development boundary.

HP2 supports the use of brownfield sites for housing provided that the development also accords with the NPPF and the Local Plan. As set out above, the proposal would not conform to the Green Belt exception for brownfield sites and conflicts with policies LP2, LP3 and LP29 of the North Warwickshire Local Plan.

HP3 requires two parking spaces per dwelling. Three are provided here. Taken as a whole, the development would conflict with the NWNP, and it is material that the parish council, authors of the NWNP, have objected to the development.

c) Considerations advanced by the Applicant.

i) Self-build

Section 1 of the Self Build and Custom Housebuilding Act 2015 provides that relevant authorities (such as district/borough councils) are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. Section 2A of the 2015 Act (as amended by the Housing and Planning Act 2016 and the Levelling-up and Regeneration Act 2023) sets out a duty for relevant authorities which reads as follows:

"An authority to which this section applies must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period".

Section 2A(5) defines 'development permission' as planning permission or permission in principle (within the meaning of the 1990 Act).

As of 10th January 2024, North Warwickshire's Self Build Register has 41 entries. At the end of each base period, the legislation provides relevant authorities with 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.

Notwithstanding the above, it is material that at the Planning and Development Board meeting of 21 May 2024, proposals for a fee charging schedule to enter and be retained on the register were approved. This charging schedule will confirm which entries are still valid.

Accordingly, the 41 'figure' may well be revised in the near future to more accurately reflect demand, particularly given that NWBC have received just 5 new entrants since the start of 2022, and the circumstances of older entrants could well have changed.

In terms of meeting NWBC's duties under the relevant Act, entrants onto the self/custom build (SCB) register over the last four base periods are as follows:

Base period 6 – 31 st October 2020 – 30 th October 2021 – 9 new entries (9 plots by 30 th October 2024)
Base period 7 - 31 st October 2021 – 30 th October 2022 – 3 new entries – (3 plots by 30 th October 2025)
Base period 8 - 31 st October 2022 – 30 th October 2023 – 2 new entries – (2 plots by 30 th October 2026)
Base period 9 - 31 st October 2023 – 30 th October 2024 (on-going) – 1 new entry (1 plot by 30 th October 2027)
Total - 15

Recent permissions granted are as follows:

Base Period 6 – 5 plots (PAP/2021/0234 and PAP/2021/0213)
Base Period 7 – 7 plots (PAP/2022/0219, PAP/2022/0166, PAP/2022/0106, PAP/2021/0691, PAP/2021/0602, PAP/2021/0542)
Base Period 8 – 2 plots (PAP/2022/0523)
Base Period 9 – 2 plots (PAP/2023/0267 and PAP/2023/0201) and potentially three plots (TBC)
Total permissions granted – 16 (+3 TBC)

As shown above, NWBC are considered to be fulfilling their duties under the Act – 12 plots are required by 30/10/25, and 16 units have been permissioned to date during the last four base periods.

In addition, North Warwickshire's major housing allocations (H1, H4 and H5 – totalling 3565 units) are required to provide self-build plots by the North Warwickshire Local Plan, indicating that self-build/custom-build plots, in sustainable locations as part of allocated housing sites, are projected to come forward to address demand. NWBC do also acknowledge the very recent legislative changes under the Levelling-up and Regeneration Act 2023, and, moving forward, SCB housing will be explicitly permissioned as such.

Regarding the application itself, it is noted that the applicant joined the register when the 2023 application was submitted, and that the application would deliver a plot for the applicant's daughter.

Consequently, despite the benefits expressed by the applicant, the application would provide a single plot to address the needs of the applicant solely and not contribute to

addressing any wider demand for self-build/custom-build housing within the borough. Moreover, irrespective of the self/custom build benefits, the dwelling would be provided in an unsustainable location.

Considering the current provision of SCB in North Warwickshire, the future provision through housing allocations, the unsustainable location of the site, and the single unit proposed here, it is considered that benefits attributed to self-build housing through the application carry limited weight in the overall balance.

ii) Visual enhancement of the site

Although the development would result in the removal the dilapidated garages and ruderal vegetation across the site, it is not considered that the site's condition has a markedly adverse impact on the amenity of the area. Even if that were not the case, powers under section 215 of the Town and Country Planning Act 1990 can be used to address untidy land effecting the amenity of an area. Allowing land to become untidy is not, of itself, considered to represent justification to permit inappropriate development and the delivery a dwelling in a location that would otherwise be unacceptable.

iii) Personal circumstances

The applicant advances that the development would allow their daughter to access to the housing ladder. Whilst officers sympathise with the applicant, personal circumstances very seldom outweigh other considerations given that the implications of a development subsist long after the circumstances cease to be material.

The desire to provide housing for a relative is not considered to constitute a special circumstance to warrant the grant of planning permission. This consideration is attributed limited weight in the overall planning balance.

iv) Stables at The Malthouse

The applicant sets out that the dwelling is of a comparable scale to a stable block recently constructed on land opposite the application site. The two developments are not comparable, one being for a stable block (appropriate development in the Green Belt subject to preservation of openness) and one which does not comply with Green Belt policy. No weight is attributed to this argument.

d) Conclusion – The Planning Balance

As detailed in preceding sections of this report, the proposals are considered to represent inappropriate development within the Green Belt. The Government attaches great importance to preservation of Green Belts, elucidated by paragraph 142 of the framework. Harm to openness, both visually and spatially, would arise from the development. The proposal would conflict with Policy LP3 of the North Warwickshire Local Plan 2021 and Section 13 of the NPPF.

Moreover, the development fails to accord to the Council's strategic housing strategy under North Warwickshire Local Plan policy LP2, facilitating the creation of a dwelling within an unsustainable part of the borough.

Owing to the sites location and the proposals, discordance with LP2 and LP3, the development would also conflict with policies DB1, HP1 and HP2 of the Nether Whitacre Neighbourhood Plan 2023-2038.

The extensive distances to larger settlements, combined with the narrow, winding road geometry and lack of footpaths, discourages active travel, in conflict with LP29(5) of the North Warwickshire Local Plan. Additionally, safe, and secure access to and from the site has not been demonstrated, failing to accord with LP29(6), and the external amenity space is not considered to provide acceptable living conditions for future occupiers, failing to accord with LP29(2).

The benefits here are the delivery of a dwelling, contributing to the Council's overall housing supply, albeit very minimally, and the provision of a self-build plot which is supported by the NWLP, National Policy and the Self-Build and Custom Housebuilding Act 2015

In the officer's view, given the current level of provision within North Warwickshire, the future delivery of self-build/custom-build units within North Warwickshire's housing allocations, the minimal scale of the development and the sites' unsustainable location, these benefits only carry limited weight in the overall balance.

Whilst the scheme re-develops previously developed land, it would do so in a manner which conflicts with Green Belt policy. As the NPPF Glossary makes clear, it should not be assumed that the whole curtilage of previously developed land should be developed, tempering the benefits arising from the re-development of previously developed land.

Consequently, despite the benefits brought by the development, it is not considered that the Green Belt harm, harm which attracts substantial weighting in the overall planning balance, and the other identified harms are *clearly* outweighed by the benefits as the NPPF states it must be to warrant the granting of planning permission. Consequently, planning permission is to be refused.

e) Human Rights Act, Equality and Diversity

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and the case officer has concluded that the application does not cause discrimination on the grounds of gender, race, and disability.

RECCOMENDATION

That planning permission is **REFUSED** for the following reasons:

- i) The proposals are considered to represent inappropriate development within the Green Belt. This definitional harm attracts substantial weight against the proposals. Furthermore, owing to the scale, height, massing and footprint of the proposed building, the proposals would harm the visual and spatial openness of the Green Belt, again to which substantial weight is attributed. The proposal would conflict with Policy LP3 of the North Warwickshire Local Plan 2021 and Section 13 of the NPPF as it is not considered that the planning considerations advanced by the applicant clearly outweigh the harms caused.
- ii) The development is located outside of any defined settlement boundary, and the site is not sustainably located owing to the deficiency of local services, facilities, and public transport links. This functional isolation generates a high dependency on private motor vehicle use for day-to-day living. Consequently, the proposals also fail to accord with the Council's spatial approach to the distribution of new development set out within Policy LP2 of the North Warwickshire Local Plan 2021. Owing to the site's location and the proposal's discordance with LP2 and LP3, the development would also conflict with policies DB1, HP1 and HP2 of the Nether Whitacre Neighbourhood Plan 2023-2038.
- iii) The distances to larger settlements, combined with the narrow, winding road geometry and lack of footpaths, discourages active travel, in conflict with LP29(5) of the North Warwickshire Local Plan.
- iv) In the absence of speed surveys to justify the proposed visibility splays, it has not been demonstrated that the proposals provide for safe and secure access to and from the site for all users, failing to meet the requirements of North Warwickshire Local Plan policy LP29(6).
- v) The development is not considered to provide the proposed occupants with acceptable living conditions given the size of the bedroom, the headroom within the dwelling and the extent and limited utility of the amenity space, in conflict with policy LP29(2) of the North Warwickshire Local Plan.

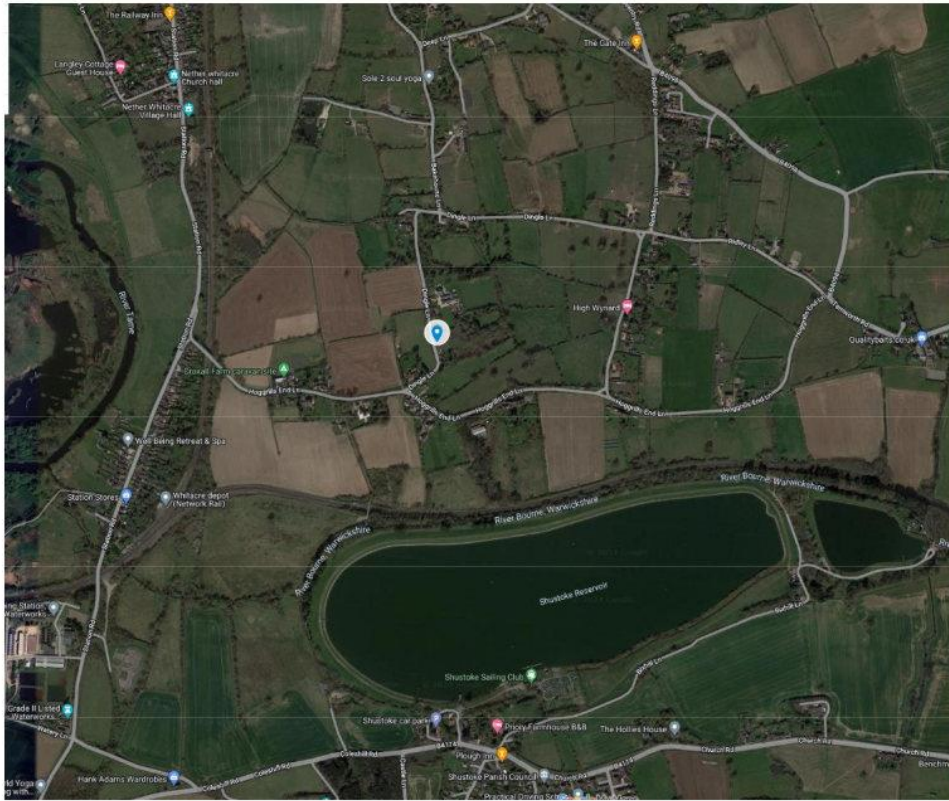
Notes

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through early identification of the planning issues and suggesting amendments to the proposal. However, despite such efforts, the planning objections have not been satisfactorily addressed. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

5b/21

5i/205

Appendix A – Site Context and Photographs



Site denoted by Blue Marker



5b/23

5i/207



5b/24

5i/208

Appendix B – Photo requested to be included by the applicant.

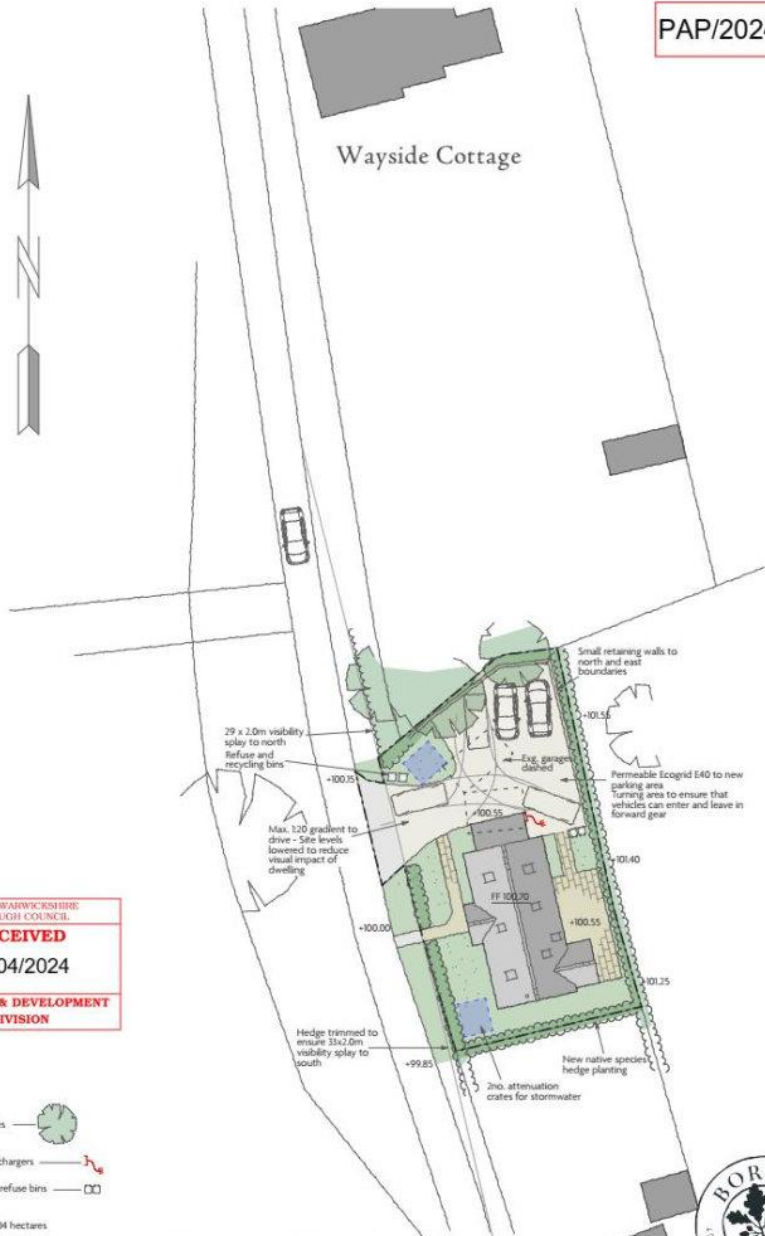


5b/25




5i/209

Appendix C – Proposed Site Plan

PAP/2024/0189



NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
16/04/2024
PLANNING & DEVELOPMENT
DIVISION

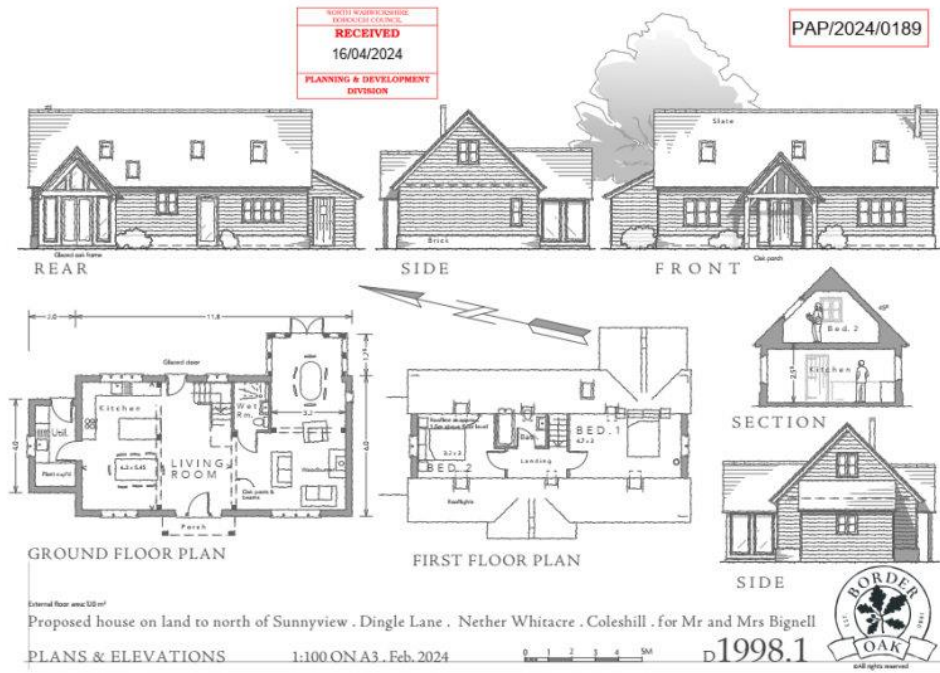
- Existing trees 
 - Electric car chargers 
 - Recycling & refuse bins 
- Site area: 0.04 hectares

Proposed house on land to north of Sunnyview . Dingle Lane .
Nether Whitacre . Coleshill . for Mr and Mrs Bignell



SITE PLAN 1:250 ON A3 . Feb. 2024 0 5 10M D1998.2B
Revision A: 25.1.24 Turning area, proposed levels and visibility splays shown. B: 26.1.24 Bins shown etc.

Appendix D – Floor and Elevation Plan



5b/27

5i/211

Appendix E – Warwickshire County Council (Highways) Consultation Response

Your ref: PAP/2024/0189
My ref: 240189
Your letter received: 23rd May 2024



Communities

Shire Hall
Warwick
CV34 4RL

Tel: (01926) 412907
highwayconsultation@warwickshire.gov.uk
www.warwickshire.gov.uk

Mr J Brown
Head of Planning
NORTH WARWICKSHIRE BOROUGH COUNCIL
PO BOX 6, The Council House
South Street, Atherstone
CV9 1DE

FAO : Andrew Horne

4th June 2024

Dear case officers name

PROPOSAL: Demolition of existing garage block and the erection of a single self/custom build dwelling.
LOCATION: Sunnyview, Dingle Lane, Nether Whitacre, Coleshill.
APPLICANT: Mr & Mrs Bignall

Warwickshire County Council, hereby known as the 'Highway Authority', has undertaken a full assessment of the planning application.

Based on the assessment and appraisal of the development proposals the Highway Authority submits the following response of **Objection, pending further information on the following points:**

Access design

The proposed site plan shows the vehicular access as being approx. 6m wide, however this exceeds the requirements for a single dwelling as set out in the WCC Design Guides.

WCC Design Guide 3.4.4 Single/Double Vehicle Access Crossings (from existing public highways) states:

"Vehicular access crossovers should have a width of 3.0 metres (where unbounded) or 3.5 metres (where bounded) where serving one dwelling"

To prevent extraneous material being deposited within the limits of the Public Highway, private driveways must be surfaced with a suitable bound material for the first 5 metres from the back of the public highway footway/service margin

*Working for
Warwickshire*

OFFICIAL

5b/28

5i/212

Positive drainage measures must be incorporated into design to ensure that driveways do not discharge surface water onto the public highway.

Amended, scaled, and annotated plans are required showing an access width of no greater than 3.5m, constructed of a bound material, with suitable drainage.

Visibility splays

The vehicular access for this site is off Dingle Lane, which is subject the National Speed Limit (60mph for cars), therefore requiring visibility splays of 215m in each direction as measured to the near edge of the public highway carriageway from a 2.4m set back. However, the visibility splay described on the proposed site plan states an 'x' distance of 2m and 'y' distances of 29m to the north and 33m to the south.

The Highway Authority acknowledge that actual speeds travelled along this road might be lower than the posted speed limit given the alignment and topography of the road and adjacent vegetation. However, as previously requested in the Highway Authority's response for planning app PAP/2023/0208, dated 14th February 2024, a speed survey would be required to justify the lower 'x' & 'y' distances mentioned, this information does not appear to be available on the NWBC Planning portal but the Highway Authority would need to review the speed survey data, along with a plan showing where the survey apparatus was located, to confirm the required visibility splays.

The hedgerows along the western boundary of the site would need to be trimmed and maintained to a height no greater than 600mm to ensure the required visibility is achieved in perpetuity.

An amended, scaled, and annotated visibility splay drawing is also required showing the maximum height of the hedgerow (600mm) as well as the required visibility splay based on the speed survey data passing through land which is under the control of the applicant or the public highway, visibility splays must not pass over 3rd party land.

Please provide a formal re-consultation to the Highway Authority for further comment upon receipt of new and/or amended documents to overcome the above issues.

Yours sincerely

Nikki McCrea

Development Management (Highways)
Planning & Environment
Environment, Planning & Transport

CC – Councillor Andy Jenns/Kingsbury ED - FOR INFORMATION ONLY

Appendix F – Nether Whitare Parish Council Consultation Response

"We have reviewed the revised application and can see part of the proposal is to lower the site to reduce the impact of the build on the surrounding area. There are no detailed plans to show how significant this would be. We are not convinced that this proposal would carry significant weight in favour since the proposed footprint and volume of the dwelling appear to be the same as was previously submitted. We would continue to ask for the application to be REFUSED based on the policies detailed in our original objection below.

While we appreciate that the applicant would like his daughter to have a dwelling in the parish and indeed our Neighbourhood Plan has the aspiration that development should provide the opportunity for local people to remain within the parish, development proposals have to be judged against policy - the NPPF, the Local Plan and the Neighbourhood Plan. A further consideration being the Council has a five-year housing land supply as evidenced in the latest monitoring report – 6.2 years. There is thus no overriding need to boost that supply through just one house for a family member.

This application does not comply with our Neighbourhood Plan policy HP1 because although it provides a house with 2 bedrooms and 2 parking spaces it is not limited infilling and it is not within the development boundary nor does it provide a SUD's scheme to deal with surface water.

We are also of the view that the application is contrary to LP2, LP3 and the NPPF paragraph 154. The site is located outside a defined settlement boundary for the purposes of Policy LP2 which states that in such a location, development will be limited to that necessary for agriculture, forestry or other use that can be shown to require a rural location. Policy LP3 says that "limited infilling may also be acceptable where a site is clearly part of the built form of a settlement – i.e. where there is substantial built development around three or more sides of a site. Neither of the above points apply here. There is no development behind and the "gap" between properties here is large and visually noticeable; there are no continuous line of developments in the vicinity of the site, and equally there are other sizeable gaps. LP3 also states replacements should be located on the same footprint as the existing building unless there are material benefits to the openness of the Green Belt or, when environmental and amenity improvements indicate otherwise. The dimensions of the proposal indicate an immense increase as detailed below.

The planning officer is of the view that this site comprises PDL (we disagree because of a recent planning decision on another site located less than a mile away (PAP/2023/0206). The NPPF para 154 g states that the development of PDL should not have a greater impact on the openness of the Green Belt than the existing development.

The applicant has not provided any existing dimensions/volumes, however, scaling from the site location plan provides a current footprint of approx. 30sqm and the proposed is 89sqm. The volume of the existing is approx. 67.5m³ and the volume of the proposed is 370m³ which is a **448% increase!** This demonstrates the dramatic increase in volume here causing significant harm to the openness of the greenbelt and neighbouring amenities.

Furthermore, the proposed site is on an upward slope, close to the lane and could prove very imposing on the street scene.

The site is in the Green Belt and no special circumstances have been put forward by the applicant to justify the development. This is inappropriate development and thus by definition is harmful to the Green Belt. We respectfully request the application is REFUSED".

5b/30

Planning and Development Board – Supplementary Report

5 August 2024

PAP/2024/0189

Sunnyview, Dingle Lane, Nether Whitacre, Coleshill

Demolition of existing garage block and the erection of a single self/custom build dwelling (resubmission PAP/2023/0208) for

Mr R Bignell

Introduction

This application is included in the Agenda for the Board's 5 August Meeting.

That report contains details on the existing buildings footprint and volume. The applicant has subsequently supplied updated calculations and officers have re-visited the site.

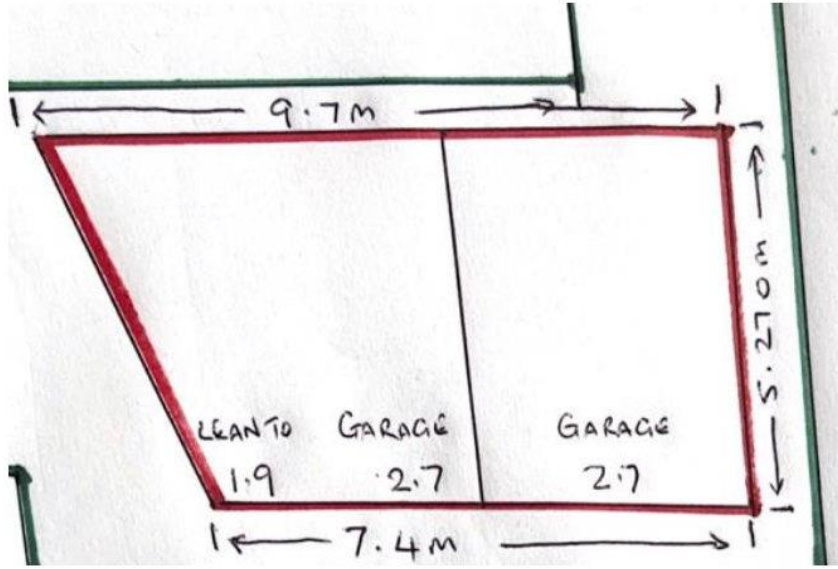
The Chairman has consequently agreed to the circulation of this Supplementary Report rather than have the matters tabled at the meeting.

Observations

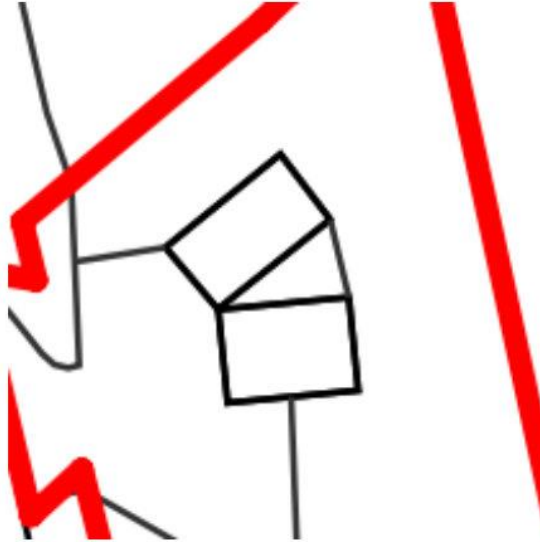
The reported figures for the footprint and volume of the existing building were 34m² and 69.5m³.

The applicant has now supplied the following - 45.0585m² and 118.066m³.

The new figures are disputed, as whilst the garages are aligned at the front, they diverge at the rear with an evident gap between the two structures, as shown on the site location plan and image below.



Existing plan supplied by applicant.



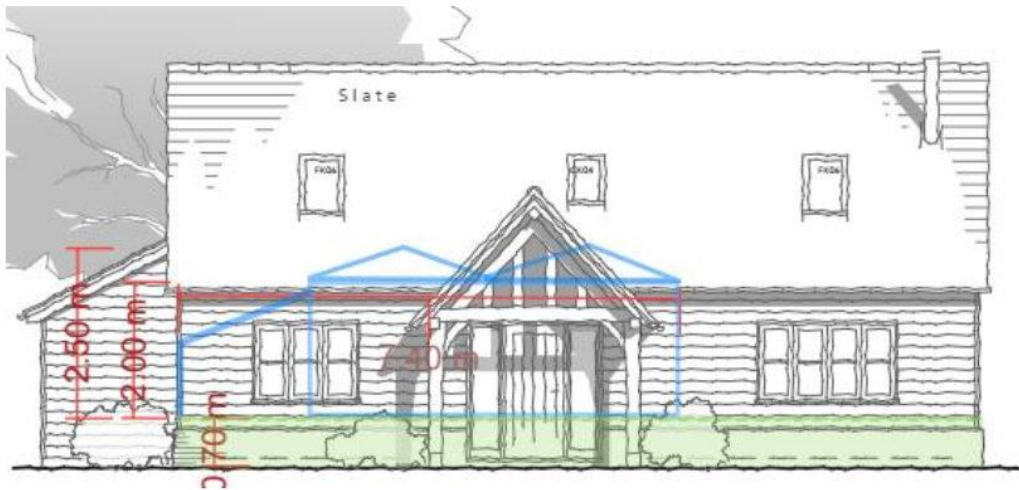


Extract from submitted site location plan (note does not include the lean-to), and a site photograph.

Notwithstanding this, even if the higher figures as quoted are accepted, this would not change the officer's position on whether the proposals have a greater impact on the openness of the Green Belt.

The footprint and volume of the new dwelling are 89m² and 370m³, which, when measured against the applicants' latest figures, still leads to footprint and volume increases of 97.5% and 213.4% respectively.

For information, a visual comparison between the existing and proposed developments is provided below:



Green shaded area represents the lowered floor level of the dwelling (700mm) with the existing garages outlined in blue.

Recommendation

There is no change to the recommendation in the main report.