

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, Ridley and Ririe)

For the information of other Members of the Council

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

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

7 OCTOBER 2024

The Planning and Development Board will meet on Monday, 7 October 2024 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The day after the meeting a recording will be available to be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

AGENDA

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

REGISTERING TO SPEAK AT THE MEETING

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

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

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

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. 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 2 September 2024** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Budgetary Control Report 2024/25 Period April - August 2024**– Report of the Interim Corporate Director – Resources (Section 151 Officer)

Summary

The report covers revenue expenditure and income for the period from 1 April 2024 to 31 August 2024. The 2024/2025 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the outturn position for services reporting to the Board.

The Contact Officer for this report is Akanksha Downing (ext 4384)

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

Summary

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

6a Application No: PAP/2023/0520 - Priory Farm, Robeys Lane, Alvecote, Tamworth, B78 1AR

Erection of 9 dwellings

6b Application No: PRE/2024/0125 - Atherstone Sewage Treatment Works, Carlyon Road, Atherstone

Installation of two kiosks to house Motor Control Centre equipment

6c Application No: MIA/2024/0028 - 7, Bray Bank, Furnace End, Coleshill, B46 2LN

Non material amendment to PAP/2021/0660, decision dated 02/12/2, for change from a flat roof to a tilted pitched roof

6d Application No's: PAP/2024/0174 and PAP/2023/0168 - Waterworks House, Station Road, Nether Whitacre, Coleshill, B46 2AJ

Single storey rear extension on a Grade II Listed Building

6e Application No: PAP/2019/0451 - Blackgreaves Farm, Blackgreaves Lane, Lea Marston, Sutton Coldfield, B76 0DA

Extension to existing shooting club house

6f 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)

6g 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

6h Application No: PAP/2024/0134 - Cow Lees Nursing Home, Astley Lane, CV12 0NF

Proposed development of specialist care home (use C2) and removal of steel frame building

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

7 PAP/2024/0377- Works to Tree(s) in a Conservation Area St Marys and All Saints Church, Coventry Road, Fillongley – Report of the Head of Development Control

Summary

The decision of PAP/2024/0377 is referred to the Board in order to inform Members of the Local Planning Authority's decision to not object to the works to four trees at St Mary and All Saints Church.

The Contact Officer for this report is Amelia Bow (719418).

8 Tree Preservation Order Hall Farm, Farthing Lane, Corley – Report of the Head of Development Control

Summary

An Emergency Tree Preservation Order was served on the owner and adjacent premises at this address on 11 July 2024 following information that the tree was under threat. The Board is now asked to consider whether this should be confirmed or not following consideration of representations that have been submitted.

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

9 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).

10 **Exclusion of the Public and Press**

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

11 **Authorisation to extend existing Injunction/seek new Injunction –**
Report of the Head of Development Control

The Contact Officer for this report is Ryan Lee-Wilkes (719290).

12 **Tree Preservation Order -** Report of the Head of Development Control

The Contact Officer for this report is Christina Fortune (719481).

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

2 September 2024

Present: Councillor Simpson in the Chair

Councillors Bates, Bell, Chapman, Clews, Davey, Hobley, Humphreys, Jackson, Jarvis, Parsons, H Phillips, O Phillips, Ridley, Turley and Watson.

Apologies for absence were received from Councillors Dirveiks (Substitute Councillor Turley), Fowler (Substitute Councillor Clews), Gosling (Substitute Councillor O Phillips), Hayfield (Substitute Councillor Davey, Reilly (Substitute Councillor Watson) and Ririe (Substitute Councillor Jackson).

Councillor Jenns was also in attendance and with the consent of the Chair spoke on Minute No 25e - Application No PAP/2038/0188 (Land at Tamworth Road, Dosthill).

23 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Humphreys declared a non-pecuniary interest in Minute No 25d - Application No PAP/2024/0078 (Land north of Ivy Cottage, Freasley Common, Dordon) by reason of knowing the applicant and took no part in the discussion or voting thereon and Minute No 25f - Application No CON/2024/0013 (Crown Aggregates Limited, Mancetter Road, Hartshill) by reason of being on the Regulatory Board of Warwickshire County Council and took no part in the discussion or voting thereon.

Councillor Ridley declared a non-pecuniary interest in Minute No 25d - Application No: PAP/2024/0078 (Land north of Ivy Cottage, Freasley Common, Dordon) by reason of being a member of Dordon Parish Council.

24 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 5 August 2024, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

25 **Planning Applications**

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

Resolved:

- a That Application No PAP/2024/0349 (Land off , Old Holly Lane, Atherstone, Warwickshire) be noted;**
- b That Application No PAP/2024/0297 (Land north and south of Junction 9 of the M42, Adjacent to Lichfield Road) be deferred for a site visit;**
- c That in respect of Application No CON/2024/0012 (Mancetter Quarry, Quarry Lane, Mancetter, CV9 2RF) the Council does not object to the proposed extension, but confirmation be sought from the County Council that the existing HGV routeing arrangement remains and that it commences early consultation with Tarmac about the future restoration of the quarry involving both Mancetter Parish Council and the Borough Council as soon as possible with a view to restoration to a recreation use;**
- d That Application No PAP/2024/0078 (Land north of Ivy Cottage, Freasley Common, Dordon) be granted subject to the conditions set out in the report of the Head of Development Control;**

[Speaker: Ian Ritchie]

- e That Application No PAP/2038/0188 (Land at Tamworth Road, Dosthill be granted subject to the conditions set out in the report(s) of the Head of Development Control;**

[Speakers: Adrian Barnsley, Julie Collister, Mary Taylor, Henry Courtier and Stuart Black]

- f That in respect of Application No CON/2024/0013 (Crown Aggregates Limited, Mancetter Road, Hartshill) the Council has no objection to the proposal, subject to the building being removed at the expiry of the planning permission for the quarry;**
- g That Application No PAP/2024/0274 (Aston Villa Training Ground, Bodymoor Heath Lane, Bodymoor Heath) be granted subject to the conditions set out in the report of the Head of Development Control and that there is no request by the Secretary of State to “call-in” the application following referral to him under the 2024 Direction;**

[Speaker: Shaun Darke]

- h That Application No PAP/2023/0101 (Land 180 Metres South West of Sewage Works, Gravel Lane, Warton) be granted subject to the conditions set out in the report of the Head of Development Control and further discussion taking place with Environmental Health on Condition numbers 7 and 11;**

[Speaker: Chris Jones, Martin Green and Ellie Jones]

- i That in respect of Application No PAP/2024/0189 (Sunnyview, Dingle Lane, Nether Whitacre, Coleshill, B46 2EG) the Council is minded to grant permission subject to conditions and the completion of a Unilateral Undertaking and referral back to the Board.**

[Speaker: Hannah Bignall]

- j That in respect of Application No PAP/2018/0755 (Land to east of Former Tamworth Golf Course, North of Tamworth Road - B5000 and west of M42, Alvecote) the Council is minded to grant planning permission for the amended proposals, subject to the completion of a Section 106 Agreement to include the matters outlined in the reports of the Head of Development Control, but that the final Heads of Terms of this Agreement be referred back to the Board following further discussion with the applicant, and that the final schedule of planning conditions be delegated to the Head of Development Control following consultation with the Chair of the Board and Councillors H Phillips and Ridley.**

[Speakers: Stephen Briggs, Mark Hopkins and Mark Bassett]

26 Proposed changes to the National Planning Policy Framework and other changes to the planning system.

The Head of Development Control reported on draft revisions to the NPPF ("NPPF24") which were announced on 31 July 2024. The changes comprised a mix of proposals that either accept or reverse changes made to the December 2023 version of the Framework and then they introduce some new policies. Details were given of the main changes and how they might affect the Borough.

Resolved:

That the views contained in the report, and any additional comments made by Members, be agreed in consultation with the Chair of the Board and Councillors H Phillips and Ridley and sent to Government by the consultation deadline of 24 September 2024.

27 **Appeal Updates**

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

7 October 2024

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

**Budgetary Control Report 2024/25
Period April - August 2024**

1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2024 to 31 August 2024. The 2024/2025 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the outturn position for services reporting to this Board.

Recommendation to the Board

- a That the report be noted and that the Board requests any further information it feels would assist it in monitoring the budgets under the Board's control.
- b That a supplementary estimate of £225,000 is approved for recommendation to Resources Board to fund the costs of appeals in the current year. This level of budget may also be required in next year but this will be requested as part of the 2025/26 budget process.

2 Introduction

- 2.1 Under the Service Reporting Code of Practice (SeRCOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but also support costs relating to such areas as finance, office accommodation, telephone costs and IT services. The figures contained within this report are calculated on this basis.
- 2.2 In April 2024 a new Financial Management System (Unit 4) was implemented which will significantly change how budget monitoring and budget preparation is delivered in the future making it more efficient and timely automating as much as possible directing resources an interpreting the figures and presenting forecasts to give a clear indication of the outturn position and impact on balances which then feeds into the Medium-Term Financial Strategy. This report is the first budget monitor using forecasting rather than profiling, this will be more informative as the year progresses.

3 **Estimated Outturn**

3.1 The forecast for those services reporting to this Board as of 31 August 2023 is £650,452 compared with the Budgeted position of £293,250; variance of £357,202 for the period. Appendix A to this report provides details of the Forecast and Budgetary position for each service reporting to this Board, together with the variance for the period.

3.2 Where possible, the year-to-date budget figures have been calculated with some allowance for seasonal variations to give a better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.

3.3 The variance of £355,634 is due to two main issues: Planning application fee income is currently lower than the budgeted income, but this will continue to be monitored and if adjustment is required this will be recommended as part of the budget process. The other issue is the cost of appeals which is significant in the current year due to the cost incurred for professionals such as barristers. This cost can be split as follows:

- Hodgetts inquiry to date costs of £139,069 received.
- Fillongley Solar Farm hearing due to be held in December estimated costs of £86,000.

4 **Appeal budgets for Planning Control**

4.1 Additional budget of £225,000 has been requested to cover the appeals taken place to date and any further appeals in this financial year. There has been a proposal to continue with the appeals budget in the planning and control cost centre for the next financial year but this if required will be requested as growth as part of the 2025/26 budget process - Appendix B.

5 **Risks to the Budget**

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

- The need to hold Public Inquiries into Planning Developments. Inquiries can cost the Council around £50,000 each.
- A change in the level of planning applications received. A fall in applications is likely to lead to a reduction in planning income, whilst an increase in applications will increase the pressure on staff to deal with applications in the required timescales.
- The Government requires all planning applications to be dealt with within 26 weeks. If this is not achieved, the costs of the application must be borne by the authority. Whilst the Planning Team deals with almost 100% of current applications within this time, there is always the potential for this to slip, leading to a decline in the planning income level.
- There are potential additional costs for the Council in carrying out its planning function. If the Council loses a planning appeal, an award of

costs can be made against the Council (the appellant's costs for the appeal). If the Council consistently loses appeals it will become a designated authority, which means that prospective applicants can submit their applications directly to the planning directorate. This would mean the Council would lose the accompanying planning fee.

6 Report Implications

6.1 Finance and Value for Money Implications

6.1.1 Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board at future meetings.

6.2 Environment and Sustainability Implications

6.2.1 The Council must ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

The Contact Officer for this report is Akanksha Downing (ext 4384).

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

Development and Control Board (April - August 2024)

Appendix A

		Budget	Actuals	Forecast	Variance
NW4009	Planning Control	£135,470	£71,006	£491,104	£355,634
NW4010	Building Control	£62,840	£11,290	£62,840	£0
NW4012	Conservation And Built Heritage	£68,300	£68,275	£68,300	£0
NW4014	Local Land Charges	£29,930	£32,384	£31,498	£1,568
NW4016	Civic Awards	£0	£0	£0	£0
NW4018	Street Naming And Numbering	-£3,290	£395	-£3,290	£0
	Development and Control Board Total	£293,250	£183,350	£650,452	£357,202

Development and Control Board (April - August 2024)

Appendix B

	Budget	Actuals	Forecast	Variance
Premises-Related Expenditure	£0	£0	£0	£0
Supplies & Services	£182,130	£168,646	£409,151	£227,021
Income	-£859,500	-£980,298	-£729,319	£130,181
Balance Sheet	-£8,610	£16,390	-£8,610	£0
Central Support Charges	£979,230	£978,612	£979,230	£0
Grand Total	£293,250	£183,350	£650,452	£357,202

Agenda Item No 6

Planning and Development Board

7 October 2024

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 4 November 2024 at 6.30pm in the Council Chamber

6 **Public Speaking**

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

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
6/a	PAP/2023/0520	1	Priory Farm, Robeys Lane, Alvecote, Tamworth, B78 1AR Erection of 9 dwellings	General
6/b	PRE/2024/0125	14	Atherstone Sewage Treatment Works, Carlyon Road, Atherstone Installation of two kiosks to house Motor Control Centre equipment	General
6/c	MIA/2024/0028	18	7 Bray Bank, Furnance End Non material amendment to PAP/2021/0660, decision dated 02/12/2, for change from a flat roof to a tilted pitched roof	General
6/d	PAP/2024/0174 & PAP/2023/0168	21	Waterworks House, Station Road, Nether Whitacre, Coleshill, B46 2AJ Single storey rear extension on a Grade II Listed Building	General
6/e	PAP/2019/0451	35	Blackgreaves Farm, Blackgreaves Lane, Lea Marston, Sutton Coldfield, B76 0DA Extension to existing shooting club house	General
6/f	PAP/2024/0189	70	Sunnyview, Dingle Lane, Nether Whitacre Demolition of existing garage block and the erection of a single self/custom build dwelling (Resubmission PAP/2023/0208)	General
6/g	PAP/2024/0134	89	Cow Lees Nursing Home, Astley Lane, CV12 0NF Proposed development of specialist care home (use C2) and removal of steel frame building	General

6/h	PAP/2018/0755	142	<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>	
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General Development Applications

(6/a) Application No: PAP/2023/0520

Priory Farm, Robeys Lane, Alvecote, Tamworth, B78 1AR

Erection of 9 dwellings, for

Pineapple Homes Central

1. The Site

1.1 This application is reported to the Board because of the recommended Section 106 Agreement.

1.2 Priory Farm is no longer a farm and now comprises a small area of land immediately to the west of Robey's Lane about 100 metres north of its junction with the B5000. Immediately to the west are the Daytona Karting track and the built-up area of Tamworth, whereas presently there is open countryside around the other boundaries. There is a strong tree and hedgerow boundary around the site and there are trees either side of a central access drive leading from the Lane to the current two houses on the site.

1.3 A location plan is at Appendix A.

2. The Proposals

2.1 This is a detailed application for the erection of nine detached houses which would be laid out fronting both sides of a new access drive from the Lane. The two existing houses at the western end of the site would be retained. Many of the existing trees on the existing driveway would be retained as a feature of the scheme.

2.2 The nine houses would comprise 4 five-bedroom and 5 four-bedroom units. They would have facing materials including white render, brickwork and wooden panelling. Car and cycle parking is included.

2.3 The proposed layout is at Appendix B and the elevations are at Appendix C.

3 .Background

3.1 An outline planning permission was granted under reference PAP/2019/0326 for the demolition of the two existing houses and their replacement with up to 10 new houses in May 2022. No reserved matters application has yet been submitted.

3.2 The site is included in a strategic housing allocation for a minimum of 1270 houses within the North Warwickshire Local Plan 2021. This site is known as H5 and extends from the current built-up area of Tamworth up to the western side of Robeys Lane.

3.3 At its meeting on 2 September, the Board resolved that it was minded to grant an outline planning permission for this H5 site – up to 1270 houses – subject to conditions and the completion of a Section 106 Agreement. However, this excludes this site at Priory Farm. The planning reference is PAP/2018/0755.

4. Representations

4.1 None have been received.

5. Consultations

Warwickshire County Archaeologist – No objection and no conditions recommended.

Warwickshire County Council as Highway Authority – No objection subject to conditions.

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

Environmental Health Officer – No objection subject to conditions for contaminated land, noise and for a Construction Management Plan

Warwickshire Ecologist – It is agreed that there is a 20% habitat loss and a 20% hedgerow loss.

6. Section 106 Matters

6.1 There have been requests for contributions and these will be reviewed below.

7. Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP4 (Strategic Gap), LP7 (Housing Development), LP14 (Landscape), LP16 (Natural Environment), LP22 (Open Spaces and Recreation Provision), LP27 (Walking and Cycling), LP29 (Development Considerations), LP30 (Built Form), LP37 (Housing Allocations) and LP34 (Parking)

8. Other Material Planning Considerations

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

The Planning Obligations for Sport, Recreation and Open Space 2023

9. Observations

9.1 There is no objection in principle here given the extant outline planning permission; the housing allocation and the Board’s recent resolution referred to above. No affordable housing is proposed, but this is policy compliant given the scale of the development. None was either agreed under the outline permission. The main issue here will be the impact of the continuing use of the Go-Kart Track on the noise environment of the new housing until such time as that site is redeveloped under the recent resolution.

9.2 The layout matches that of the indicative plans agreed under the outline and the appearance of the houses, whilst more modern than traditional, will not be out of place given the H5 allocation and will provide a different design thus adding variety. The parking provision is also policy compliant.

9.3 It is significant that there are no objections from the Highway Authority either in terms of the internal layout, or the access arrangements onto the Lane. These will not prejudice the overall highway approach to the implementation of the recent resolution for the H5 allocation.

9.4 There is neither an objection from the Lead Local Flood Authority.

9.5 The extant permission here included a three-metre noise barrier along the common north-western boundary with the karting track and the re-orientation of the new houses closest to that boundary together with requirements for acoustic glazing and ventilation. The current scheme retains the two existing closest houses to this boundary. The houses proposed beyond these houses along the south-western site boundary, will thus be much further distant from the track with the intervening two houses and the karting track buildings – the nearest new house would be almost 100 metres from the actual track. However, there will still be a row of new properties along the north-eastern side of the application site. The closest – plot 6 - would be the most exposed to the track, but still some 50 metres from the actual track. The proposal includes acceptance there would be no openings in the gable end facing that track and that the rear garden would have a 3.6 metre tall acoustic fence along its north-western boundary. Additional proposals include minimum thresholds for windows to all habitable rooms throughout the site. In these respects, the impact of noise from the karting track on the future occupiers of the new houses can be reasonably mitigated. This was the case with the extant permission.

9.6 Additionally, paragraph 187 of the NPPF requires that consideration is given to the change in circumstance here for the karting track owners. Under the “agent of change” issue of that paragraph, the introduction of the new houses should not lead to “unreasonable restrictions” being placed on the track owners and thus the lawful use and activity at the track, as a consequence of noise complaints that might arise from the occupiers of the new houses. The agent of change should therefore provide “suitable mitigation”. That is set out above and takes account of the lawful operating conditions of the karting track at the time of submission of the application.

9.7 In respect of the issue of “unreasonable restrictions”, then the existing karting business is already the subject of a number of very precise operating conditions through the grant of planning permissions. These were imposed in order to reduce the likelihood of adverse noise emissions and were added in the full knowledge of the proposals for housing around the kart track site. These conditions were not the subject of any appeal by the track operator and neither has there been any issue of a Breach of Conditions Notice, or indeed any action taken under the Environmental Protection Act. Whilst any new house occupier should be aware of the presence of the track when acquiring a property here, that would not stop potential complaints. These would need to be investigated, but they would not be likely to introduce new or different material to investigate. The issue is thus to assess what the likelihood is of unreasonable restrictions being placed on the track operator as a direct consequence of the new housing development. It is considered that this is unlikely given the range and content of

the established operating planning conditions in place for the track and the inclusion of the mitigation measures that would be built into the new housing permission.

9.8 As a matter of planning judgement and from the evidence, it is considered that the appropriate balance has been struck here for the purposes of paragraph 187 of the NPPF.

10. Section 106 Agreement

10.1 Local Plan policy LP22 says that new development proposals are expected to provide a range of new on-site and open space recreational provision. This is reflected in the NPPF where at para 102, it says that “access to a network of high- quality open spaces and opportunities for sport and recreation is important”. To this end the Council’s Supplementary Planning Document on Planning Obligations for such provision is given substantial weight.

10.2 There is no on-site provision proposed here, but off-site provision in lieu is to be provided through a financial contribution. This amounts to £31,277 and is to be directed towards off-site play and youth provision. The contribution would accord with Policies LP1, LP22 and LP29 (4) of the Local Plan as well as paras 96 (c) and 97 of the NPPF. It is also soundly based on the evidence available in the Council’s adopted documents and strategies and it has been calculated in line with the appropriate up-to-date Obligations Document. It is considered that as consequence, the contribution does satisfy the necessary statutory “tests” for inclusion in a 106 Agreement.

10.3 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 NPPF at para 180 sets out objectives for conserving and enhancing the natural environment with para 186 (f) particularly giving emphasis to enhancing bio-diversity in a measurable way. As recorded above, it is agreed that there is a net loss of on-site bio-diversity through this proposal. As a consequence, compensation is sought. The County Council has agreed the value of this using the appropriate metrics - £59,746. It is again considered that with this policy background, the use of the relevant metric, and the agreement of the County Ecologist, that the contribution would satisfy the necessary statutory tests.

Recommendation

That subject to the completion of a Section 106 Agreement in the terms as set out in this report and the following conditions, that planning permission be **GRANTED**.

Conditions

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

REASON

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

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

The Location Plan received on 20/11/23.

The Block Plan numbered 12/1003G received on 23/7/24.

Sheets 3 and 4 of 210826-04 dated 11/4/24.

The Section numbered 12/1006D received on 23/7/24.

Plan numbers 20171/003F, 004G, 007, 008F, 0071E, 152A, 153A and 1560 all received on 21/11/23.

The Drainage Strategy Technical Note (7th issue) dated 7/4/24.

The Proposed drainage strategy – plan number PHPRIORYFARM 23/23(revP6)
Infiltration Basin details - No 121/1010B rev B

Typical Infiltration Tank Detail – PHPRIORYFARM 23 /CD01(RevP1)

Pre-Commencement Conditions

3. No development shall commence on site 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) Drawings and plans illustrating the scheme. The strategy agreed under Condition 2 above shall be treated as the minimum required.
 - b) Detailed drawings and cross-sections of the proposed features such as infiltration structures. These shall be feature-specific demonstrating that the surface water drainage system is designed in accordance with the SUDS Manual CIRIA Report C753.
 - c) Detailed network level calculations demonstrating the performance of the system, including:

- i) Suitable representation of the drainage system, details of the design criteria used (including consideration of a surcharged outfall) and justification for these criteria.
 - ii) Simulation of the network for a range of durations and return periods including the 1. 2 year, 1 in 30 year, and 1 in 100 year plus 40% climate change events.
 - iii) Results demonstrating the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. These should provide a summary for each return period.
 - iv) All evidence should be supported by labelled plans and drawings including the contributing areas)
- d) Plans such as external levels plans, supporting the exceedance and overland flow routeing provided to date. The overland flow routeing should demonstrate:
- i) how runoff will be directed through the development without exposing properties to flood risk
 - ii) how property finished floor levels and thresholds relate to exceedance flows – a recommended finished floor level is 150mm above surrounding ground levels.
 - iii) that recognition has been given to exceedance during a storm event due to a number of factors, therefore showing that exceedance management does not rely on calculations demonstrating no flooding.

REASON:

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

4. No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has first been submitted to and approved in writing by the Local Planning Authority for the development. 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) The location of the site compounds.
 - e) Storage of plant and materials.
 - f) The erection and maintenance of security hoarding fencing.
 - g) Wheel washing facilities.
 - h) Measures to control the emission of dust and dirt during construction.
 - i) Measures to control and mitigate disturbance from noise.
 - j) Any on-site lighting as required during construction.
 - k) Measures to protect existing trees and hedgerows proposed for retention.
 - l) Delivery, demolition and construction working hours.

- m) 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 throughout the construction period of each phase.

REASON:

In the interests of highway safety and the residential amenity of the local community.

5. No development shall commence on site until a Phase 1 (Preliminary Risk Assessment Study) has been carried out and the study and any remedial measures recommended as a consequence, has first been submitted to and approved in writing by the Local Planning Authority. If no such measures are recommended, then the submission shall provide the evidence to show that this is the case.

REASON:

In order to reduce the risk of pollution arising from any contaminated land or land gas that may be present on the site.

6. No 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 the site has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON:

In the interests of public safety.

Pre-Occupation Conditions

7. There shall be no occupation of any building hereby approved for residential purposes until a Drainage Verification Report for the installed surface water drainage system based on the Drainage Strategy Technical Note approved under condition 2, 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.

8. There shall be no occupation of any building hereby approved for residential purposes until a detailed, site-specific maintenance plan for the approved surface water drainage system has 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,
 - 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.

REASON:

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

9. No house hereby approved, shall be occupied for residential purposes until such time as a Verification Report has been submitted to and approved in writing by the Local Planning Authority to evidence that all of the mitigation measures that might be approved under Condition 5 above have been fully completed.

REASON:

In order to reduce the risk of pollution arising from any contaminated land or land gas that may be present on the site.

10. No house hereby approved, shall be occupied for residential purposes until such time as all of the measures approved under condition 6 above have been fully installed to the written satisfaction of the Local Planning Authority.

REASON:

In the interests of public safety.

11. There shall be no occupation of any individual house hereby approved, until such time as evidence has been submitted to and verified in writing by the Local Planning Authority, that all of the following matters have been fully addressed:
- i) all windows to habitable rooms in that house have been fitted with a minimum manufacturers' rating of Rw33dB.
 - ii) the house has space for three 250 litre refuse bins.
 - iii) the house has an electric vehicle charging point fitted and in full working order.
 - iv) the house has secure on-site cycle storage facility.

REASON:

In order to reduce the risk of unacceptable noise pollution and in the interests of the residential amenities of the area and to promote sustainable development

12. In addition to the requirements of condition 11, there shall be no occupation of the house approved on Plot 6 as shown on the approved plan until such time as evidence has been submitted and verified in writing that all of the following matters have been fully addressed:
- i) A solid wooden acoustic barrier fence, with a minimum height of 3.6 metres and constructed continuously to ground level with gravel boards, has been erected along the north-western boundary of this Plot;
 - ii) No openings at all shall be provided in any part of the gable facing in Kart Track to the west.
 - iii) The first floor windows have opening lights which are hinged on the frame side nearest the kart track and
 - iv) All habitable rooms should be provided with alternative means of background ventilation.

REASON:

In order to reduce the risk of unacceptable noise pollution.

13. In addition to the requirements of condition 11, there shall be no occupation of any of the individual houses on plot numbers 1, 2, 7, 8 and 9 as shown on the approved plan, until such time as evidence has been submitted to and verified in writing that house has been fitted with alternative means of ventilation such as trickle vents.

REASON:

In order to reduce the risk of unacceptable noise pollution.

14. There shall be no occupation of any of the houses hereby approved until such time as all parts of the existing access to the public highway, not included in the access arrangements as approved under Condition 2, have all been closed and the public highway reinstated to the written satisfaction of the Local Planning Authority.

REASON:

In the interests of highway safety

15. There shall be no occupation of any of the houses hereby approved until such time as the road serving the development including footways, private drives, the means of accessing individual plots, car parking and manoeuvring areas as shown on the approved plan 12/1003G have all been laid out and completed to the written satisfaction of the Local Planning Authority.

REASON:

In the interests of highway safety.

16. There shall be no occupation of any of the houses hereby approved until such time as a visibility splay measuring 2.4 metres by 59 metres as measured from the near edge of the public carriageway, have first been provided either side of the approved access onto Robeys Lane.

REASON:

In the interests of highway safety.

On-Going Conditions

17. Notwithstanding the provisions of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, there shall be no openings added to, or provided within the gable end of the house on Plot 6 as defined by the approved plan, which faces the adjoining Kart Track.

REASON:

In order to reduce the risk of unacceptable noise pollution.

18. There shall be obstruction whatsoever in the visibility splay referred to in condition 16. No planting or structure or works shall be taller than 0.6 metres in these splay.

REASON:

In the interests of highway safety.

Informatives:

- a) The Local Planning Authority has met the requirements of the NPPF in this case by resolving a number of technical matters with the respective Agencies and Bodies in order to enable a positive outcome.

- b) Attention is drawn to Sections 149, 151, 163 and 184 of the Highways Act 1980, the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice, particularly in respect of works within the limits of the public highway.

- c) Attention is drawn to the Go-Kart track adjacent to the site.

Appendix A

Priory Farm, Robeys Lane, Tamworth, B78 1AR

PAP/2023/0520



created on edozo

Plotted Scale - 1:1,200

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
20/11/2023
PLANNING & DEVELOPMENT
DIVISION

Circuit

Appendix B

PAP/2023/0520

1:500 when printed at A3

Scale Bar: 0 10 20 30 40 50m

Priory Farm Alvecote
Block Plan
Dwg No 12/1003G

Revision A: Position of plots 2 and 9 amended and marker reference to existing properties removed. 04/09/2023
Revision B: Sootaway tanks added and pump station relocated. 22/08/2023
Revision C: Minor amendment to planning application boundary. 06/09/2023
Revision D: Planning boundary amended and BNG area added to existing house defined. 20/10/2023
Revision E: Plot and wall fence added to BNG area and plot 7 and 9 garages amended. 09/11/2023
Revision F: Fence heightline adjacent to North's boundary removed from plan. 15/11/2023
Revision G: amendments following Highways comments. 17/02/2024

Highclere 5 bed detached 4No
Blenheim 4 bed detached 3No
Chatsworth 4 bed detached 2No

NORTH WARWICKSHIRE
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Appendix C

PAP/2023/0520

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General Development Applications

(6/b) Application No: PRE/2024/0125

Atherstone Sewage Treatment Works, Carlyon Road, Atherstone

Installation of two kiosks to house Motor Control Centre equipment for

Severn Trent Water Ltd

Introduction

This application has been submitted to the County Council for determination and it has invited the Borough Council for its comments in order to help in the determination of the case.

The Site

The Atherstone Water Treatment Works are located off the Carlyon Road within an industrial setting. The proposed two kiosks are centrally sited within its holding.

The Location plan is at Appendix A.

The Proposals

The two new structures are required in order to meet new ammonia permits and other regulatory permit requirements which come into force in January 2025. Essentially the proposed development provides essential and industry compliant infrastructure to ensure the continued provision of waste- water management under the 1991 Water Industry Act.

One kiosk will measure 12 by 3 metres and be 3 metres tall but raised 1.2 metres above ground level. It would have a mono-pitch roof and be clad with a dark green finish. The second would be 8 by 4 metres and 3 metres tall but with a flat roof. It too would be raised off the ground and be similarly clad.

Plans are at Appendices B and C.

Development Plan

North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP29 (Development Considerations) and LP30 (Built Form)

Warwickshire Waste Core Strategy 2013/2028 - CS2 (Spatial Waste Strategy) and DM1 (Protection and Enhancement of the Natural Environment)

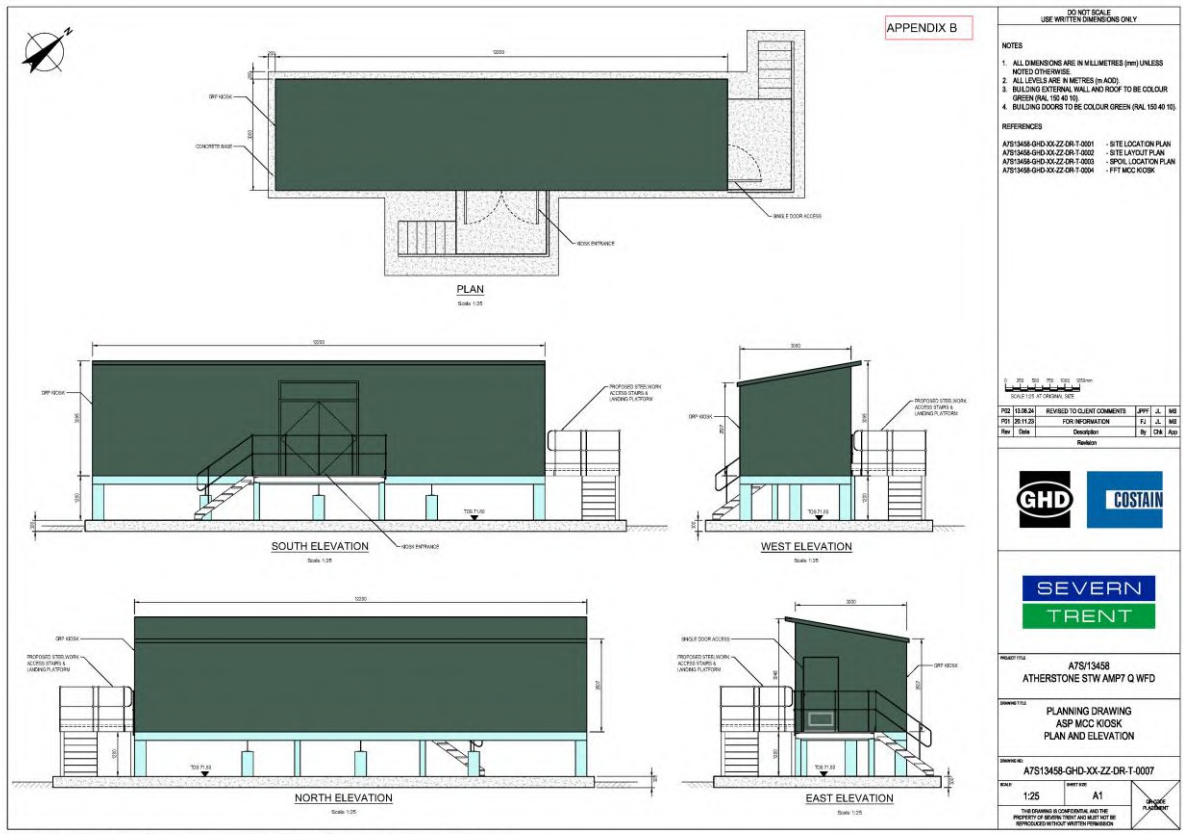
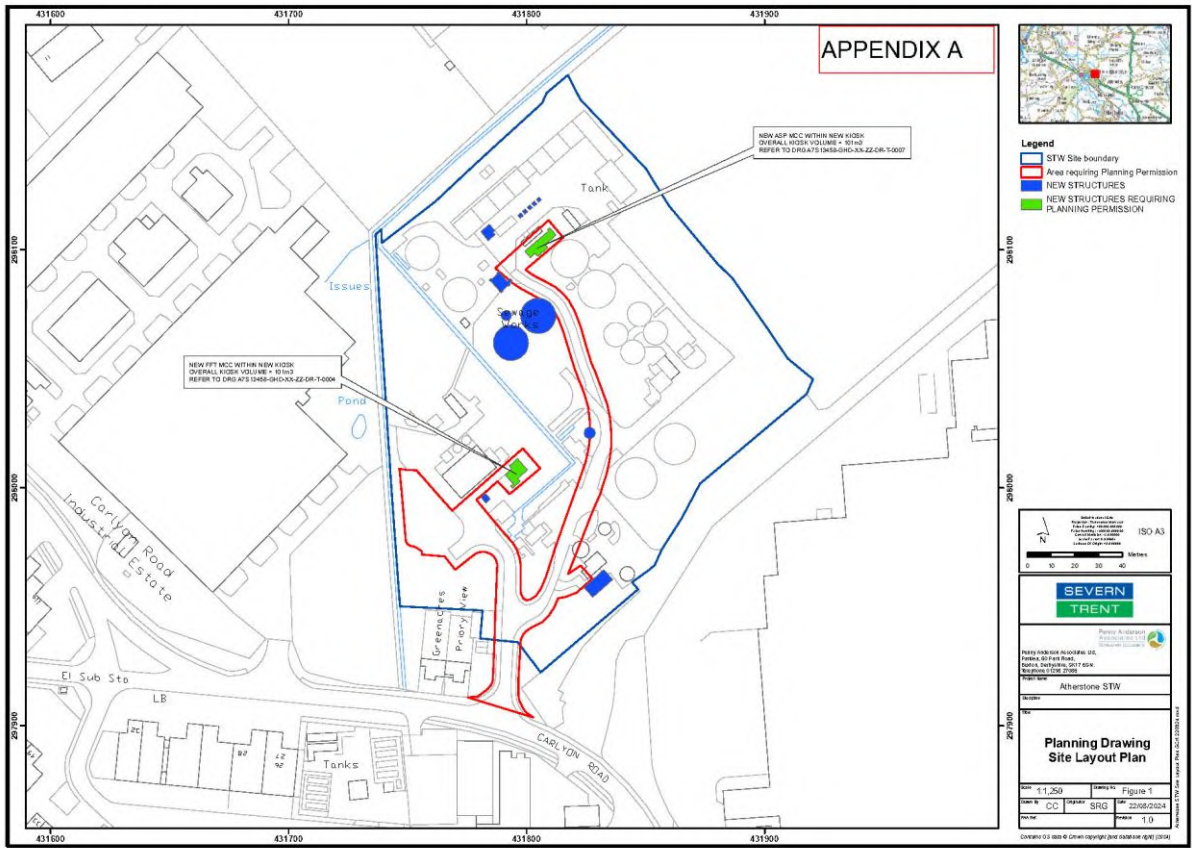
Warwickshire Minerals Local Plan 2018/2032 – MCS5 (Safeguarding of Minerals and Minerals Infrastructure)

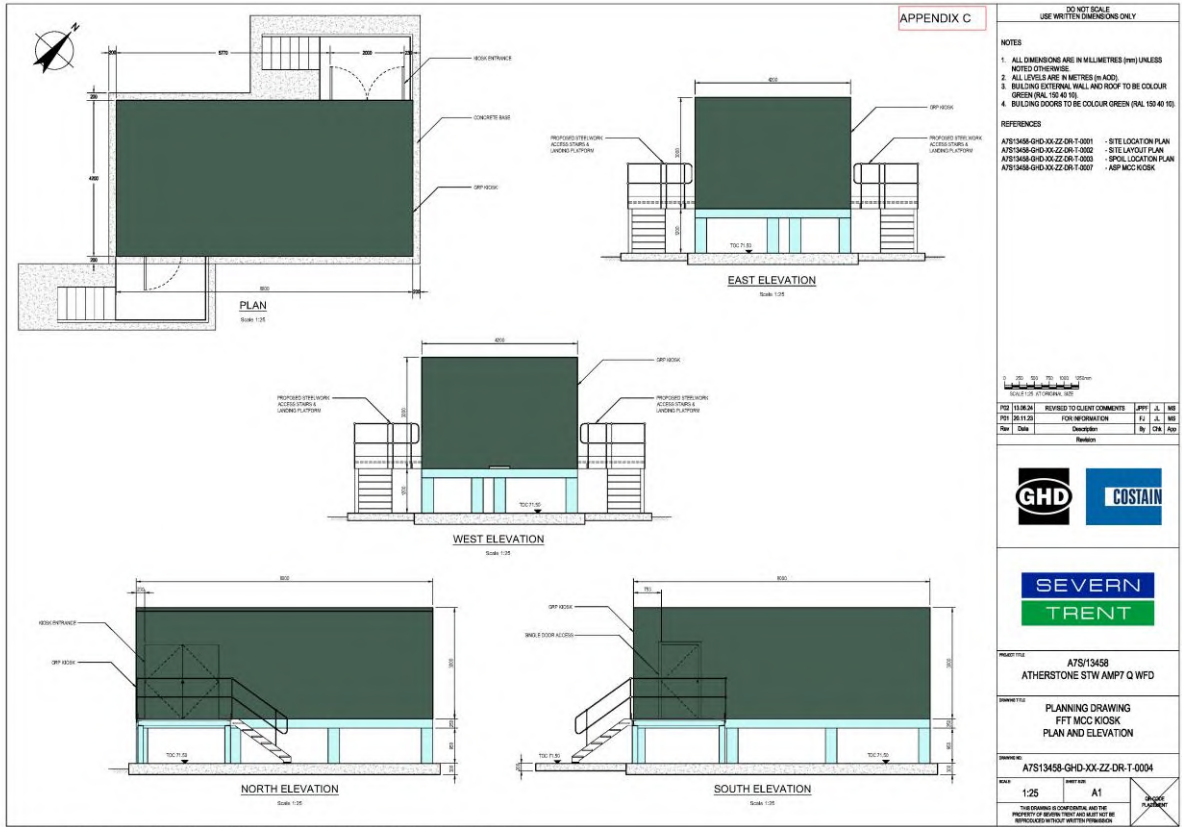
Observations

There is no objection to this proposal given that the development is centrally located within the holding and with other similar structures and associated operational infrastructure surrounding the new buildings. The setting is also industrial in character.

Recommendation

That the Council does not object to the proposal.





General Development Applications

(6/c) Application No: MIA/2024/0028

7, Bray Bank, Furnace End, Coleshill, B46 2LN

Non material amendment to PAP/2021/0660, decision dated 02/12/2, for change from a flat roof to a tilted pitched roof, for

Mrs Jane Loveridge

Introduction

This application is referred to the Board as the applicant is a member of Council staff.

The Site

This is one of a pair of semi-detached houses at the end of the small cul-de-sac of Bray Bank which has a frontage of similar properties. The site is shown at Appendix A.

The Proposals

The original proposal was to add a small bay window to the front elevation. This application is for an amendment to the roof design from a flat roof to a hipped roof, with the roofing materials to match that of the host dwellinghouse. The previously approved and the current proposed elevations are also shown at Appendix A.

Representations

None received.

Development Plan

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

Other Material Planning Considerations

The National Planning Policy Framework

Observations

The design of this small bay window is in keeping with the character and appearance of the host dwelling and there is no impact on neighbouring residential amenity.

Recommendation

That the plans received on 30 August 2024 be Approved as a non-material amendment to planning permission PAP/2021/0660 dated 11/1/22.

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. 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>
3. The Local Authority has met the requirements of the National Planning Policy Framework in this case through the issue of a positive outcome within the appropriate time period.

APPENDIX A

7 Bray Bank Amended Bay Window Roof Proposal



Approved Front Elevation



Similar image



Site Location Plan 1:1250



Proposed Front Elevation



Similar image

General Development Applications

(6/d) Application Nos: PAP/2024/0174 and PAP/2023/0168

Waterworks House, Station Road, Nether Whitacre, Coleshill, B46 2AJ

Single storey rear extension on a Grade II Listed Building, for

Mr Ashley Kilgas

Introduction

This application is referred to the Board for determination in view of the Board's previous concerns about the overall impact of the proposal visually, on amenity grounds, as well as the heritage impact on a Grade II Listed Building.

The Site

The application site is a two storey, semi-detached property on the west side of the road opposite the junction with Watery Lane and close to the Listed Whitacre Waterworks building and reservoir. The dwellinghouse and its neighbouring property are built in the Victorian style and were historically part of the Whitacre Waterworks. There is little other development in the area. The site is a Grade II Listed Building.

The neighbouring property – Waterworks Cottage - abuts the site and there is a ground floor kitchen window very close to this common boundary. The boundary is marked by a brick wall around 1.8 metres tall.

A general location plan is at Appendix A.

The Proposal

Planning permission is sought for a single storey rear extension. The design of this has been amended since the original submission. The scheme to be determined shows an extension coming out some 3 metres from the rear of the property, The width of the extension is approximately 8 metres. The proposal is a flat roof structure that incorporates one roof light. The height of the proposal is approximately 3 metres across the rear with sliding glass panel doors allowing access into the rear garden.

The proposals are at Appendix B.

Background

Members will recall that the planning application was previously considered at the Board meeting of 6 November 2023. Determination was deferred following the receipt of confirmation that the property was to be listed by Historic England. Subsequently, a listed building consent application has been submitted which replicates that the planning application.

Development Plan

North Warwickshire Local Plan 2021- LP3 (Green Belt); LP15 (Historic Environment), LP29 (Development Considerations) and LP30 (Built Form)

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework 2023 (NPPF).

Government Advice: National Planning Practice Guidance

Supplementary Planning Guidance: A Guide to the Design of Householder Developments, adopted September 2003.

Consultations

Heritage Officer - No objection subject to conditions.

Representations

An objection was received from the neighbouring occupier in respect of the submission and a further letter following the receipt of amended plans raising the following points:

- Design and materials not in keeping with the site.
- Preservation of the listed building character.
- Proximity to neighbouring property.
- Height of the proposal.
- Loss of light and view from window in kitchen.
- Inaccuracy of Heritage statement
- Overdevelopment and overshadowing
- How would it be possible to be reversed?
- Impact on the environment
- Structural damage to the neighbouring property, more specifically the adjoining kitchen roof.
- How will the kitchen roof be impacted during construction.
- Impact on shared garden wall and how will it be repaired in the future.
- How long will construction take.
- Does Grade II listing hold no weight?
- 45-degree rule
- Light and noise pollution.
- Would request that the planning board carry out a site visit to assess for themselves the impacts.

Observations

a) Green Belt

The site is in the Green Belt where the new building construction is deemed to be inappropriate development by definition in the NPPF as it causes harm to the openness of the Green Belt. There are exceptions to this, and one is where that construction is for extensions to buildings. However, the exception is conditioned such that the extension should not result in disproportionate additions over and above the size of the original building. 'Disproportionate' is not defined in the NPPF. Policy LP3 of the Local Plan however says that that each case should be determined on its merits and that both qualitative and quantitative assessments should be made. The Policy suggests that a figure of 30% could be a guide for the quantitative assessment. Additionally, it needs to be pointed out that the exception refers to the original building, not the existing.

In this case, the proposed extension is just over a 40% increase in footprint and volume over the original dwellinghouse. As openness is a three-dimensional matter, it is considered that from a quantitative perspective, the proposal could accord with the guidance in Policy LP3.

Qualitatively, whilst the extension is large, it does not dominate the existing building and spatially, when taken together with the neighbouring property. There is little in the way of loss of openness because it is single storey and set against a combined two-storey built form. Moreover, the site is within the curtilage of a dwelling house with a neighbouring similar arrangement. It is therefore considered that the impact on the openness of the Green Belt is negligible. To ensure that the openness of the Green Belt is retained, it is considered that permitted development rights for buildings in the garden area should be removed.

Therefore, when these two assessments are combined, it is considered that the proposal is compliant with Local Plan Policy LP3 and thus it is appropriate development under the NPPF.

b) Heritage

Due to the building's heritage and the fact that it has recently become a Grade II Listed Building, the impact of the proposal on the significance of the Listed Building, holds weight in determining this application. The applicant has worked well with the Council and has been in constant communication with the Heritage and Conservation Officer throughout the application. The Heritage officer has considered that this proposal whilst making a significant impact on the current character of the listed building, the design allows it to be subservient to the main dwelling with a streamlined modern design and limited colours and material palette. The Heritage officer would therefore be able to support the application, subject to appropriate conditions in respect of detailing.

The Council is under a Statutory Duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. LP15 of the Local Plan states "all development proposal that affect any heritage asset will be required to provide sufficient information and assessment of the impacts of those proposals on the significance of the assets and their setting." The applicant in this proposal has acknowledged the significance of the

listed building and through the modern design and discussions with the Conservation officer has limited the impact of the proposal on significance of the asset. The modern design against the listed building allows them both to be viewed for their own unique qualities rather than as a pastiche lower quality addition. This would damage the character of the listed building as the proposal would not be able to meet the same level of design and would be a clear addition. The creation of a modern extension shows the contrast between the host dwelling and its addition.

The NPPF Paragraph 205 states “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”. Overall, it is considered that the proposal will lead to less than substantial harm to the significance of the heritage asset.

The proposal has been discussed over numerous site visits and meetings with the applicant to ensure that the significance of this site is highlighted in the application and to achieve a level of design that focuses on the conservation of the listed building and its character and appearance. The focus of concept of this application has been through the use of contrasting material, as using a different design a different material makes it easier to differentiate the old from the new and allow for both to stand out positively.

c) Design and Character

It is now necessary to assess the proposal against two other relevant policies.

LP30 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.’

This proposal does not have matching characteristics to the existing property; however, this is not necessarily a negative impact. The use of different materials and a more modern design can help contrast the old from the new and stop the two from merging. Historic England state “cleverly chosen contrasting materials in a modern design may work well for some buildings, where the extension can then be clearly ‘read’ as different to the old house. But the effect should not be so different that the extension is more prominent than the main building”. This proposal achieves this well as it is different enough that it stands out so that it is different to the main house, but the extension is not so prominent that it will take away from the existing old dwelling. The size and scale of the proposal being single storey allows it to be subservient to the existing building and with its location on the site being located on the rear of the property, this does not take away from the beauty of the building from the front and is not impacting on the street scene.

Overall, the contrast of old and new has been presented well in this application allowing both developments to stand out for their own unique ways and not being of detriment to the beauty and character of the listed building. The modern design and use of different materials in this scenario is a good method as trying to be pastiche to the existing

design of this listed building would be extremely difficult and would be of detriment to the character of the site.

d) Residential Amenity

Local Plan Policy LP29 (point 9) states that all 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...’

The amended scheme would have an adverse impact on the amenities of the occupiers of the neighbouring property, Waterworks Cottage. This is because the extension would breach the guidance set out by in the Council’s SPG, namely the 45-degree line. This is shown on the submitted plan at Appendix B. The window concerned is to a kitchen extension and this would be classed as a habitable room.

However, the loss of light to the neighbouring kitchen would not be constant throughout the day. Within Appendix C, officers have shown the sun path for different times of the year. The arc shows that the rear kitchen would not receive direct sunlight until 1pm there is then a two-hour period until 3pm where the new proposal would potentially block out sunlight into this kitchen window. For the rest of the day until the sunsets the sun is located at the rear of the property allowing direct sunlight onto the property. the kitchen also has a smaller window to allow light inside to.

This proposal also has the fall back of Permitted Development Rights. The site does not qualify for this due to it being Listed, however the reasoning for listing a property is not to prevent harm to the neighbours but is to enhance and maintain the character and beauty of the building. If this site was not listed this applicant could extend the property with an extension of 3 metres in height directly up to the boundary wall without the need for planning permission and without the neighbour’s consent under Class A Part 1 Schedule 2 of the Town and Country Planning General Permitted Development Order 2015.

The further light and noise pollution caused due to the extension would be minimal, with no windows looking directly onto the neighbouring property and the brick wall boundary in between blocking views onto the proposal and potential light pollution. The proposal will be a noticeable addition but is single storey with a flat roof so is not dominant.

Overall, the proposal will impact on the surrounding neighbours, however this is not a significant impact and is similar to the level that would have been caused through Permitted Development if the site wasn’t listed to protect its heritage asset.

Conclusion

In conclusion, the proposed single storey rear application does impact on the listed building, however it does not significantly adversely impact the property and would have less than substantial harm. The proposed modern design allows both the old and the new to maintain their own character and appearance, without being detrimental to the

listed building. The proposal would be considered inappropriate in the Green Belt, however the actual impact on the Green Belt is minimal with it being located at the rear of a two-storey dwelling, the further impact onto views on the Green Belt open space is limited. Whilst the objections from the neighbour are justified, the level of impact on their site is sufficiently adverse to refuse this application. The recommendation is to approve the applications, subject to conditions.

Recommendation

a) Application PAP/2023/0168 – Planning Application

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

REASON:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall not be carried out otherwise than in accordance with the following:

The plan(s):

- Heritage Statement August 2024
- konfigurator-print_51
- T100 - 002 Rev G Proposed Plans
- T100 - 003 Rev H Proposed Elevations
- T100 - 004 Rev A Proposed Details
- VP01 V3(1)

received by the Local Planning Authority 16/08/2024.

REASON:

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

3. No development whatsoever within Classes E of Part 1 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

In the interests of the amenities of the area.

b) Application PAP/2024/0274 – Listed Building Consent

That Listed Building Consent be granted subject to the following conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

REASON:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall not be carried out otherwise than in accordance with the following:

The plan(s):

- Heritage Statement August 2024
- konfigurator-print_51
- T100 - 002 Rev G Proposed Plans
- T100 - 003 Rev H Proposed Elevations
- T100 - 004 Rev A Proposed Details
- VP01 V3(1)

received by the Local Planning Authority 16/08/2024.

REASON:

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

3. No development shall commence until details of following has been submitted and approved in writing by the local planning authority:
 - a) Bond and pointing detailing of the brickwork to match existing
 - b) Details of the colour of the cladding
 - c) Details of the junction (roof, cladding and brickwork) between the extension and the existing dwelling.
 - d) Detailing of the windows and sliding door.
 - e) Details of the hard surfacing and finished floor levels of the external areas.
 - f) Details of the side door.

The proposal shall be carried out in accordance with the approved details.

REASON:

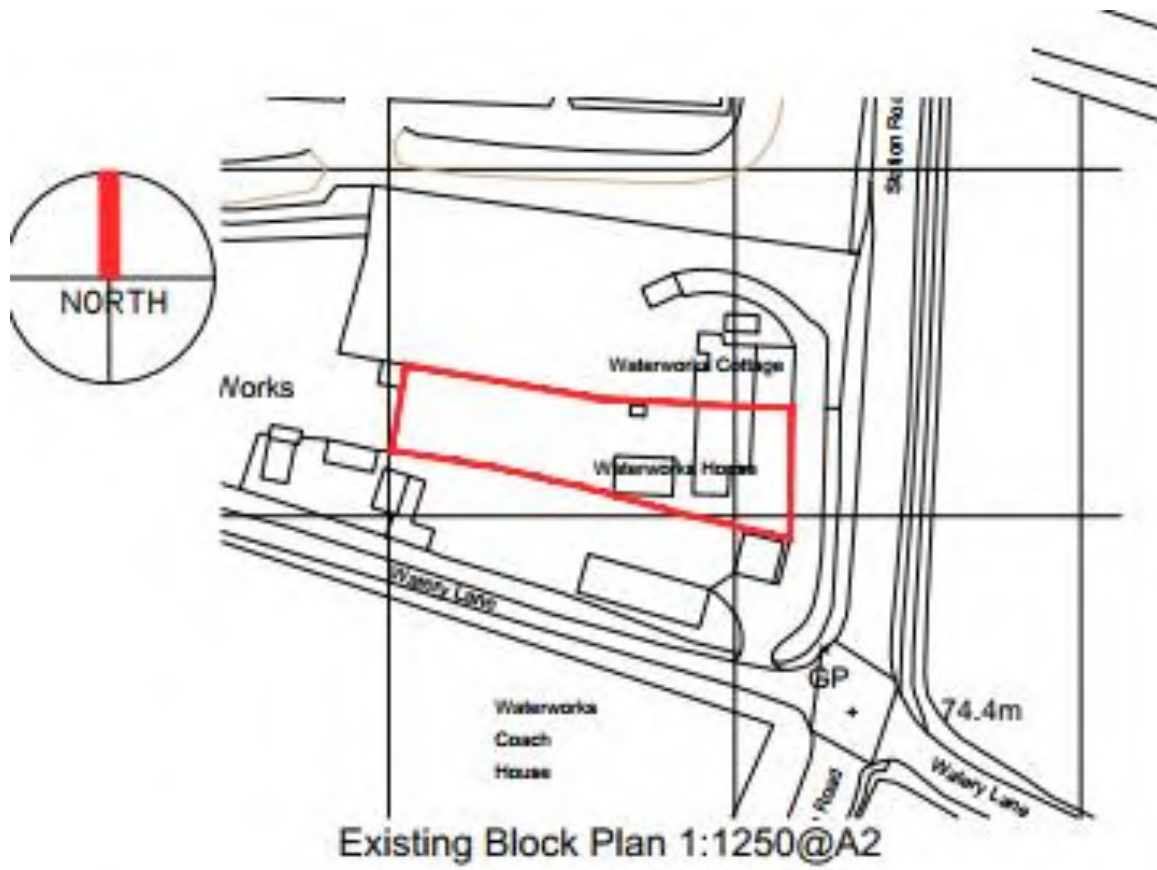
To agree detailing, materials and finishes which preserves the significance of this building that is Grade II Listed. To protect the architectural/historic interest of the building.

Notes

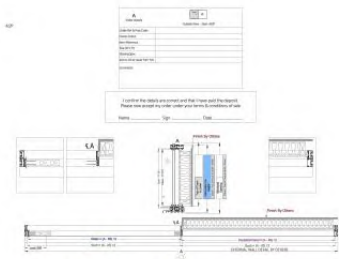
1. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with six other Councils under the Central Building Control Partnership. For further information please see Central Building Control - Come to the experts (centralbc.org.uk), https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations ; guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>
2. 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 landowner. 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.
3. 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.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

Appendix a

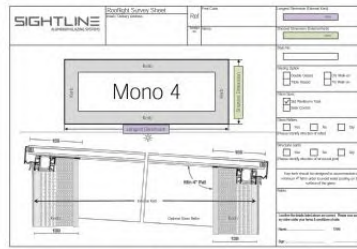
Location Plan



Appendix B

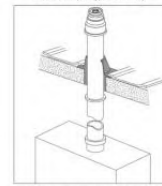


Proposed Sliding Door Detail



Proposed Roof Light Detail

7.2.4.3 Vertical Concentric Flue ø 60/100 mm or ø 80/125 mm (C33 type installation)

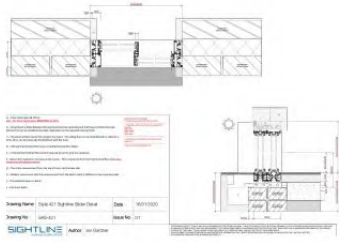


Consult the separate installation manual for air flue gas systems supplied with your appliances for all possibilities and associated accessories and how to install the flue system.

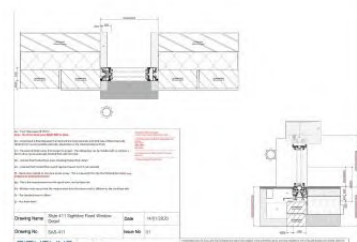


VAILLANT VERTICAL FLUE TERMINAL

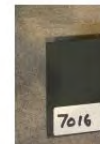
Flue Detail



Proposed Sliding Door Detail



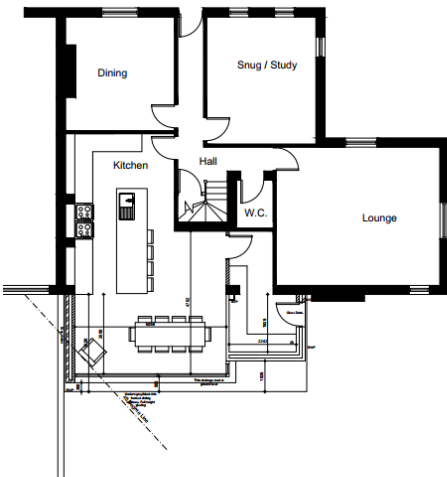
Proposed Window Detail



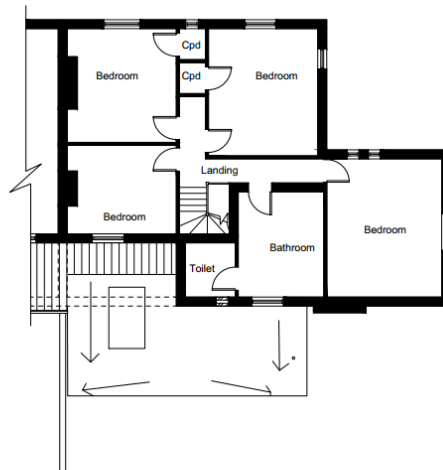
Proposed Colour - RAL 7016



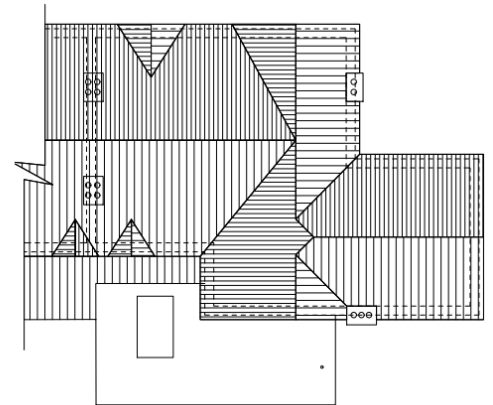
Flemish Bond Brickwork



Proposed Ground Floor Plan



Proposed First Floor Plan



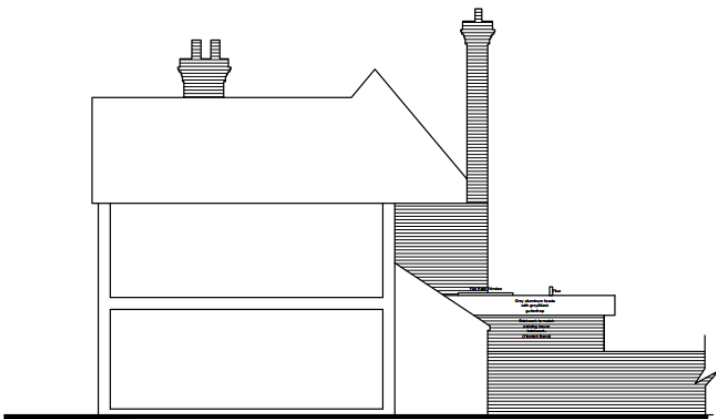
Proposed Roof Plan



Proposed Side Elevation



Proposed Front Elevation



Proposed Side Elevation

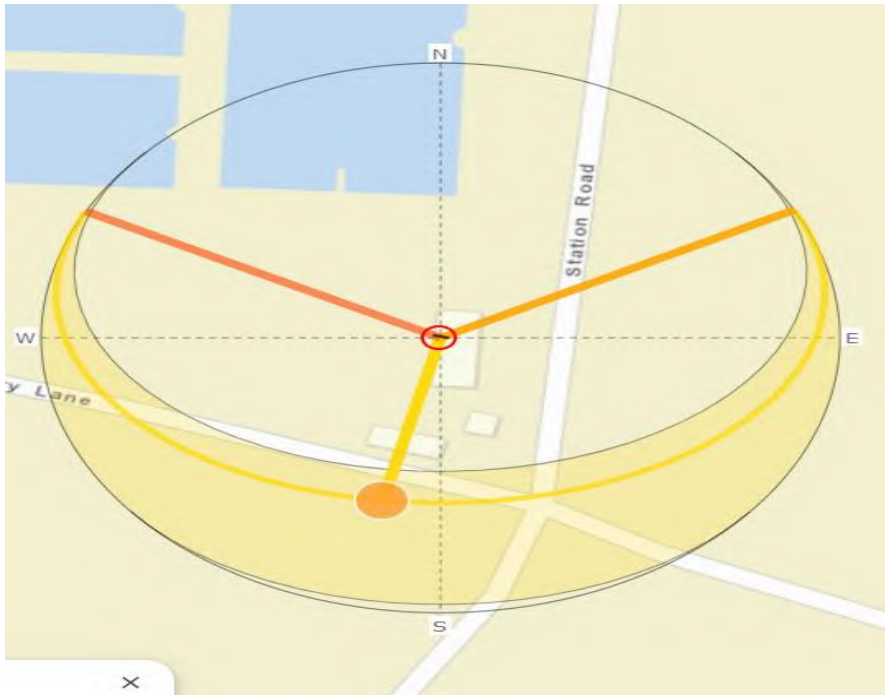


Proposed Rear Elevation



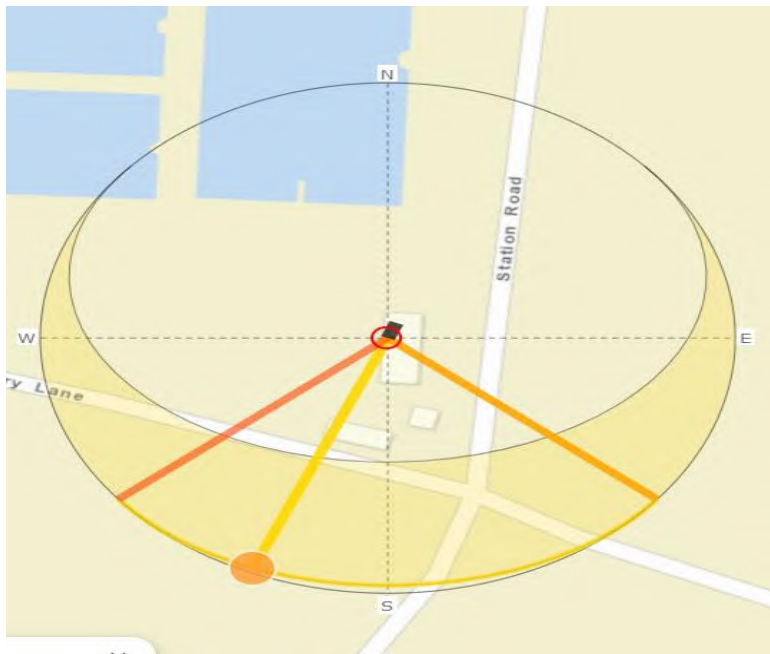
Appendix c

Sun Path 1: August 2024



The sun rises at the front of the property, is at the side of the property at midday and sets at the rear of the property.

Sun Path 2: December 2024



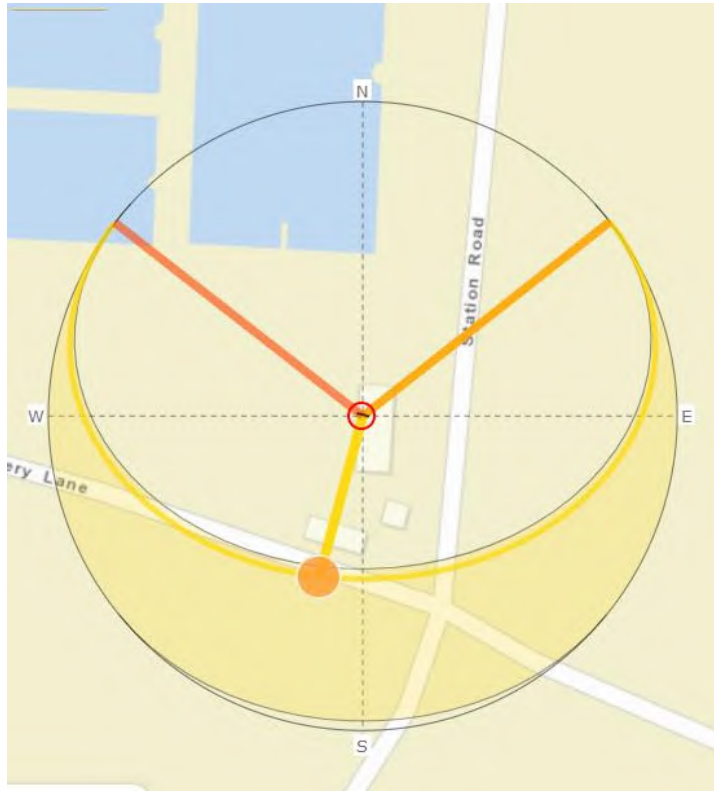
The sun rises at the front of the property, is at the side of the property at midday and sets at the rear of the property. the hours of sunlight are more limited due to winter months.

Sun path 3: April 2025



The sun rises at the front of the property, is at the side of the property at midday and sets at the rear of the property.

Sun path 4: July 2025



The sun rises at the front of the property, is at the side of the property at midday and sets at the rear of the property.

General Development Applications

(6/e) Application No: PAP/2019/0451

Blackgreaves Farm, Blackgreaves Lane, Lea Marston, Sutton Coldfield, B76 0DA

Extension to existing shooting club house, for

Slowley Hall Properties Mr G Breeden

1. Introduction

1.1 This application is being reported to the Board because it requires a legal agreement if the recommendation is agreed.

2. The Site

2.1 The site lies within the Green Belt and is accessed from Blackgreaves Lane. It is situated adjacent to Blackgreaves Farm. The lane runs along the northern boundary of the site, with a cricket ground and a golf course to Lea Marston Hotel on the northern side and agricultural land to the south. There are residential properties to the west in converted barns of the original Blackgreaves Farm. The site is well established for clay pigeon shooting. The context of the site in relation to where the shooting lodge extension is proposed and the immediate surroundings, are illustrated at Appendix A an aerial view of the site.

3. The Proposal

3.1 This is a single storey extension to the existing building, to be constructed in timber, with timber windows and slate tiles to the roof. The proposal would extend the existing building and would provide an opportunity to remove the existing storage containers and lorry backs that are presently located around the site. The main reasons for the extension are to provide additional accommodation for an induction and training room and office which is considered to be essential under current Health and Safety Legislation, for the secure storage of equipment and to improve the existing basic facilities such as toilets and changing rooms, particularly for disabled participants as well as for increased social space.

3.2 The existing provision and elevations are at Appendix B.

3.3 The proposal includes the following space, indicated on the plans and elevations at Appendices C and D.

- a) Reception space;
- b) Briefing room;
- c) Storage area for clays and traps;
- d) Changing, lockers and showers toilets;
- e) Enlarged office;
- f) Bar/Café;
- g) Equipment and workshop store; and
- h) Machinery/ground maintenance/quad bike Storage.

3.4 The proposal also indicates 27 car parking spaces, plus an additional 4 disabled spaces, as well as motorcycle and cycle provision. Along with the application, the following documents have been submitted:

- a) A planning, design and access statement
- b) An assessment of other shooting clubs
- c) Containment of Fire Arms statement
- d) Transport Statement
- e) Footpath Risk assessment

3.5 The proposal as illustrated on these plans has been reduced in size during the application process removing the ammunition and gun storage element, the atrium and one of the briefing rooms. The proposal is thus now 405 square metres in floor area, down by 110 square metres – reduced roughly by 20%.

4. Background

4.1 Both the fishing pools and clay pigeon shoot are lawful uses through the passage of time. A number of steel storage containers and structures still exist at the site, albeit without the benefit of planning permission. These have been present too for a number of years such that they too are now lawful.

4.2 The existing shooting lodge was approved in July 2012. An application to extend the building was refused in March 2017. An appeal was lodged but planning permission was refused. The Decision letter is at Appendix E. This current application has been submitted to address the issues raised as a consequence of this refusal.

4.3 A planning permission was granted in November 2023 for partial use to be made of the cricket pavilion on the other side of the road for the secure storage of ammunition previously stored on site.

4.4 The Board resolved to grant planning permission in May this year for significant earth bunding and landscaping subject to a Section 106 Agreement. This Board gave substantial weight in this case to the material impact that the bunds would have on reducing noise levels following the issue by the Council of a Noise Abatement Notice under the Environmental Protection Act.

4.5 The location of the approved bunds is at Appendix F.

4.6 For the benefit of Members, the table below identifies comparative footprints of the buildings referred to in this report.

Description	Public facing facility	Maintenance and storage facilities	Total floorspace
Existing facility	74 sq m	0 sq m	74 sq m
Existing facility and buildings	74 sq m	176 sq m	250 sq m
2016 – Appeal application	178 sq m	0 sq m	178 sq m
Application as originally submitted	295 sq m	220 sq m	515 sq m
Current application	235 sq m	170 sq m	405 sq m

5. Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP17 (Green Infrastructure), LP18 (Tame Valley Wetlands NIA including Kingsbury Waterpark), LP23 (Transport Assessment and Travel Plans), LP27 (Walking and Cycling), LP29 (Development Considerations) LP30 (Built Form), LP33 (Water Management), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

6. Other Relevant Material Considerations

National Planning Practice Guidance (NPPG)

National Planning Policy Framework 2023 (NPPF)

The North Warwickshire Landscape Character Assessment 2010

The Town and Country Planning (Consultation) (England) Direction 2024

7. Consultations

Sports England – It has provided comments in collaboration with the Clay Pidgeon Shooting Association saying that the existing clubhouse is quite small compared to many grounds that operate 7 days a week. The proposal will result in an enhancement of an existing well used sports facility. The proposal would improve disabled access which will encourage more participants into the sport. The site provides training and also opportunities for elite athletes on the GB pathway and performance programme. Sport England supports the proposal with it meeting its objectives.

Warwickshire County Council as Minerals Authority – No objection

Warwickshire County Council as Highway Authority – It objects as the proposal has the potential to increase patronage thus leading to further highway damage in the locality.

Environmental Health Officer – No objection to the proposals but there are powers to serve noise abatement notices where statutory noise nuisance is evidenced.

8. Representations

8.1 Lea Marston Parish Council – It objects in that the proposal will lead to anti-social impact by way of noise nuisance for residents. The proposal is an unacceptable size and would have an adverse impact on the openness of the Green Belt. The proposal is inappropriate development. The application considerations do not substantiate very special circumstances. It is evident that justification and explanation of the additional floorspace is not satisfied. Also, there are concerns about surface water discharge.

8.2 Nether Whitacre Parish Council – It objects as the proposed extension represents a 450% larger footprint than the existing club house. The proposed extension would be erected to the south of the existing building, its impact on the openness is still apparent. Proposed would not comply with para 149 (b) of the framework and is therefore inappropriate. The proposed is disproportionate compared to the original building. Removal of containers and portacabins, which do not have planning permission should not be considered as part of the floorspace off setting. The health and safety reasons, security, storage of equipment and efficient functioning of the club do not amount to very special circumstances. If approved the extension would allow further growth of the shooting ground in terms of number and would increase noise nuisance to residents.

8.3 There have been 20 letters of objection from 11 addresses to the proposal during the application process, raising issues in respect of following:

- Noise abatement conditions should be replicated on any decision.
- Noise created is a constant nuisance to residents.
- Noise barriers should be provided.
- Cartridges should be reduced in weight.
- Increase in the facility will increase usage of the shooting ground.
- The visual impact of the proposal is increased in Green Belt and is disproportionate to the existing building.
- The access to the facility is substandard.
- Extending the facility will exacerbate the noise situation.
- Noise bunds should come before supporting this extension.
- Any further extension will contravene the noise nuisance conditions.
- The applicant will ignore any conditions imposed.
- Impact onto the Green Belt.
- No very special circumstances exist.
- There are a number of enforcement related matters on the site.
- Details of the earth bunding are not applicable to this application.
- Some of facilities not required, two sets of toilets, briefing and de-briefing room. It is a substantial building.

- Noise is a material consideration in this instance and could be subject to planning control.
- Rationale for noise bunds should be provided with any application.
- Concerns over the length of time since the application was submitted and the changes in circumstances.
- A noise assessment has been submitted by an objector and considers that noise bunds submitted are not a realistic or effective noise mitigation measure.

8.4 A petition of support has been received signed by 86 people.

8.5 There have been 81 individual letters of support to the proposal raising the following points of support:

- The facility will have improved facilities which can support corporate events and also community hub facilities.
- The club is too small at present and in need of larger facilities.
- The proposal will create more jobs for the community.
- There will be improved security and safety at the shooting ground.
- It will provide better disabled access and general access at the facility.
- It will tidy up the area through removal of container and temporary buildings.
- There is collaboration with businesses providing overnight stay, they proposal will help this further.

9. Observations

a) Green Belt

9.1 The site lies within the Green Belt and so any development proposal should accord with Policy LP3 of the North Warwickshire Local Plan and the National Planning Policy Framework (NPPF). The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt unless they fall under one of the listed exceptions. There are two that are relevant here. The first is where the construction is for 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.' The second is where the proposed construction is for an extension to an existing building. However, this is conditioned whereby the extension should not result in a "disproportionate" addition over the size of the original building.

9.2 The Inspector dealing with the refusal referred to above, considered both of these exceptions and came to the view that the site as a whole was “clearly” used for an outdoor sport and thus assessed that case under that exception. This current proposal will thus be dealt with in the same way.

9.3 There are two “tests” to this exception. The first is to establish whether the proposed building works are appropriate facilities in connection with existing outdoor sports and recreation. The second, is that those works should preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

9.4 In respect of the first “test”, then there is a lawful outdoor sport and recreation use at the site. As a consequence, it is necessary to establish whether the works are “appropriate”. The Board is advised that the test here is not whether they are “essential”. In this case, Members will have had the benefit of at least two site visits in connection with planning proposals at this site. They will have thus seen the existing arrangements – which were small and cramped. There are a number of reasons as to why the proposals are considered to be appropriate – the legislative requirements for the operation of the activity itself; the need for secure storage of plant and equipment together with necessary “clays” and “traps”, the legislative requirements for inclusive participation for those at the site, to improve basic facilities for all Members and to alleviate the cramped conditions in the club house. It is noteworthy that the plans now before the Board have reduced the floor area since the original submission by some 20%, and that some storage space has been re-located to another building. However, the proposed accommodation is still larger than that dismissed in 2017 – largely due to the provision of additional storage space and a small workshop. As a consequence, the building would now widen and extend the use to enable whole year use of the site even when inclement weather currently restricts the usage and also enable all of society to engage in the activities at the site. It is considered that there is a material connection here with an established outdoor recreation use and thus that the proposal would provide appropriate facilities.

9.5 It therefore falls to consider whether the proposal would satisfy the other “tests” - preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.

9.6 Dealing first with openness, then there is no definition of “openness” in the NPPF, but in planning terms it is generally taken to mean the “absence of development”. Planning Guidance identifies four elements that should be assessed. Firstly, there will be a spatial impact on the openness of the Green Belt here by fact and by degree. Whether any change would cause harm to the openness can depend on factors such as locational context, its spatial or visual implications, as well as scale. In considering the scale of the proposal in its locational context, the proposal introduces a significantly sized building. The existing one is set back from and elevated slightly above Blackgreaves Lane. There is a pond and a narrow belt of deciduous trees between the lane and the current building. Although the length of the building is much shorter than the previous appeal application the length and width of the extension are significantly longer than the existing building and would extend the footprint of the building. The building would be slightly submerged into the ground as it extends southwards which would reduce its prominence. Overall, the current proposal represents an increase of over 500% in floorspace over the existing and over 200% over the 2017 refusal. This would have a significant harm on openness. Secondly, there will be a visual element. Here the building would be visible from the Lane and from the footpath that crosses the site. This is tempered by some degree by having

the building extend into the site and through the introduction of a three-ridge design for the roof, thus breaking up its mass. The visual harm would amount to moderate harm in these circumstances. The third element is the activity associated with the proposal. It is not considered that there would be a material impact in additional activity as the proposal is consolidating and replacing existing inadequate accommodation. Finally, the proposal would be permanent rather than temporary. Overall therefore, the proposal would not preserve the openness of the Green Belt here causing significant harm.

9.7 There are however two material considerations of substantial weight that will mitigate this level of harm.

9.8 The first is that as part of the scheme, it is proposed that existing storage containers and portable buildings currently sited on the site would be removed. These presently house clay pigeons, provide toilet and shower facilities and are used for equipment storage. These are depicted on the plans and equate to around 176 square metres (Appendix D). These structures do not have planning permission, but they are lawful through the passage of time and are thus immune from enforcement action. The overall height of these structures is relatively low at around 2.5m high, and therefore together they have a cubic capacity of around 440 cubic metres. A planning condition could be used to require the removal of these containers which would be enforceable and precise. The removal of these structures and the use to which they are put, transferred to the proposed building is considered overall to provide a more acceptable spatial and visual environment.

9.9 The second, and by far the most significant of the two in terms of potential Green Belt harm is that planning permission is to be granted for the substantial perimeter earth bunding around the shooting area subject to the completion of a legal agreement. This 10-metre-high bund will significantly reduce the impact of the proposed extensions on the openness of Green Belt. The bund will wrap around the western, eastern and southern boundaries of the proposal. This will materially mitigate the significant and moderate visual and spatial harm of the scheme as identified above. It is considered that this mitigation would reduce the total actual harm to the openness of the Green Belt to limited harm. However, for this to be such a material consideration, the bund must be commenced and completed. There must be confidence that it would be carried out. Therefore, if this application is resolved to be approved, a legal agreement would be required tying this development to the completion of the bund.

9.10 Members will have seen from the most recent site visit in May 2024 that there are two Winnebagos situated on the site, which have been on site for a number of months. These are large, fixed wheelbase vehicles which as moveable vehicles, they would not amount to development. However, they have been present on the site for a while and therefore if planning permission were granted it should be obligated that such vehicles are removed, so that the area remains clear and open with the exception of the proposed building.

9.11 It is now necessary to turn to the assessment in respect of the impact of the proposal on the purposes of including land within the Green Belt. Paragraph 143 of the NPPF outlines the five purposes of including land within the Green Belt. The one purpose most affected here is whether the proposal would safeguard the countryside from encroachment. The proposal would have moderate conflict with this purpose, however

again this would be reduced to limited conflict if the noise bund were to be erected along with its associated landscape improvements.

9.12 Therefore, in conclusion part of the application scheme would constitute an appropriate facility for outdoor sport and outdoor recreation. However, it is considered the scheme would not preserve the openness of the Green Belt with moderate harm and would conflict with one of the purposes of including land within the Green Belt as required by paragraph 154 (b) of the Framework. However, if the noise bund around the site is approved this would result in limited harm to the Green Belt, in terms of openness and limited conflict with the purposes of the Green Belt.

9.13 Bringing all of these matters together, this proposal would be inappropriate development within the Green Belt and thus it would conflict with the NPPF and Local Plan policy LP3. This definitional harm carries substantial weight in the final planning balance. However, the actual Green Belt harm caused is considered to be significant, but that that would materially reduce to a limited degree of harm taking into account the proposed earth bunding already agreed by the Board.

b) Other harms

i) Landscape Harm

9.14 The site does not contain any statutory landscape designations. It falls within the “Middleton to Curdworth Tame Valley Farmlands Landscape” area as defined in North Warwickshire’s Landscape Character Assessment of 2010. This is described as characterised by “gently undulating and open arable slopes of the western Tame Valley, a number of small watercourses cut through the landscape to connect to the Tame, the most notable being the Langley Brook, which flows to the south of Middleton.” It goes onto to say that there are number of golf courses in the area and “A few quiet and winding narrow lanes link the settlements, in places these have close hedges and hedge banks, and elsewhere hedges have been removed allowing open views across fields.” Further to this it indicates that “A general lack of woodland and tree cover in combination with the sloping landform creates an open empty feel to this landscape, except within the immediate vicinity of the small villages/hamlets.” Amongst the landscape management strategies referred to are the maintenance and conservation of the primary hedge lines and their positive management as landscape features together with new hedgerow planting and enhanced tree cover.

9.15 Following gravel extraction, few areas of traditional landscape remain and further pressure from HS2 approximately 600 metres to the west of the site would also have an urbanising effect. Additionally the immediate surroundings contain the golf course north of the site at Lea Marston Hotel as well as the shooting use on the application site itself.

9.16 The site is relatively self-contained visually, assisted by existing landscaping along the northern and eastern boundaries. As a consequence, the impacts from further afield are considered to be minor. There is considered to be only a limited impact on the landscape of the surrounding area by the extension proposed. Further landscaping

should be considered, as the design and management of new and enhancement of existing recreational facilities should reflect the character of existing landscape features.

9.17 The proposal is visible from public vantage points along Haunch Lane, Blackgreaves Lane and the public footpath which cross the site. The developments' finish would be predominantly in timber which has a rural appearance. It is considered that there would be no adverse impact from the perspective of the nearest neighbours to the site due to distance and particularly to intervening hedgerows. The single storey nature of the proposal is also of benefit. Overall, therefore there is only a localised landscape impact, rather than one affecting the wider landscape area. This would be further re-enforced following completion of the earth bunding.

ii) Noise and disturbance

9.18 The current use is lawful and operates with limited planning restrictions. The outdoor recreational use could continue to operate without the proposal for the extension. Several objectors have indicated that the proposed extensions to the club house may increase the number of patrons and therefore potentially noise and disturbance. It is correct that the extensions to club house may be able to accommodate more patrons. However, it must be remembered that the use of the land is immune from enforcement action as a shooting club and as such under this circumstance could increase capacity in any event. The noise issues experienced by residents are controlled and regulated through noise legislation under the Environmental Protection Act under a Noise Abatement Notice and will continue to do so. Members are aware of the extant Abatement Notices here which limit activity at the site. Members too are aware of Government guidance, which says that planning should not duplicate other legislation. As such it would be inadvisable to restrict shooting activity at the site through planning conditions imposed on this application should it be supported. This advice is defined in that guidance which says that: *“Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning.”* In short, this application is for an built extension, not for the use of the site.

iii) Highways

9.19 With regards to highways implications, Local Plan policy states that development is only supportable in situations whereby there is sufficient capacity within the highway network to accommodate the traffic generated and that it would not be hazardous to traffic safety and visibility. This policy approach is considered to be broadly consistent with paragraph 114-116 of the NPPF which only seeks for development to be refused on highways grounds where there would be an unacceptable impact on highway safety, or the cumulative impacts would be severe.

9.20 The applicant has submitted a transport statement and a technical note following discussions with Highways. The highway concerns are that the new facilities could allow for a larger number of visitors to the facility and the new club house could be attractive to corporate clients and to existing members. WCC Highways object to the proposal in that the proposal is significantly larger than the existing building. There have been objections and complaints received about the number of vehicles visiting the site and the damage to the verges, as a result of there not being enough room to pass on the public highway.

9.21 Like the noise implications, it is not possible to control visitor numbers as the use has been established over a number of years. It can continue to “grow” without reference to the Council in any event. From a highway perspective, due to the restricted nature of Blackgreaves Lane which has no pedestrian refuge and limited passing places, there is the potential of damage to the highway. During discussions with the applicant, there are to be six new passing points along Blackgreaves Lane (as shown in Appendix G). It is considered that the provision of the passing bays will provide an improvement in highway safety terms and therefore it would be appropriate to include this requirement via a legal agreement to ensure their provision.

9.22 There is also merit in controlling the use of the extended building, such to prevent its wider use by the general public.

9.23 The concern of the Highway Authority is understood, but there are specific circumstances here that limit the weight that can be given to that concern. As a consequence there is not considered to be sufficient evidence to refuse the application.

iv) Heritage Impact

9.24 The site lies in close proximity to the Grade 2 Blackgreaves Farm. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory obligation on local authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 205 of the NPPF advises that great weight should be given to an assets’ conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 states that any harm to, or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification. Paragraph 208 states that where there is substantial harm to a designated heritage asset, such cases the harm should be weighed against the public benefit of the proposal.

9.25 The heritage impact of the proposal is on Blackgreaves Farmhouse and its associated listed buildings - which are 120m, due west of the site. The significance of the Farmhouse complex is that of the retention of large imposing farmhouse. The impact on the setting of the farmhouse is limited due to the limited intervisibility between the two sites due to the intervening landscaping and lower land levels of the club house. Therefore, it is considered that there would be less than substantial harm caused to these heritage assets and again with the noise bund this would be negligible.

v) Ecology

9.26 The new Environment Act as well as the NPPF require there to be bio-diversity gain as a consequence of new development proposals. As this application was submitted prior to the Act coming into force, this is not mandatory. However, a comprehensive landscaping scheme that includes the improvement of hedge lines along Blackgreaves

Lane and the wider area to reduce the prominence of the extension has been submitted. In this instance it is likely that any biodiversity net gain can be provided within the ownership of the site. To ensure that this can be provided a planning obligation must ensure this provision.

vi) Footpath

9.27 Public safety is an important consideration here as there is a footpath that crosses the site (shown Appendix H). A risk assessment for this has been provided by the applicant. In terms of the wider area and the community then the site is nearby a golf course on Blackgreaves Lane and near the North Warwickshire Cycle Way along Haunch Lane and footpaths. Though regard is given to public safety by non-users given the proximity of the golf course and public footpath, the use is already operational regardless of the proposal for an extension, the position of the shooting stands do face south and in the direction of the footway, but this is presently operational. A note reminding the applicant relating to the safety of users of the public footway can be added. The applicant should erect signs and flags to indicate shooting days. However, as part of the noise bund application, it is proposed divert this footpath to the south around the proposed bund. As a consequence the weight to be given to this issue would be much reduced.

vii) Other Matters

9.28 In respect of the drainage and the lighting impacts, it is considered that suitably worded conditions can be used to secure the approval of details so as to mitigate against any adverse impacts. As with the bund application it is considered that it would be appropriate to include surface drainage mitigation around the wider site within scrapes to the east of the site. To enable this to happen, would involve a legal agreement.

c) Harm Side of the Planning Balance

9.29 This report concludes that the cumulative harms caused by the proposal on the harm side of the final planning balance are the significant definitional Green Belt harm, the significant actual Green Belt harm reduced to limited harm in the event of the bunds being provided, limited landscape and visual harm as well as the limited harm on highway grounds.

d) The Applicants Considerations

9.30 It is now necessary to identify the considerations put forward by the applicant in support of the proposals.

9.31 The applicant has put forward a number of considerations which he considers carry sufficient weight to clearly outweigh the cumulative level of harm found above. He

therefore concluded that there are “very special circumstances” in this case. (outlined in Appendix I). Each of these will be looked at in further detail They are as follows:

- (i) The Need for Development.
- (ii) The space requirements, including training/induction space.
- (iii) Security and crime.
- (iv) Accessibility for all users.
- (v) The Noise bund and mitigation.
- (vi) Other considerations.

i) The Need for the Development

9.32 The need for this type of facility has not been quantified in terms of actual demand from members of the public for a clay pigeon shooting club. The applicants have provided an assessment of other facilities within 60 miles of the site and the numbers of the clubs have grown over the years. He says that shooting clubs need to be carried out in the countryside rather than in an existing urban area so there are limited opportunities for such facilities across the Midlands. He continues by saying that the provision of these facilities is supported within the Development Plan as recreational establishments. The need for the facility is echoed by the consultation response from Sports England which includes comments from the British Shooting and Clay Pigeon Shooting Association (CPSA) which states the following:

British Shooting

Our 2014 research into Shooting Club and Ground facilities highlighted issues pertaining to the quality of storage, changing and training facilities across our sport and as such we will always support developments designed to improve participant experience and retention.

Lea Marston is one of only a few grounds across the UK with the facilities and layouts required for the Olympic Skeet discipline. And as such this makes it an appropriate and central venue for the hosting of talent pathway activity moving forwards – dependant on improvements to the grounds ancillary facilities.

CPSA

Firstly, Lea Marston Shooting Club is a CPSA Registered Club which means it has been through an audit process and inspected by a Senior Ground Inspector on behalf of the CPSA. The shooting ranges are registered to hold official competitions in multiple disciplines including Olympic Skeet which could prove beneficial for British Shooting’s elite athletes on the GB pathway and performance programme.

The existing Clubhouse is quite small compared to many grounds that operate 7 days a week. We currently run CPSA training courses there for Safety Officers and Referees and wish to hold our L1 Instructor Training Courses there which are 4 days long and the addition of separate training rooms to the building would be ideal to enable us to do this. The location of this Club is ideal with Lea Marston Hotel nearby enabling candidates to stay over locally to attend the longer courses.

9.33 Sport England indicate that “the proposal will result in the enhancement of an existing well used sports facility, addressing a number of issues at the site as highlighted within the submitted Design & Access Statement. The proposal would also improve disabled access which in turn will help to encourage more participants into the sport. Further to this, as identified by the national governing bodies, the site plays an important role for the respective sports offering a range of training courses (which could be extended) which will run more effectively following improvements to the site and the proposal could also prove beneficial for elite athletes on the GB pathway and performance programme.”

9.34 The applicant confirms that the Club has grown over the years, and whilst it originally had 700 members, that number has increased to over 1,400, with an estimated 18,000-20,000 visitors a year. The provision of sport/recreational facilities within the Green Belt finds support in the development plan and the NPPF. As well as providing recreational and social benefits for its members, the applicant says that the Club’s activities also contribute to the local economy. A number of letters of support have been submitted in support of the proposal from existing members.

9.35 This consideration of need carries moderate weight overall, with the impact on the tourist economy carrying limited weight. The facility is not of national importance, and although there are limited numbers in the vicinity and region, it is not considered that it is such a finite resource that it carries any more than moderate weight.

ii) Space within the facility

9.36 The applicant says that this use will continue to operate within the limits of the existing “shooting” arrangements at the site, with or without the proposal for an extension. It is argued that the extension is necessary for a number of reasons. There is limited and cramped space within the existing building which is acknowledged by both British Shooting and CPSA.

9.37 The safety and operational procedures require users to be signed in and licenses to be inspected. Additionally there has to be de-briefing and training. As a consequence there can be an overlap between sessions and so when users have finished with equipment, the next group of users will be waiting to start their session. There is a maximum of 7 users per session. The use employs instructors and office clerks who take the bookings. There is a minimum of 15 employees in full and part time positions. At present the office/reception, training, toilets and café are within a limited space.

9.38 The proposal will provide a training and debriefing rooms which will be for up to 75 people with training and health and safety videos being played prior to commencement and completion of shooting. The requirement for a de-briefing space and additional toilets is a fundamental requirement so that debriefing can be held at the same time as training. Current changing facilities are in portable buildings to the east of the current club house. The proposal will provide male and female changing facilities of sufficient size.

9.39 This consideration carries moderate to significant weight overall. It cannot be argued that the clubhouse does not need improvement or expansion. As indicated in the assessment of the Green Belt, the additional space required is an appropriate requirement, and in some cases an essential requirement, to ensure that the club can

function. The amendments made during the application have also reduced the accommodation proposed.

iii) Security and storage space

9.40 The applicant says that one of the main elements for the proposal is to ensure that clays and firearms can be stored securely at the site. Lea Marston Shooting Club Limited has affiliated with the CPSA. They provide a number of guidelines and safety practices which have been adopted by the club. One of these relates to the storage of fire-arms and ammunition, which requires that these are kept in accordance with the Firearms Security Handbook.

9.41 Further to this on 8 August 2018, the club was the victim of a break in, where the steel shutters protecting the containers were mechanically ground through. Goods and machinery were stolen including crossbows, air rifles, air pistols, site maintenance equipment, eight televisions, batteries and transformers plus other ancillary items. The value of the stolen items totalled approximately £15,000. It can not be denied that the area is subject to potential countryside crime and the area is at risk. The storage containers and other temporary buildings are not ideal for storage of clays and fire arms. In order to address the requirements of the firearms licensing authority and in accordance with police advice secure storage for firearms and ammunition is needed. Storage for targets and traps which cannot be kept outside would also be provided.

9.42 The site is a high security area. Carpark lighting is only used when the car park is in use. The lighting around the building could act as a deterrent, along with the security cameras preventing any break-ins or attempted robberies. The high level of security is a requirement of the firearms licensing authority and police.

9.43 The recent resolution to support the use of the pavilion building to the north of the site, for ammunition and firearms resolves part of this issue. However, overall security in this instance carries moderate weight.

iv) Accessibility

9.44 The applicant says that the demand for the leisure pursuit of clay shooting has given rise to the need for facilities and the site works closely with the governing bodies of clay shooting in the UK (CPSA and The Disabled Shooting Group) for which the improved facilities are essential to meet DDA regulations. Therefore, the space required within the extension and exterior footways will help to meet DDA regulations. Evidence has been provided which indicates that the club is one of the few fully wheelchair and disabled accessible shooting grounds with low level shooting traps accommodating shooting from wheelchairs with suitably surfaced and accessible walkways to and between the stands. The current clubhouse does not offer adequate or sufficient facilities to accommodate this important user group. The current facilities only offer one disabled toilet which incorporates baby changing facilities too. This area is cramped and extremely difficult to access easily.

9.45 This consideration carries limited weight in terms of the physical extent of the proposed works as there are only minor improvements in the overall building in respect of accessibility for all. External routeways are not covered by this application. However under Equalities legislation this consideration would carry significant weight.

v) The Noise Bund and other mitigation

9.46 The applicant concludes that the provision of the noise bund and acoustic fencing would be significant material consideration in respect of the application, reducing the Green Belt and landscape harm, as well as the noise environment. It is agreed that the implementation of the bunding would carry substantial weight.

vi) Other Considerations

9.47 The applicant raises other considerations.

9.48 He draws attention to the NPPF, Part 6, which seeks to promote a strong rural economy by supporting economic growth. Paragraph 89 states that to promote a strong rural economy, plans should support the sustainable growth and expansion of all types of business and promote the development and diversification of agricultural and other land-based rural businesses. Local Policy LP13 is consistent with the NPPF which states that the Council will give full consideration to proposals to diversify the economic base of farming and the rural economy. The use of the site does allow for employment opportunities and so has an economic advantage for the rural economy.

9.49 The NPPF, Part 8, seeks to promote healthy communities. Paragraph 102 requires access to open spaces and opportunities for sport and recreation can make a contribution to the health and well-being of communities. Though the use is not a conventional sport, it does promote access to recreation and the outdoors and therefore complies with the notion of promoting healthy communities.

9.50 Policy LP35 of the Local Plan requires that scheme provide energy efficient mitigation. The plans indicate the provision of solar panels to the roof and electric charging points in the car parking area. A condition can be placed on the approval requiring consideration of climate change mitigation including sustainable urban drainage improvements.

e) The Applicant's Side of the Balance

9.51 This report concludes that substantial weight should be given to the applicant's considerations of noise mitigation, moderate to significant weight to the space within the facility, moderate weight to the need and security issue together with limited weight to

accessibility and security provision. Economic and recreational provision and energy efficiency also have limited weight in the overall balance.

f) The Final Planning Balance

9.52 Members are therefore now asked to assess the final balance. The “test” for that assessment is that the considerations put forward by the applicant should “clearly” outweigh the cumulative level of harm caused if the development is to be supported.

9.53 The harm side of the balance has been set out above together with the other side of the balance.

9.54 This case is unusual as the outcome of the balance here is directly related to the particular circumstances of this case – the lawful use of the land and particularly, the resolution to grant planning permission for the earth bunding. These two factors carry substantial weight such that it is considered that they would together clearly outweigh the harms caused. The lawful use of the land enables participation in this activity to increase and thus as now, this gives rise to the need to improve ancillary accommodation. That is driven by associated legislation, logistical requirements and to enable a reasonable standard of accommodation for all visitors on site. The applicant has reduced the size of the original proposals and has looked at and implemented alternative arrangements. The latest plans are now considered to be appropriate facilities in terms of Green Belt planning policy. They do however still do not preserve the openness of the Green Belt. That conclusion however is materially altered when the impact of the bunding is added into the assessment resulting in only limited actual Green Belt harm.

9.55 As a consequence, this proposal can only be supported in combination with the implementation of the earth bunding.

g) Section 106 Agreement

9.56 An important factor for this club house application is to ensure that the noise bund is completed to the satisfaction of the local planning authority within an appropriate time prior to the occupation of the clubhouse extension if it is minded to be supported. A planning condition can't be imposed requiring an adjacent development to be completed, therefore it is necessary for a legal agreement to be submitted and agreed which clearly sets out the completion date of the bund.

9.57 Additionally, because of the need for an Agreement here, that too can include the provision of surface water improvements which are potentially outside of the application red line – a matter also referred to in the Bund application. It is also necessary that the obligation requires the removal of the temporary structures on this site including the Winnebagos.

9.58 The applicant proposes improvements and provision of the passing bays on Blackgreaves Lane. To ensure that this is carried out, these can also be included in that Agreement.

h) Referral

9.59 Members will be aware that some developments due to their size and scale require to be referred to the Secretary of State. The Town and Country Planning (Consultation) (England) Direction 2021 requires certain development to be referred to the Secretary of State subject to a couple of criteria. In this instance it refers to the following:

9.60 For the purposes of this Direction, "Green Belt development" means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document and which consists of or includes-

- i) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- ii) Any other development which, by reason of its scale or nature or location would have a significant impact on the openness of the Green Belt.

9.61 In this instance the development is not of a size and scale that would meet the first condition above. It is therefore considered that if the Board resolves to approve this application it is not necessary to refer this to the Secretary of State.

RECOMMENDATION

That planning permission be granted subject to the completion of a legal agreement requiring the completion of the bund and acoustic fencing, provision of surface water drainage improvements, removal of temporary structures and vehicles and provision/improvement of passing bays, together with 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 as follows:

Site survey and location plan 9493.10 received 31st July 2019
Proposed site layout 9493.11 revision E received 3rd September 2024
Proposed plans and elevations 9493.12 revision H received 3rd September 2024
Existing site layout 9493.13 revision B received 25th March 2022

REASON:

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

3. The development hereby permitted shall be ancillary to the principal use of the site as a clay pigeon shooting, archery and fishing/angling purposes, and for no other purposes within sui generis use of the Use Classes Order 1987 (as amended).

REASON:

To prevent unauthorised use of the building.

4. The equipment store, office, quad bikes, ground maintenance machinery, briefing room, kitchen, toilets, lobby, changing rooms, and storage area for clays and traps identified within the extension hereby approved shall not be used for any other purposes or uses and the floor plan shall be retained in the layout approved by Condition 2 at all times.

REASON:

To ensure there is capacity within the building so as to prevent outside storage and to define the limits of the floor space to prevent conversion and unauthorised use of the building.

Pre-commencement

5. No development shall be commenced before details of the finished floor level, surface water and foul water drainage, facing bricks, timber cladding, solar panels and roof tiles have been submitted to and approved by the Local Planning Authority in writing. The proposed extension shall be carried out in accordance with the approved details.

REASON:

In the interests of the amenities of the area.

6. No development shall commence until a full landscaping scheme has been submitted to the Local Planning Authority for approval. The approved landscaping shall be carried out with the first planting season following the first use of the and in the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season, to the satisfaction of the Local Planning Authority.

REASON:

In the interests of the amenities of the area.

7. No development shall commence until details of the design and location of external security lighting and CCTV installation have been submitted to and approved in writing by the Local Planning Authority. The extension hereby approved shall not be occupied until the approved details have been carried out in accordance with the approved details.

REASON:

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

8. The development shall not be commenced until a Construction Management Plan has been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plan.

REASON

In the interests of highway safety and the amenity of the neighbouring properties.

9. No development shall commence until a car parking layout has been submitted to and approved in writing to the local planning authority indicating surfacing including drainage, layout including marking, drainage, electric charging facilities and disabled facilities as well as enclosed cycle and motorbike parking generally indicated 11e received on the 3rd September 2024. The approved details shall be fully carried prior to the first use of the extension hereby approved.

REASON:

In the interests of highways safety, to ensure compliance with the Air Quality SPD and policy LP34 of the adopted Local Plan.

Pre-occupation

10. The existing storage containers, lorry backs, showers and toilets as shown on the existing site layout 9493.13 revision B received 25th March 2022 shall be removed from the site prior to first use of the extension hereby approved.

REASON:

In the interests of the amenities of the area and to protect the openness of the Green Belt.

11. Notwithstanding the plans submitted the development shall not be occupied until the existing vehicular access to the site has been widened to a width of 6.5 metres for a distance of 15.0 metres, as measured from the near edge of the public highway carriageway. The access to the site shall be surfaced with a bound material for a distance of 20.0 metres, so as to reduce material transfer on to the public highway. 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. No gates shall be hung within the vehicular access to the site so as to open within 7.0 metres of the near edge of the public highway carriageway.

REASON:

In the interests of highway safety.

12. The open land within the curtilage of the site edged red shall not be used for open storage, temporary building, display or sale of anything whatsoever.

REASON:

In the interests of the amenities of the area and openness of the Green Belt and to prevent encroachment into the Green Belt arising from displaced storage equipment.

13. The approved extension shall only be used as an ancillary facility consequent upon sporting events taking place on the associated recreational land and shooting club and shall not be hired out or used for any other events.

REASON:

To prevent the facility being utilised as a venue for events unrelated to the recreational use of the adjoining land and to comply with policy LP3 of the adopted Local Plan.

14. 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.

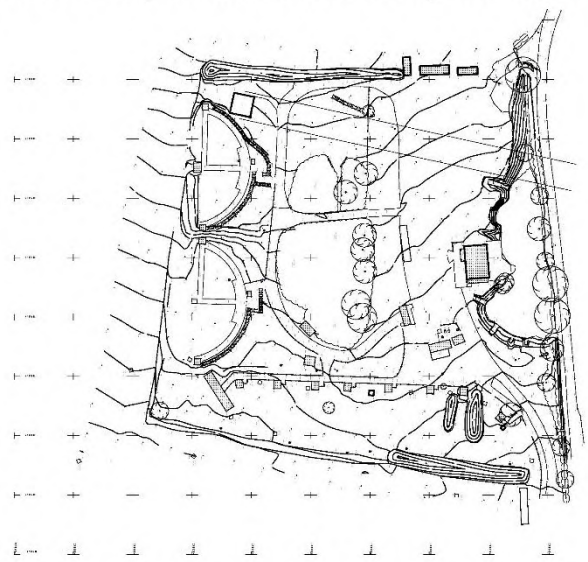
REASON

To enable the Local Planning Authority to assess the impact of such proposals on the highway and to ensure that the proposal do not impact on the amenities of adjacent residential properties.

APPENDIX A



LEA MARSTON SHOOTING CLUB, BLACKGREAVES FARM, BLACKGREAVES LANE, LEA MARSTON.



SITE SURVEY.
Scale 1/500.

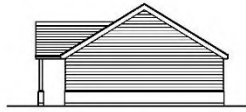
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31/07/2019

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LEA MARSTON SHOOTING CLUB			
BLACKGREAVES FARM, BLACKGREAVES LANE			
SITE SURVEY & LOCATION PLAN			
DATE	DATE	DRAWN	REV. NO.
17/04	April 17	16	9493 10

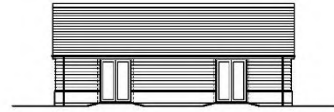
LEA MARSTON SHOOTING CLUB, BLACKGREAVES FARM, BLACKGREAVES LANE, LEA MARSTON.



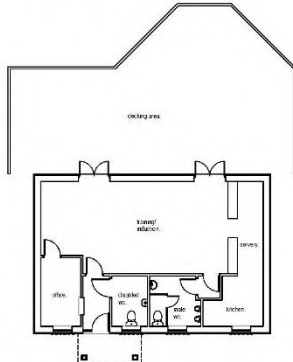
EXISTING ELEVATION - facing car park.
Scale 1/100.



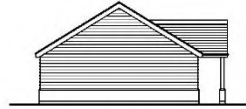
EXISTING ELEVATION - facing shoot.
Scale 1/100.



EXISTING ELEVATION - facing Blackgreaves Lane.
Scale 1/100.



EXISTING FLOOR LAYOUT.
Scale 1/100.



EXISTING ELEVATION - facing Blackgreaves Farm.
Scale 1/100.

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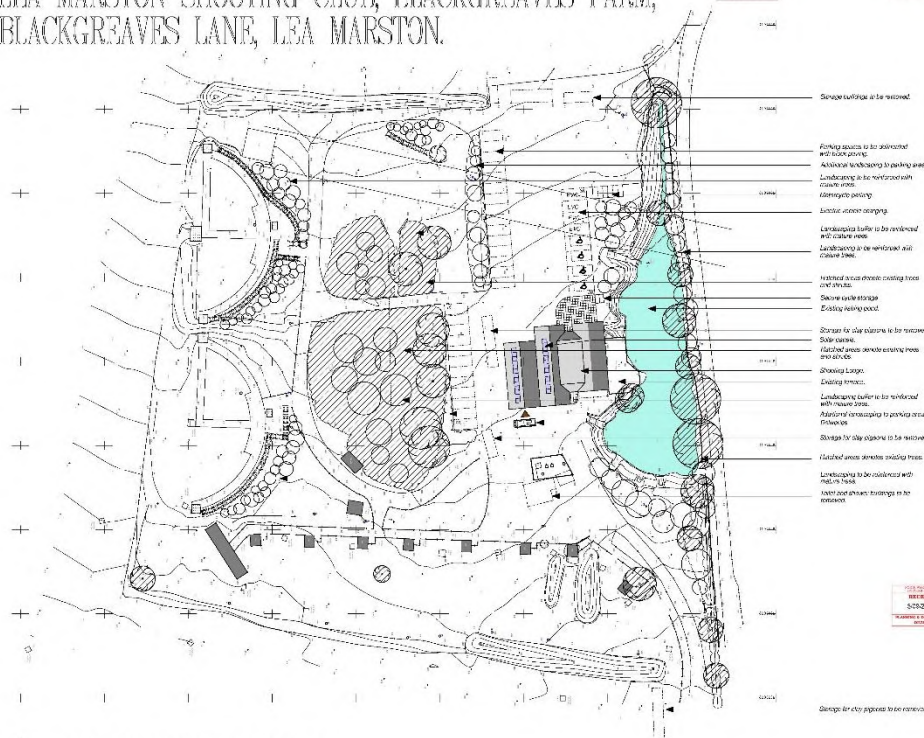
LEA MARSTON SHOOTING CLUB,
BLACKGREAVES FARM, BLACKGREAVES LANE.

EXISTING PLANS & ELEVATIONS.

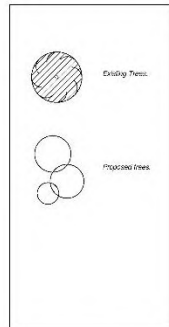
SCALE	DATE	DRAWN	JOB No.
			9493.14

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DIVISION

LEA MARSTON SHOOTING CLUB, BLACKGREAVES FARM, BLACKGREAVES LANE, LEA MARSTON.



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PROPOSED SITE LAYOUT.

SCALE	DATE	DRAWN	JOB No.
			9493.11

PROPOSED SITE LAYOUT.
Scale 1/250.

LEA MARSTON SHOOTING CLUB, BLACKGREAVES FARM, BLACKGREAVES LANE, LEA MARSTON.

PAP/2019/0451

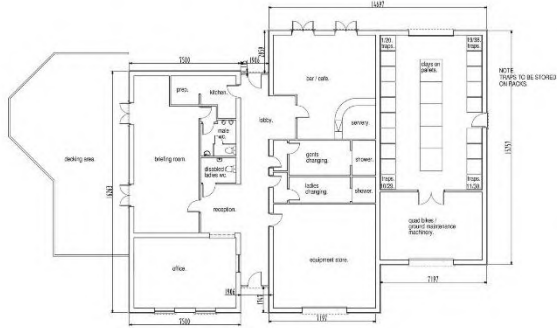
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PROPOSED ELEVATION - facing Blackgreaves Farm.
Scale 1/100.



PROPOSED ELEVATION - facing shoot.
Scale 1/100.

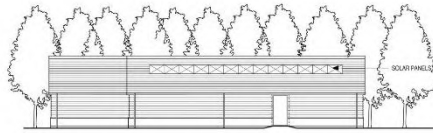


PROPOSED FLOOR LAYOUT.
Scale 1/100.

Total Floor Area - 380 sq.m.
(Existing 74 sq.m.)



PROPOSED ELEVATION - facing Blackgreaves Lane.
Scale 1/100.



PROPOSED ELEVATION - facing car park.
Scale 1/100.

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Rev. A: 21/05/19
Rev. B: 02/06/19
Rev. C: 02/06/19
Rev. D: 02/06/19
Rev. E: 02/06/19
Rev. F: 02/06/19
Rev. G: 02/06/19
Rev. H: 02/06/19
Rev. I: 02/06/19
Rev. J: 02/06/19
Rev. K: 02/06/19
Rev. L: 02/06/19
Rev. M: 02/06/19
Rev. N: 02/06/19
Rev. O: 02/06/19
Rev. P: 02/06/19
Rev. Q: 02/06/19
Rev. R: 02/06/19
Rev. S: 02/06/19
Rev. T: 02/06/19
Rev. U: 02/06/19
Rev. V: 02/06/19
Rev. W: 02/06/19
Rev. X: 02/06/19
Rev. Y: 02/06/19
Rev. Z: 02/06/19

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LEA MARSTON SHOOTING CLUB,
BLACKGREAVES FARM, BLACKGREAVES LANE.
PROPOSED PLANS & ELEVATIONS.

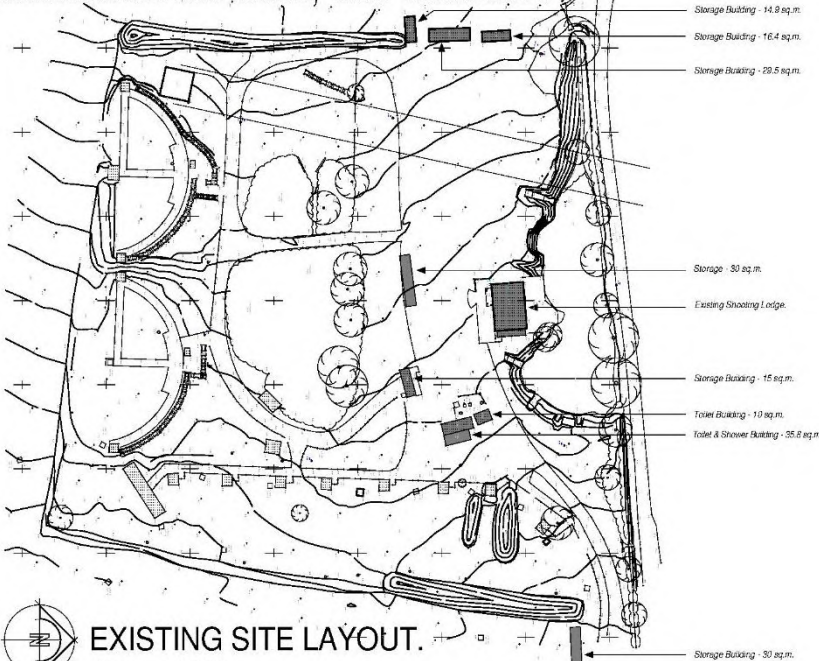
SCALE	DATE	DRAWN BY	NO.
1/100	April 19	DL	9493.12

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25/03/2022
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DIVISION



Total Area of Buildings - 181.6 sq.m.
(excludes shooting lodge)

EXISTING SITE LAYOUT.
Scale 1/500.

Rev. A: Minor change 01/03/19
Rev. B: Total area added 16/07/19

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LEA MARSTON SHOOTING CLUB,
BLACKGREAVES FARM, BLACKGREAVES LANE.
EXISTING SITE LAYOUT.

SCALE	DATE	DRAWN BY	NO.
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APPENDIX E



The Planning Inspectorate

Appeal Decision

Site visit made on 4 December 2017

by **Chris Couper BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28th December 2017

Appeal Ref: APP/R3705/W/17/3183562

Blackgreaves Farm, Blackgreaves Lane, Lea Marston B76 0DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Guy Breeden (Lea Marston Shooting Club Limited) against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2016/0278, dated 12 May 2016, was refused by notice dated 7 March 2017.
 - The development proposed is a single storey extension to the shooting lodge.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The description of the proposal on the application form includes a single storey storage building. However, by reference to parts E and H of the appeal form, that was removed from the scheme, and the description was amended accordingly. I have therefore determined the appeal on the basis of the amended description and drawing numbers 9118.20 Rev B and 9118.21 Rev B which show no separate storage building.

Main Issues

3. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt, having regard to its effect on openness and the purposes of the Green Belt, and with regard to the National Planning Policy Framework and any relevant development plan policies; and
 - If the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not inappropriate development in the Green Belt

4. The site lies within the Green Belt, where the National Planning Policy Framework ('Framework') states that inappropriate development is, by definition, harmful, and should not be approved except in very special circumstances. Whilst it regards the construction of new buildings as

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

inappropriate, at paragraph 89 it cites various exceptions to that approach. Those include, at the second bullet point, the provision of appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; or, at the third bullet point, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. North Warwickshire Local Plan Core Strategy 2014 Policy NW3 refers to national Green Belt policy and the need to protect openness.

5. The use of the site for clay pigeon shooting and fishing is established, with the shooting lodge having been approved in 2012. Beyond the car park there are a number of stands from where outdoor shooting takes place. This is clearly an outdoor sport or recreational activity. Consequently, whilst the Council's reason for refusal states that the scheme would be a disproportionate addition to the building, in my view, and in accordance with its officer report, the scheme should be assessed against Framework paragraph 89's second bullet point.
6. At paragraph 8.10.4 of its appeal statement, the Club has provided a list of the minimum desired floorspace sizes for indoor storage, and other facilities to meet current needs. However, that list bears little resemblance to the facilities or floor areas on the proposed drawings. Moreover, there is little explanation as to how those desired minimum sizes or the depicted floor areas on the plans were derived. From the limited and somewhat contradictory evidence before me, I cannot therefore be certain whether the amount of the proposed storage, induction, training and office space on the drawings constitutes appropriate facilities for this outdoor sport or recreational activity.
7. Turning to the Green Belt's openness, the existing lodge is set back from, and elevated above, Blackgreaves Lane. As a result of this scheme it would be extended to the west by continuing the ridgeline of the existing building and adding a projecting gable on the end to create a roughly 'T' shaped plan form. That would at least double the overall length of the building.
8. There is a pond and a narrow belt of largely deciduous trees between the lane and the lodge. However, the proposed extension would be clearly visible from the lane, particularly in the winter months. Moreover, it would greatly extend the lodge's length and footprint and, with its front and rear gables, its built form. Notwithstanding any additional landscaping, the proposed extension's scale, bulk and footprint would not preserve the Green Belt's openness.
9. As part of the scheme Lea Marston Shooting Club ('Club') states on the one hand that existing storage containers on the site would be removed, although paragraph 8.10.1 of its appeal statement indicates that the number of storage units would be reduced. At paragraph 8.10.3 the area of outdoor storage and containers is calculated at 2,602sqm, with a volume of 5,984.6 cubic metres.
10. The containers are not depicted on the drawings. I observed that there is a small group just south of the access, and further containers south-east of the lodge. Without plans I cannot be certain which of the containers are proposed for removal; and a condition requiring their removal would not meet the tests of precision and enforceability. Moreover, according to the Council, it was a requirement of a previous planning permission that they be removed, and at section 7.0 of its statement it considers them to be unlawful. I have no

substantive evidence to counter that view. For all those reasons, I give very little weight to any mitigation arising from their removal.

11. In any event, the Club's outdoor storage and containers volume and area calculations greatly exceed the combined size of the containers that I observed, some of which are identified in photographs at Appendix B of the Council's officer reports. On the basis of the available evidence and that of my visit, the containers have a more limited height and bulk than the proposed extension. Consequently, even if they are lawful, their removal would not mitigate the harm that I have identified to the Green Belt's openness.
12. Whilst development in the wider area includes existing and proposed transport routes, sites of minerals extraction, a large hotel and golf course, and pylons, those features do not alter my conclusions regarding this proposal's impact on openness.
13. The site's use for clay pigeon shooting is established, and the extension would be at the edge of a car park. However, the site is located in the countryside, and the proposal would increase the amount of built development on it, in a fairly prominent location close to Blackgreaves Lane. Consequently, there would also be a limited conflict with one of the purposes of the Green Belt, which is safeguarding the countryside from encroachment.
14. Summing up on this issue, it is unclear from the evidence before me whether the amount of development proposed is appropriate for this outdoor sport or recreational use. However, as the scheme would not preserve the openness of the Green Belt, and would conflict with one of its purposes, it would be inappropriate development. It would therefore conflict with the Framework, and with Core Strategy Policy NW3. As required by the Framework, I give that harm substantial weight.

Other considerations

15. The Club has grown over the years, and whilst it originally had 700 members, that number has increased to over 1,400, with an estimated 18,000 visitors in 2017 predicted to nearly double by 2022. Given safety and amenity considerations, I agree that this controlled sport, which is established on this site, could not be carried out in an urban area. The provision of sport/recreational facilities within the Green Belt finds support in the development plan and the Framework, including at paragraph 81. As well as providing recreational and social benefits for its members, the Club's activities also contribute to the local economy. Those are limited benefits in the scheme's favour.
16. The principal parties state that this is a high security area. Instead of the current containers, in order to address the requirements of the firearms licensing authority and in accordance with police advice, I understand that secure storage for firearms and ammunition is needed. Storage for targets and traps which cannot be kept outside would also be provided. However, in the absence of detailed evidence of the licensing or other requirements, and the deficiencies of the current storage arrangements, that is only a limited benefit.
17. If it were to be secured as part of this scheme, there would be some benefit to the area's appearance as result of the removal of the storage containers. However, as the listed Blackgreaves Farm is about 100 metres away, having

regard to the distance involved and the low profile of the storage containers, I am not persuaded that the setting of that designated heritage asset would be enhanced by their removal.

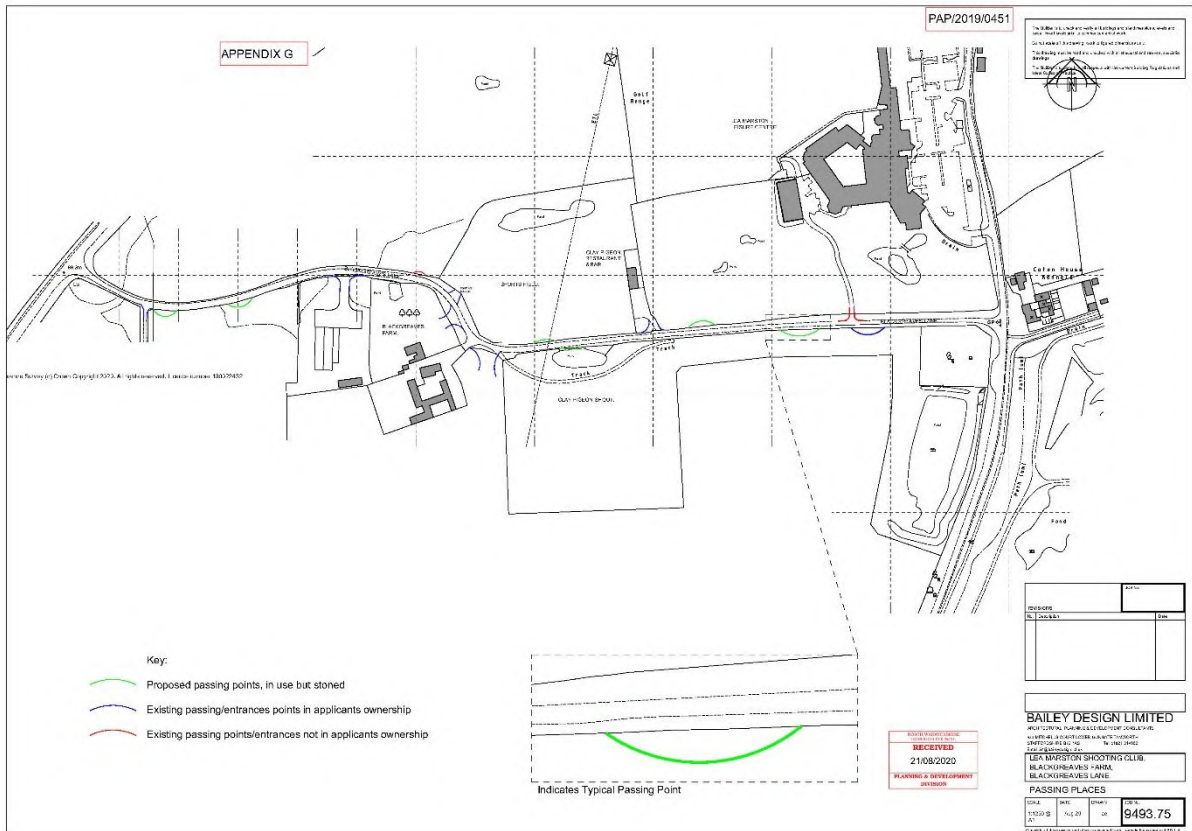
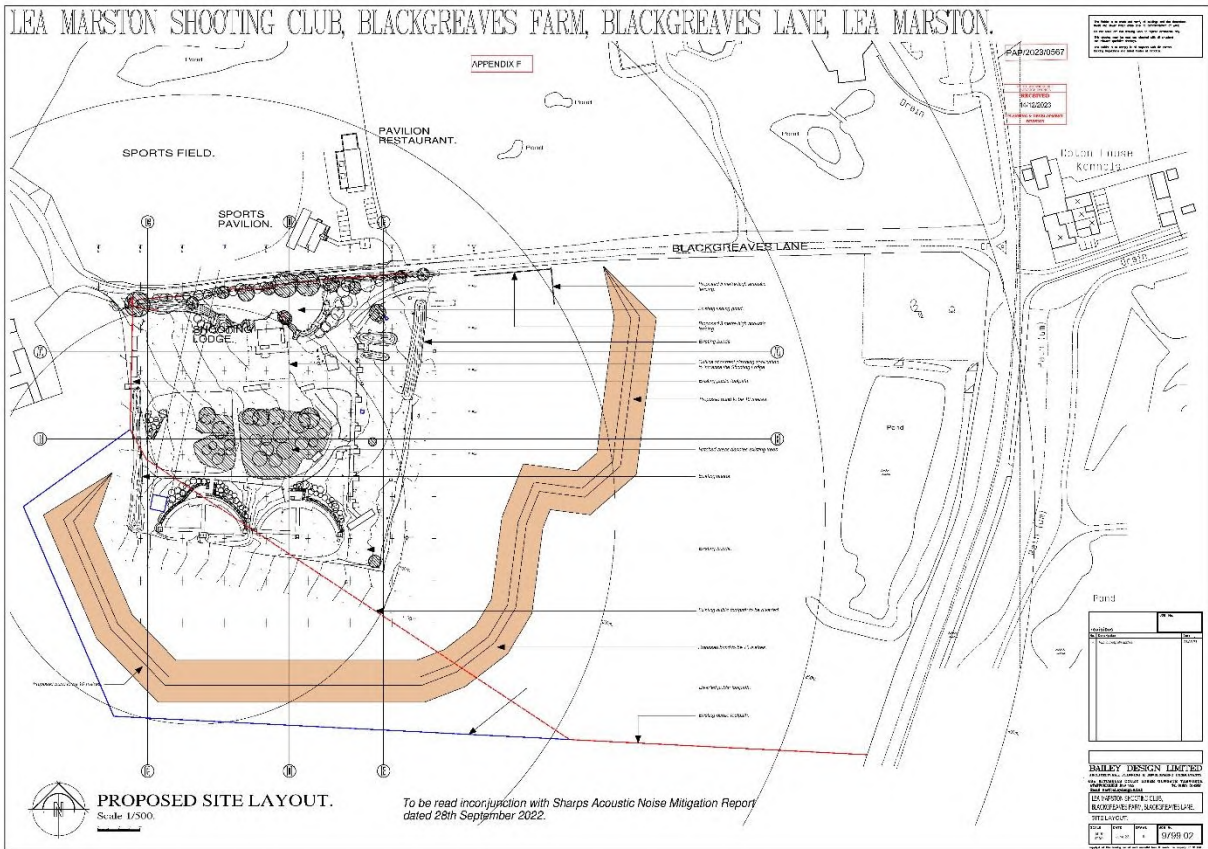
18. Whilst the officer report refers to benefits accruing from 'bringing the site under planning control', it also states that the current use is lawful. Conditions should only be imposed which are directly related to the development, fairly and reasonably related in scale and kind to it, and are necessary to make it acceptable. Consequently, although conditions could be imposed to address the impacts arising from this proposal, they should not be used to address any pre-existing issues. In any event, I am not satisfied that conditions to bring the use of the site under planning control as suggested by the Council justify allowing inappropriate development in the Green Belt.
19. Finally, although the scheme would include internal and external refurbishment of the existing lodge, which could result in greater energy efficiency, I have no evidence that the proposal is the only way in which that could be achieved, and I therefore give very little weight to that benefit.

The Green Belt Balance and Conclusions

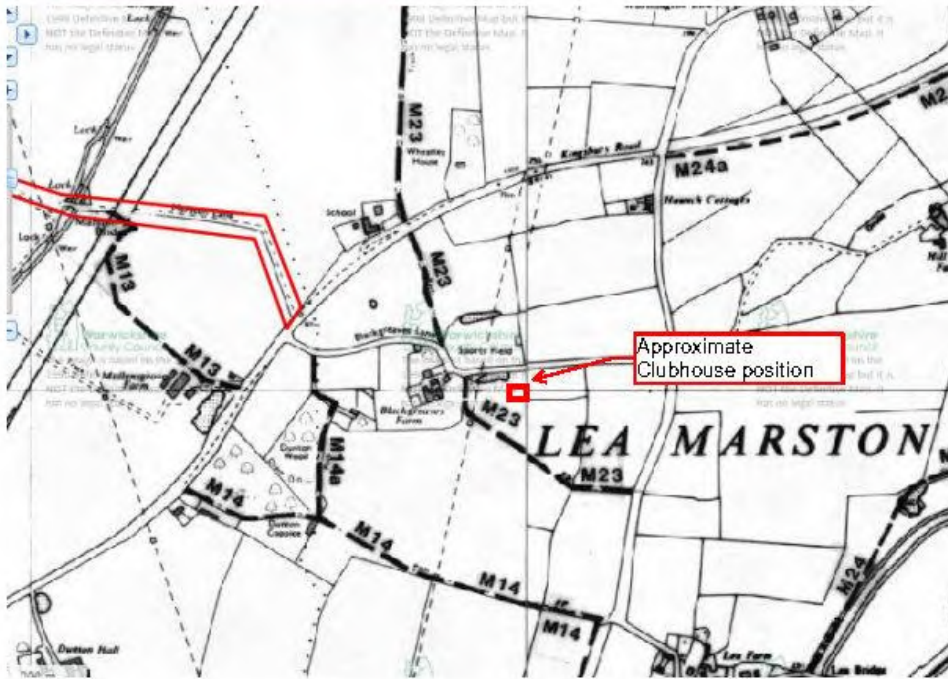
20. As the scheme would not preserve the Green Belt's openness, and would cause limited harm to the purposes of the Green Belt, it would be inappropriate development. That, by definition, is harmful to the Green Belt, and is a matter to which I give substantial weight.
21. In its favour, the scheme would provide secure storage and enhanced indoor facilities for outdoor sport/recreation, and the Club clearly contributes to the local rural economy. Those are matters which find support from the development plan and the Framework. However, the submitted evidence does not provide detailed justification or adequate explanation for the amount of space that has been proposed, and I cannot be certain that the Club's needs could not be addressed by an alternative scheme with a more limited impact on the Green Belt's openness.
22. From the evidence before me, the combined weight of the other considerations in this case constitute only a limited benefit in the scheme's favour, and do not therefore dearly outweigh the substantial harm that I have found by reason of inappropriateness. The very special circumstances necessary to justify the proposal do not therefore exist. Whilst the scheme finds support from some national and development plan policies, it would conflict with the development plan and the Framework when considered as a whole. Consequently, although the scheme was recommended for approval by officers, having considered it on its merits, and with regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR



APPENDIX H



APPENDIX I

- 6.25 Inappropriate development should not be approved in the Green Belt except in 'very special circumstances'. Paragraph 145 states that *local authorities should regard the construction of new buildings in the Green Belt as inappropriate*. Exceptions to this are:
- (a) Buildings for agriculture and forestry;
 - (b) Provision of appropriate facilities (in connection with the existing use of land or 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 purpose of including land within it;
 - (c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - (d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - (e) Limited infilling within villages;
 - (f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);
 - (g) Limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than existing development or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7. ASSESSMENT

Principle of Development/Development in the Green Belt

- 7.1 The site is located within the Green Belt outside of any defined settlement within the North Warwickshire Core Strategy. In such locations development is only acceptable in principle where it relates to agriculture, forestry or other uses which can be shown to require a rural location. It is clear that a shooting club requires a rural location by virtue of its nature, land take and potential noise and amenity impacts which would not be compatible with an urban location. The proposed development is therefore not at odds with the settlement hierarchy policies set out within the development plan (policies NW2 and LP2).
- 7.2 In the 2017 Appeal decision, the Inspector is clear that the extension of the club house at the site should be considered as *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation*. The Framework considers that this use is not inappropriate development in the Green Belt provided that *the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*.
- 7.3 The proposed club house extension would undoubtedly result in a significant increase in built development on the site. The existing club house covers an area of approximately 73m² and

the proposed extension would add a further 403m² of built development at the site. This would in part be significantly off-set by the removal of the 8 outdoor storage containers/Portakabins from the site which have a combined footprint of 182m². It should be noted that the removal of these containers/gabins from the site would have a greater impact than just the 182m² reduction in floor area. Their removal would also see the clearance of areas of unattractive, outdoor storage and debris at the site associated with these structures and would ensure that the built development on the site is contained within one location (the club house) and not spread across the site. Notwithstanding this, the extension would by virtue of its scale, bulk and footprint have some impact on the openness of the Green Belt.

- 7.4 The development proposed would not conflict with any of the five purposes of including land within the Green Belt. It would not result in urban sprawl or settlement coalescence, it would not have any impacts on the setting or special character of any historic town or indeed the nearest listed property. The development would not result in encroachment into the countryside given that the proposed extension would be well contained within the confines of the existing shooting club curtilage and would not extend any further into the countryside than the existing use. The extension would be located on the existing, well established large shooting club car park which as *'fixed surface infrastructure'* within the immediate curtilage of *land occupied by a permanent structure'* would ensure the re-use of previously developed land.
- 7.5 Given that it is recognised that the proposed extension would result in some harm to the Green Belt by virtue of limited impacts on openness, under the provisions of the Framework the development would therefore be inappropriate therefore requiring evidence of 'very special circumstances' to offset the limited harm to the openness of the Green Belt.

Very Special Circumstances

- 7.6 This Statement sets out in detail within section 5 justification for the proposed extension in the manner and scale proposed. It is clear from the evidence provided that there is a need for the rationalisation of the existing accommodation on site along with the extension in the interests of health and safety, to provide secure on site storage space for traps, firearms and ammunition, to ensure the site is accessible to all, including disabled users and to provide adequate welfare facilities for the users of the site. All of these provisions are required to ensure that the club meets the affiliation criteria of the CPSA and BASC and to allow this successful not for profit club to operate efficiently and effectively in the best interests of its current and future members and users.
- 7.7 The current facility is simply too small at present. The site operates seven days a week. On an average day, the club attracts approximately 300-400 users. All of these users have to sign into the club, complete relevant paperwork, have licences checked etc. Staff present on site at this time ranges between 7 and 15 employees with additional volunteers as necessary/available. The current office and reception area is not adequate for this purpose. The reception lobby can only comfortably accommodate 2-3 people at any one time with the office only being large enough to enable one member of clerical staff to operate at any one time. This results in significant delays signing users in resulting in long waits for users outside regardless of the weather. The proposed new reception would enable the efficient processing of users indoors

whilst still retaining a small, private office space for the day to day running of the club. In poor weather, this will also act as a circulation space, giving users direct access to lockers, showers and toilets without having to pass through the training and de-briefing/rest areas.

- 7.8 As part of the clubs on-going vigilance and security requirements, a photographic ID verification will soon be introduced ensuring that any potential participants prohibited from participating in the use of shot guns and firearms are restricted. It will be important that adequate space in a formal reception area is provided to make these checks and others on attendees rather than trying to assess all users who with nowhere currently to formally wait, are milling around outside the existing clubhouse.
- 7.9 The current club house has one space which acts as a training/induction and de-briefing/rest and social space. This current space has an area of approximately 37.5m². On a typical weekend, at any one time, there may be 70 users undertaking training and 70 users undertaking de-briefing/socialising or resting post shoot. The existing space is not large enough to take these numbers and it is also not appropriate, even for smaller groups, to have training occurring in the same space as other uses. Consequently, training and health and safety briefings have to be undertaken outside the building. Given the importance and detail of such health and safety briefings, this is not ideal. Outside briefings can be hampered by the weather and raises significant issues ensuring that all attendees can see and hear the various demonstrations and instructions. The lack of internal space has also hampered the club's ability to showcase the disciplines for the good of the local community with events involving high profile guests having to be undertake outside whilst using make-shift weather shelters. The extension will allow the induction/training and de-briefing/rest activities to take place in dedicated indoor spaces. This is considered to be appropriate to the number of users which need to be accommodated.
- 7.10 The current storage at the site is inadequate in both scale and suitability. All equipment must be stored securely when not in use. Traps have to be stored flat and cannot be stacked so are space intensive. The club needs space to store around 35-40 traps on site. As a not for profit charity seeking to offer the opportunity for all to be involved in its disciplines, it is imperative that spending is closely monitored and the cost of participating for users is not prohibitive. Therefore, equipment such as clays are bought in bulk. These cannot all be stored on site at present and therefore a costly and unsustainable off site storage solution has to be found. In addition to the traps, clays, ammunition and guns, storage is also needed for televisions for screening health and safety films, batteries and transformers, maintenance equipment and quad bikes for access around the site. The current club house has no storage space. Despite utilising a wide range of security measures, the outside storage containers are susceptible to damage and theft with the club being victim to a break in in August this year where guns, ammunition and electrical equipment was stolen with a value of circa £15,000. The containers are also susceptible to condensation which is damaging to equipment and a significant problem during much of the year.
- 7.11 The proposed extension would provide sufficient dedicated, secure, temperature controlled, indoor storage meaning all necessary equipment can be stored on site. This would also ensure equipment to be purchased at an affordable rate and reduce unnecessary storage and transport costs and movements. This would also enable the removal from site of the current, unattractive

storage containers and the cleaning up of the space around them vastly improving the character and appearance of the western part of the site.

- 7.12 Toilets and showers are currently provided in 2 no. Portakabin buildings on the site. The buildings are old and do not provide for adequate year round provision. Outside of the summer season they are cold and whilst fit for purpose as a toilet for able bodied guests, are not fit for use for showering or the secure storage of personal belongings for any guests. The buildings are also unattractive and do nothing to present the club as a professional organisation. The proposed extension will enable the showers to be moved inside the building and for secure lockers to be provided for personal belongings. Given the number of users of the site and the need to keep personal items away from the shooting stands, it has become necessary to provide users with secure storage as a matter of importance. Following construction of the proposed extension, the Portakabins would be removed from the site vastly improving the appearance of that part of the site.
- 7.13 The shooting club is one of only a few clubs in the country who has fully accessible shooting stands, footpaths etc. partly funded by the National Lottery. The club has a commitment to ensuring that the site is open to disabled users. Whilst the outdoor space at the club is fully accessible to wheelchair users, the club house itself has limited accessibility beyond toilet access. The current inductions/training/de-brief and social space currently has to accommodate too many users and therefore space is extremely limited meaning that access for wheelchairs has become impossible at busy times.
- 7.14 It can clearly be seen from the above that very special circumstances exist at the site to justify the extension proposed. Without this extension, the safe and efficient running of the shooting club would be seriously compromised. The detail behind the need for the various elements of the extension clearly demonstrate that the development proposed is of a scale and provides the necessary elements required for the efficient function of the existing shooting club and that the proposed extension is the minimum necessary to successfully meet the club's needs in accordance with Development Plan Policy LP3. On this basis, it is considered that substantial weight should be given to the special circumstances that exist and on balance out weigh the limited impact of the proposed extension on the openness of the Green Belt.

Social and Economic Benefits

- 7.15 The shooting club is a long established business which provided employment for 15 people and makes a significant contribution to the rural economy. The proposed extension would use locally sourced materials as far as practicable and would create short term local employment during the construction period. The proposed extension will therefore enable the shooting club to continue operating effectively, retain jobs and contribute to the wider local economy.
- 7.16 The club has attracted lottery and other funding to ensure that its shooting stands are accessible to all and that all ages and abilities can try shooting in a relaxed and friendly environment. The club has raised its profile to ensure it attracts high profile, positive coverage bringing users to the site and the local area.

Design, Character and Appearance

- 7.17 The proposed extension has been located primarily to the south of the existing club house to minimise views of the building from outside the site, specifically to the north of the site from Blackgreaves Lane. The extension would have a floor area of approximately 403m² and would be the same height as the existing building. The site rises up from Blackgreaves Road to the north with the existing club house located on flat ground approximately 2m above the height of the road. When viewed from the road the impact of the extension in terms of scale and massing would therefore be limited.
- 7.18 The site is well screened with views from the east, south and west limited and interrupted by mature planting. The building would be visible from the properties to the west of the site, however they are primarily single storey dwellings and located approximately 100m away. Views of the site are partially screened by existing boundary treatments and vegetation. The removal of the temporary storage containers from the site would vastly improve the outlook of these properties to the site. Additional planting is proposed to further assimilate the club house into the site and screen it from views outside of the site.
- 7.19 The scale and massing of the building is considered to be appropriate and only provides for necessary space within the new building. The extension has been designed to match the existing club house in both design and through use of matching materials. The timber cladding will create a building which reflect the rural character and location of the site and the nature of the use. The atrium roof over the proposed new reception area has been provided to maximise natural daylight and sunlight within the building. Solar panels are also proposed on the south facing roofs to maximise solar gain.
- 7.20 Access to the site will remain unaltered with adequate parking provision retained.
- 7.21 Overall, it is considered that the proposed extension would be sited to minimise the impacts on the Green Belt and to ensure that views from outside of the site are limited whilst being well related to the existing building. The scale, bulk and massing are appropriate and sensitive to the host building and the materials of construction will be in keeping with both the existing building and the surrounding area. The proposed extension is therefore considered to be in accordance with Development Plan policies NW10, NW12 and LP32.

Other Environmental Considerations

- 7.22 The site is not subject to any landscape, ecological or heritage designations and is located within an area at low risk from flooding. All existing mature planting and screening would be retained on site and further enhanced through additional planting.
- 7.23 The nearest listed building, the Grade II Blackgreaves Farmhouse is located approximately 50m to the west of the site (100m to the west of the proposed extension). Given the distance and intervening landscaping, it is not considered that the proposed development would have a detrimental impact on this building or its setting and would not directly impact on the architectural or historic interest of the site.

7.24 It is therefore considered that the site could be developed with negligible environmental impacts.

8. CONCLUSION

8.1 This Planning, Design and Access Statement has been produced by Knights plc to support a planning application for the extension of the existing club house at Lea Marston Shooting Club, Blackgreaves Lane, Lea Marston.

8.2 The site is located in the Green Belt and outside of any settlement boundary. The provision of appropriate facilities for outdoor sport and recreation is an appropriate use within the Green Belt provided that the openness of the Green Belt is preserved and there is no conflict with the five purposes of including land within the Green Belt. The proposed club house extension would not conflict with any of the purposes of including land within the Green Belt but the scale of the proposed development would have some limited impact on the openness of the Green Belt. The proposed development therefore represents inappropriate development and require evidence of 'very special circumstances' to make it acceptable.

8.3 Detailed justification has been provided to demonstrate that 'very special circumstances' exist which should be given substantial weight in the planning balance and would outweigh the limited impact on Green Belt openness. The 'very special circumstances' relate to the need to provide a larger club house in the interests of health and safety, security, welfare and inclusiveness. It is clear from the evidence presented that the proposed scale and provisions are necessary for the efficient function of the shooting club use and are the minimum size necessary.

8.4 The proposed development and supporting information address all of the matters set out in the Inspectors appeal decision which led him to conclude that evidence of very special circumstances did not exist in the previous application.

8.5 The proposed extension has also been re-sited primarily to the rear of the existing club house in contrast to the previous application which sought to locate it wholly to the west. Due to topographical changes between the site and Blackgreaves Lane to the north, this significantly reduces the visual impact of the proposed extension from views outside of the site. The design, layout, massing and use of materials are all considered appropriate. Following completion of the extension the three existing outdoor storage containers and two Portakabin buildings would be removed from the site, vastly improving its character and appearance and in part offsetting the proposed new development.

8.6 The proposal would accord with the development plan and would constitute 'very special circumstances' where harm to the Green Belt would be outweighed by the specific benefits of the proposed development. As such, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, planning permission should be granted.

General Development Applications

(6/f) 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

At the Planning and Development Board meeting held on 2 September 2024, members resolved to grant planning permission. As the resolution was contrary to officer recommendation - one of refusal - no conditions were set out within the associated board report.

Accordingly, it was agreed that the application would be reported back to a subsequent meeting to allow for planning conditions to be prepared, and a signed Unilateral Undertaking (UU) to be submitted by the applicant.

The UU has now been received (Appendix 1) which contains an obligation requiring the proposed dwelling be constructed as a "self-build dwelling" and occupied as such for three years.

The proposed conditions are set out within this report.

Observations

s.70(1) of the Town and Country Planning Act 1990 provides that where a planning application is made to the Local Planning Authority, they may grant planning permission unconditionally, or subject to conditions as they think fit. The power to impose conditions is broad; however, the courts have made clear that such power is not uncontrolled/unfettered.

Planning Practice Guidance adds that this power needs to be considered in the context of material considerations and relevant case law - Paragraph: 002 Reference ID: 21a-002-20190723. Moreover, any planning condition must satisfy the 6 tests set out at Paragraph 56 of the NPPF:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

It is considered that the conditions set out within the recommendation are appropriate, well-reasoned, and would meet each of the six tests referenced above.

RECCOMENDATION

That, subject to the completion of a Unilateral Undertaking, the following conditions are agreed:

Standard 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 site location plan, the proposed site plan (D1998.2B), and the proposed plans and elevations (D1998.1), all received by the Local Planning Authority on 16th April 2024.

REASON

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

Pre-commencement conditions

3. With the exception of demolition, no development shall commence until a drainage plan for the disposal of surface water and foul sewage has been submitted to and approved by the Local Planning Authority. The scheme shall be carried out in conformity with the approved details prior to the first occupation of the dwelling.

REASON

In the interests minimising the likelihood of flooding incidents and damage to the environment, property, or life.

4. Notwithstanding the approved drawings, with the exception of demolition, no development shall commence until full details of the dimensions, surfacing, drainage and levels of the access, car parking and manoeuvring areas have been submitted to and approved in writing by the Local Planning Authority.

The details shall demonstrate that the width of vehicular access does not exceed 3.5m (measured from the near edge of the public highway carriageway) and that positive drainage measures are to be incorporated.

The unit shall not be occupied until the access, parking and manoeuvring areas have been laid out strictly in accordance with the approved details and retained thereafter free from any impediment to their designated use.

REASON

In the interests of Highway Safety and to ensure sufficient parking provision in line with NWBC's adopted Parking Standards.

5. With the exception of demolition, no development shall commence until details of the finished floor levels of the building hereby approved, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, have been submitted to and approved in writing by the Local Planning Authority. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed strictly in accordance with the approved details.

REASON

To ensure that construction is carried out at a suitable level having regard to drainage, access, the visual amenity of the area, and the openness of the Green Belt.

Pre-occupation conditions

6. Prior to the occupation of the dwelling a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard landscaping shall be carried out in accordance with the approved details prior to occupation of the dwelling, whilst all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

REASON

In the interest of the visual setting of the development and the surrounding area.

7. 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 the dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter.

REASON

To enable effective storage and disposal of household waste and in the interests of the amenity of the area and highway safety.

8. Prior to their incorporation into the building(s) hereby approved, details and/or samples of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved facing materials.

REASON

In the interests of the visual amenities of the area.

Other conditions

9. No gates, barriers or means of enclosure shall be erected across a vehicular access within 6 metres of the highway boundary. All such features erected beyond that distance should be hung to open inward away from the highway.

REASON

In the interests of highway safety

10. No development whatsoever within Class A, AA, B, and E of Part 1, 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 having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In recognition of the very special circumstances warranting the approval of planning permission and thus retain planning control over future development in the interest of the openness of the Green Belt, and to ensure the provision of sufficient external amenity space.

11. Except in an emergency, no demolition, site clearance, construction, site works or fitting out shall take place other than between 08:00 hours and 18:00 hours Mondays to Fridays, and between 08:00 hours and 13:00 hours on Saturdays. There shall be no such activities whatsoever on Sundays, public holidays, and bank holidays.

REASON

To safeguard the amenities of nearby occupiers.

12. In the event that suspected contamination 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.

REASON

To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

Notes

1. 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. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

DATED 17th Sept

2024

DARREN BIGNELL (1)

to

NORTH WARWICKSHIRE BOROUGH COUNCIL (2)

UNILATERAL UNDERTAKING

SECTION 106 DEED

Under Section 106 of the Town and Country Planning Act 1990 (as amended) relating to land adjacent Sunnyview, Dingle Lane, Nether Whitacre, Coleshill, B46 2EG.

Planning Ref no. PAP/2024/0189.

THIS DEED is made the 17th day of September Two Thousand and Twenty Four.

BY:

- (1) **DARREN BIGNELL** of The Cottage, Dingle Lane, Nether Whitacre Coleshill, B46 2EG ("the Owner") of the first part;

TO:

- (2) **NORTH WARWICKSHIRE BOROUGH COUNCIL** of The Council House, South Street Atherstone, Warwickshire CV9 1DE ("the Council") of the second part;

1. **DEFINITIONS**

Wherever the context so permits in this Deed the following shall have the following meanings:

"The 1990 Act"	means the Town and Country Planning Act 1990 (as amended)
"The Application"	means an outline planning application under reference No.PAP/2024/0189 for the Development
"Commencement of Development"	means the carrying out of any act pursuant to the Planning Permission which constitutes a material operation as defined by Sections 56 (4) and 93 of the 1990 Act other than (for the purposes of this Deed and for no other purpose) operations consisting of site clearance (other than demolition), archaeological excavations, investigations for the purposes of assessing ground conditions, remedial work in respect of contamination or other adverse ground conditions, erection of any temporary means of enclosure and the temporary display of site notices or advertisements and "Commence Development" shall be construed accordingly
"The Council"	means North Warwickshire Borough Council or any successor to its statutory functions

"The Development"	means the construction of 1no. Self Build Dwelling pursuant to the Planning Permission
"Dwelling"	means a residential unit permitted to be constructed on the Land pursuant to the Planning Permission and for the avoidance of doubt shall comprise of the Self Build Dwelling and reference to "Dwellings" shall be construed accordingly
"the Land"	means the area of land shown edged red on the Plan shown in Appendix A
"Occupation"	means the date at which a Dwelling is first occupied for the purposes permitted by the Planning Permission but excluding occupation of a Dwelling where that Dwelling is being used solely for the purpose of a show home/flat (where no persons are resident) in the course of marketing the Development and not including occupation by personnel engaged in construction fitting out or decoration or occupation in relation to security operations and "Occupied" and "Occupy" will be construed accordingly
"the Owner"	means Owner of the Land and such expression shall include successors in title to the Owner
"Plan"	means the plan attached to this Deed
"The Planning Permission"	means the permission to be granted pursuant to the Application and subject to clause 14 of this Deed any new permission granted pursuant to Section 73 of the 1990 Act and any approved non material amendment(s)
"Protected Occupation Period"	means the period of three years beginning with the first Occupation of the Self Build Dwelling by the initial owner and ending on the third anniversary thereof
"Self-Build and Custom Housebuilding"	means self-build and custom housebuilding as defined by Section 1 of the Self Build and Custom Housing Building Act 2015 as amended by the Housing and Planning Act 2016
"Self-Build Dwelling"	means (for the purposes of this Deed) a Dwelling to be either constructed or commissioned as part

	of the Development by a person or persons who intend to live in the said Dwelling and which meets the definition of Self Build and Custom House Building and provided in accordance with the provisions of Schedule 1 to this Deed and reference to "Self Build Dwellings" shall be construed accordingly
"Self-Build Plot"	means a plot on the Development on which a Self-Build Dwelling is to be constructed and which has unfettered access for vehicles and pedestrians to a public highway and be provided with access to foul drainage mains water and mains electricity supply available at the plot boundary within the duration of the Planning Permission and reference to "Self Build Plots" shall be construed accordingly
"Working Day"	means any day from Monday to Friday (inclusive) which is not Christmas Day Good Friday or a statutory bank holiday or a day falling within the period 24 December to the immediately following 2nd January (inclusive)

2. CONSTRUCTION

- 2.1 Words of masculine gender shall incorporate the feminine gender and words of the singular shall include the plural and vice-versa and words denoting persons shall include bodies companies incorporated associations and partnerships and vice versa.
- 2.2 Reference to any statute or statutory provisions includes a reference to:-
- 2.2.1 that statute or statutory provision as from time to time amended extended re-enacted consolidated or replaced; and
- 2.2.2 all statutory instruments or orders made pursuant to it whether before or after the date of this Deed
- 2.3 The term "the Owner" shall include their assigns and successors in title to their legal interest in the Land or any part or parts thereof at the date hereof and to the rights and obligations created by this Deed.
- 2.4 A covenant not to do something includes a covenant not to permit or suffer that thing to be done.
- 2.5 Any covenants obligations or other commitments given by more than one party to this Deed shall be joint and several and where any party consists of two or more persons obligations

expressed to be made by or with that party are deemed to be made by or with such persons jointly and severally.

- 2.6 The headings in this Deed are for ease of reference only and cannot be taken into account in its interpretation.
- 2.7 Where the agreement, consent, approval or expression of satisfaction (or anything of a like nature) from the Council is required by the Owner or any other party then such agreement, consent, approval or expression of satisfaction shall not be unreasonably or arbitrarily withheld or delayed.
- 2.8 Where there is reference to an officer of the Council in this Deed such reference shall include the officer referred to and any future officer (howsoever named) that carries on the same or similar function to the officer referred to AND any officer to whom such officers have delegated responsibility.

3. HISTORY

- 3.1 The Council is the appropriate Local Planning Authority for the purpose of the 1990 Act in respect of the area which includes the Land.
- 3.2 The Council is also the housing authority for the purposes of the Housing Act and as housing authority is required by Section 8 of the Housing Act to consider housing conditions in its district and the needs of the district with respect to the provision of further housing accommodation.
- 3.3 The Owner is the freehold owner of the Land registered with title absolute at the Land Registry under Title No. WK529912.
- 3.4 The Council and the Owner are entering into this Deed to make provision for regulating the Development in the manner hereinafter appearing.
- 3.5 The Application was submitted on behalf of the Owner to the Council and validated on the 16th April 2024.
- 3.6 The Owner has agreed to offer this Deed with the intention that the obligations contained in this Deed shall bind the Land and may be enforced by the Council against the Owner as set out herein.

4. PLANNING OBLIGATIONS

The covenants contained in Schedule 1 to this Deed are planning obligations for the purposes of Section 106 of the 1990 Act.

NOW THIS DEED WITNESSETH as follows:

5. BINDING EFFECT OF THE AGREEMENT

- 5.1 This Deed is made pursuant to Section 106 of the 1990 Act Section 111 of the Local Government Act 1972 Sections 8 and 9 of the Housing Act and all other enabling powers and it and the covenants contained in it are enforceable by the Council pursuant to such Acts
- 5.2 The Owner in respect of the Land hereby covenants and undertakes in respect of each and every part of the Land to observe and perform the covenants which are contained in Schedule 1 to this Deed with the intent that the same shall bind the Land and be enforceable without limit of time not only against the Owner but also (subject to clauses 8.11 and 8.12 of this Deed) against each and any of their successor in title and any person claiming any legal or equitable estate or interest in the Land or any part or parts of it as if that successor and person had also been an original covenanting party

6. EFFECTIVE DATE

The provisions of this Deed shall come into effect upon the;

- 6.1 grant of Planning Permission; and
- 6.2 Commencement of Development

7. WARRANTIES

The Owner hereby warrants to the Council that in respect of the Land:

- 7.1 he is at the date of this Deed the registered freehold proprietor of the Land registered with title absolute at the Land Registry under Title No. WK529912 free from any encumbrances other than those contained mentioned or referred to in the register to that title; and
- 7.2 he has obtained all necessary permissions and consents required from any covenantees or any other persons to him entering into this Deed and that he enters into this Deed with full capacity and ability to observe and perform the obligations hereunder

8. DECLARATIONS

IT IS HEREBY AGREED AND DECLARED

- 8.1 The planning obligations on the part of the Owner shall be in addition to and not in derogation of the Planning Permission.

- 8.2 Nothing in this Deed shall be construed as restricting the exercise by the Council of any powers exercisable by it under the 1990 Act or any other Act regulation or byelaws.
- 8.3 This Deed shall remain in full force and effect notwithstanding the terms and conditions of any planning permission which may be or has been at any time issued by the Council or any other appropriate person or authority pursuant to the provisions of the 1990 Act.
- 8.4 Subject only to clause 14 and to the provisions of Sections 106A and 106B of the 1990 Act the terms and conditions of this Deed can only be varied by a supplemental deed
- 8.5 No waiver whether express or implied by the Council of any breach or default by the Owner in performing or observing any of the covenants of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the said covenants or from acting upon any subsequent breach or default in respect thereof by the Owner.
- 8.6 The Owner waives any rights to claim compensation arising from any limitation or restriction on the planning use of the Land under the terms of this Deed.
- 8.7 If the Planning Permission at any time is quashed or revoked or is otherwise withdrawn by any statutory procedure or expires before Commencement of Development this Deed shall cease to have effect.
- 8.8 The parties to this Deed do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it.
- 8.9 If any individual clause or paragraph in this Deed is subsequently held to be unenforceable by a court the parties agree that the offending clause or paragraph shall cease to be binding and will be severed from this Deed PROVIDED THAT the severing of such a clause or paragraph shall not affect the continuing enforceability of the remainder of this Deed.
- 8.10 The validity construction and performance of this Deed shall be governed by English law and each party agrees to submit to the exclusive jurisdiction of the English courts as regards any claim or matter arising under this Deed.
- 8.11 No person shall be liable for a breach of this Deed:
- 8.11.1 after he shall have parted with all interest in the Land or that part in respect of which such breach occurred but without prejudice to liability for any subsisting breach which occurred prior to parting with such interest; and
- 8.11.2 to the extent that such breach relates to any part of the Land in which the person has no interest
- 8.12 Statutory undertakers or other utility suppliers with an interest in the Land only by virtue of the location of their structures or other apparatus on the Land (including electricity substations, poles stays gas governor stations and/or pumping stations) are specifically excluded from liability under this Deed

8.13 Nothing in this Deed shall be construed as prohibiting or limiting any right to develop the Land (or any part or parts thereof) in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed which does not require the variation or revocation of this Deed.

9. NOTICE OF DEED

9.1 The Council will on completion of this Deed register it in the local land charges register pursuant to the provisions of the Local Land Charges Act 1975; and

10. COSTS OF PREPARATION OF AGREEMENT

10.1 The Owner covenants to pay the Council's reasonable and proper legal costs in relation to this Deed on the date hereof

10.2 The Owner covenants to pay the Council its monitoring and administrative fees in the sum of £100.00 (one hundred pounds) within 30 (thirty) days of the date of this Deed

11. DISPUTES

11.1 In the event of there being any dispute between the parties hereto in respect of any of the terms of this Deed such dispute shall be determined in accordance with this clause and either party to the dispute may at any time require by notice in writing to the other party to the dispute an independent expert to be appointed to resolve the dispute

11.2 The expert (who shall be an appropriately qualified person to resolve the dispute in question) may be agreed upon by the parties to the dispute and in default of such agreement within one month of a requirement being made pursuant to this clause shall be appointed by the President for the time being of the Royal Institution of Chartered Surveyors on the application of either party to the dispute made at any time after the said period of one month

11.3 Notice in writing of his appointment shall be given by the expert to the parties to the dispute and he shall invite each to submit within a specified period (which will not exceed four weeks) any written representations each wishes to make to him

11.4 The expert shall act as an expert and not as an arbitrator and he shall consider any written representation submitted to him within the said period and shall not be in any way limited or fettered thereby and shall determine the dispute in accordance with his own judgment

11.5 The expert shall give notice in writing of his decision to the parties to the dispute within 2 months of his appointment or within such extended period as the parties may together allow

11.6 The decision of the expert shall be final on all matters referred to him save in the case of manifest error or fraud

11.7 If for any reason the expert shall fail to make a decision and give notice thereof within the time and in the manner herein before provided either party to the dispute may apply to the

President of the Royal Institution of Chartered Surveyors for a substitute to be appointed in his place which procedure may be repeated as many times as necessary

- 11.8 Each party to the dispute shall bear its own costs save that the fees of the expert and of the Royal Institution of Chartered Surveyors shall be in the expert's determination
- 11.9 Nothing in this clause shall be construed as ousting the jurisdiction of the courts to enforce the provisions of this Deed.

12. NOTICES

- 12.1 Any notice consent or approval required to be given under this Deed shall be in writing and shall be delivered personally or sent by pre-paid first class post or recorded delivery post
- 12.2 The address for service of any such notice consent or approval as aforesaid shall in the case of service upon the Council be at the address aforesaid or such other address for service as shall have been previously notified by the Council to the Owner in the case of service upon the Owner will be at their last known address (if an individual).
- 12.3 A notice consent or approval under this Deed shall be deemed to have been served as follows:

12.3.1 If personally delivered at the time of delivery; and

12.3.2 If posted at the expiration of 48 hours after the envelope containing the same was delivered into the custody of the postal authority within the United Kingdom

and in proving such service it shall be sufficient to prove that personal delivery was made or that the envelope containing such notice consent or approval was properly addressed and delivered into the custody of the postal authority in a prepaid first class or recorded delivery envelope (as appropriate) as the case may be.

13. TERMINATION OF THIS DEED

- 13.1 This Deed will come to an end if:
 - 13.1.1 The Planning Permission is quashed, revoked or otherwise withdrawn or modified at any time so as to render this Deed or any part of it irrelevant, impractical or unviable;
 - 13.1.2 The Planning Permission expires before the Commencement of Development

14. SECTION 73 VARIATION

- 14.1 In the event that any new planning permission(s) are granted by the Council pursuant to Section 73 of the 1990 Act for Development of the Land and unless otherwise agreed between the parties, with effect from the date that the new planning permission is granted pursuant to Section 73 of the 1990 Act:

- 14.1.1 The obligations in this Deed shall (in addition to continuing to bind the Land in respect of the Planning Permission) relate to and bind all subsequent planning permission(s) in respect of the Land granted pursuant to Section 73 of the 1990 Act and the Land itself without the automatic need to enter into any subsequent deed of variation or new agreement pursuant to Section 106 of the 1990 Act;
- 14.1.2 The definitions of Application, Development and Planning Permission in this Deed shall be construed to include references to any applications under Section 73 of the 1990 Act, the planning permissions granted thereunder and the development permitted by such subsequent planning permission(s); and
- 14.1.3 This Deed shall be endorsed with the following words in respect of any future Section 73 application:

"The obligations in this Deed relate to and bind the Land in respect of which a new planning permission reference [PAP/2024/0189] has been granted pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended)"

ALWAYS PROVIDED THAT nothing in this clause shall fetter the discretion of the Council in determining any application under Section 73 of the 1990 Act or the appropriate nature and/or quantum of Section 106 obligations insofar as they are materially different to those contained in this Deed and required pursuant to a determination under Section 73 of the 1990 Act whether by way of a new deed or supplemental deed pursuant to Section 106 of the 1990 Act.

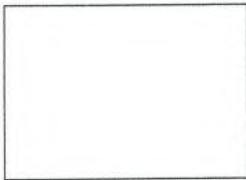
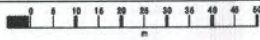
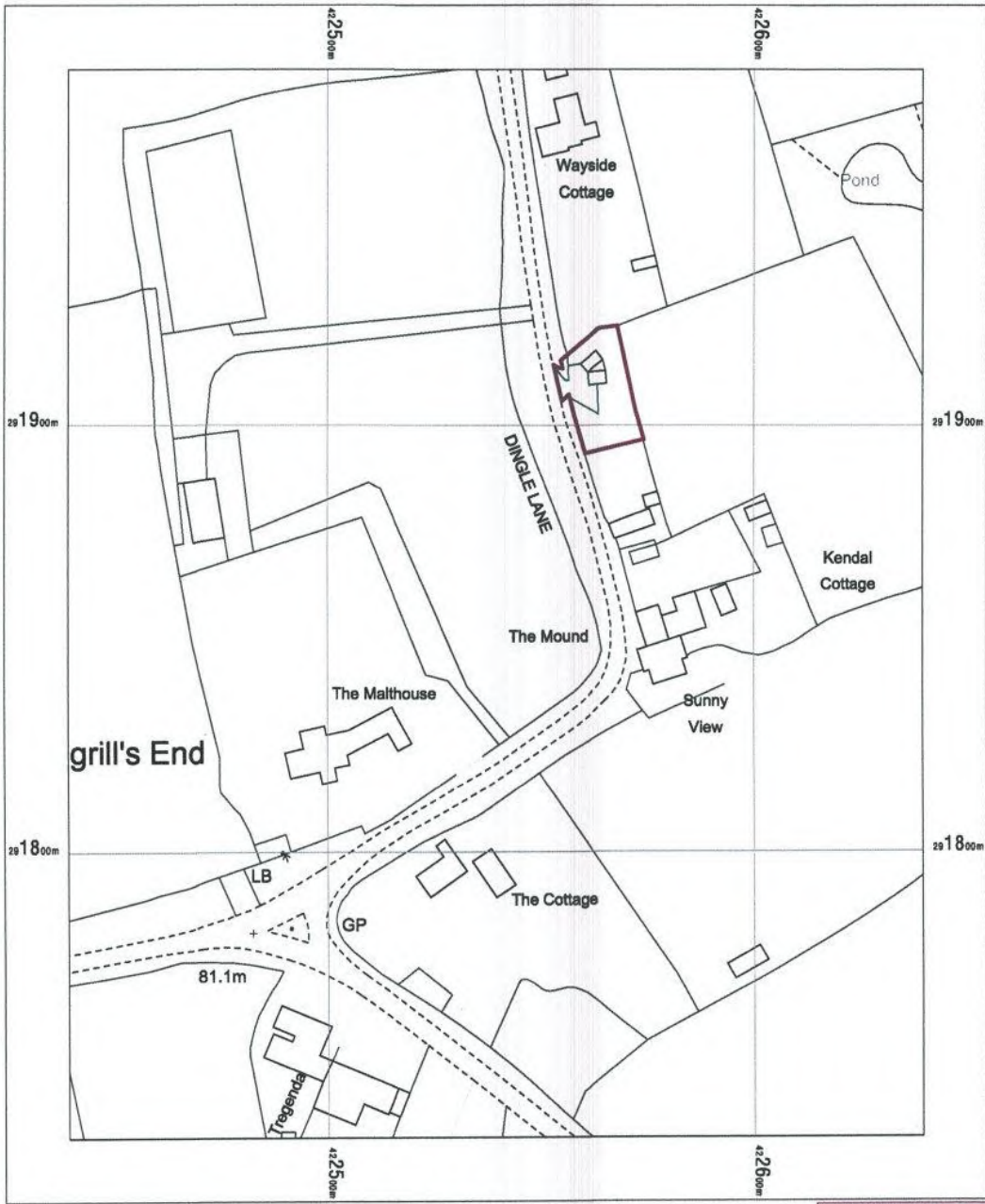
SCHEDULE 1

Self-Build and Custom Housebuilding

The Owner covenants to the Council as follows:

1. Completion of the Self-Build Dwelling shall be deemed to be either when either the NHBC Buildmark Certificate; a new homes warranty (or similar equivalent certification) shall have been issued in respect of such Dwelling or when the Council's building control consultancy or approved inspector certifies it complete if earlier.
2. To ensure that the Self Build Plot/Self Build Dwelling is sold and/or Occupied (as the case maybe) in accordance with the terms of this Schedule 1.
3. To provide the Self Build Plots and Self Build Dwellings subject to the terms of this Deed together with rights being granted over all access roads and footpaths; all services and conducting media serving the Self Build Plots and Self Build Dwellings.
4. Each Dwelling shall be constructed as a Self-Build Dwelling on a Self-Build Plot in accordance with the design and layout into which the first owner and occupier of each Dwelling has had primary input
5. Not to Occupy or allow the Self Build Dwellings to be Occupied otherwise than by a person who at the date of first Occupation inhabits the Self Build Dwellings as his/her sole residence.
6. Not to dispose of any of the Self Build Plots or Self Build Dwellings (as the case maybe) otherwise than by way of a mortgage or charge or to a purchaser who complies with the requirements of this Schedule by way of a freehold transfer
7. Not less than 10 Working Days prior to entering into a binding agreement for the sale of a Self Build Plot and/or Self Build Dwelling (as the case maybe) (or transferring it where there is to be no exchange of contracts) to certify and provide written evidence to the Council that the proposed sale of the Self Build Plot and/or the Self Build Dwelling (as the case maybe) is in accordance with the terms applicable to it in this Deed.
8. The first Occupation of each Self Build Dwelling shall not take place otherwise than by a person or persons who:
 - 8.1 had a primary input into the design and layout of the Self Build Dwelling (as built); and
 - 8.2 shall occupy the Self build Dwelling for the Protected Occupation Period as his/her sole residence in accordance with this Schedule 1; and

- 8.3 who is registered with the Council and recorded on the register maintained pursuant to section 1 of the Self Build and Custom House Building Act 2015 (as amended).
9. At least 2 months prior to the first Occupation of the Self Build Dwelling the Owner shall notify the Council of the details (including the name and address) of the person or persons who intends to take up first Occupation of the Self Build Dwelling or shall procure such notification.



OS MasterMap 1250/2500/10000 scale
Monday, February 5, 2024, ID: HMC-01147583
www.themapcentre.com

1:1250 scale print at A4, Centre: 422539 E, 291858 N

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NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
16/04/2024
PLANNING & DEVELOPMENT
DIVISION

Authorised Signatory

**SIGNED as a DEED by
DARREN BIGNELL**
in the presence of;

)
)
)



Name of Witness:

KATHRYN ABRAMM

Signature of Witness:



Occupation of Witness:

USOONING CO ORDINATOR

Address of Witness:

1, HOLLYLAND COTTAGES
STWISTOCK
B46 2RQ

General Development Applications

(6/g) Application No: PAP/2024/0134

Cow Lees Nursing Home, Astley Lane, CV12 0NF

Proposed development of specialist care home (use C2) and removal of steel frame building, for

Mr John Sullivan

1. Introduction

1.1 The receipt of this application was previously reported to the Planning Board in April 2024, as per Appendix A. Members have also visited the site with a note of this also being within Appendix A.

1.2 The application is being reported to the Board for determination in view of it being of a significant scale to warrant referral to the Secretary of State should the Council resolve to support the proposals. This is because the size of the new floor-space being proposed exceeds the thresholds set out in a 2024 Direction in respect of inappropriate development in the Green Belt. The Board can refuse planning permission, but should it wish to support the grant of planning permission, the application would first need to be referred to the Secretary of State to see whether she wishes to “call-in” the application for his own determination.

2. The Site

2.1 The Cow Lees Care Home stands in around four hectares of park and woodland on the south side of Astley Lane some two kilometres east of the hamlet of Astley itself, and around a kilometre from the edge of Bedworth. It is an isolated location set in an agricultural setting. There is a former complex of agricultural buildings some 150 metres to the west, but these are now in commercial use. There are however residential uses here too. To the east is a smaller cottage, but not in the ownership of the applicant. The frontage to the site is heavily wooded as are other boundaries. The Home was a former large Victorian Villa which stood in its own large garden and grounds, and this is set behind the wooded frontage.

2.2 The site is illustrated at Appendix B, and an aerial photograph is at Appendix C.

2.3 The existing care home is set back from the road largely behind a well landscaped frontage and there is a significant woodland belt running along its northern boundary. It consists presently of three main buildings - the former Victorian villa first converted to a care home in 1989; a second block constructed in 2003 with a more substantial third block in 2012. There is also a small group of storage buildings to the south. The photograph at Appendix C clearly illustrates all of these existing buildings.

2.4 The photographs at Appendix D illustrate the three main building blocks identified above.

2.5 The application site itself is a field immediately to the south of the main complex of buildings which contains the storage buildings referred to above, close to the Lane. This site has a separate access onto Astley Lane.

3. Background

3.1 Cow Lees Nursing Home has operated since 1991 following the grant of planning permission in 1989 for the change of use of the former house to a Nursing Home under Class C2 of the Use Classes Order. It originally had 8 single and 10 double bedrooms. In 1998, planning permission was granted for a 24-bedroom extension to the south-east of the main house. Smaller ancillary works have been permitted since 1990 – conservatories and laundry rooms for example.

3.2 In 2012 planning permission was granted for Young On-Set Dementia unit. This comprised a separate building providing 24 new rooms, thus taking the overall capacity up to 62 residents. This new unit caters for 30-to-64 year olds and comprises 2000 square metres of new floor space spread over two floors, including reception rooms, activity, meeting, treatment and staff rooms, a laundry and kitchen. This building is located on the south-east side of the site and runs back into the present garden area thus creating an overall “L” shaped building.

3.3 In 2017 a machine store building was approved, and this is proposed to be demolished as part of the new proposal.

4. The Proposal

4.1 In short, the proposal is for the construction of a three and a half - storey block on the land to the south involving the demolition of the storage buildings. Appendix E, shows the proposed block and site plan.

4.2 It would run parallel with the road but would be set back some way to enable a 20-space car parking area to be provided between it and the Lane. It would be up to 13.4 metres to the tallest section of its ridge, thus enabling the attic space to be used as well. This is slightly taller than the existing buildings on the site, but because of the drop in ground levels between the existing site and that of the proposal, the ridge lines would “match” those of the established buildings.

4.3 As set out in Appendix F, the street-view plan shows the height levels of the existing built form and the proposed building. The height of the Victorian building is 139.93, the building to its south is 139.08, the western modern building is 138.940 and the proposal is 140.700. The care homes site drops from north to south.

4.4 The facing materials would be brick and tile with some rendered sections. As with other buildings here, one elevation – in this case, the rear south facing one - would be heavily fenestrated.

4.5 All access for staff and visitors would be via the existing access to the Care Home from the entrance off Astley Lane to the north, opposite the junction with Bedworth Lane. An extended drive would run around the established buildings and give access to the car park referred to above. The existing access in this part of the site, would be used for deliveries and service vehicles only.

4.6 The current proposals relate not just to an “extension” of the accommodation at the site but are connected to a review of the accommodation and management of the whole site. The original care home in the former house is now no longer suitable for continued use because of changes in relevant Social Care legislation and the specifications for such accommodation. This has required a detailed review of the current operations - for instance, the specifications for private bedroom accommodation and the need for significant storage space. Additionally, there has been a substantial increase in the need for such accommodation and in particular the need to accommodate space for “early on-set dementia” patients as well as for appropriate palliative care. The supply of such accommodation is said to be limited and not keeping up with the need. The application is thus the outcome of an overall review of the site’s accommodation.

4.7 In short, the accommodation within the original house needs to be either lost or relocated and the space put over to storage, office and other ancillary functions. The applicant has elected for re-location and that would be to a new building, with such a move being combined with the opportunity to expand the range of care-home accommodation to be provided.

4.8 There are presently 72 bed spaces on site, with the loss of 18 as a consequence of the relocation. The proposal contains 42 resulting in a net gain of 24 bed spaces.

4.9 The proposed layout is at Appendix G with the elevations at Appendix H. Members should be aware that the front elevation has altered in appearance from that originally submitted. Appendix H is the current scheme - superseding that shown on Appendix I.

4.10 A street scene is at Appendix F, which shows the latest proposal with the existing buildings.

4.11 The proposed development is said to provide an attractive environment creating a pleasant place to live, offering direct access to green open space. Each of the ground floor palliative care beds will have access to its own amenity space.

4.12 A parking area will also be provided with direct access to the home, together with ambulance parking and delivery access.

4.13 The applicant has submitted supporting documentation.

4.14 A Planning Information Statement has been provided to support the proposal. It sets out the reason for the proposal, background and planning policy considerations. This is at Appendix J.

4.15 The background to the “need” for the proposal has been expanded in the attached supplementary document at Appendix K.

4.16 A Design and Access Statement has been provided setting out the design considerations behind the scheme.

4.17 The application is accompanied by a Transport Statement which concludes that trip generation from the proposal would not be significant given the residential nature of the accommodation. Given the nature of the shift patterns, it concludes that there would be around 7 extra two-way movements in the morning peak hour period and two in the afternoon one. The proposal would provide parking for the proposal.

4.18 In respect of bio-diversity net gain, the applicant says that there would be a 75.4 increase in habitat units, through on-site measures such as additional tree and shrub-planting and grassland, rather than through lawns and plant beds.

5. Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management) and LP35 (Renewable energy and energy efficiency).

6. Other Relevant Material Considerations

The National Planning Policy Framework 2023 - (the NPPF)

National Planning Policy Guidance - (NPPG)

The Town and Country Planning (Consultation) (England) Direction 2024

The North Warwickshire Landscape Character Assessment 2010

7 Consultations

Police Crime Prevention – No objection.

Nuneaton and Bedworth Borough Council – No objection

NWBC Heritage Officer – The proposal is acceptable.

WCC Highways – No objection subject to conditions.

NWBC Environmental Health Officer – No objection.

Warwickshire Forestry Officer - No objection.

Warwickshire Fire and Rescue Services – No objection.

Warwickshire County Council Ecology – No objection subject to conditions.

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

8 Representations

No responses have been received.

9. Observations

a) Introduction

9.1 The site is in the Green Belt where inappropriate development, as defined by the NPPF, is harmful to the Green Belt. Substantial weight is to be given to this harm in the final planning balance. Other harms may be caused too. On the other side of the balance, the Board will need to attribute weight to the planning considerations put forward by the applicant in support of his proposal together with any other benefits that might be identified. The final balance for the Board to assess is whether these considerations and benefits are of sufficient weight to “clearly” outweigh the cumulative Green Belt and other harms caused, so as to amount to the “very special circumstances” that would enable the application to be supported.

9.2 The report below will expand on these issues.

b) Green Belt

9.3 The site is in the Green Belt. The control of new development here will be determined in line with the NPPF. The erection of new buildings in the Green Belt as proposed here, is inappropriate development in the Green Belt by definition within the NPPF. As such the proposal carries a presumption of refusal (paragraph 152 of the NPPF). However, there are exceptions to this and these are defined in the NPPF at paragraph 154. In this case there is just one that may be relevant here. This will now be explored.

9.4 The exception is outlined in paragraph 154 (g) of the NPPF when the proposal comprises either the partial or complete redevelopment of previously developed land (PDL) subject to there is no greater impact on the openness of the Green Belt than that existing.

9.5 There is a definition of PDL provided in the NPPF and it is considered that the site does accord with this – i.e. the site is “land which is or was occupied by a permanent structure, including the curtilage of the developed land”. From the descriptions and reports above, there is a permanent built structure here which is related to the care home site. The proposal could therefore meet the terms of this exception. However, for it to do so, it has to satisfy the condition attached to that exception - whether there would be greater impact on the openness of the Green Belt than exists presently. As Members are aware there is no definition of openness in the NPPF, but the NPPG does provide guidance in identifying four elements that should be looked at within the assessment of “openness”. Each will now be looked at in turn.

9.6 The first is a spatial one. Here the existing situation consists of a small building located at the front of the site. The proposal is substantially larger by fact and by degree - both in terms of footprint and volume. The perception of space on the application site will be materially altered. Even when taking into account the established larger building to the north there would be a loss of open space even in the wider setting. The second is a visual one. The site is visible from the road, but the new building would be set back from the road behind an established strong roadside hedgerow and woodland. There are other woodland areas around the perimeter of the site. Nevertheless, this would be

a three and half storey building and its mass would add to the built form already here. There would thus be a significant visual change to the site and its setting. Moreover, the additional car parking and access arrangements would contribute to this change. The third matter is that of activity associated with the proposal. The site is not used presently apart from its frontage and use of the existing small building. The new building and car park will result in a material increase in both human and pedestrian activity. The final factor is the degree of permanence. This is not a temporary development. When all of these matters are put together it is considered that there would be a significant adverse impact on the openness of the Green Belt hereabouts meaning that the proposal would not satisfy the condition attached to the PDL exception. The proposed development is thus inappropriate development in the Green Belt.

9.7 The harm caused by virtue of this being inappropriate development is to be given substantial weight by definition within the NPPF. The actual Green Belt harm caused is considered to be significant. It is now necessary to see if other harms might be caused so as to complete the matters that will be on the harm side of the final planning balance.

c) Other Harms

i) Settlement Hierarchy

9.8 Local Plan policy LP2 defines a settlement hierarchy whereby new development is proposed in and should be supported in the named settlements in proportion of their status in that hierarchy. The site here is not within any defined settlement and thus falls in Category Five of the hierarchy. Here new will not generally be acceptable, albeit there may be some instances where development may be appropriately located. In general terms therefore this proposal is in an unsustainable location as there are no supporting local services and facilities in close proximity, with little in the way of other options for travel than the private car. The proposal would not accord with this policy. However, the applicant provides his case for support in this location in the section below which identifies his planning considerations and benefits.

ii) Landscape and Visual Impact

9.9 Local Plan policy LP14 says that within the landscape character areas defined by the 2010 Assessment referred to above, development “should look to conserve, enhance and where appropriate, restore landscape character. 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 paragraph 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”.

9.10 The site is within the Church End to Corley Hills and Valleys Landscape Character Area of the 2010 Assessment. This describes an “elevated landscape of low, rounded hills, steep scarps and small incised valleys. This landform combined with extensive hilltop woodlands and tree cover creates an intricate and small-scale character punctuated by numerous scattered farms and hamlets. The majority of the area is deeply rural and tranquil.” Amongst the landscape management strategies identifies are

to maintain the predominant historic dispersed settlement pattern and to conserve rural character.

9.11 The proposal is a large new building, but it will be seen in the context of established equivalent large buildings already well screened by tree cover. It is considered that its landscape impact on the wider Landscape Character Area is one that can be absorbed within an existing range of larger buildings. Its impact on the wider landscape is thus “local” in extent, extending to just its immediate setting. In terms of the other policies, then it is well related to existing development and its surroundings, but it does intensify the amount of built development in this isolated countryside location even if the setting is well-screened. Overall, the landscape harm caused is considered to be limited. Such a conclusion would also arise in respect of the potential visual impact of the proposal for the same reasons.

iii) Flooding and Drainage

9.12 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 paragraph 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.

9.13 There is no public drainage infrastructure here and the proposals are for a private foul water treatment works and for surface water soakaway tanks to be provided at the rear of the building. It is of substantial weight that the Lead Local Flood Authority has not issued an objection in respect of the details of these arrangements. This would enable officers to confirm that the proposals would accord with the relevant planning policies.

iv) Highways

9.14 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.

9.15 The Highway Authority has not objected in principle to the proposals. Its response refers to the need for conditions relating to the geometry of the access point onto Astley Lane. As such it is considered that the proposal would accord with the relevant highway policies.

9.16 On the wider “sustainability” issue, then this is clearly a rural and isolated location. However, traffic generation is already low and unlikely to materially increase as a consequence of this proposal. Residents at the site are not car drivers. Deliveries have to be made and these may increase. Staff numbers may also increase, but not materially and they already work shift patterns. Visitors will not be coming and going such as at a large hotel and not at peak times. The proposal is thus unlikely to materially affect traffic generation. Additionally, future patients and residents who might reside here would be housed further afield if this proposal does not go ahead, and

visitors would have much further to travel. In all of these circumstances, whilst this is not a sustainable location, the very nature of the development itself is not one that would be unlikely to worsen that position. Whilst too, it could be argued that staff and perhaps visitors could also use other facilities and services if they were located in a larger settlement – shops and banks etc- the numbers involved are not significant; the nature of the use is very much about on-site care and there is already an existing lawful use on site. In all of these circumstances it is not considered that there is sufficient weight of evidence to support a refusal based on an argument that this proposal has to be located within a more sustainable location.

v) Residential Amenity

9.17 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”.

9.18 There are no immediate neighbouring properties and so given the nature of the proposal there is not considered to be any adverse harm caused from the various factors mentioned in the policy.

vi) Built Form

9.19 Local Plan policy LP30 says that new development should respect and reflect the existing pattern, character and appearance of its setting, such that it harmonises with both the immediate setting and its wider surroundings. The development of this site has moved away from a replication or a reflection of the original Villa through the previous two new buildings here. The current proposal is removed from the immediate setting of that Villa and will be set against the most recent modern 2012 block. It will be for a taller block, but as can be seen from the street scenes it would have an equivalent ridge line and be located behind a substantial landscaped frontage. The design also introduces a greater degree of fenestration, which is said to be an operational and clinical preference.

9.20 It is acknowledged that the block is a modern design, but given the immediate setting and wider surroundings, it is considered that the proposal can be supported under the relevant policies.

vii) Heritage

9.21 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. The existing buildings here are not Listed and neither are they or the site within a designated Conservation Area. The original Victorian villa which became the first residential care “block” however, is of interest as a non-designated heritage value.

9.22 The Council is under a Statutory Duty to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. That duty would also apply to non-designated

assets. Here the significance of the asset is the retention of a Victorian Villa set within its own grounds exhibiting an external appearance typical to its period. The proposal would cause no harm to the building itself or to its appearance given the intervening later development. The setting has already compromised by that development. With the current proposal much further away, there is no harm caused to the overall setting. Moreover, the site itself was not part of the original curtilage to Cow Lees.

viii) Ecology

9.23 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 biodiversity should be sought where possible. The Board is also aware of the new Regulations introduced in February this year. This proposal is “caught” by these and thus there is a mandatory 10% nett gain is required. The proposal achieves this through on-site provision leading to a 224% nett gain. In these circumstances it is of substantial weight that the County Ecologist supports the proposal which meets the requirements of the Policies and the new Regulations. Planning conditions can enable the implementation of these enhancements.

d) Conclusion on Harms

9.24 From the above, it is considered that the “harm” side of the planning balance comprises the substantial definitional Green Belt harm; the significant actual Green Belt harm, the limited landscape and visual harm and the harm caused by non-compliance with the Settlement Hierarchy of the Development Plan.

9.25 It is now necessary to identify the material planning considerations and benefits of the proposal that the applicant considers should be assessed on the other side of this planning balance.

e) The Applicant’s Considerations

9.26 The overall objective of the proposal is to integrate the new development into the existing established site so as to offer a wider range of connected care home provision, including specialist care facilities and the provision of a new palliative care unit. The applicant considers that there are a number of matters that lie behind this objective as to why the proposal should be located here.

9.27 The main consideration is the national and regional need to meet the growing demand for dementia patients. Members are aware of references to this issue in the national media from time to time coupled with the evidence from the recent Census results pointing to an increasing proportion of the population being in the elderly age cohorts. This is supported by documentation from the Warwickshire County Council and NHS Warwickshire. The Coventry and Warwickshire’s Living Well with Dementia Strategy 2024 – 2029, shows the estimated number of people with dementia goes from 986 in 2024 to 1,638 in 2029 and from 12,300 to 18,600 for the whole of Coventry and Warwickshire. These figures are for the elderly age cohort but there is an increasing understanding that dementia does affect younger age groups. This was the main “driver” for the 2012 addition to the Cow Lees site as referred to above - paragraph 3.2. Of particular interest in the current application is the provision of palliative care which is

currently not provided on site. In terms of the supply of provision, the applicant has described the local situation through his Note at Appendix K.

9.28 The second consideration is that there is an established centre based at Cow Lees delivering provision that has been recognised nationally with awards. This provides an operational and clinical base that is hard to replicate elsewhere. From a planning perspective there is a lawful use at this site recognised since 1989.

9.29 The third consideration is that standards of care have significantly changed meaning that the original converted Villa is no longer able to provide care that is “fit for purpose”. As a consequence, a review of that accommodation has shown that the only option is to relocate and to build a new facility. The possibility of that new building being on the same footprint as the Villa was dismissed for two reasons. Firstly, the Villa can be re-purposed for extra administrative and storage purposes rather than to include these uses within a new facility. Secondly, from a planning perspective this approach also means that this building can be retained as a non-designated heritage asset, enabling local traditional built form and character to be preserved.

9.30 A further consideration is the inclusion of an end-of-life palliative care unit. The prospect of a new building for the reasons set out above has led the applicant to promote this addition. He says that there is a significant shortage of this type of facility with families having to travel significant distances. Given the clinical and operational “base” already on site, the applicant argues that the provision offers the best means of providing this specialist care for all of the interests involved.

9.31 Additionally, there is a need for a rural location. This is perhaps, naturally, the most difficult consideration to fully accept. The test is whether it is essential, rather than just desirable to have a rural location for a dementia care home. In response Members are reminded that it is material that the Council has already accepted this argument when it granted permissions for Astley House, the second new block here at Cow Lees, and also at Linden Lodge near Polesworth. At the time of considering that second block, Members were advised of the receipt of evidence prepared by research papers and clinical practitioners. That now carries weight given the national awards given to the Cow Lees centre for the quality of care it provides. Further evidence is contained in the applicant’s note at Appendix K.

9.32 When all of these considerations are put together it is considered that their cumulative weight is substantial.

f) The Final Planning Balance

9.33 The final planning balance is for Members to come to a judgement as to whether the considerations put forward by the applicant are of sufficient weight to “clearly outweigh the cumulative harms caused. In this case to assess whether the matters raised above do outweigh the conclusion set out in paragraph 9.24 above.

9.34 The proposed development is inappropriate in the Green Belt by definition. It is concluded that the harm done to the Green Belt would be significant as there would be a material loss of openness. As a consequence, there is a presumption that planning permission should be refused. The applicant has put forward a series planning considerations which in his view are of such weight as to override the harm and thus the

presumption of refusal. It is agreed that all of those considerations are material and relevant to the case. Cumulatively they carry substantial weight. Two in particular are considered to be significant – namely the continuing under-provision for the type of development proposed and the clinical evidence for a rural location. Given that there is already a substantial existing and lawful use in operation here and that it will have to refurbish and expand to meet relevant Social Care legislation in any event, it is considered that the cumulative weight of all of the considerations identified in this report does provide the “very special circumstances” to override the presumption of refusal.

9.35 It is in these circumstances that the proposal can be supported.

Recommendation

- a) That the Council is minded to GRANT of planning permission subject to the case being referred to the Secretary of State under the 2024 Direction to see if she wishes to call-in the case for his own determination.

- b) If not, then planning permission be GRANTED subject to the following conditions.

Conditions

The recommendation below includes the use of pre-commencement condition(s) (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition. In this instance the applicant has given such written permission.

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;

AP23012 - L08RevA Coloured Elevations

As received by the Local Planning Authority on 15 July 2024

Letter from DTA dated 7/8/24)

As received by the Local Planning Authority on 14 August 2024

AP23012 - L01 Existing Block Plan OS map

As received by the Local Planning Authority on 3 April 2024

Ecological Appraisal by Barns Ecology dated 22/05/2024 - report reference PEA 4-016.2

As received by the Local Planning Authority on 29 May 2024

CS240601 SW Network 2024.08.02_ Cow Lees_ 02/08/2024 15:51

External Levels_ Cow Lees Astley, Warwickshire_ CS240601-101 A

Drainage Layout_ Cow Lees Astley, Warwickshire_ CS240601-102-A

Attenuation Basin Details_ Cow Lees Astley, Warwickshire_ CS240601-103 A

External Works_ Cow Lees Astley, Warwickshire_ CS240601-104 A

Sustainable Drainage Statement and Maintenance Guide_ Proposed development at Cow Lees

Warwickshire_ CS240601-RP01 v2

As received by the Local Planning Authority on 5 August 2024

AP23012 - L03RevA Proposed Block Plan

AP23012 - L04RevH Proposed Site Plan

AP23012 - L05RevG Proposed Grd&1st Floor Plans

AP23012 - L06RevH Proposed 2nd&3rd Floor Plans

AP23012 - L07RevF Proposed Elevations

AP23012 - L08RevB Street Scene and Site Sections

As received by the Local Planning Authority on 1 July 2024

Greenfield runoff rate estimation for sites_ Cow Lees, Bedworth_ 1311348614_ Sep 04 2024

As received by the Local Planning Authority on 4 September 2024

24-016 Oak Tree location -Cow Lees Care Home

24-016 The_Statutory_Biodiversity_Metric_Calculation

As received by the Local Planning Authority on 13 June 2024

2403APA-CL-A1-A - landscape 1 of 2 and 2 of 2

As received by the Local Planning Authority on 28 March 2024

Transport Statement by DTA - 29th February 2024 SJT\RT\26003-01 Transport Statement - FINAL,

As received by the Local Planning Authority on 15 March 2024

REASON

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

PRE COMMENCEMENT CONDITIONS:

3. No development shall take place including site clearance until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for:

- Measures to control the emission of dust and dirt during construction;
- Noise control during construction in accordance with BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;

- Delivery, demolition and construction working hours.
 - Details of all temporary contractors buildings, plant and storage of materials associated with the development process;
 - Avoid the use of diesel- or petrol-powered generators and use mains electricity or battery powered equipment where practicable
 - Wheel washing facilities to prevent mud and debris being passed onto the highway;
 - Hours of Construction - Monday - Friday 08:00 - 18:00; Saturday 08:00 - 13:00; and No working Sunday or Bank Holidays without prior approval.
 - Site lighting details; and
 - Details of the contact for any local concerns with the construction activities on the site
 - The routing and parking of vehicles of HGVs, site operatives and visitors
 - Loading and unloading of plant/materials
 - Storage of plant and materials used in constructing the development.
 - The erection and maintenance of security hoarding
 - A scheme for recycling/disposing of waste resulting from construction works
 - Emergency contact details that can be used by the Local Planning Authority
- The approved Construction Management Plan shall be adhered to throughout the construction period of the development.

REASON

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

4. No development shall take place, including any works of demolition, until a Demolition Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall include an asbestos survey as carried out by a Certified and Competent individual prior to the commencement of the proposal. Information detailing how the Asbestos Containing Materials (ACM) will be handled and disposed of shall be submitted in writing for the approval of the local Planning Authority.

REASON

In the interests of the amenities of the area.

5. Notwithstanding condition 2 and the approved elevation drawings, No works shall commence to construct the external surfaces of the building(s) hereby permitted until details of the:-

- (a) facing materials
- (b) facing bricks and roofing tiles
- (c) guttering and drainage
- (d) window and door details including type and colour
- (e) mortar details
- (f) cill details
- (g) block paving and surface materials

to be used have been submitted to and approved by the Local Planning Authority in writing.

The approved materials shall then be used and retained as such at all times.

REASON

In the interests of the amenities of the area.

6. There shall be no development above ground floor slab level until a environmental noise assessment must be undertaken by a suitably qualified acoustic consultant/ engineer, and submitted to the Local Planning Authority for written approval. The environmental noise assessment must provide comprehensive assessment to determine noise levels currently on site including along Astley Lane. The assessment must identify any noise mitigation measures that might be required which may include the subsequent replacement or insertion of windows and doors in a manner to ensure that the same level of acoustic protection is achieved in accordance with the noise mitigation measures approved under this condition, and relevant calculations to support conclusions. Where mitigation measures have been implemented a verification report shall be submitted to and approved in writing by the local planning authority. Measure must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

REASON

In the interest of minimising the noise nuisance from the local road network.

PRE OCCUPATION CONDITIONS:

7. The development shall not be occupied until the delivery access has been widened, resurfaced and the gate has been removed in accordance with approved plan AP23012-L03 Rev B (as contained within the letter from DTA dated 7/8/24) as received on 14/8/24)).

REASON

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

8. A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year timeframe shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the HMMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including annual work plan capable of rolling forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) The completed statutory metric applied to the application site to demonstrate that a biodiversity net gain will be achieved.
- j) Locations and numbers of bat and bird boxes, reptile and amphibian refugia and invertebrate boxes
- k) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the

management body(ies) responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON

To ensure a net biodiversity gain in accordance with NPPF

9. The development shall not be occupied until such details renewable energy sources, which may include ground source heat pumps and solar panels. Details shall include number, type, output, colour, and how the power will be used within the building and / or added to the national grid have been submitted and approved in writing by the local planning authority.

REASON

In order to assist with energy generation and sustainability and to accord to with policy LP35 of the adopted North Warwickshire Local Plan

10. 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

11. Details of all external lighting, whether fixed to the building or free standing, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall thereafter be completed in accordance with the approved details and permanently retained as such unless the prior written approval of the Local Planning Authority has been obtained for any variation.

REASON

In the interests of the amenities of the area.

12. The delivery access shall be used only for deliveries/ service vehicles associated with the site and shall at no point provide access/egress to staff, residents or visitors to the site.

REASON

In the interests of safety on the public highway.

13. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site in accordance with approved plan 26003-01-1 within the Transport Statement by DTA 29th February 2024 SJT\RT\26003-01 Transport Statement - FINAL, as received on 15/03/2024. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

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

14. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Drainage Statement (CS240601-RP01 v2) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any As-Built Drawings and accompanying photos
3. Results of any performance testing undertaken as a part of the application process (if required / necessary)
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects

REASON

To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy.

15. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres [and 'y' distances of 43.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.8 metres above the level of the public highway carriageway.

REASON

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

OTHER CONDITIONS:

16. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

17. No development whatsoever within class L, of Part 3, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall not commence on site.

REASON

To prevent unauthorised use of the property.

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

REASON

In the interests of the amenities of the area.

19. The development shall be undertaken in accordance with the Ecological Appraisal by Barns Ecology dateds 22/05/2024 - report reference PEA 4-016.2, recieved on 29/05/2024.

REASON

To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 To ensure that protected species are not harmed by the development.

20. The landscaping and planting scheme as approved by condition 2 under drawing 2403APA-CL-A1-A 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.

21. 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.

22. All materials obtained from demolition shall be permanently removed from the site within twenty eight days of demolition being commenced.

REASON

In the interests of the amenities of the area.

23. 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 Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

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

24. For the avoidance of doubt, the proposed datum levels are covered by the drawing AP23012 - L08RevB Street Scene and Site Sections, which is covered by condition 2.

REASON

In the interests of the amenities of the area.

25. Notwithstanding condition 2, the Arboricultural Method Statement & Tree Protection Plan, produced by Hayden's Arboricultural Consultants dated 14/2/24 and covers the following documents:

- 10783-AMS - Orchard Blythe 3 Wingfield Road Coleshill Birmingham
- 10783-D-AMS - Orchard Blythe 3 Wingfield Road Coleshill Birmingham

Shall be carried out in full, unless agreed in writing by the Local Planning Authority.

REASON

To ensure the work is carried out to accepted arboricultural practices to the long term well being of the tree(s).

26. Any gas boilers to be installed or replaced shall be a low NOx Boiler. The boiler must meet a dry NOx emission concentration rate of <40mg/kWh. The specification of the gas boiler(s) shall be submitted to and approved in writing by the Local Planning Authority before they are fitted and the approved specification shall be implemented prior to the first occupation of the development. specification shall be implemented prior to the first occupation of the development.

REASON

In the interests of the amenities of the area.

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. Warwickshire Police have no objections to this planning request however I would ask that the below be incorporated into the design as they will go some way to ensuring the residents do not become victims of crime or anti-social behaviour. All ground floor glazing and vulnerable windows meet PAS 24 and have laminate safety glazing (6.4 minimum). All laminated glass must be certified to BS EN 356 2000 rating P2A. Where there are communal doors, they should meet either: STS 202 Issue 6:2015 Burglary Rating 2, LPS 1175 Issue 7.2:2014 Security Rating 2+, LPS 1175 Issue 8:2018 Security Rating A3+ or PAS 24:2016. Access into residential areas is controlled by an access control system using an electronic fob or even by fingerprint, utilising a biometric system. CCTV be installed so the main entrance and vulnerable areas are covered.
 - All perimeter walls/ fencing should be 1.8 metre high with 0.2 trellis, so the overall height is 2 metres in height.
 - Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-1:2020. I would ask that the applicant/ agent adopts the principles of 'secured by design' and evidence how they have designed in features to deter crime and anti-social behavior.[HOMES_GUIDE_2023_web.pdf \(securedbydesign.com\)](#) Building sites and in particular, site offices and storage areas are becoming common targets for crimes such as theft of plant and fuel. These sites should be

made as secure as possible. All plant and machinery should be stored in a secure area. Tools and equipment should be marked in such a way that they are easily identifiable to the company. Consideration should be given to the use of security patrols. Developers are now requested to inform the local Safer Neighbourhood Policing Team, which covers the area of the development that they have arrived on site and provide contact numbers of the site manager for us in the case of an emergency. A grid reference for the site should be provided. This will help to reduce the possibilities of a delayed response.

CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf
(securedbydesign.com)

4. Condition number 7 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.
Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days' notice will be required. For works lasting longer than 10 days, three months' notice will be required.
5. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
6. 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.
7. The Councils Streetscape team have set out they would like to see a bin presentation point at the curtilage of the development, where it adjoins the highway. The Highways Authority has set out the bin collection area needs to be in close proximity of the access to the site, but not within the public highway, to reduce handling time.

8. 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.
9. 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>
10. 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
11. 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.
12. 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
13. - 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
14. 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".

15. 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).
16. 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".
17. The Council's 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
18. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).
19. The applicant / developer 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/>.
20. Car charging is covered by Building Regulations. Prior to occupation, each proposed garage or parking space shall be installed with electric vehicle charging points. Details of electric vehicle charging bays, should be a minimum of 7.4kW (32A) electricity cabling shall be installed to the charging points with a type 2 (IEC 62196) socket provided (or alternative to suit a specific vehicle requirement). The electric vehicle charging facilities shall thereafter be retained for those purposes only.
Reason - In the interest of reducing dependence on fossil fuels and improving air quality in accordance with the North Warwickshire Borough Council Air Quality & Planning Guidance SPD – September 2019.
21. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

22. Note from LLFA - Section 23 of the Land Drainage Act 1991 requires that before the erection or alteration of any obstruction to the flow in an ordinary watercourse, a written consent is obtained from the Lead Local Flood Authority (LLFA) for the area. A new outfall in to the watercourse from the site drainage system will require consent. Our guidance and application form can be found at the following link:
<https://www.warwickshire.gov.uk/watercourse>.

Appendix A – April Planning Board Report

General Development Applications

(/b) Application No: PAP/2024/0134

Cow Lees Nursing Home, Astley Lane, CV12 0NF

Proposed development of specialist care home (use C2) and removal of steel frame building, for

Mr John Sullivan

1. Introduction

- 1.1 The receipt of this application is reported to the Board at the present time for information and a full determination report will follow in due course. The purpose of this report is thus to provide an early outline of the proposal and to highlight the main planning matters to be considered later.
- 1.2 Members have already visited the site and a note of that visit is at Appendix A.
- 1.3 As the proposal is in the Green Belt and for inappropriate development, should the Council be minded to support the scheme, it will first have to be referred to the Secretary of State to see if he wishes to call-in the application for his own determination. There would be no need for referral if the Council refuses planning permission.

2. The Site

- 2.1 The existing care home is located on the south side of Astley Lane almost two and a half kilometres east of the Astley crossroads and more or less opposite the junction with Bedworth Lane on the road into Bedworth. There is a collection of farm buildings, residential properties and industrial occupiers of former agricultural buildings at Sole End Farm around 500 metres to the north-west, otherwise the surrounding land is wholly agricultural in character with a significant amount of woodland in the area.
- 2.2 The Location plan is at Appendix B and an aerial photograph is at Appendix C.
- 2.3 The existing care home is set back from the road largely behind a well landscaped frontage and there is a significant woodland belt running along its northern boundary. It consists presently of three main buildings - the former Victorian villa first converted to a care home in 1989; a second block constructed in 2003 with a more substantial third block in 2012. There is also a small group of storage buildings to the south. The photograph at Appendix B clearly illustrates all of these existing buildings.

- 2.4 The photographs at Appendix D illustrate the three main building blocks identified above.
- 2.4 The application site itself is a field immediately to the south of the main complex of buildings which contains the storage buildings referred to above, close to the Lane. This site has a separate access onto Astley Lane. The site is at Appendix B

3. The Proposals

- 3.1 In short, the proposal is for the construction of a three and a half -storey block on the land to the south involving the demolition of the storage buildings.
- 3.2 It would run parallel with the road but be set back some way to enable a 20-space car parking area to be provided between it and the Lane. It would be up to 14 metres to the tallest section of its ridge, thus enabling the attic space to be used as well. This is taller than the existing buildings on the site, but because of the drop in ground levels between the existing site and that of the proposal, the ridge lines would “match” those of the established buildings. The facing materials would be brick and tile with some rendered sections. As with other buildings here, one elevation – in this case, the rear south facing one - would be heavily fenestrated.
- 3.3 All access for staff and visitors would be via the existing access to the Care Home from the entrance off Astley Lane to the north, opposite the junction with Bedworth Lane. An extended drive would run around the established buildings and give access to the car park referred to above. The existing access in this part of the site, would be used for deliveries and service vehicles only.
- 3.4 The current proposals relate not just to an “extension” of the accommodation at the site but are connected to a review of the accommodation and management of the whole site. The original care home in the original house is now no longer suitable for continued use because of changes in relevant Social Care legislation and the specifications for such accommodation. This has required a detailed review of the current operations - for instance, the specifications for private bedroom accommodation and the need for significant storage space. Additionally, there has been a substantial increase in the need for such accommodation and in particular the need to accommodate space for “early on-set dementia” patients as well as for appropriate palliative care. The supply of such accommodation is said to be limited and not keeping up with the need. The application is thus the outcome of an overall review of the site’s accommodation.

In short, the accommodation within the original house needs to be either lost or relocated and the space put over to storage, office and other ancillary functions. The applicant has elected for re-location and that would be to a new building, with such a move being combined with the opportunity to expand the range of care-home accommodation to be provided.

- 3.5 There are presently 72 bed spaces on site, with the loss of 18 as a consequence of the relocation. The proposal contains 42 resulting in a net gain of 24 bed spaces.
- 3.6 Supporting documentation submitted with the application includes the following.
- 3.7 A Transport Assessment describes the existing access arrangements as well as outlining the possible traffic generated by the overall proposals given the staff shift patterns and expected visitor numbers. It concludes that there would be around 7 extra two-way movements in the morning peak hour period and two in the afternoon one. It concludes that there would not be a “severe” impact on the local highway capacity, or an increase in road safety concerns.
- 3.8 A Bio-Diversity Net Gain Assessment shows a proposed 75% net gain through on-site measures such as additional tree and shrub planting and grassland rather than through lawns and plant beds.
- 3.9 A Design and Access Statement describes how the “brief” outlined in paragraph 3.4 above has been translated into the current proposal.
- 3.10 A further Statement argues that there are planning considerations here which would amount to the very special circumstances necessary to support this inappropriate development in the Green Belt.
- 3.11 The proposed layout is at Appendix E with the elevations at Appendix F.
- 3.12 A street scene is at Appendix G, which shows the proposal with the existing buildings.

4. Development Plan

North Warwickshire Local Plan 2021 - LP2(Settlement Hierarchy); LP3 (Green Belt), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP34 (Parking) and LP35 (Renewable Energy)

5. Other Material Planning Considerations

The National Planning Policy Framework 2023 - (the “NPPF”)

National Planning Policy Guidance

The Town and Country Planning (Consultation) (England) Direction 2024

6. Observations

- 6.1 The site is in the Green Belt and thus the construction of this new building is inappropriate development, which by definition in the NPPF will cause harm. Substantial weight has to be given to this within the assessment of the final planning balance. The Board will need to establish whether the construction here

meets any of the exceptions in the NPPF relating to new buildings and if not, assess the actual level of Green Belt harm.

- 6.2 Other harms will need to be identified. These are likely to revolve around traffic and highway impacts, the appearance and design of the new building and whether the mandatory bio-diversity net gain requirements can be satisfied.
- 6.3 The cumulative Green Belt and any other harms caused will thus have been identified.
- 6.4 The applicant's case will then need to be assessed and his planning considerations identified.
- 6.5 Members will be aware that the final planning balance is an assessment to be made between the weights that are given to the harms caused and to the applicant's planning considerations. The "test" here for this assessment, is whether the applicant's case is of such weight that it "clearly" outweighs the cumulative harms caused, such that it amounts to the very special circumstances necessary for the case to be supported.

Recommendation

That the report be noted.

APPENDIX A

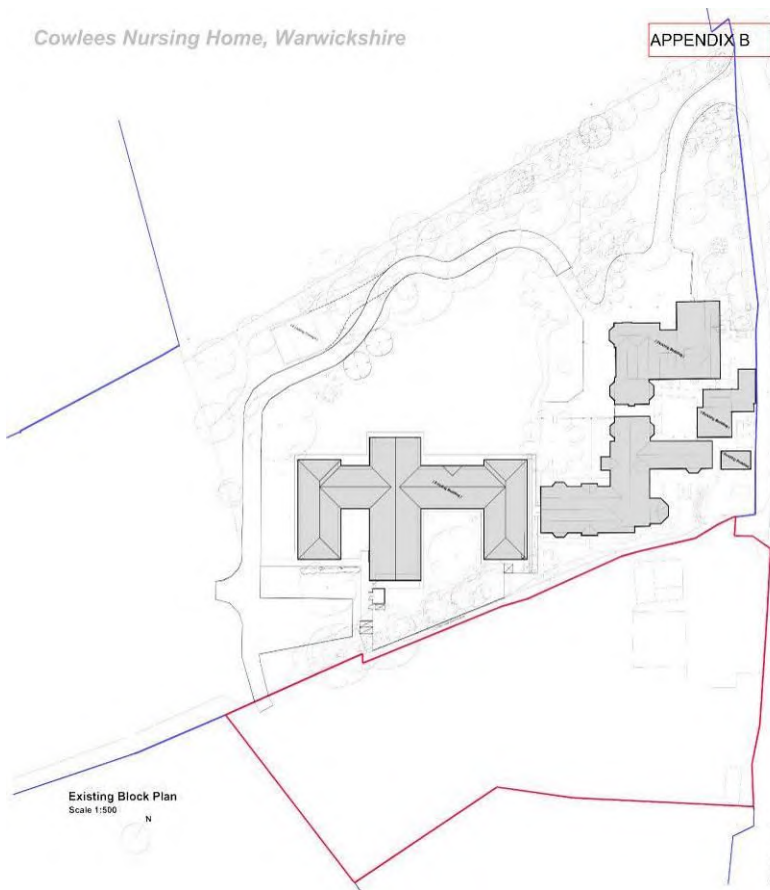
Pre-App Site Visit

Cow Lees Nursing Home, Astley

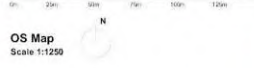
Saturday 7th October 2023 at 1030

Present: Cllrs Bell, Dirveiks, Reilly, Ridley and Ririe together with J Brown, J O'Sullivan and P Burton

1. The meeting had been arranged so that Members could visit the site in advance of a planning application for a new residential block at the Home.
2. Members were given an outline of the use of the current premises and its planning history in respect of its extensions which were pointed out.
3. Members were then advised of the future needs of the Home and how it wished to develop in the future.
4. The original buildings would all remain as would the existing arrangement around the central garden. The proposal was for a new block on the eastern side of the existing range of buildings.
5. Members then walked around to the proposed site where they observed the outlook; the presence of the existing blocks and their fenestration, the trees and levels, the surrounding boundary treatments and the line of the road.
6. The visit concluded at around 1100.



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OS Map
Scale 1:1250

Mobile number advised
RECEIVED
03/04/2024
PLANNING & DEVELOPMENT
DIVISION

Client:
Mr. J O'Sullivan
Project:
**Proposed New Development at
Cowlees Nursing Home
Astley Lane, Warwickshire cv31 2NE**

Drawing:
**Existing Block Plan
and OS Map**

Drawn By: **RP** Revision: **-**

Drawing No: **AP23012-L01** Date: **06.07.23** Scale: **as shown**

AP ARCHITECTURE LIMITED
Architects, Interior Designers, Planning Consultants

01952 288 290
01952 288 291

APPENDIX C



Cow Lees Nursing Home, Warwickshire

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15/03/2024
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Front Elevation - AA

APPENDIX F

PAP/2024/0134

A1



Side Elevation - BB



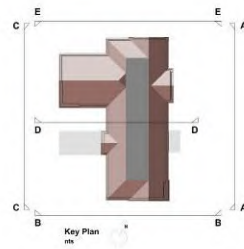
Rear Elevation - CC



Side Elevation (Return) - DD



Rear Elevation - EE



Key Plan

Client: Mr. J O'Sullivan	
Project: Proposed New Development at Cowlees Nursing Home, Ashley Lane, Warwickshire CV35 9JL	
Drawing: Proposed Elevations	
Date: 27.03.23	Drawn By: RP
Drawing No: AP23012-L08	Revision: 1
Scale: 1:100	
Tel: 01922 280 280 Fax: 01922 280 281	

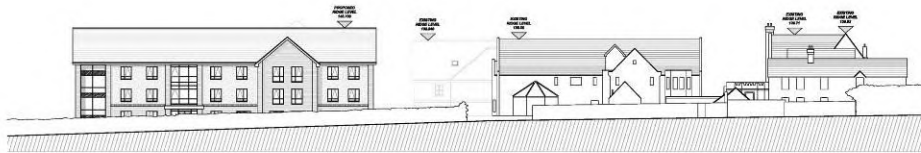
Cow Lees Nursing Home, Warwickshire

APPENDIX G

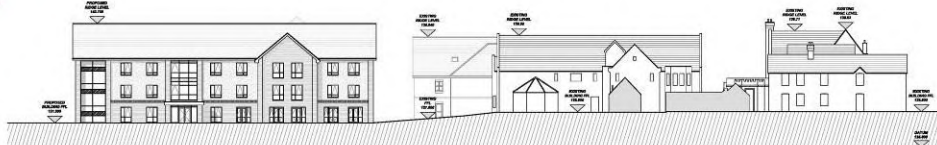
PAP/2024/0134

A1

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12/04/2024
PLANNING & DEVELOPMENT



Proposed Street Scene
Scale 1:200



Section KK
Scale 1:1200



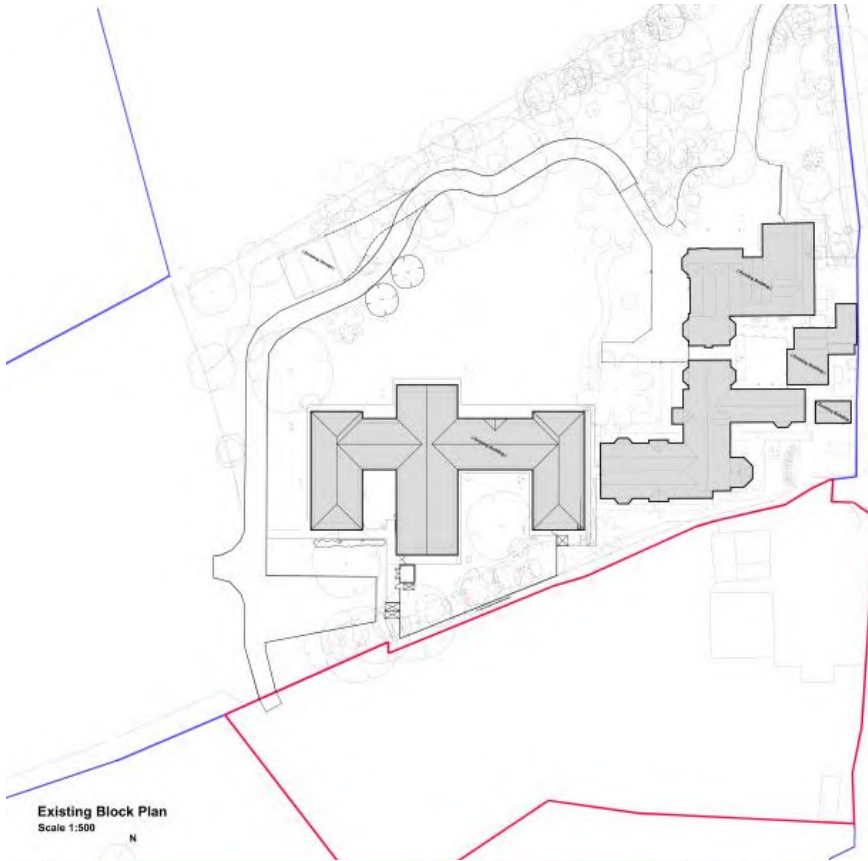
Section LL
Scale 1:1200



Key Plan

Client: Mr. J O'Sullivan	
Project: Proposed New Development at Cowlees Nursing Home, Ashley Lane, Warwickshire CV35 9JL	
Drawing: Site Sections and Street Scene	
Date: 12.04.24	Drawn By: RP
Drawing No: AP23012-L08	Revision: as shown
Scale: as shown	
Tel: 01922 280 280 Fax: 01922 280 281	

Appendix B – Site Plan



Appendix C – Aerial image

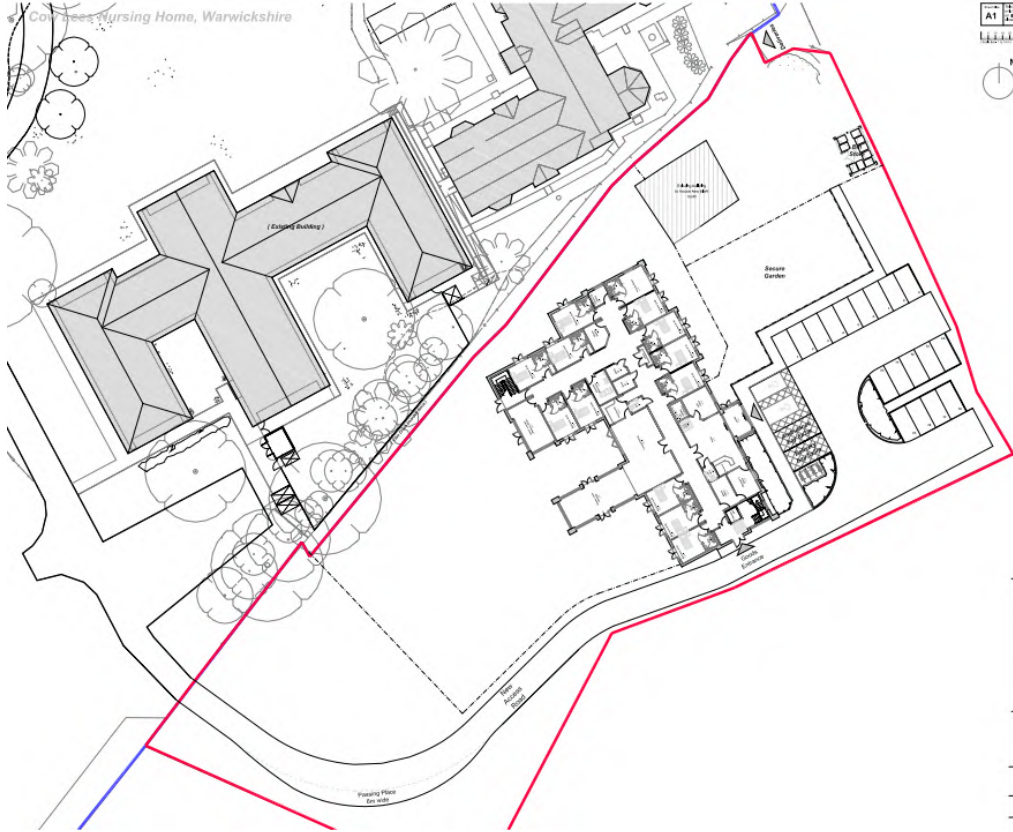


Appendix D – Photographs of the existing buildings

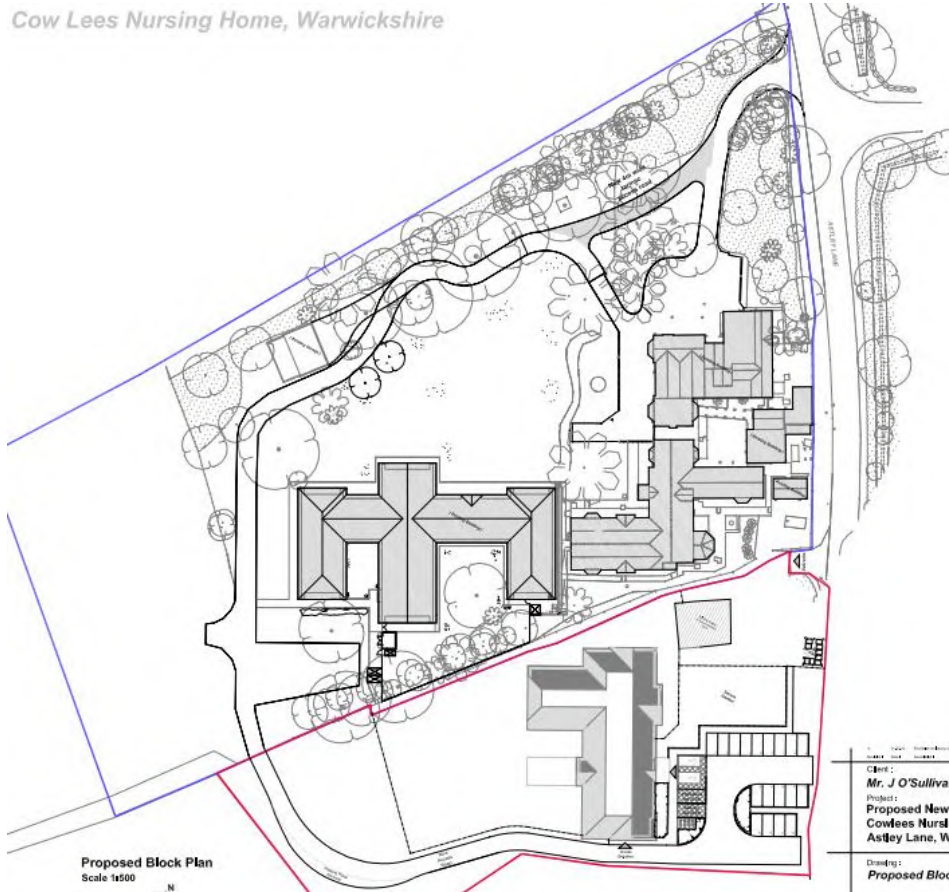


Appendix E – Proposed site plan

Cow Lees Nursing Home, Warwickshire



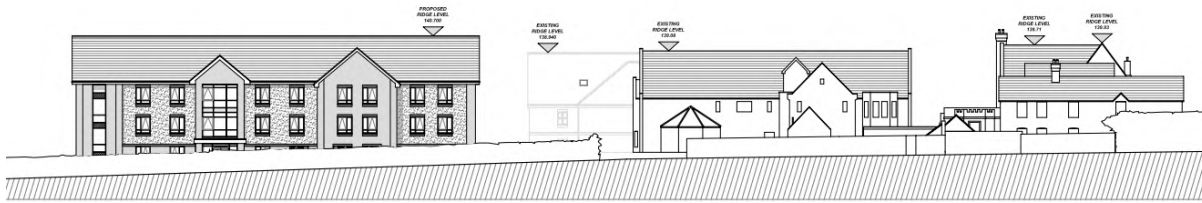
Cow Lees Nursing Home, Warwickshire



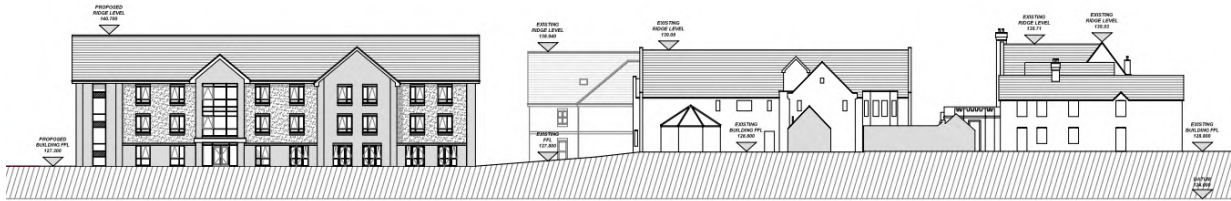
Proposed Block Plan
Scale 1:500

Client:
Mr. J O'Sullivan
Project:
Proposed New [
Cowlees Nursin
Astley Lane, Wa
Drawing:
Proposed Block

Appendix F – Streetview plan



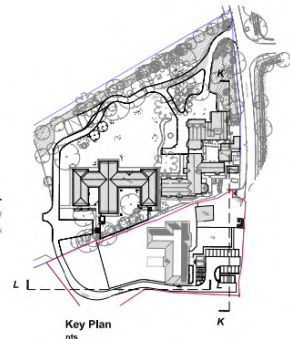
Proposed Street Scene
Scale: 1:2500



Section KK
Scale: 1:2500



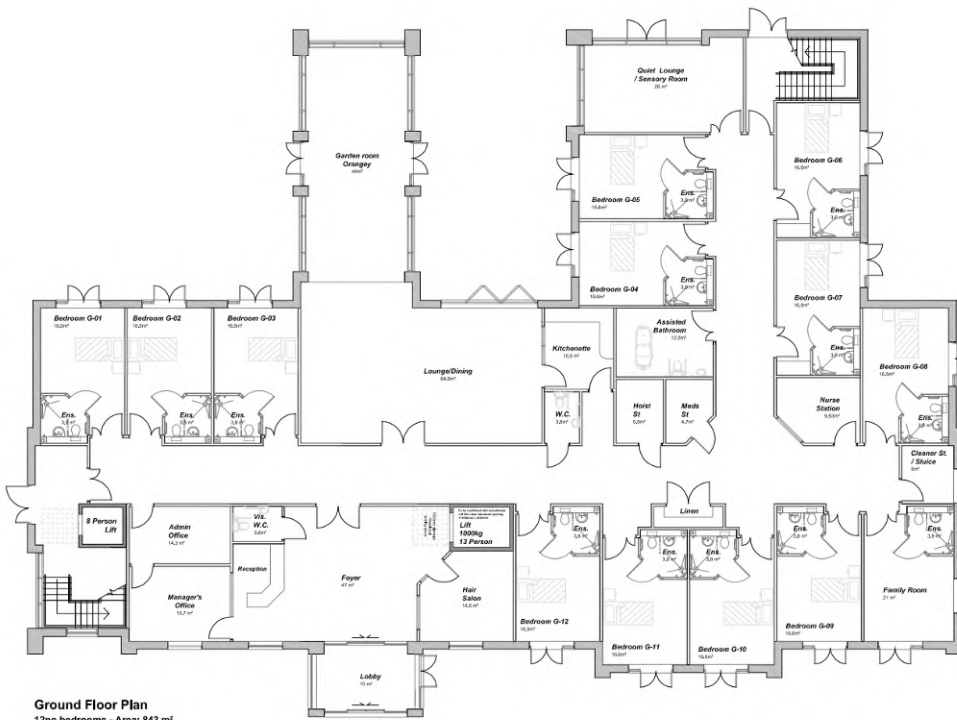
Section LL
Scale: 1:2500



Appendix G – Building Layouts



First Floor Plan
15no bedrooms - Area: 772 m²

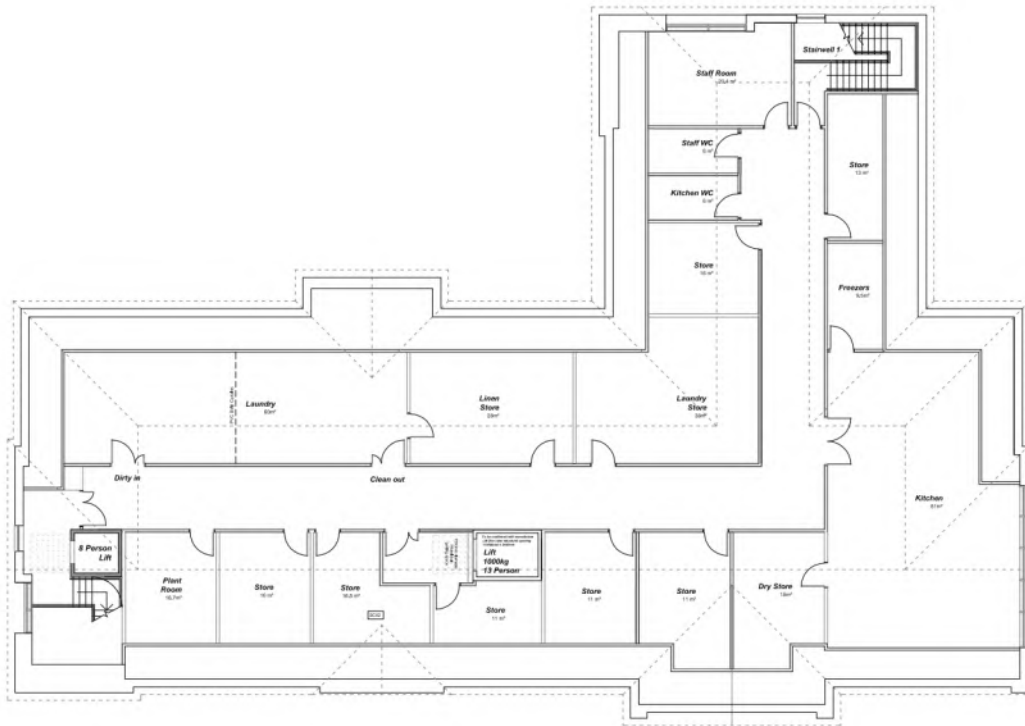


Ground Floor Plan
12no bedrooms - Area: 843 m²

100%
BC
F
1,
PLANNED

Client: **Mr. J O'S**
Project: **Proposed Cowles I Astley La**
Drawing: **Proposec and First**

Date: **27.03.23**
Drawing No: **AP23012-**



Third Floor Plan
Area: 582 m²



Second Floor Plan
15no bedrooms - Area: 772 m²

Appendix H – Proposed elevations

Cow Lees Nursing Home, Warwickshire



Front Elevation - AA



Side Elevation - BB



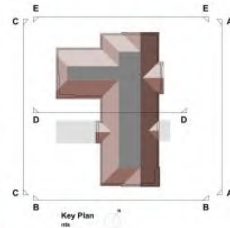
Rear Elevation - CC



Side Elevation (Return) - DD



Rear Elevation - EE



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DIVISION

Client: Mr. J O'Sullivan	
Project: Proposed New Development at Cow Lees Nursing Home, Ashley Lane, Warwickshire (011)	
Drawing: Proposed Elevations	
Date: 27.03.23	Drawn: R
Drawn by: AP/2012-LBB	Checked: A
Tel: 01922 201 100 Fax: 01922 10	

Appendix I – Previous elevations

AP ARCHITECTS nursing home, warwickshire



Front Elevation - AA



Side Elevation - BB



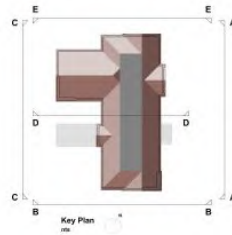
Rear Elevation - CC



Side Elevation (Return) - DD



Rear Elevation - EE



Client	Mr. J. O'Sullivan
Project	Proposed New Develon Covells Nursing Home Jolly Lane, Warwickshire
Drawn	Proposed Elevations
Date	27.03.23
Revision No.	AP2012-106

Appendix J – Planning Information Statement

WOMBSLEY ROAD
BIRMINGHAM COUNCIL
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15/03/2024
PLANNING & DEVELOPMENT
DIVISION



AP ARCHITECTURE LIMITED

Chartered Architect & Chartered Architectural Technologists

Commercial | Residential | Retail | Healthcare | Offices



PAP/2024/0134



Planning Information

**Cow Lees Care Home,
Astley Lane, CV12 0NE**

**Proposed
Purpose Built Care
Home**

Date
8th March 2024

Project No : AP23012



E-Innovation Centre, Priorslee, Telford, Shropshire. TF2 9FT

Tel No : 01952 288 290
www.ap-architecture.co.uk

Fax No : 01952 288 291
mail@ap-architecture.co.uk

Index

<i>CONTENTS</i>	<i>PAGE No</i>
<i>1. Introduction</i>	<i>3</i>
<i>2. Strategic Objectives for the Site</i>	<i>3</i>
<i>3. Use</i>	<i>3</i>
<i>4. Size</i>	<i>4</i>
<i>5. Planning Policy</i>	<i>4</i>
<i>6. Conclusion</i>	<i>10</i>

1.0 Introduction

This current pre application relates to the development of a new care home to replace the existing care Home known as Cow Lees.

Cow Lees is part of the original existing established care facilities within the site.

Cow Lees was the first care development within the site dating back to 1989, when the original Victorian Villa was converted to a care home, in accordance with adopted standards at that time.

In the proceeding 35years both the standards and needs of the residents have significantly changed, making the existing home, far from ideal to meet these needs and standards.

It has become apparent following, a detailed review of the current facilities and regulations, that the existing home in now becoming unsuitable to provide the level of accommodation, and facilities, that should be expected by the residents and their families, along with the staff.

The home should be able of providing the best possible accommodation so as to ensure the quality of life of the residents is enhanced as far as possible.

A review of the existing previously converted Victorian villa, has shown that the only option, was either to demolish the existing home and redevelop a new purpose-built care home or use the existing building for an alternate use, to support the existing operations on site.

Having submitted a formal pre application to consider the demolition of the existing care home and the redevelopment of the site, it became clear that the existing building had some architectural heritage which the local authority wished to see preserved, and therefore suggested at an alternate location should be considered for the new development.

This has lead to the current proposal following meeting son site with planning officers and the planning committee that will be not only be built to current standards, but will be sustainable and meet vastly improved energy efficient solutions, which the existing home could never achieve.

2.0 The Strategic Objectives For The Site Are:

To integrate the new development of a car home and associated facilities with the existing established site offering a mixture of care home provision. The development will have regard to the topography and road network which defines the site and provide an attractive living environment for the specialist care facility, which will encompass the provision of a palliative care unit, which is ideally suited to this location.

To achieve a sustainable development based around the provision of high-quality care, for people from the local area, and borough wide.

To ensure an integrated facility within the existing established care provision within the site.

To create a calming environment within which the residents can relax and enjoy their time.

2.0 Use

The site has been an established care home since 1989, and the intended use does not vary from that currently approved, but will also provide an end-of-life palliative care unit.

There is a significant shortage of this facility, resulting in many families having to place their relatives

outside the borough, and having to travel excessive distances, making visits very difficult for some.

The proposed development would provide a 12 Bed Palliative Care Unit, which would provide direct access to external space from each of the bedrooms.

The first and second floor, would accommodate 2no self-contained 12 bed challenging behaviour units, to replace the existing units being lost.

The proposed development will compliment the existing use and provide enhanced facilities to meet the local need'

4.0 Size

The proposed redevelopment of the home, looks to develop a purpose-built home of similar size and scale to that of the existing Cow Lees which was planned to have been demolished.

The scale of the existing home allows for an additional floor to be accommodated within the overall height of the existing, and staff and hotel services to be accommodate within the roof area, making the scheme significantly more efficient.

The storey heights on the home will be less than that which currently exists, allowing for the introduction of the additional floor.

5.0 Planning Policy

5.1 PLANNING CONSIDERATIONS

Principles of the Development & Benefits of The Proposal

The proposed development would provide 42 specialist care beds, to replace the 28 beds being lost as a result of Cow Les, being demolished.

The scheme has been designed taking into consideration both national and local planning policy as set out below.

The proposed development will assist with meeting the specialist care provision required within the borough.

The proposed development will allow the existing Victorian Villa known as Cow Lees to be retained and repurposed to support the stablished care operation on site, and bring this building into a sustainable use.

Whilst the proposed development looks to replace the established care facility, the addition of the specialist palliative care unit will create additional Employment opportunities.

The proposed development will provide an attractive environment creating a pleasant place to live, offering direct access to green open space.

Each of the ground floor palliative care beds will have access to its own amenity space.

A parking area will also be provided with direct access to the home , together with ambulance parking and deliver access.

The design of the new development is vital to its successful integration within the site, and the existing development.

It will be high in quality development while adopting energy efficient technology. The development will use the styles and materials found on site, and typical of the area.

As part of the proposed development access arrangements have been designed to allow for ease of movement by both pedestrians and other sustainable modes of transport.

Alongside this application are a number of specialists supporting documents which focus on separate elements of the proposal, all of which confirm there are no reasonable grounds why planning permission should not be granted.

5.2 Planning Policy

We have considered the proposed development with both national and local planning policy.

5.3 Local Plan

5.3.1 LP1 Sustainable Development

Planning applications that accord with the policies in this Plan (and where relevant, with other development plan policies including those in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, applications will be determined in accordance with the presumption in favour of sustainable development. Quality of Development / Place All development proposals must;

- be supported by the required infrastructure*
- be consistent with the approach to place making set out through development management policies, including, where relevant*
- integrate appropriately with the natural and historic environment, protecting and enhancing rights of way network where appropriate*
- demonstrate a high quality of sustainable design that positively improve the individual settlement's character; appearance and environmental quality of an area;*
- deter crime;*
- sustain, conserve and enhance the historic environment;*
- provide, conserve and enhance biodiversity; and,*
- create linkages between green spaces, wildlife sites and corridors.*

Development should protect the existing rights of way network and where possible contribute to its expansion and management. Implementation and Infrastructure will be sought where it is necessary, directly related to the development and is fairly and reasonably related in scale and kind to the development. It may be related to social, economic and/or environmental issues. Supplementary Planning Guidance and documents will be used to guide provision, Infrastructure requirements are outlined in the Infrastructure Delivery Plan (For clarity, infrastructure projects drawn from the IDP are itemised and indicated to be either critical to the Plan's strategy as a whole, or necessary in association with particular allocations or projects, along with indicative timings are itemised in NWBC26, Appendix A) and the supporting documents contained in Appendix C of the Local Plan. The list is not exhaustive

as each will be taken on a site by site basis and will depend on the viability of the scheme. Other site specific measures will be considered at the time of the planning permission. These will be secured through conditions, S106's or other agreements considered appropriate to ensure its delivery. It will be necessary to ensure the ongoing maintenance, where appropriate, of any infrastructure provision. Where development is proposed in excess of plan requirements and would assist in the provision of or enabling infrastructure, particularly that related to facilitating development in the long term, or of affordable housing relative to needs, that will carry weight in favour of granting permission.

The proposed development looks to support LP1, in that it will be supported by the appropriate infrastructure, integrate well within both the natural and historic environment found on the site. The development will demonstrate a high quality of sustainable design that enhances the established use on site.

The development will look to enhance the existing biodiversity found on site by providing both managed areas of landscaping and enhanced natural meadow areas.

The residents of the home will have direct access to the various green spaces around the site and that of the natural wild life found.

5.3.2 LP3 Green Belt

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Other than in instances where allocations are proposed, Green Belt within the Borough will be protected accordingly

LP3 states that when considering proposals within the Green Belt in addition to the NPPF, regard should also be had to the following considerations:

c) A replacement building will be considered to be materially larger based on the merits of each individual case.

e) Relevant planning consideration, such as the sustainability of the location; landscape and visual appearance or impact, the loss of employment land and impacts on general amenity will all be considered in the final planning balance in respect of proposals to redevelop previously developed land within the Green Belt.

The proposed scheme, looks to develop a new care facility, within the extend grounds of the existing established care development, as opposed to demolishing the former care home known as Cow Lees, a former Victorian villa, which was converted in to a 28 bed care home back in 1998.

The original intention and subject to an initial formal pre application submission was to demolish this property and redevelop the site with a similar facility to that now being proposed. Following a review of the site by the heritage officer, it was indicated that the existing property known as Cow Lees, had some significant heritage value and as such alternate proposals should be considered.

As a result of various discussions and a meeting on site with the planning committee, it was proposed to develop the new care facility on the adjacent land as this was considered the most appropriate option, and would allow the retention of Cow Lees.

The current proposal has been adopted to secure the retention of Cow Lees, whilst ensuring the viability of the site, and providing much needed palliative care within the site to meet the significant local need.

It is for these reasons why we consider very special circumstances exist on this occasion.

5.3.4 LP14 Landscape

Within landscape character areas as defined in the Landscape Character Assessment (2010), Arden Landscape Guidelines (1993) and the Historic Landscape Characterisation Project (June 2010) (or

successor document) development should look to conserve, enhance and where appropriate, restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. Specific landscape, geo-diversity, wildlife and historic features which contribute to local character will be protected and enhanced as appropriate. A Landscaping Proposals New development should, as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies with appropriate protection from construction where necessary and strengthen visual amenity and bio-diversity through further hard and soft landscaping. The Council will seek replacement or enhancement to such natural features where their loss results from proposed development. Development proposals should be designed so that existing and new conservation features, such as trees and hedgerows and water bodies are allowed to grow to maturity without causing undue problems, or are not unacceptably compromised by development, for example by impairing visibility, shading or damage. Development will not be permitted which would directly or indirectly damage existing mature or ancient woodland, veteran trees or ancient or species-rich hedgerows (other than where appropriate avoidance, mitigation, or compensation has been taken and any minimised harm is justified having considered the policies in this plan as a whole).

The proposed scheme, is supported by a detailed landscape scheme which looks to enhance that which currently exists, as it is currently a field laid to grass. The proposed scheme will significantly enhance the existing, whilst retaining the higher value perimeter hedges and existing trees, which will form the starting point for the landscape scheme.

5.3.5 LP29 Development Considerations

Development should meet the needs of residents and businesses without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to. Development should:

- 1. make effective use of brownfield land in appropriate locations reflecting the settlement hierarchy; and,*
- 2. be adaptable for future uses and take into account the needs of all users; and,*
- 3. maintain and improve the provision of accessible local and community services, unless it can be demonstrated that they are no longer needed by the community they serve; not needed for any other community use, or that the facility is being relocated and improved to meet the needs of the new, existing and future community; and services in line with policy LP21*
- 4. promote healthier lifestyles for the community to be active outside their homes and places of work; and,*
- 5. encourage sustainable forms of transport focussing on pedestrian access and provision of bike facilities; and,*
- 6. Provide safe and suitable access to the site for all users; and*
- 7 before proposals are supported expand or enhance the provision of open space, sport and recreation facilities, using, in particular, the Green Space Strategy and Playing Pitch Strategies; and,*
- 8 not lead to the loss unless a site of equivalent quality and accessibility can be provided, or shown that it is surplus to needs; and,*
- 9. avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution; and in this respect identification of contaminated and potentially contaminated land will be necessary prior to determination of proposals depending on the history of the site and sensitivity of the end use and,*
- 10. protect and enhance the historic and natural environment; and,*
- 11. manage the impacts of climate change through the design and location of development, including sustainable building design and materials, sustainable drainage, water efficiency measures, use of trees and natural vegetation and ensuring no net loss of flood storage capacity; and,*
- 12 protect the quality and hydrology of ground or surface water sources so as to reduce the risk of pollution and flooding, on site or elsewhere; and*
- 13 not sterilise viable known mineral reserves; degrade soil quality or pose risk to human health and ecology from contamination or mining legacy and ensure that land is appropriately remediated, and,*
- 14 seek to maximise opportunities to encourage re-use and recycling of waste materials, both in*

construction and operation, and,

15 Adequate space for bins should be provided within all new developments to enable the storage of waste and for materials to be re-cycled. Guidance is provided in the Document "Design Guide for Bin Storage"

16 provide for information and communication technologies; and,

17 seek to reduce crime and in particular the threat of terrorism.

The proposed development has looked to address many of the subsections contained within LP29, as part of the overall design, where they are applicable to the proposed development.

5.3.6 LP30 Built Form General Principles

All development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Local design detail and characteristics should be reflected within the development. All proposals should therefore:

- a) ensure that all of the elements of the proposal are well related to each other and harmonise with both the immediate setting and wider surroundings;*
- b) make use of and enhance views into and out of the site both in and outside of the site;*
- c) make appropriate use of landmarks and local features;*
- d) reflect the characteristic architectural styles, patterns and features taking into account their scale and proportion,*
- e) reflect the predominant materials, colours, landscape and boundary treatments in the area;*
- f) ensure that the buildings and spaces connect with and maintain access to the surrounding area and with the wider built, water and natural environment;*
- g) are designed to take into account the needs and practicalities of services and the long term management of public and shared private spaces and facilities;*
- h) create a safe, secure, low crime environment through the layout, specification and positioning of buildings, spaces and uses in line with national Secured by Design standards;*
- i) reduce sky glow, glare and light trespass from external illumination; and*
- j) ensure that existing water courses are fully integrated into site layout at an early stage and to ensure that space is made for water through de-culverting, re- naturalisation and potential channel diversion*

The proposed development looks to ensure all elements relate to each other and harmonise with other developments within the site. The proposed layout ensures that the best views are provided from the home across the surrounding area, with all ground floor rooms having direct access to outside space.

The home has been designed to ensure it meets the needs of the proposed residents in such a way that it will improve their quality of life.

4.0 Conclusion

The proposed redevelopment of the home aims to provide a high-quality development, which will provide, not only a purpose-built home, but one which exceeds current requirements, so as to ensure the residents quality of life is enhanced and meets the families' expectations.

The scheme is designed to ensure that the future viability of the home is secure and that it is able to meet the increasing demanding needs of its residents.

The redevelopment ensures that the facilities of the home are appropriate for the needs of the residents, and staff alike and that a safe and secure environment is available to them.

The overall impact the proposal will have on the lives of the residents is significant, and will ensure the

future viability and appropriateness of the home for future residents.

For these reasons we seek the support of the planning authority in respect to this planning application.

This document should be read alongside the drawn information for reference and further detail.

Appendix K – Background to the need Statement



Statement of Need– Palliative and End of Life Care in North Warwickshire

This report is intended to provide an overview of the urgent need for End of Life care in the area, and why the proposed site is an ideal location for this provision. It will begin by looking at the national picture and the requirements in future years, to be followed by a concentration on the local area and the pressing present need for the services proposed.

National Picture

As the UK population is ageing, the demand for palliative and end of life care is increasing. The following excerpt is taken from the Parliamentary postnote July 2022:

‘The UK’s population is ageing, and it is estimated that by 2050, one in four people will be aged 65 years or over. 10 In England and Wales, by 2040, demand for palliative care is expected to increase by 25% to 47% due to complex multiple long term health conditions including cancer and dementia. The nonprofit organisation Sue Ryder estimates that to meet this demand, the total cost of hospice provision of palliative care services will average £947 million per year over the next ten years. If trends continue, hospital-based palliative care costs could reach £4.8 billion by 2043. Care homes are expected to become an increasingly important setting for palliative care.’¹

In particular, there is a pressing need for a substantial increase in the provision of 24/7 palliative care, both to provide appropriate care and avoid emergency hospital admissions, highlighted in the recent ‘Better End of Life’ report published by Marie Curie in 2022:

‘Our research uncovers considerable variation in the care and services that are provided in the evening or at weekends across the UK. If these services are not in place, people may have no choice but to go to hospital, even if their preference is to stay at home. Because we know that demand for palliative and end of life care will increase over the next decade, it is essential that the gaps in services out-of-hours are addressed, so that everyone with advanced illness has access to the right care, whenever and wherever they need it’²

Local Picture

There are five hospices based in Coventry, Nuneaton, Rugby, Warwick and Stratford. The Myton Hospices in Warwick and Coventry are currently the only facilities that provide inpatient service with 12 beds each.⁴ These units serve all of Coventry and Warwickshire

The Mary Ann Evans hospice in Nuneaton is the main resource for palliative care for both Nuneaton, Bedworth and the North Warwickshire area. This hospice only provides a day service and has no in-patient beds to care for patients 24 hours a day.

The Warwickshire Health Overview and Scrutiny Committee published the Review of End of Life Care Warwickshire Report ³ with the following key point:

'Mary Ann Evans covers Nuneaton, Bedworth and North Warwickshire and can take up to 15 patients. It is a day hospice with no overnight facilities and works Mon – Fri, 10am - 4pm. They also provide a hospice at home service which offers care, support and respite 24/7 and enables 70% of its patients to die at home. However, the hospice believes the area would benefit from an 8-10 bed inpatient service, because there is not a cancer unit or palliative care unit in Nuneaton. It would enable more people to die at home rather than in hospital and reduce George Eliot Hospital's mortality rates which are larger than most other acute trusts in the West Midlands.'

Although this report was published in 2009, the situation remains the same, even considering the ever increasing need for 24/7 palliative care.

The report also highlights other key findings, as follows:

- The quality of care provided in hospices seemed higher than that of hospitals
- The quality of care appeared to be better in the south of the county
- There did not appear to be a uniform approach to the provision of end of life care services in a hospital setting, which meant the quality of care could be 'hit and miss'
- There were recognised difficulties of moving patients from hospitals to hospices at the weekends.
- It was felt that there was a need for more beds in the community for medicine management/treatment as this would prevent patients from being admitted into an acute setting.

The End of Life Care Review for Coventry and Warwickshire (2016)⁵, published by the Warwickshire County Council's Health and Well Being Board, highlighted the following key findings:

HOSPICE ACCESS

Data from the 2013/14 Arden CSU review of Hospice Care included data on access to Hospice beds for the Coventry and Warwickshire population looking at

all hospices accessed. In summary it showed the following access rates:

CRCCG accessed 3963 bed days (rate per 1,000 population 65+ of 58.3)

WNCCG accessed 1138 bed days (rate per 1,000 population 65+ of 31.5)

SWCCG accessed 3285 bed days (rate per 1,000 population 65+ of 59.6)

In support of this review Myton Hospice has provided data relating to all referrals to their services for 2014/15. Overall Myton received 1003 referrals from all

sources and of these 987 were for C&W patients and can be broken down by commissioner as follows:

511 CRCCG referrals giving a rate of 7.5 per 1000 >=65 years

384 SWCCG referrals giving a rate of 7.0 per 1000 >=65 years

92 WNCCG referrals giving a rate of 2.5 per 1000 >=65 years

(CRCCG – Coventry and Rugby; WNCCG – Warwickshire North; SWCCG – Warwickshire South)

This data supports the view there is a lack of provision for the North Warwickshire area, in comparison to Coventry, Rugby and South Warwickshire, with only 2.5 per 1000 receiving referrals for hospice care in comparison to 7.5 for Coventry and Rugby and 7.0 for South Warwickshire.

This information supports the views of the stakeholders we work with, including the Coventry and Warwickshire Integrated Care Board, who have all expressed an urgent need for the facility we are proposing. Marcia Elson, Clinical Manager for Quality and Commissioning Contracts at Coventry & Warwickshire ICB is currently compiling evidence in support of our application, which we will share as soon as we receive.

Specialist Palliative Care

As described by NHS End of Life information⁶, palliative care is:

‘If you have an illness that cannot be cured, palliative care makes you as comfortable as possible by [managing your pain and other distressing symptoms](#). It also involves psychological, social and spiritual support for you and your family or carers. This is called a holistic approach, because it deals with you as a "whole" person, not just your illness or symptoms.’

This can further be separated into generalist palliative care and specialist palliative care¹, as follows:

- Generalist care: Most palliative care is provided by health care professionals for whom care of the dying is not the major focus of their work. For example, General Practitioners (GPs), community nurses, hospital consultants, nurses and care home staff. It focuses on day-to-day care and support.
- Specialist Palliative Care (SPC): This refers to services provided by multidisciplinary teams that include consultants in palliative medicine, clinical nurse specialists in palliative care and specialist allied health professionals. SPC teams provide care in hospital, hospice and community settings and have a role in co-ordinating services, supporting generalist providers and providing bereavement support.

The proposed new facility would create a valuable addition to the local area’s provision of Specialist Palliative Care. We have already begun discussions with stakeholders, who we would work in collaboration with, to provide this essential service.

In addition, within our current service offering, we provide end of life care to all residents. Our staff are fully trained, and we are currently working towards the completion of the Gold Standard Framework, the nationally recognised benchmark in End of Life Care.

Suitability of proposed location for Specialist Palliative Care

The proposed location for the new facility and its suitability is supported by research into the importance of the environment in palliative care. The King’s Fund, in association with the Prince’s Foundation, published ‘The Principles of Hospice Design’⁷, which highlighted several key areas of importance:

‘Some consistent themes in the literature are seen as being important to wellbeing. These include home-like environments of domestic/human scale, individual rooms or the option of facilities for family members, natural light, incorporating elements of nature, using soothing colours and artwork, having windows with pleasing views, and having access to outside spaces and gardens. All of these are likely to be particularly relevant to end of life care environmental design. References to the environment emphasised the importance of non-clinical and homely surroundings with a relaxed and informal atmosphere. There was also a mention of the need for the environment to be therapeutic and to promote wellbeing amongst patients and staff.

Emphasis was placed on:

- the need to have contact with nature e.g. gardens and raised flower beds
- the importance of natural light
- the need for a ‘domestic’ rather than institutional scale and feel
- the configuration of furniture e.g. chairs in small clusters
- the need for quiet spaces for consultations with medical and nursing staff
- a range of therapy rooms.’

These points are further supported by the research article ‘Environmental design for end-of-life care: An integrative review on improving quality of life and managing symptoms for patients in institutional settings’⁸, which highlighted the following key finding:

- Nature—Exposure to nature has been shown to reduce patient stress and improve psychological well-being in hospital environments. Furthermore, nature was viewed as a

spiritual healer that enables people to reflect on life, making it a valuable element in fulfilling existential needs. Environmental design can incorporate nature through visual access or immersion. Visual access is possible through windows to natural outdoor elements and the presence of indoor plants or gardens. Immersion is possible through the availability of pleasant outdoor elements and views such as bird feeders, ponds, water fountains, flowerbeds, and greenery, in addition to an accessible means to transfer the patients to the outdoors, such as patios with ramps and doors opening to the patient rooms. Access to nature increased the satisfaction of patients and their family members with their experience relocating to an institutional setting. Views of nature scenes have also been shown to reduce pain and consumption of pain medication. Nature scenes reduced perceived physical symptoms and improved mental health in older adults in a long-term health setting

As highlighted by the research, there is strong evidence to support the importance of the environmental setting when considering the location for the best possible End of Life care. The proposed site offers the opportunity to combine a facility which can provide both specialist clinical care, working within a multi-disciplinary team and all relevant stakeholders, while offering an environment that will support the holistic approach, by providing a natural, peaceful environment.

References

1 - <https://researchbriefings.files.parliament.uk/documents/POST-PN-0675/POST-PN-0675.pdf>

2 – ['Mind the gaps' report identifies gaps in palliative care provision across the UK | ARC South London \(nih.ac.uk\)](#)

Professor Katherine Sleeman, lead researcher on the Better End of Life programme and Laing Galazka Chair in Palliative Care at King's College London

3 - [ReviewofEndofLifeCare2009.pdf \(warwickshire.gov.uk\)](#)

4 - <https://www.coventryrugbygpgateway.nhs.uk/pages/the-myton-hospices/>

5 - [eEeGfRy7F5Pnz2fKT55uDZsGmJSJu.pdf \(warwickshire.gov.uk\)](#)

End of Life Care Review Summary of End of Life Care Indicators and an Overview of End of Life Care Services for Coventry and Warwickshire

6 - <https://www.nhs.uk/conditions/end-of-life-care/what-it-involves-and-when-it-starts/>

7. <https://www.housinglin.org.uk/assets/Resources/Housing/OtherOrganisation/principle-hospice-design-kings-fund-princes-trust-2012.pdf>

8 - <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5856462/pdf/nihms906938.pdf>

General Development Applications

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

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

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

Land Management Ltd

1. Introduction

1.1 The Board has resolved to grant an outline residential planning permission at this site for no more than 1270 houses together with other facilities, access and infrastructure. This was subject to the Board reviewing the final Heads of Terms of an accompanying Section 106 Agreement, based on the matters contained in the Board reports.

1.2 The applicant has submitted a draft Schedule for those Heads of Terms for consideration by the Board – see Appendix A.

1.3 For the benefit of Members, Sections 10 and 11 of the main report to the September meeting and paragraphs 2.3 to 2.11 of the Supplementary Report are attached at Appendix B, as these comment on the matters to be included in the Agreement.

1.4 There has now been further discussion between the applicant, the Warwickshire County Council, and officers in regard of this Schedule.

2. The Schedule

a) Introduction

2.1 Members' attention is drawn to paragraph 10.30 in Appendix B. Here there is reference to the overall viability issue. It was reported that the District Valuer had concluded, at the time of his review with the value of the contributions at that time, that 40% on-site provision of affordable housing would render the development unviable, but that a 30% provision would not. Notwithstanding the reduction in the number of houses now being proposed and the increased value of the current set of contributions, the applicant has agreed to retain that 30% provision, but in order to do so, he has challenged the inclusion of some of the contributions now being requested. The consequence of this is, that if the contributions as requested are all

to remain, then he has advised that the % of affordable housing would inevitably reduce, potentially to around 20%.

2.2 For the benefit of Members, the Executive Summary of the District Valuer's report is at Appendix C.

b) Education

2.3 The Board report at paragraphs 10.6 to 10.13 in Appendix B, sets out the case for these contributions. The requested total contribution is set out in two scenarios:

- i) £24,746,270 based on an extension to Polesworth Secondary School
- ii) £28,308,655 based on an assumption of a new Secondary School.

2.4 The County Council has also indicated that the primary school element in the above figures could either be a financial contribution towards a new school, or, for the developer to construct the School himself, in lieu of a contribution.

2.5 The Applicant agrees to the following:

- i) £18,955,692 made up of £12,285,036 as a Primary School contribution and £6,670,656 as a Secondary School contribution (to be directed to an extension at Polesworth School)

2.6 The figures in (i) above do not include the following elements:

- i) £2,462,942 in respect of Early Years provision
- ii) £1,863,633 in respect of Post 16 provision
- iii) £725,224 in respect of Primary SEN provision
- iv) £725,224 in respect of Secondary/Post 16 SEN provision
- v) £896,844 in respect of revenue costs to "set-up" additional provision.

2.6 The applicant points out the first four of these elements are for non-statutory education provision. He also argues that revenue costs have been found in case-law, not to meet the statutory tests for inclusion in a Section 106 Agreement. Furthermore, he points out that there is no scheme at present for a new Secondary School and that his proposal – in terms of pupil generation - does not require such a new School.

However, he does accept that the contribution as requested, can be for an extension to the existing School.

2.7 These matters have been referred back to the relevant officers at the County Council as Education Authority.

2.8 The County Council acknowledges that attendance at Early Years is not compulsory and so it does not constitute statutory provision. However, it points out that there is an entitlement for early years provision – in general terms, 15 hours entitlement for eligible working parents of children from 9 months to 2 years old; 15 hours of entitlement for

disadvantaged 2-year olds and the universal entitlement for all 3 and 4 year olds. From September 2025, eligible single working parents of children aged 9 months and above, will be able to success 30 hours from the term following their child turning nine months until the start school.

2.9 The County Council say that without it being able to deliver the additional places generated by this development, there will be a shortage of provision locally.

2.10 In respect of the post-16 contribution, the County points out that young people are required to stay in education until they are aged 18. Traditionally, it is said that the majority of pupils at Polesworth have chosen to remain in the sixth form. The County says that if there is a requirement to expand places for 7 to 11 year olds, then there will be a consequential need to provide places post-16.

2.11 There is increased pressure on SEN provision. The County is looking to build Specialist Resources Provision across the County. The loss of this contribution would see more pressure to send pupils to specialist provision outside the County.

2.12 Overall therefore a judgement has to be taken as to whether these elements are included or not. It can be seen that whilst they may well be compliant with the “tests” for contributions, they are not for statutory education requirements. The consequence of their inclusion is that the % of affordable housing to be provided on site would materially reduce from around 380 to 255. Members will be aware that the delivery of affordable housing in the Borough as a whole, as at the last published monitoring period (March 2023) was 24% of gross completions. This is generally due to provision being delivered on small sites and not on the strategic residential allocations such as this site, which have the potential to deliver larger numbers. In looking at this assessment, it is considered that from the Borough Council’s perspective, greater weight should be given to the need to retain the 30% provision, because of the present under-delivery.

2.13 Members will be aware that the Secondary School contribution is for “increasing capacity at Polesworth School”. However, the Board was informed that the County Council also termed its request as an “either/or” – the alternative being that the contribution goes towards a new Secondary School. This is written into the Schedule. Also, the draft includes a clause that the Secondary contribution is only to be used for one of these purposes.

b) Highway Matters

2.14 Members will have seen from the Supplementary Report at Appendix B, that the County Council as Highway Authority has requested a number of contributions.

2.15 The applicant agrees to the following:

- i) The Public Transport (bus) contribution of £1,515,000
- ii) The B5000/Market Street/Bridge Street contribution of £751,800
- iii) The Framework Travel Plan
- iv) The bus shelter/maintenance contribution in principle, but the number of shelters is unknown. An option is to consider this provision through the Section 38 Highway Works Agreement

- v) The Robeys Lane Monitoring contribution, but subject to whether it is needed over a ten-year period.
- vi) The contribution for the re-calibration of the lights at Robeys Lane/Alvecote bridge if required.
- vii) Agreement to payment for the Traffic Regulation Orders (£6,000 per TRO).

2.16 The applicant does not accept the following two requests as being statutorily compliant.

- i) The contribution for the link to Birch Coppice, and
- ii) The safer route to Polesworth Schools.

2.17 These matters have all been referred back to the County Council as Highway Authority.

2.18 In respect of the link to Birch Coppice, the County Council point out that the Birch Coppice/Trinity Road employment areas are significantly sized, but they are over 3 kilometres from the application site with no direct route as an alternative to use of the car. The alternatives for cycling are via Stoneydelph in Tamworth or through Dordon. The County points out that the modelling for the proposed development showed up to around 100 two-way trips could travel between the site and the employment areas each day. The improvement of a public bridleway from Birchmoor to the A5 would enable a safe and shorter cycling route thus providing an alternative to the car and as such this would meet an objective of the County's Local Cycling and Walking Infrastructure Plan.

2.19 The Supplementary Report – para 2.9 of Appendix B – outlined officer's views on this matter. This position has not altered. It is not considered that this request is one directly related to mitigating an identified adverse impact caused by the proposed development. For a number of reasons, it is still considered to be a desirable rather than an essential request - the County points out the development "could" generate trips to the employment centres south of the A5 but there will be a wide range of employment locations sought from future occupiers. Additionally, the contribution requested is for only a small portion of that particular route – the last section. For this to be a fully functioning "safe" and dedicated cycle route, there would also need to be substantial improvements made to Hermitage Lane - a County road - which are not understood to be in any County programme.

2.20 In respect of the safer route to Polesworth Schools, the County Council is not requesting a contribution under the Agreement, but considers that a planning condition is warranted. This would say that, prior to occupation of any house, a Safe Routes to School Strategy should be submitted and approved by the Local Planning Authority and that any approved Strategy should be delivered under Highways Act Agreements. This recommended condition was not included in the Supplementary Report at Appendix B, as compliance with it will depend on other legislation and because it is dependent upon the outcome of a different determining Authority – namely the County Council. Moreover, it lacks precision and definition and therefore the cost of its implementation is wholly unknown, leaving the applicant in an unreasonable position.

2.21 In respect these two matters, Members can see that it is therefore not a matter of whether their inclusion might affect the viability of the overall proposal, but rather whether they accord with the appropriate tests for inclusion in an Agreement, or the tests for inclusion as a planning condition. It is considered that they do not.

2.22 The County Council has agreed that the monitoring under 2.11(v) above for the Alvecote bridge traffic lights can be linked to the trajectory of the build out, rather than as a definitive ten-year period.

2.23 In respect of bus shelters, then the Schedule at paragraph 10.2 (Appendix A) includes bus infrastructure. What is not included is an amount for bus shelter maintenance. As the number of these is not known and as this can be picked up through Highway Agreements, it is not considered reasonable to include a contribution, simply because its value is unknown at this time.

2.24 As consequence of all of these considerations, officers would recommend acceptance of the highway clauses in the draft Schedule.

c) Affordable Housing

2.25 There are two matters arising in respect of affordable housing – the % delivered on site and then how that % is to be delivered.

2.26 Looking at the first of these, then this Section started by outlining the judgement that has to be made by the Board – the impact of the Schedule on the viability of the development. Paragraph 2.1 sets out that inclusion of the requests under paragraph 2.6 will materially impact on the overall delivery of affordable housing on this development. Because of the present under-delivery of affordable housing in the Borough, it is recommended that the 30% figure is retained. Members will be aware from the main report, that a fully policy compliant development here would provide 40% - being a green field site. As such the 30% is already a non-compliant with the Council's planning policy. However, it has been agreed following receipt of the District Valuer's report. Reducing this further is not recommended. However, that final judgement rests with the Board.

2.27 Turning to how a final % might be delivered on site, then paragraph 1.1 of the Schedule at Appendix A, sets out the general approach. This recognises the current position as Members are aware from other sites – the lack of interest in sites by Registered Providers and thus the introduction of alternatives. Here that shows a 50/50 divide between market and rented tenures, rather than the policy guidance of 15/85; the prospect of up to 20 gifted units within the first phase and the extra care scheme. The delivery would also be reviewed through the phasing of the site, thus giving the maximum flexibility over potentially a 15 year period – paragraph 1.2 of the Schedule. Member's attention is also drawn to clause 1.4, whereby the affordable housing for each phase would be delivered before the occupation of 90% of the open market houses in that phase, thus ensuring that it is available during the implementation of that phase and not at the end.

2.28 Housing Officers have been involved in discussions with the drafting of the clauses in the Schedule and they are satisfied with its provisions.

2.29 Overall the affordable housing clauses are recommended to the Board.

3. Conclusion

3.1 This report supplements the previous reports and particularly addresses the outstanding matters in respect of the 106 Agreement identified therein. It recommends that the submitted draft Schedule is agreed, but it does set out the implications should the Board resolve to include the full set of contributions as requested by the County Council.

Recommendation

That the Board agrees the Heads of Terms as set out in Appendix A.

LAND AT ROBEYS LANE, TAMWORTH**S106 HEADS OF TERMS****PLANNING APPLICATION REF: 2018/0755****24.09.24****1. Affordable Housing**

- 1.1. 30% of the total number of on-site dwellings (C3) across the Development shall be provided as affordable housing unless the Council receives Gifted Units (see below). This will comprise the extra care scheme (100 units) as affordable rent, with the balance of affordable housing 50% affordable rent and , 50% discount to open market value (or First Homes) [unless otherwise proposed by developer and agreed by Council] . The overall affordable housing provision of 30% will reduce if the Developer transfers affordable housing to the Council as Gifted Units.
- 1.2. Submission of an Affordable Housing Scheme for each phase setting out the number, location, tenure mix and house type mix of the affordable housing in that phase. For the avoidance of doubt, the Extra Care scheme will be included within the Affordable Housing Scheme. The scheme to be submitted to the Housing Officer at the Local Planning Authority.
- 1.3. The Affordable Housing Scheme for a Phase of the development shall be submitted to and approved by the Council. In relation to such Affordable Housing Scheme and where it includes the provision of Gifted Units:
 - 1.3.1. The number of Gifted Units to be no greater than 20 dwellings on Phase 1 (with a cap to be agreed for future phases).
 - 1.3.2. The number and house type (size) of the Gifted Units will be determined through a mechanism in the S106 agreement, with the associated reduction in affordable housing units and increase in general market units.
 - 1.3.3. For the avoidance of doubt, the Site total number of affordable housing will reduce in accordance with this mechanism. A future phase is under no obligation to over provide to equalise back to 30%.
- 1.4. Requirement for delivery of affordable housing on each phase by occupation of 90% of open market dwellings in that phase.
- 1.5. Delivery of the affordable housing will follow the below cascade:
 - 1.5.1. The affordable housing will be sold to a registered Affordable Housing Provider.
 - 1.5.2. If this is not possible, the Council may choose to step-in as the Affordable Housing Provider.
 - 1.5.3. If this is not possible, the Council may choose to step-in and take the affordable housing as Gifted Units. The Gifted Units will be transferred for zero cost and a corresponding number of future affordable housing will be disposed of as private market units (as per the mechanism referred to above at paragraph 1.3.2).
 - 1.5.4. If the Council or other Registered Provider is unable to receive the affordable housing, then the units will be disposed on the open market and commuted sum to the value of 15% of the net sale receipts of those plots sold on the open market shall be paid to the Council, once disposed.
- 1.6. Eligibility criteria for the affordable housing to be inserted into the Section 106.

2. Extra Care Units

- 2.1. Identification of land for the Extra Care Units to be prior to the occupation of [xxx] dwellings on the site and in the approximate location as shown on the Parameter Plan (ref. 8186-L-12 Rev Z or otherwise amended).

3. Green Infrastructure

- 3.1. Defined as public open space land that requires landscaping outside of the boundary of dwellings as shown on the Parameter Plan but to be approved through Reserved Matters. This excludes the Sports Hub.
- 3.2. All Green Infrastructure to be identified in future Reserved Matters applications.
- 3.3. Green Infrastructure to include:
 - 3.3.1. LEAP x 2
 - 3.3.2. NEAP x 1
 - 3.3.3. MUGA x1
 - 3.3.4. Footpaths
 - 3.3.5. Strategic planting including the buffer to Alvecote Wood
- 3.4. The phased delivery of the Green Infrastructure to be in accordance with the relevant Reserved Matters Approval and to be fully completed prior to the occupation of 90% of dwellings of that phase.
- 3.5. A Management Plan to be submitted for approval by the Local Planning Authority. This should indicate future management responsibilities.

4. Local Centre

- 4.1. Identification of land for commercial/employment uses within Local Centre prior to occupation of [xxx] dwellings on the site and in the approximate location as shown on the Parameter Plan (ref. 8186-L-12 Rev Z or otherwise amended).
- 4.2. Provision of services and access to the Local Centre prior to the occupation of xxx dwellings on the site.
- 4.3. Submission of a marketing plan to the Local Planning Authority for commercial/employment uses within the Local Centre prior to the occupation of [xxx] dwellings on the site.
- 4.4. Implementation of the approved marketing plan for a period of two years provided that after that period the marketing obligation shall come to an end in respect of any elements which have not been successfully le/sold.

5. Health Care Contributions

- 5.1. Payment of financial contribution of £1,419,738 to the Local Planning Authority in instalments. The first payment to be made prior to the occupation of [xxx] dwelling.
- 5.2. Funds to be used to increase capacity of [x].

6. Sports Hub

- 6.1. Identification of the sports hub site prior to the occupation of [xxx] dwellings on the site. It will be in the location broadly set out on the Parameter Plan (ref. 8186-L-12 Rev Z or otherwise agreed).

- 6.2. Reserved Matters approval will be sought prior to the occupation of [xxx] dwellings on the site. The specification will be two adult sized grass pitches (not lit) and served by a pavilion consisting of changing facilities.
- 6.3. The construction of the sports hub to be delivered prior to the occupation of [xxx] dwelling.
- 6.4. The sports hub to be transferred to either a local community group, charity or on-site management company.

7. Leisure Contribution

- 7.1. Payment of financial contribution of £1,696,229 to the Local Planning Authority in instalments. The first payment to be made prior to the occupation of [xxx] dwelling.
- 7.2. Funds to be used to support delivery of [x].

8. Primary School

- 8.1. Identification of the primary school site prior to occupation of [xxx] dwellings on the site. It will be in the location broadly set out on the Parameter Plan (ref. 8186_L-12 Rev Z or otherwise agreed).
- 8.2. Provision of services and access to the primary school site prior to occupation of [xxx] dwellings on the site.
- 8.3. Owner to elect to proceed with either 8.4 or 8.5 below.
- 8.4. Offer to transfer the primary school site to the Local Planning Authority prior to occupation of [xxx] dwellings on the site. The Owner will make payment of the financial contribution in sum of £12,285,036 for construction of the primary school on the primary school in instalments to be agreed.
- 8.5. Owner to construct the primary school on the primary school site to the agreed specification (to be appended to the Section 106 or agreed at a later date). The primary school will then be transferred to the Local Education Authority prior to the occupation of [xxx] dwellings on the site.

9. Secondary Education

- 9.1. Payment of financial contribution in sum of £6,670,656 in instalments.
- 9.2. Funds to be used for increasing capacity at Polesworth Secondary School or towards a new secondary school within the Polesworth area and which serves the secondary education needs of the residents of the proposed development.
- 9.3. The contribution will be made prior to the occupation of [xxx] and will be in instalments.

10. Public Transport

- 10.1. Payment of financial contribution in sum of £1,575,000 for public transport to the Local Planning Authority and paid in instalments. The first payment will be prior to the occupation of [xxx] and the following payments to be made per annum after that for a total of five years.
- 10.2. Funds to be used for bus service improvements, provision of bus infrastructure and bus provision to the site (by rerouting existing services).

11. Highways Improvements

- 11.1. Payment of a financial contribution in the sum of £751,800 for the improvements to the B5000/Bridge St Polesworth junction. The payment will be made to the Local Planning Authority.

- 11.2. The payment of the contribution will be made prior to the occupation of [xxx] and will be in instalments.
- 11.3. Payment of a financial contribution in the sum of £[x] for the Traffic Regulation Order to the Local Highway Authority. The payment will be made on request by the Local Highway Authority and in accordance with the phasing plan approved by the Local Planning Authority.
- 11.4. Monitoring Surveys at Robey's Lane signalised bridge. Payment of financial contribution of £20,000 for the annual monitoring of traffic flows by Warwickshire County Council for a period of 10 years following the occupation of the 100th dwelling. Should the surveys determine that a calibration of the Robey's Lane signalised bridge is necessary, payment of a contribution, of no more than £2,500, for the calibration of the signals.

12. Sustainable Travel Promotion

- 12.1. The Owner to deliver and promote sustainable transport information to all dwellings.
- 12.2. The content of the information to be approved by the Local Planning Authority.
- 12.3. To promote Road Safety, a contribution of £50 per dwelling is to be made to the Local Planning Authority to fund training and education for vulnerable road users within the area. The payment will be made pre-occupation of the first dwelling in each respective residential phase.

13. Library Contribution

- 13.1. Payment of the financial contribution of £27,798 to the Local Planning Authority and paid in instalments. The first payment will be made prior to the occupation of [xxx] dwelling.
- 13.2. Funds to be used for increasing capacity at [x].

14. Monitoring

- 14.1. Payment of £[x] to the Local Planning Authority in the monitoring of the obligations within this agreement.

dwellings and the provision of easy walking and cycle routes to the school and community hub.

9.60 Similarly, with potential noise pollution, the applicant finds that there would be no significant adverse impacts. A detailed Construction Management Plan would be required as well as the need for good acoustic design and specification of sound insulation in the construction of the new houses. The updated plans remove housing provision on the east side of Robeys Lane – that closest to the M42 Motorway thus reducing the potential for noise pollution from that source and the curtailment of the HS2 Phase 2b project is also of some benefit.

9.61 It is of substantial weight that the Environmental Health Officer has not objected and thus there is considered to be compliance with the relevant Local Plan policies.

x) Other Impacts

9.62 There are some residual matters to draw attention to.

9.63 The Canal and River Trust raised concern about the capacity of the culvert under the canal to the north of the site as the watercourse that drains into this would take the surface water discharge from the development. This culvert is downstream of the development and outside of the control of the applicant. The advice in the NPPF is however that the applicant has to show that his drainage proposals are “self-contained”. That Assessment was undertaken at the time of the original proposal and was updated with the current re-submission which showed that the culvert does have the appropriate capacity. As recorded above, it is of substantial weight that the Lead Local Flood Authority has raised no objection to that re-submission. The matter thus satisfies the requirement of the NPPF.

9.64 The Trust also raised other matters relating to concerns with a number of its bridges both at Alvecote and in Polesworth. These matters were discussed in section (i) above as they are related to highway issues – i.e. increased traffic.

xi) Conclusions

9.65 As a consequence of the above paragraphs it is not considered that there are any identified unacceptable or significant harms caused, that would demonstrably require an alteration to the Parameters Plan as now submitted, or to the prospective layout for the development of this allocated site.

10. Infrastructure Delivery

i) Introduction

10.1 Significant weight needs to be given in the assessment of this application to the provision of associated infrastructure. Members will be familiar with the requests from a number of Agencies and Bodies in this respect. In this case however, the size of the proposal means that the scale of these requests is substantial. This in turn is a matter of interest to the applicant as they can, in total, have an impact of

the overall viability of the proposal. This is why firstly, each of these requests has to be justified as meeting the statutory tests for such contributions and secondly, why an independent evaluation of their cumulative impact on development viability has had to be undertaken. As indicated earlier in this report, that evaluation has been undertaken by the District Valuer and notably, with the full engagement of the applicant.

- 10.2 The report will now review each of the individual requests to establish statutory compliance before looking cumulatively at their impact on viability and thus on the consequences of that impact. It should be noted that no “trigger” points are identified below as these need to be agreed between the various parties as part of on-going 106 discussions. At this stage, the Board is only recommended to agree the acceptability of the contributions as set out below.
- 10.3 In doing so, and one of the reasons for further discussion, is that it should be stressed that because of the geography of the site, the infrastructure requirements need to be equitably and proportionately considered across the Local Authority boundaries here. This will be apparent when the matters below are identified.
- 10.4 Additionally, Members will be aware that there is another strategic housing allocation in the Local Plan – namely site H4 being for a minimum of 1675 houses on the east side of Polesworth and Dordon. The contributions set out below for the current application should be proportionate with any future requests arising from the development of that H4 site, both in scale and also compatible in terms of how they are to be expended.
- 10.5 The content of Section 106 Agreements is the subject of statutory tests. These are that any obligations must be necessary to make the development acceptable in planning terms; they must be directly related to the development and finally they must be fairly and reasonably related in scale and kind. From these and from experience with other cases, Members will know that contributions and requests that might be suggested to rectify existing issues or matters that are outside of the control of the applicant, would not pass these tests.

ii) Education

- 10.6 Apart from being the largest of the contributions requested, this is perhaps the most recognisable to the community as a whole and particularly to the new occupants of the proposed houses. The proposal includes the provision of a new 2 Form Entry Primary School on site.
- 10.7 The Warwickshire and Staffordshire County Education Authorities have issued a joint response agreeing a value for an Education contribution and how that is to be distributed locally. This has taken account of the current situation at the established schools in the locality of the application site, together with the fact that the new Primary School on the site of the former golf course to the west is now open, as well as through reference to updated Government guidance referred to in Section 8 above.

- 10.8 Existing primary school provision comprises the two schools in Stoneydelph and the new one on the former Tamworth golf course together with Birchwood in Dordon and the Nethersole School in Polesworth. Both Education Authorities agree that there is very limited capacity across the whole range of these schools. But the new Primary on the site of the former golf course adjacent to the current site has reduced the urgency for the provision of primary places – particularly in Tamworth. As a consequence, the provision of an on-site Primary School within the current application is fully supported as it would take the great proportion of primary aged pupils arising from the new residential development. It would thus add to additional primary capacity in the relevant catchments. The safeguarding of 2.2 hectares centrally located on the site is thus fully supported. The contribution sought is just over £16 million which would include provision for early years, SEN provision as well as establishment costs. Warwickshire County Council also is agreeable to the applicant delivering the new School, in lieu of this contribution.
- 10.9 Existing Secondary school provision comprises the Forte Landau Academy in Tamworth and the Polesworth School in Warwickshire. Both Education Authorities agree that the percentage of pupils attending Polesworth School, but resident in Tamworth has fallen in recent years from around 33% to just over 10%. The view taken by both Education Authorities is thus that Polesworth School should have capacity for some pupils arising from this development. Warwickshire has put forward two scenarios to achieve this – increasing the capacity at Polesworth or delivering a new School elsewhere. A contribution of around £8.75 million is sought for the first option, with a contribution of almost £12 million for the second. In both cases, there is still an on-going discussion with the County Council as to what should finally be included in these contributions – see paragraph 10.8 above.
- 10.10 In summary therefore, almost £25 million is requested as an Education contribution for a new Primary and expansion at Polesworth, with the alternative of just over £28 million for a new Primary and a contribution towards a new Secondary.
- 10.11 Warwickshire County Council is currently undertaking feasibility studies on the alternative Secondary options outlined here. Those studies include making provision for pupil numbers arising from the H4 allocation to the east of Dordon - a minimum of 1675 houses.
- 10.12 The contributions as set out in general terms within paragraph 10.10 are considered to meet all of the statutory tests identified above. They are necessary to make the development acceptable in planning terms, because education provision was identified in the Infrastructure Delivery Plan 2020 (IDP) which accompanied the Local Plan. This identified projects that are necessary with particular residential allocations in the Local Plan to ensure sustainable development. Here that Delivery Plan refers to the need for an on-site primary school and a secondary contribution for Polesworth School because of the shortfall in space that would result from increased pupil numbers generated by this current application. Additionally, the contribution would satisfy Local Plan Policies LP1 on sustainable development; LP21 on the provision of services and facilities and more particularly with Policy H5 which deals explicitly with this site.

It would also comply with the NPPF at paragraph 97 in general and paragraphs 99 and 100 in particular. It is also considered that the contributions are directly related to the development in that they have been calculated with reference to the up-to-date local evidence base in the locality in respect of current education provision. This has also reflected the fact that the site lies adjacent to another Education Authority area - namely Staffordshire – and that the contributions have been agreed by both Education Authorities. They also satisfy the final and third test as they have been calculated on the up-to-date Government Guidance on calculating pupil numbers in each Local Education Authority area. As such the contributions are supported in principle.

- 10.13 Notwithstanding this, there is some uncertainty here in respect of the actual delivery of the infrastructure related to Secondary provision – expansion at Polesworth School or a new School. However, the proposed “pupil yield” from this application will not be sufficient to justify a new School as the Education Authority indicates that expansion will meet that need. The contribution would be forwarded to the County Council for that purpose. If the County Council decides that a new School is needed – taking into account its feasibility studies of the existing Polesworth School and bearing in mind the H4 residential allocation – then the applicant is content that the contribution can be diverted to that alternative resolution.

iii) Health Facilities

- 10.14 The provision of health facilities and services is of universal concern particularly when associated with large new residential developments. In this case, it is of substantial weight that the Coventry and Warwickshire Integrated Care Board (ICB) together with the Staffordshire and Stoke- on-Trent ICB have issued a joint response. Additionally, this response was provided after consultation with local Practices and with regard to the additional housing allocation known as H4 for the east side of Dordon.
- 10.15 The joint response says that there are two practices providing primary care medical services in the Coventry and Warwickshire ICB area – the linked centres at Polesworth and at Dordon. The ICB has identified that these practices are already over capacity with an estate comprising 12 clinical rooms and with a shortfall of one room which will increase to five by 2031. The ICB has identified that there is potential for improvement works at its centres. In respect of the Staffordshire and Stoke ICB, it has identified two nearby practices – the Mercian and Heathview medical centres. Here too there is likely to be a 36 room shortfall by 2035. As a consequence of these matters the Joint ICB's have requested a commuted sum to support strategic investment in estate capacity. This amounts to £1,419,738. This would be used to target future adaptation/refurbishment/expansion and development of existing premises across both ICB's. They have asked that it be provided upon commencement of development to ensure an early ICB response to the shortfalls. This would need to be discussed with the applicant.

- 10.16 Similarly here the contribution is considered to satisfy the relevant tests. A "health" contribution is referenced in the IDP and it would accord with Policies LP1, LP21 and H5 of the Local Plan. The corresponding NPPF paragraphs are at 97 and 100. It is soundly based on local evidence which is up-to-date, thoroughly researched through both ICB's and with an agreed joint outcome. The calculation too has been based on appropriate best practice guidance on the delivery of new and extended health care facilities. It too can be supported in principle.
- 10.17 Members will be aware that this is a joint contribution for both ICB's as a direct consequence of the current application. It is not a contribution to resolve an existing shortfall per se, although it will alleviate this capacity issue. It is also to be born in mind that patient numbers arising would be able to register in both ICB areas because of its location and that the Warwickshire ICB is aware to the H4 residential allocation and will respond when that consultation takes place. This current request for an ICB contribution will thus be enhanced when the H4 application is submitted. As a consequence, the ICB's will direct the contribution currently sought as they see fit. This is matter for them as they are the Infrastructure Delivery provider, not the Local Planning Authority. From the Borough Council's perspective, the contribution is policy compliant and proportionate.
- 10.18 Members should be aware that at the time of the initial consultation period, the George Eliot NHS Trust requested a financial contribution to assist the provision of its services. Since that time, there is now case-law which has established that contributions sought to close a funding gap that an Infrastructure provider may be experiencing, does not satisfy the Section 106 "tests" referred to in paragraph 10.5 above. Hence it should not be included in the Heads of Terms in this case.

iv) Recreation and Open Space

- 10.19 As indicated in Section 4, there are requests for recreation contributions from both NWBC officers and from the Tamworth Borough Council. The former requests £1,696,229 and the latter, £1,317,638.
- 10.20 Dealing first with the NWBC requests, then the total contribution referred to above can be divided into £1,485,853 for indoor provision and the balance for outdoor provision (artificial grass pitches). These figures exclude the proposals for the on-site provision of sports pitches and three play areas. The overall contribution is considered to satisfy the relevant tests. There is reference in the IDP to the need for the provision of Borough wide play areas; for the replacement/refurbishment of leisure facilities and there is reference to the leisure strategies mentioned in paragraph 8.1 above. It would also accord with Local Plan policies LP1, LP21, LP29 (4) and H5. Of note amongst these is LP29 (4), which seeks to promote healthier lifestyles for activity outside of homes and places of work. This is reflected in the NPPF at paragraphs 96 (c) and 97. It is also soundly based on the evidence available in the adopted documents and strategies set out in Section 8 above and has been calculated in line with the appropriate up-to-date Obligations Document, thus satisfying the third test concerning being fairly and reasonably related in scale and kind. Members will be aware that the bulk of the contribution is for indoor provision, but no such accommodation is proposed on site and neither are the additional artificial

pitches. The contribution would thus be for off-site provision. Members will be aware of the active proposals for proposed indoor provision at both Polesworth and Atherstone. Other Section 106 contributions have also been sought from other applicants in respect of these matters. These proposals are being advanced through the Council's Community and Environment Board. A detailed report is being taken to that Board on 20 August which recommends commencement of feasibility studies for new leisure centres at Polesworth and Atherstone; the commencement of a procurement process and to ringfence a reserve fund. As such it is considered that the contributions in this case can reasonably be expected to be directed towards the delivery of these projects which are now advancing. The same would apply to the additional pitch provision.

- 10.21 The request from Tamworth also relates to both indoor provision (£1,220,266) with the balance for artificial grass pitches. It is understood that progress on establishing firm proposals for the delivery of such infrastructure has not materially advanced since the submission of the application. As a consequence, it would appear not to satisfy the "tests". The contribution requested for provision in Tamworth would thus carry less weight than that for similar provision in North Warwickshire.

v) Public Transport

- 10.22 The Warwickshire County Council as Local Transport Authority has requested contributions to enhance existing services that run along the B5000 such that they access the development so as to provide a route within the development such that bus stops are more than 400 metres from a bus stop. The existing services regularly run along the B5000 with destinations to Tamworth, Polesworth, Atherstone and Nuneaton – centres with a range of services/facilities and other public transport connections. The contribution sought is for a total of £1,575,000 to be paid in annual instalments over five years either to assist in the cost of diverting existing services or to provide a new service into Tamworth.
- 10.23 This contribution satisfies the appropriate tests. There is reference in the IDP to bus service improvements and better infrastructure. It also assists in the outcomes of Local Plan policies LP1, LP23 and LP29 (5) as well as the Local Transport Plan for Warwickshire policies AT1, PT1 and PT2. It also accords with Section 9 of the NPPF. It is based on the evidence relating to the existing level of services and its amount has been calculated with reference to best practice elsewhere in Warwickshire.
- 11.24 In respect of the provision of new bus stops the County Council indicates that these should be carried out as part of the Section 38 Highway Works Agreement under the Highways Act. The locations would be agreed as part of the assessment of the planning applications for reserved matters.

vi) Highways Improvements

- 10.25 The Warwickshire County Council as Highway Authority has requested a sum of £960,000 for improvements to the Bridge Street/B500 junction in the centre of Polesworth.
- 10.26 These works are required to mitigate potential adverse traffic impacts at this junction due to an increased number of movements arising from the development. It is thus a planning requirement having been identified in the applicant's Transport Assessment and verified by the County Council. It aligns with Local Plan policies LP1 and LP23 as well paragraph 115 of the NPPF by securing mitigation to avoid "severe" residual impacts. Its value is proportionate to the traffic modelling agreed by the County Council.
- 10.27 The Board may have to consider additional requests depending on the outcome of the Highway Authority's final response.

vii) Sustainable Travel Promotion

- 10.28 The Warwickshire County Council as Highway Authority has asked for the provision and promotion of sustainable transport information for all new dwellings together with a contribution of £50 per dwelling to fund training and education for vulnerable road users. These would align with Local Plan policies LP23 and LP29 (2 and 6) as well as the NPPF at paragraphs 116 and 117 as well as being compatible with other schemes in Warwickshire. The former would be the subject of a planning condition and the latter would be by way of a £68,500 contribution.

viii) Libraries

- 10.29 The Warwickshire County Council seeks a financial contribution to improve, enhance and extend library services where new development means an increase in patronage. The current request is for £27,798. This provision would assist in the planning outcomes set out in Local Plan policies LP1 and LP21 and there too is reference to such provision in the IDP. The value aligns with other schemes in Warwickshire.

ix) Affordable Housing

- 10.30 As indicated in paragraph 3.12 above, notwithstanding the reduction in the number of houses proposed and the increase in the total value of the contributions requested above as a consequence of updated evidence, the applicant is retaining a 30% on-site provision of affordable housing. Local Plan policy LP9 sets out a 40% provision for a green field site such as this. The policy does enable proposals for less than this to be considered provided that that is supported by a viability appraisal. As recorded above, the District Valuer assessed the previous proposal and concluded that a 40% provision would in the terms of the policy, "threaten the delivery of the scheme". As a consequence, the developer proposed 30% on-site provision which the Valuer considered was a proportionate outcome. As already indicated, notwithstanding the reduction in numbers now proposed, the applicant has retained that commitment to 30% on-

site provision. Given the evidential background to this, it is considered that this figure can be supported. On this basis, the 30% would amount to 381 units.

- 10.31 The Policy also deals with a preferred tenure mix, but again does allow for flexibility based on up-to-date evidence. Members will be aware too that there have been an increasing variety of different delivery resolutions to affordable provision – including off-site contributions in lieu of on-site provision and the use of “gifted units” to the Council. Additionally, opportunities for “gifted serviced plots” and/or land set aside for self-build have been considered. In this case too there is a request from the Tamworth Brough Council to make some of the affordable provision available to its residents. At this stage it is significant that the 30% figure has been accepted by the applicant and this is sufficient for the Board to move forward with discussions on the form that this would take. If the Board supports this, then the scope of that provision is best left to further discussion between the parties. The final wording of the 106 would then be referred back to the Board.

x) Other Section 106 Matters

- 10.32 There are other matters that need to be included with the Section 106 Agreement. These are outlined below. As identified in paragraph 10.2 above, they do need to include trigger points, but these will need to be agreed through further discussion with the various parties.

- a) The safeguarding of land for the Extra Care Unit in the general location shown on the Parameters Plan.
- b) The Green Infrastructure to be identified in subsequent applications for reserved matters
- c) This to include the provision of three Play Areas comprising two Local Play Areas and one Neighbourhood Play Area.
- d) Strategic planting areas, including those to act as buffers to Alvecote Wood
- e) That phased delivery of green infrastructure so as to align with the relevant reserved matters applications.
- f) A Management Plan for this green infrastructure
- g) The safeguarding of land for the community hub and the uses as defined by the planning conditions in the general location as shown on the Parameters Plan.
- h) Provision of utility services and access to this hub.
- i) Submission of a marketing plan for the community hub.
- j) Implementation of the approved marketing plan for a period of two years.
- k) Safeguarding of the land for the sports pitches in the general location as shown on the Parameters Plan.
- l) Reserved matters approval for this provision will be sought with a specification for two adult sized grass pitches (not lit), served by a pavilion providing changing facilities.
- m) The construction of the sports pitches and the pavilion.
- n) The pitches and pavilion to be transferred to either a local community group or an on-site management company.
- o) It is also normal in an Agreement of this size, for the developer to make a monitoring contribution. In this case that would be separate payments to the Borough and County Councils.

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Page 29 of 231

dealt with, but these would be resolved by the Highway Authority at the technical approval stage under the Highways Act 1980. The plan numbers as submitted can thus be approved from a planning perspective.

b) Wider Highway Impacts

- 2.3 The key highway issues however relate to the impact on the wider highway network, and it is these that have been highlighted by the objectors and which are referred to in the main report – paras 9.21 to 9.28, with the main ones in para 9.27.
- 2.4 It is noteworthy that the County Council has not included a request for contributions for improvements to the A5. This in any event, would not have been compliant with the statutory tests, as National Highways – the responsible highway authority for the A5 – has itself not objected to the proposal and neither has it requested any contribution. Additionally, the housing allocation at H5 was included in the adopted Local Plan at its Examination, on the grounds that any improvements and funding was committed by the appropriate Government Departments.
- 2.5 It is also noticeable that the County Council is no longer suggesting that the canal bridges in Polesworth be improved so as to increase capacity. As such no contribution is now sought.
- 2.6 However, it is still requesting that there should be a contribution for mitigating impacts at the Market Street/Tamworth Road/ Bridge Street junction in the centre of Polesworth. This would contribute towards the installation of traffic signals at this junction. The contribution sought is £751,800. This figure is less than that highlighted in para 10.25 of the main report. This is due to the reduction in houses being proposed; the County Council now having a firmer idea of costs and recognition that the H4 residential allocation at Dordon will also have an impact here. The new figure is thus proportionate to the total cost of the scheme, taking account the size of the proposal and that the H4 residential allocation at Dordon should also make a contribution. It was concluded that this contribution was compliant with the appropriate Section 106 “tests” in para 10.26 of the main report and this still remains the case.
- 2.7 The County Council does however refer to the situation at Alvecote in light of the concerns raised by residents here and in Shuttington. It is recommending that annual monitoring surveys are carried out. If traffic is found to significantly increase, then the County Council is saying that the signal timings/length of cycle for the existing traffic lights here can be re-calibrated, so as to discourage traffic from using this route. As a consequence, a contribution is sought of £20,000 to cover ten annual surveys following occupation of the 100th dwelling, and an additional £2,500 to re-calibrate the signals if appropriate. This is considered to accord with the statutory tests. It is directly

related to mitigating potential traffic impacts arising from the development, thus according with Local Plan policies LP1, LP23 and LP29(6) and it is reasonable in that it reflects the current costs of these surveys over a period of time that would match the "build-out" of the site over time, as well as the cost of re-calibration.

- 2.8 The County Council has re-iterated its request for public transport enhancements but has reduced its figure to £1,515,000 over five years rather than £1,575,000 as recorded in para 10.22 of the main report. It still remains compliant with the appropriate tests. The bus shelter position in para 10.24 remains but it is not considered that any on-going maintenance of these should fall on the applicant as these would be highway structures on highway land. If the applicant wishes to enter into a "bond" arrangement with the County Council as part of the necessary Highway Agreement, then that is a matter for him.
- 2.9 The County Council has repeated its request for enhancements for pedestrian and cycle links to the Birch Coppice Business Park particularly as there is no direct bus link and the Park being some 3.3 km distant. It refers to the Warwickshire County Council Local Cycling and Walking Infrastructure Plan 2024 and specifically to the current bridle path running south from Birchmoor to the A5 and Birch Coppice. It requests £200,000 to upgrade this route for joint pedestrian and cycle use. It is acknowledged that this route has been recognised in an up-to-date Plan that is now a material planning consideration. The issue however is whether the request is a directly related to mitigating an identified adverse impact caused by the proposed development. It is considered not, as there is no analysis by the County Council to show how this route might be directly used by residents of the new development, or to the scale of that use. It is considered that the request is desirable, rather than being essential to mitigate an identified impact. As such it is not considered to accord with the "tests".
- 2.10 The County Council has also raised the connected matter of enhanced and safe links to schools. To this end it supports the pedestrian crossing over the B500 in the vicinity of the two proposed junctions here. It also accepts that this would be included in the highway works to be agreed under Section 278 of the Highways Act and not through a Section 106 Planning Agreement. It also recommends that there be non-vehicular links to the adjoining new development in Tamworth in order to gain access to the new Primary School there. This can be taken forward through an addition to the recommended conditions 8 and 17 in the main report. There is also reference to the provision of a safe walking/cycle route to Polesworth School although this is not taken forward as a formal request because of the present uncertainty over the future of Secondary provision as outlined in paras 10.6 to 10.13 of the main report and because of the potential provision of an alternative – namely school bus provision. The County Council does however indicate that the implementation

of any such scheme can be dealt with under a Section 278 Highways Agreement.

2.11 The County Council has asked for a Framework Travel Plan to be part of a Section 106 Agreement. This would include the measures already identified in para 10.28 of the main report and be expanded to include measures such as temporary free bus passes. It could also be expanded to include the need to review and to assess the need for a safe pedestrian/cycle route into Polesworth and identifying an appropriate trigger for completion of that assessment and the means by which it would be implemented.

c) Conditions

2.12 The County Council is recommending a number of conditions. These do include a number of "trigger" points because of the need to mitigate adverse highway impacts as the development is "built-out". The Applicant has reviewed the draft schedule suggested by the County Council and his comments have been taken account of in preparing the list below.

2.13 The suggested conditions to be included would be:

- i) No development shall commence, including any site clearance, until:
 - a) A Road Safety Audit Brief has been submitted to and approved in writing by the Local Planning Authority for the B5000/Robey's Lane junction, and
 - b) A Stage One Road Safety Audit Report and Designer's Response (including Appendix D) for the B5000/Robeys Lane junction has been submitted to and approved in writing by the Local Planning Authority.Reason: In the interests of road and highway safety at this junction.
- ii) Access for vehicles/cycles and pedestrians to Phase One of the development from Robeys Lane shall be in general accordance with plan number 15596-WIE-HGN-ZZ-DR-C-950106RevPO4 (subject to the Stage One Road Safety Audit in condition One) and plan number 15596-WIE-HGN-ZZ-DR-C-950109 rev PO2.
Reason: In the interests of highway safety.
- iii) Access for vehicles/cycles and pedestrians to Phases Two and Three of the development from the B5000 Tamworth Road shall be in general accordance with drawing numbers 15596-WIE-HGN-ZZ-DR-C-950107revPO4; 15596-WIE-HGN-ZZ-DR-C-950101 REvPO3 and 15596-WIE-HGN-ZZ-DR-C- 950103Rev PO2.
Reason: In the interests of highway safety.

1.3 Viability Conclusion

It is my considered and independent opinion that:

The above scheme assessed with regards to full planning policy requirement (comprising 40 % affordable housing, S.106 contributions of £21,664,574* is not viable.

* Provisional S106 figure adopted. This is the subject of discussion with NWBC.

Through gradual reduction of policy contributions, it is my considered and independent opinion that:

The partially planning compliant scheme, reflecting 30% Affordable housing, S.106 contributions of £21,664,574 is considered viable.

Agenda Item No 7

Planning and Development Board

7 October 2024

**PAP/2024/0377- Works to Tree(s) in a Conservation Area
St Marys and All Saints Church,
Coventry Road, Fillongley**

**Report of the
Head of Development Control**

1 Summary

- 1.1 The decision of PAP/2024/0377 is referred to the Board in order to inform Members of the Local Planning Authority's decision to not object to the works to four trees at St Mary and All Saints Church.

Recommendation to the Board

That Members note the decision made.

2 Background

- 2.1 Warwickshire County Council submitted a prior notification application for works to tree(s) within a Conservation Area. The works of the Notification relate to the following trees:

1. Taxus baccata (Yew Tree)- crown lift to 3m over the footpath (Marked T1 2M23 on the plan at Appendix A).
2. Taxus baccata (Yew Tree)- crown lift to 3m over the footpath and prune back by 2m from the building (Marked T2 2KY1 on the plan at Appendix A).
3. Prunus cerasifera (Cherry Plum Tree)- crown lift to 3m over the footpath and prune back by 2m from the building (Marked T3 2M19 on the plan at Appendix A).
4. Taxus baccata (Yew Tree)- prune back 0.5 from the footpath (Marked T4 2M1A on the plan at Appendix A).

...

- 2.2 The trees are owned by North Warwickshire Borough Council. Under the Council's Scheme of Delegation all applications that are made by the County Council on North Warwickshire Borough Council owned land are be determined by the Planning and Development Board.

- 2.3 However, under Section 211 of the Town and Country Planning Act 1990, the Local Planning Authority must determine an application for works to trees in a Conservation Area within 6 weeks from the date of validation. Due to the timeframes, the determination of this application was on 23 September 2024 which was before the October 2024 Planning and Development Board.

2.4 As such, before determining this application, the Local Planning Authority's intention to not object to the prior notification was sent to all Councillors in North Warwickshire to ask for their comments and/or any objections. The Officer's Report is at Appendix B.

2.5 Five comments were received from Councillors, none of which objected to the Officer's recommendation. As such, this application has been determined prior to the October Planning and Development Board and this report is referred to Board to inform Members of the decision that the Local Planning Authority has made.

2.6 The Local Planning Authority have no objection to the works, a Tree Preservation Order on the trees is not required and the applicant can proceed with the works. The Decision Notice is at Appendix C.

3 Report Implications

3.1 Financial and Value for Money Implications

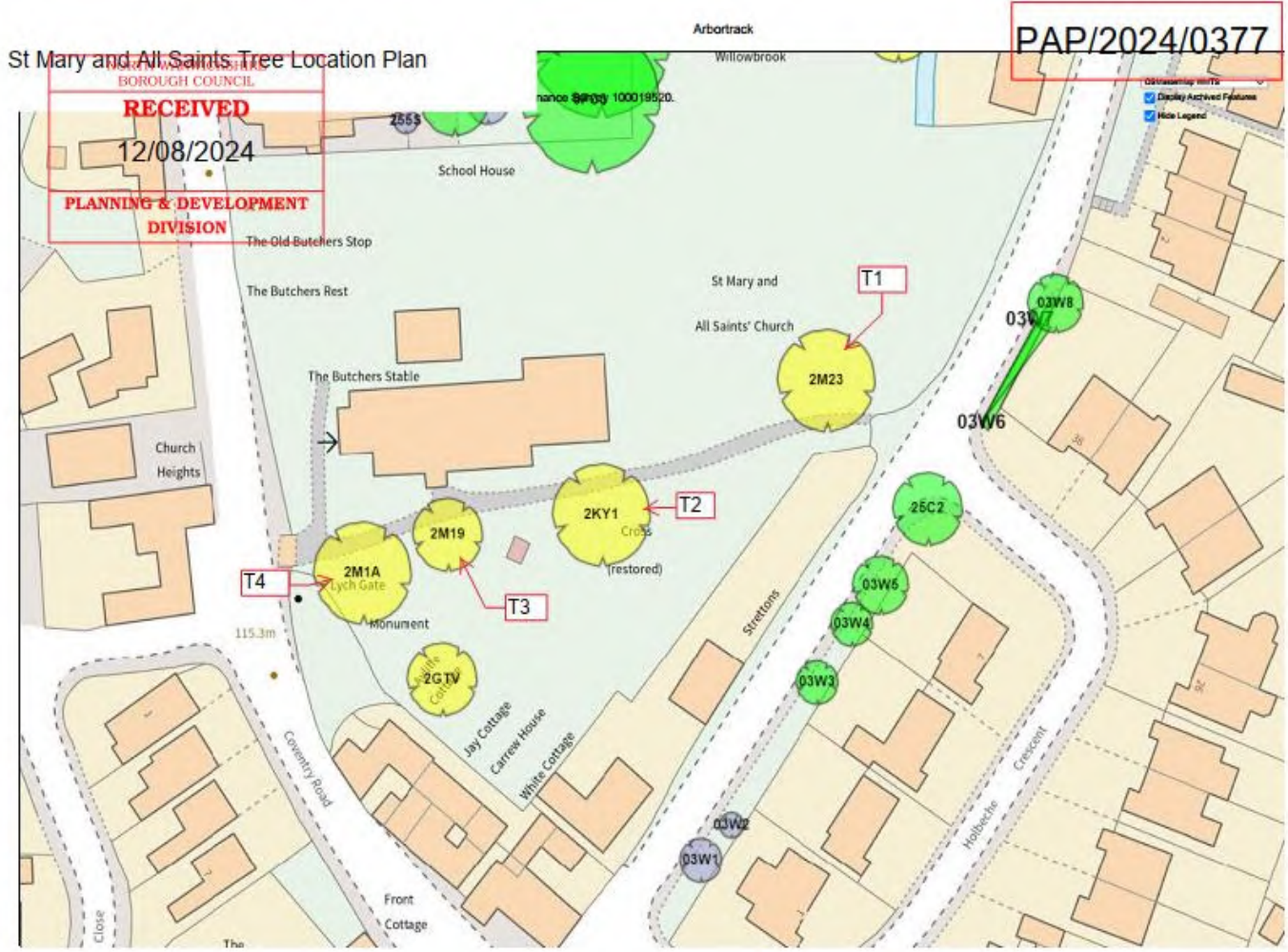
3.1.1 There are no financial implications in not objecting to the works. There are financial implications of the works not being carried out to the trees from a liability point of view which is outlined in the Officer's Report at Appendix B.

3.2 Environment and Sustainability Implications

3.2.1 The environmental and sustainability implications of not objecting to the works are outlined in the Officer's Report at Appendix B.

The contact officer for this report is Amelia Bow (719418).

Appendix A



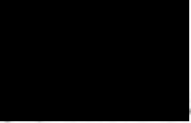

<https://web.arbortrack.com/index.asp?action=printmap>

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Appendix B

OFFICER'S OBSERVATIONS

Decision Date:
Decision Code:
Notice Type: Normal / AVCG

Reference No	PAP/2024/0377
Location	St Mary and All Saints Church Coventry Road Fillongley CV7 8ET
Application Type	Notification - Proposed Works to Trees in a Conservation Area
Proposal	Works to tree(s) within a Conservation Area
Applicant	Warwickshire County Council- Forestry
Case Officer	 Signed: Amelia Bow Date: 16/09/2024
Authorised Officer	 Signed: Andrew Collinson Date: 16/09/2024

For Office Use Only			
	Yes	No	N/A
Monitoring completed?			
If P.D. removed, email forwarded to Central Services?			
If condition monitoring required, email to Enforcement Team (PG)			

The Site and Proposal

The application site is the church yard associated with St Mary and All Saints' Church which is located in the centre of Fillongley, on the east of Coventry Road. There is a row of cottages to the south of the site and Bournebrook Church of England School to the north of the site. The site is located in the Fillongley Conservation Area.

The proposed works of this notification relate to the following trees:

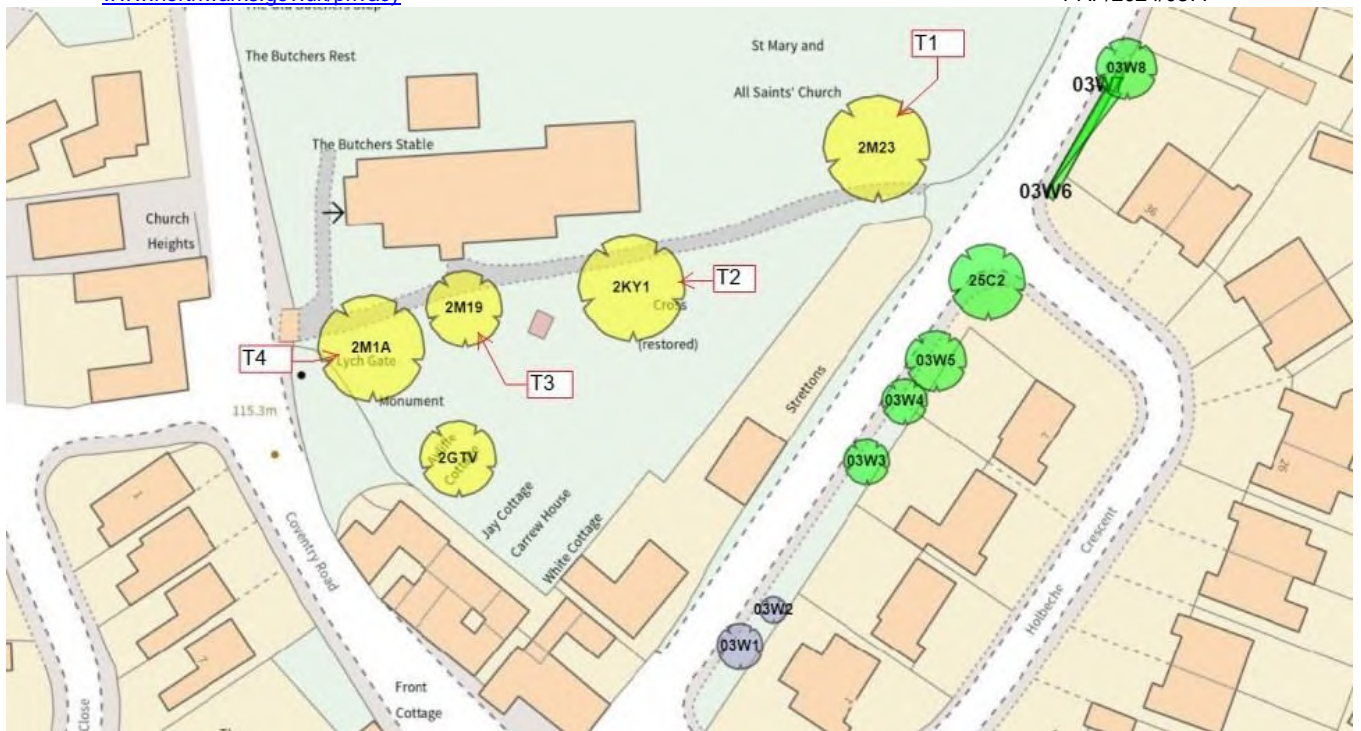
1. Taxus baccata (Yew Tree)- crown lift to 3m over the footpath (Marked T1 2M23 on the plan below).

2. Taxus baccata (Yew Tree)- crown lift to 3m over the footpath and prune back by 2m from the building (Marked T2 2KY1 on the plan below).
3. Prunus cerasifera (Cherry Plum Tree)- crown lift to 3m over the footpath and prune back by 2m from the building (Marked T3 2M19 on the plan below).
4. Taxus baccata (Yew Tree)- prune back 0.5 from the footpath (Marked T4 2M1A on the plan below).

Plan

To see our privacy notice go to www.northwarks.gov.uk/privacy

PAP/2024/0377



Background
Planning History

Wizard	Reference Number	Decision	Decision Date	Address	Notes
Planning	PAP/2018/0085	TRENOOBJ	06-03-18	St Mary And All Saints Church Coventry Road Fillongley Coventry	Works to trees in Conservation Area

Wizard	Reference Number	Decision	Decision Date	Address	Notes
Planning	PAP/2019/0154	TRENOOBJ	09-04-19	St Mary and All Saints Church Coventry Road Fillongley	Work to tree in Conservation Area

Development Plan

North Warwickshire Local Plan (Adopted September 2021):
LP15- Historic Environment

Fillongley Neighbourhood Plan (Adopted August 2019)
FNP02- Natural Environment

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework 2023 (NPPF).

Planning Practice Guidance: Tree Preservation Orders and trees in conservation areas.

Constraints

Listed Building
Green Space
Flood Zone 3
Flood Zone 2
Development Boundary
Conservation Areas
Coal Development Low Risk

Consultations and Representations

Warwickshire County Council Arboriculture- no objection (22/08/2024).

The trees are owned by North Warwickshire Borough Council. Therefore, under the Council's Scheme of Delegation all applications that are made by the County Council or on behalf of Warwickshire Council

on North Warwickshire Borough Council owned land will be determined by the Planning and Development Board. Under Section 211 of the Town and Country Planning Act 1990, the Local Planning Authority must determine an application for works to trees in a Conservation Area within 6 weeks. Due to the timeframes, the determination of this application is before the next available Planning and Development Board. As such, before determining this application, the officer's intention to not object to the prior notification was sent to all Councillors in North Warwickshire to ask for their comments and/or any objections. Five comments were received, none of which were objecting to the officer's recommendation. As such, this application is to be determined prior to the October Planning and Development Board however, a report will be taken to Board to inform Members of the decision that the Local Planning Authority has made.

Observations

Section 211 of the Town and Country Planning Act 1990 sets out that anyone proposing to cut down or carry out works to a tree in a conservation area is required to give the Local Planning Authority six weeks' prior notice (a 'Section 211 Notice'). The Local Authority can deal with the notice in one of three ways:

1. Make a Tree Preservation Order if this is justified in the interests of amenity.
2. Decide not to make a Tree Preservation Order and allow the six weeks period to expire, following which the works may proceed within two years of the date of the notice.
3. Decide not to make a Tree Preservation Order and inform the application that work can proceed within two years of the date of the notice.

Importantly, the local authority cannot refuse the consent, nor can consent be granted subject to condition.

The proposals are for remedial works to four trees at St Mary and All Saints' Church. The works are required in order to ensure that they do not grow any larger and damage the Church, given it is a Grade II* Listed Building and there are Grade II Listed tombs and cross in the vicinity. Furthermore, it is important to ensure that the branches do not create a health and safety hazard for pedestrians using the footpath which runs through the church yard.

The trees are an important feature within the setting of the Church and do offer amenity value. Local Plan Policy LP15 (Historic Environment) states that proposals should '*conserve, or enhance and where appropriate, restore landscape character*'. As such, the amenity value the trees possess in the wider historic setting would make them a candidate for a Tree Preservation Order. However, it is acknowledged that the proposed works do represent best practice and the works are required from a health and safety viewpoint to limit the liability given their location and the public use of the footpath. Furthermore, in relation to LP15, the works are considered necessary to protect the Grade II* Listed Church.

Fillongley Neighbourhood Plan Policy FNP02 (Natural Environment) says that proposals should '*protect traditional Arden landscaped hedges and native trees wherever possible*'. It is therefore reassuring that the proposals are not for the complete removal of the trees and will secure the longevity of the trees which are important for the landscape.

Overall, given the location of the trees and the health and safety benefits reducing the crown and pruning the trees will provide, it is considered that the trees within the Notification do not warrant protection by way of a Tree Preservation Order.

RECOMMENDATION

I can inform you that **I DO NOT OBJECT** to the works in your Notification. You may not proceed with the work.

Please note the following:

For the avoidance of doubt, this permission is only in relation to the trees mentioned within the Notification (PAP/2024/0377), located upon the site address (St Mary and All Saints Church, Coventry Road, Fillongley, CV7 8ET) and detailed within Application Form received on 12th August 2024. The works shall be confined to the following:

- T1. *Taxus baccata* - crown lift to 3m over the footpath.
- T2. *Taxus baccata*- crown lift to 3m over the footpath and prune/tip back by 2m from the building
- T3. *Prunus cerasifera*- crown lift to 3m over the footpath and prune/tip back by 2m from the building
- T4. *Taxus baccata*- prune/tip back 0.5 from the footpath (Marked T4 2M1A on the plan).

No works to any other tree afforded protection within the Conservation Area shall be undertaken without full Notification to North Warwickshire Borough Council.

Notes

1. The proposed works must be carried out within two years of the receipt of the Section 211 Notice.

2. With the exception of the trees noted within this Notification, no tree shall be lopped, topped or felled without the prior approval of the Local Planning Authority, in writing.
3. 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 01926418060).
4. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.
5. The applicant is advised that to comply with 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".
6. In dealing with this Notification, the Local Planning Authority has worked with the applicant in a positive and proactive manner by determining the Notification. As such it is considered that the Council has implemented the requirement set out in paragraphs 38 of the National Planning Policy Framework.



North Warwickshire Borough Council

Warwickshire County Council - Forestry
Highways Depot
Buckley Green

Henley in Arden
B95 5QE

Jeff Brown BA Dip TP MRTPI
**Head of Development Control
Service**

The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

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

Date: 16 September 2024

The Town & Country Planning Acts
The Town and Country Planning (Listed
Buildings and Conservation Areas) Act
1990
The Town & Country Planning (General
Development) Orders
The Town and Country Planning (Trees)
Regulations 1999

DECISION NOTICE

Notification - Proposed Works to Trees in a

Conservation Area

Application Ref: PAP/2024/0377

Site Address

St Mary And All Saints Church, Coventry Road, Fillongley, CV7 8ET

Grid Ref: Easting 428108.44
Northing 287180.59

Description of Development

Works to tree(s) within a Conservation Area

Applicant

Warwickshire County Council- Forestry

Your notification to carry out works to tree(s) in a Conservation Area was received on 12 August 2024. It has now been considered by the Council. I can inform you that:

I can inform you that **I DO NOT OBJECT** to the works detailed in your notification. You may now proceed with the work.

For the avoidance of doubt, this permission is only in relation to the trees mentioned within the

Notification (PAP/2024/0377), located upon the site address (St Mary and All Saints Church, Coventry Road, Fillongley, CV7 8ET) and detailed within Application Form received on 12th August 2024. The works shall be confined to the following:

- T1. Taxus baccata - crown lift to 3m over the footpath.
- T2. Taxus baccata- crown lift to 3m over the footpath and prune/tip back by 2m from the building
- T3. Prunus cerasifera- crown lift to 3m over the footpath and prune/tip back by 2m from the building
- T4. Taxus baccata- prune/tip back 0.5 from the footpath (Marked T4 2M1A on the plan).

No works to any other trees afforded protection within the Conservation Area shall be undertaken without full Notification to North Warwickshire Borough Council.

Authorised Officer _____

Date 16 September 2024

Page 1 of 2

INFORMATIVES

1. The proposed works must be carried out within two years of the receipt of the Section 211 Notice.
2. With the exception of the trees noted within this Notification, no tree shall be lopped, topped or felled without the prior approval of the Local Planning Authority, in writing.
3. 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 01926418060).
4. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.
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6. In dealing with this Notification, the Local Planning Authority has worked with the applicant in a positive and proactive manner by determining the Notification. As such it is considered that the Council has implemented the requirement set out in paragraphs 38 of the National Planning Policy Framework.

NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://planning.northwarks.gov.uk>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our website <http://www.northwarks.gov.uk/site/scripts/contact.php>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://planning.northwarks.gov.uk>.

Authorised Officer 

Date **16 September 2024**

Agenda Item No 8

Planning and Development Board

7 October 2024

**Report of the
Head of Development Control**

**Tree Preservation Order
Hall Farm, Farthing Lane, Corley**

1 Summary

- 1.1 An Emergency Tree Preservation Order was served on the owner and adjacent premises at this address on 11 July 2024 following information that the tree was under threat. The Board is now asked to consider whether this should be confirmed or not following consideration of representations that have been submitted.

Recommendation to the Board

That the Tree Preservation Order not be confirmed, in respect of the Willow Tree (T1) located at Land at Hall Farm, Farthing Lane, Curdworth, for the reasons given in this report.

2 Background

- 2.1 The Warwickshire County Tree Officer was consulted following receipt of concerns expressed by local residents about the alleged imminent felling of a willow tree at Hall Farm in Farthing Lane, Curdworth. Given the urgency and an initial visual assessment by the officers, an Emergency Order was made with the agreement of the Chairman. The Board, at its August meeting, subsequently confirmed this action undertaken under the Chief Executive's Emergency powers. The Order remains in place until 10 October 2024.

3 Representations Received

- 3.1 Consultation was undertaken and two representations have been received.

- 3.2 One of these is from a local resident, expressing support for confirmation of the Order.

- 3.3 The second was an objection. This was submitted by the owner of the tree, and it was accompanied by an Arboriculturalist's report concluding that the tree is diseased and should in fact be felled. This is attached at Appendix 1.

...

- 3.4 This report was referred to the County Tree Officers, who subsequently visited the site and fully inspected the tree. As a consequence, they conclude that whilst the tree scores within the category of a "possible TPO", it fails to do so "convincingly". Their report dated 22 August 2024 is attached at Appendix 2.

...

4 Observations

- 4.1 Following the making of the Order, the appropriate consultations were undertaken and fresh evidence has been submitted. That has been investigated by the appropriate County officers. However their conclusion, whilst not wholly agreeing with the owner's report, does express caution about confirming the Order.
- 4.2 Members will be familiar with the "industry" recognised scoring system that is used in respect of assessing the prospect of formally protecting a tree. The owner's report concludes a score of 9 and the County officers come to a score of 12. The "average" score is thus midway between these scores. The score for a tree meriting a TPO is 12 to 15. The County Officers agree that in this case, the tree is right on the "cusp" of whether an Order is merited or not.
- 4.3 The reasons for this caution are explained in the County's report, recommending that the tree requires "proper management", but that such works would likely entail reduction or re-pollarding, which would in itself directly impact the aesthetic and visibility of the tree in the future. Moreover, the officers also explicitly recognise that if a tree is "clearly outgrowing its context" as is suggested here by the owner, because of alleged damage to a patio and an adjacent wall, then as an "existing or near future nuisance" the score for the tree would be reduced. In this case that would take the final score to below 12. Some basic management however could mitigate the alleged nuisance.
- 4.4 The making of an Order is "in the interests of amenity" and that purpose remains in principle here. It was considered appropriate to make the Emergency Order given the circumstances at the time of the immediate threat to fell the tree. That has enabled a fuller technical investigation to take place by two qualified arboriculturalists. The tree shows some evidence of being diseased and retention of the tree as it is, would lead to it outgrowing its context and potentially giving rise to nuisance and tree-related subsidence – allegedly happening now. Even with appropriate management and mitigation, the amenity value of the tree will deteriorate over time. Given this background, and the pre-cautionary advice of the County Council officers, it is not be confidently recommended that the Order should be confirmed.

5 Report Implications

5.1 Financial and Value for Money Implications

- 5.1.1 There are no implications in not confirming this Order. If it is confirmed, then there may be implications, in that compensation may be payable if Consent is refused for works to a protected tree.

5.2 Legal and Human Rights Implications

- 5.2.1 The relevant legislation requires the Council to serve notice on landowners and others affected by the tree preservation order, informing them that the Order has been made and that they may object to the Order. A maximum of 28 days must be allowed for them to do so. Objections may be made on any grounds, and when deciding whether or not to confirm the Order, the Council must consider any properly made objection. The Council may confirm the Order at any time within six months of the date on which it was made, and when doing so, may modify its provisions (but may not extend it to include additional trees).

5.3 Environment and Sustainability Implications

- 5.3.1 The protection of trees accords with the Council's Development Plan in seeking to protect and retain the rural character of the Borough.
- 5.3.2 Mature trees offer numerous additional benefits which cannot easily be replaced by the planting of new trees. Emissions reduction and habitat creation are highly valued natural services. For a single tree these benefits are potentially slight, but due to the climate emergency and several reduced levels of biodiversity in the UK every native tree has potential value.

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



TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Author: Reuben Hayes

HND Arb, MArborA

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Project ref:

AEL-18993



TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 TP00B

Reuben Hayes



Contact details

Client	Address	Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE
	Name	James Hodgetts
	Contact	

Report History					
Version	Date	Author	Checked by	Reason	Status
0.1	09/08/2024	RJH	RJH	Approval	Draft
A	10/08/2024	RJH	RJH	Release	Final

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TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



Table of Contents

1. Introduction	4
2. Site visit and observations / collection of data	5
3. Findings.....	6
4 PHOTOGRAPHS	13
5 OBJECTIONS	26
Appendix I – About the author	28

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



1. Introduction

- 1.1 **Instruction:** I am instructed by James Hodgetts to inspect the significant tree in the garden to the front of Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE, and to provide an arboricultural report on the tree and suitability of the tree being included within a Tree Preservation Order.
- 1.2 **Qualifications and experience:** I have based this report on my site observations and the information I have been provided with, and I have come to conclusions in the light of my experience as an arboriculturist. I include a summary of my experience and qualifications in Appendix I.
- 1.3 **Documents and information provided:** I was provided with copies of the following documents:
- Formal notice of the above order title North Warwickshire Borough Council (Land at Hall farm, Farthing Lane, Curdworth) Tree Preservation Order 2024
 - Tree Preservation Order No. 713.022/12
- 1.4 **Relevant background information:** During the site visit, owners advised me that a recent Tree Preservation Order has been applied to a Willow tree on their land. The tree is subject to a previous issue with a neighbour and there is previous dispute between two properties. This has resulted in recent court decision on available driveway to the property.
- 1.5 **Scope of this report:** This report is only concerned with the trees listed within the Tree Preservation Order.

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



2. Site visit and observations / collection of data

- 2.1 **Site visit:** I carried out the accompanied site visit on the 7th August 2024, in the presence of the owner. All my observations were from ground level without detailed investigations and, unless otherwise indicated, all dimensions were estimated. I had access to the street tree and have confined observations to what was visible. The weather at the time of inspection was clear, still and dry, with good visibility.
- 2.2 **Brief site description:** Farthing Lane is located in the village of Curdworth. Hall Farm is on the northern side of the road and surrounded by residential developments. The property is a former historic farm building with amendments to the building and extensions. There is also a small area of garden space to the side of the property.
- 2.3 **Identification and location of trees:** The tree in question is located to the side at 7.5m from the nearest point of the property. I have illustrated the approximate locations of the significant tree on the sketch plan included as Figure 1. This plan is for illustrative purposes only and it should not be used for directly scaling measurements. All the relevant information on it is contained within this report and the provided documents.

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



3. Findings

3.1 **Relevant references:** Relevant references: Tree Preservation Orders and trees in conservation areas, Explains the legislation governing Tree Preservation Orders and trees protected in conservation areas (Government Guidance information); Statutory Instruments 2012 No. 605, Town and Country Planning, England, The Town and Country Planning (Tree Preservation)(England) Regulations 2012; Tree Preservation Orders: A Guide to the Law and Good Practice – Department for Communities and Local Government. TEMPO Assessment proforma and guidance to assess the suitability of the trees.

3.2 Tree Quality Assessment

All trees assess were categorised using the Tree Evaluation Method for Preservation Orders (TEMPO) as set out in Appendix 1 of this report; the attached plan (Figure 1) shows approximate tree positions, numbers and species.

The tree assessment looks at the trees on the site in terms of TEMPO assessment only.

3.3 TEMPO Assessment guidance

TEMPO is designed as a field guide to decision-making, and is presented on an easy completed pro forma. As such, it stands as a record that a systematic assessment has been undertaken.

TEMPO considers all of the relevant factors in the TPO decision-making chain. The TEMPO form comes in 3 main parts:

- Part 1 – Amenity Assessment
- Part 2 – Expediency Assessment
- Part 3 – Decision Guide

3.4 Amenity Assessment

The amenity assessment comes in 4 parts:

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



3.5 Condition

This is expressed in 5 terms and is ranked in order from Good (5), Fair (3), Poor (1), Dead/ Dying or Dangerous (0).

- 5- Good trees will be generally free of defects, showing good health and likely to reach normal longevity.
- 3- Fair trees will have defects that are likely to adversely affect their prospects
- 1- Poor trees are in obvious decline
- 0- Dead/Dying or dangerous are trees which show no indication to life or which have severe irremediable structural defects.

The tree is in fair condition in that there are defects within the tree that are adversely affecting the tree and its prospects. These include decaying main stem, cavities and holes in the tree, possible Honey Fungus and stem decay.

The score of the tree is 3.

3.6 Retention span

This is expressed in 6 terms and ranked in order from 100+ years Highly Suitable (5), 40-100 years Very Suitable (4), 20-40 years Suitable (2), 10-20 years Just Suitable (1), <10 years (0).

This information is taken from the Arboricultural Association guide to the life expectancy of common trees. The main listings are as follows:

The tree is a mature Willow tree with an age between 80-90 years. The Willow tree does have defects which will also reduce the retention span of the tree. The retention span has been listed as 10-20 years due to the decay and honey fungus.

The score of the tree is 1.

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



3.7 Relative Public Visibility

This is expressed in 5 terms and ranked in order from Very large trees with some visibility, or prominent trees (5), Large trees or medium trees clearly visible to the public (4), Young, small, or medium/large trees visible only with difficulty (2), Trees not visible to the public regardless of size (1)

Public visibility is assessed on the current and potential future visibility of a tree. From a public place, including public footways, public open spaces and public roads.

The top section of the tree is currently visible from a public location. However, the tree does need to be reduced and this will reduce the public visibility. The tree can only be seen due to a gap in the hedge. Due to recent planning changes on the property this gap was due to be used as parking area. However, this area will now be planted back and closed up, this will further reduce public views of the tree.

The tree has scored 4 but will be reduced to 2 in the near future.

3.8 Other factors

To continue, the assessment must have scored a minimum of 7 points. This is expressed in 5 terms and ranked in order from Principle components of arboricultural features, or veteran trees (5), Tree groups, or members of groups important for their cohesion (4), Trees with identifiable historic, commemorative or habitat importance (3), Trees of particularly good form, especially if rare or unusual (2), Trees with none of the above redeeming features (1).

The tree currently stands at a score of 8 but reduced to 6. The tree is not of good form as it has been pollard in the past and there are defects within the tree. The tree is not important and therefore only scores 1.

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



3.9 Expediency Assessment

To continue, the assessment must have scored a minimum of 9 points. This is expressed in 4 terms and ranked in order from Immediate threat to tree (5), Foreseeable threat to tree (3), Perceived threat to tree (2), Precautionary only (1).

The tree may need to be removed on safety grounds and due to damage to the property and the neighbours. Therefore, although there is a foreseeable threat to remove the tree, there are good reasons for its removal.

3.10 Decision Guide

This is expressed in 5 terms and ranked in order from 0 – Do not apply TPO, 1-6 – TPO indefensible, 7-11 – Does not merit TPO, 12-15 – Possibly merits TPO, 16+ Definitely merits TPO

Before the threat of removal the tree scores a maximum of 9 points but will be reduced to 7 in the future. This means that the tree does not merit the making of a Tree Preservation Order.

T.1 – Willow – Mature – The tree has scarring on the stem on the northwest side of the tree, this is lightning damage and there is a slight dull, sound behind. At 2m close to damage there was bootlace fungus evidence and further roots still in the stem (see image 1).

The tree is a high water demand tree as listed by NHBC and a height of 12m, this means that the tree has a Zone of influence of 15m. This takes in the farm and the neighbours property.

The bedrock in the local area is likely to be of Glaciolacustrine Deposits, this would include Clay and silt. This means that the soils do have the potential for shrinkage and that given the high water demand of the tree, there is a higher chance the tree can cause subsidence to nearby structures.

Tree has decay areas in the old pollard points with infestation of bees now evident. There is also deadwood within the canopy of the tree.

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



Base roots in ground, some were hollow. Evidence of previous pruning works on the tree and small areas of decay. Tree has been pollard at 4.5m many years ago and allowed to continue to develop. These are on weak supporting limbs and the tree will need to be significantly reduced in height and retained as a much smaller tree.

The patio area within the garden area is significantly dislodged and the slabs have all moved. We were able to lift the patio and there were significant roots just below the surface these are listing the patio and causing significant damage. The level of the patio is just above the floor level of the historic farm and the patio floor level will need to be lowered to reduce damp in the future. This will mean that the patio will need to be reduced by at least 50mm and this will be in the same location as the main structural roots of the Willow.

There are also large cracks to the neighbours property around the window and this is within the zone of influence of the tree. This looks to be progressive and will continue to develop.

The outside toilet in the clients property is also blocked and not working, the pipe is in a straight line to the house where the existing soil pipe is evident. This is also within the zone of influence and were the damage to the patio is. Although not fully excavated it is likely that the damage will be due to the ingress of tree roots.

- 3.11 During the site visit the client advised me that there has been a recent court case between the two parties over parking on the site and allocated areas. The ruling confirmed that the property does have a driveway leading on to the site and this is confirmed in image 6. It was also confirmed that this is the driveway to the side and not a parking location. All parking must therefore take place within the garden area and must transit under the Willow tree.
- 3.12 The clients advised that they had previous planning permission to change the existing driveway to the south of the site with a new entranceway off the Lane. Although approved, Warwickshire County Council Highways Department rescinded the approval due to the bend. This now means that the only entrance to the property is under the Willow tree. This also means that the opening on to the road must be closed up and the hedge will over time grow to the height of the current remaining hedge of about 4m and will screen the tree from the road.

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



- 3.13 The tree is causing damage to the neighbours property around the window area. Although not fully assessed at this point, from experience and knowledge this is likely to continue to develop if the tree remains.
- 3.14 The neighbours property looks to have been built between 1960 and 1969. The property is dormer bungalow and will have been on minimal foundations, this would conclude that there is a high chance of subsidence occurring to this property.
- 3.15 There is significant damage to the patio area, there are lifted patio slabs far in excess of 25mm and a significant trip hazard to the clients including their young children. Due to the levels of the original farm doorway and the traditional construction, it is not possible to raise the levels above the roots as this will impact and restrict entering the property. In order to reduce this direct damage to the patio area, the tree roots will need to be removed.
- 3.16 The tree also has significant defects to the tree which will reduce the life retention and will lead to early failure of the tree. There is evidence of decay on the outer sections of the pollard limbs which will likely be the primary area of failure.
- 3.17 There are also decayed roots and evidence of Honey fungus on the stem, this will also lead to the trees failure.
- 3.18 If retained the tree will need to be pollard to previous points at 4.5m and maintained no higher than 5.6m to ensure the trees zone of influence does not exceed 7.5m. this means that the tree will be significantly reduced. If the tree roots are removed due to the direct damage to the patio then the tree will need to be reduced even further due to the extent of root severance.
- 3.19 The formal notice stats that the order is being made as a result of an inspection by the Country Forestry Officer after North Warwickshire Borough Council became aware that the owner intends planned felling of the tree to enable access across Hall Farm to new parking at Hall Farm Cottages, a boundary wall has already been removed, and the tree is currently at risk from vehicles driving over the trots. The TEMPO assessment indicates that the tree T1, is under immediate threat of felling but the owner of Hall farm. It is considered that the tree is mature and in a good condition. It can be viewed by the public and contributes to the ambiance of the area providing maturity. The tree identified for retention is worthy of protection through a Tree Preservation Order on the interests of public amenity for its current value within the site and significant future value.

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



- 3.20 The formal notice is incorrect at several points:
- 3.21 The tree was not under threat of removal, however there is a neighbour dispute about parking and access to the property.
- 3.22 The tree is not in good condition, the tree is in fair condition at best due to the decay areas, previous pruning works, lightning damage and fungus.
- 3.23 The tree can only just be visible due to its size, however given its previous pruning history and the defects the tree will need to be reduced in the future and this will reduce its views significantly. It is also visible due to the gap in the hedge from the road. This is likely to be filled in as no access to the property can be given and to increase safety to the owners, this will further reduce the visual impact.
- 3.24 If a full assessment had been carried out it would have identified several defects which would have reduced its importance to be protected by a Tree Preservation Order.
- 3.25 It is also noted that the access is not for new parking at Hall Farm Cottages. This is due to a recent court decision that the original driveway and access for Hall farm is at this point.
- 3.26 The tree is causing actionable damage to the neighbours property and direct damage to the clients patio.

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



4 PHOTOGRAPHS

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



Image 1 – Showing scar on tree and bootlace fungus

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



Image 2 – Showing scar on stem of tree, decay on inside

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



Image 3- Showing decay in stem where bees are living

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



Image 4- Showing canopy of tree and previous pruning points

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



Image 5 – Showing original pollard points

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



Image 6 – Showing full image of tree, driveway to site located in centre of photo

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



Image 7 – Showing crack in brickwork above the window, cracks in excess of 5mm

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



Image 8 – Decay in the stem close to original pollard points

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



Image 9 – Decay in stem of tree

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



Image 10 – Roots just under patio in rear garden

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



Image 11 – Dislodged patio due to tree root damage

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



Image 12 – Showing patio area in relation to existing door way. Levels will need to be reduced

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



5 OBJECTIONS

5.1 On the basis of the above information and discussions, I summarise my objections as follows:-

- I. The tree is of fair condition with existing defects and condition which has significantly reduced the trees life.
- II. The independent assessment of the tree has resulted in the tree not meeting the minimum standards of making a Tree Preservation Order.
- III. The TEMPO scoring of the tree is at maximum 9 and does not merit protection.
- IV. The tree has decayed areas and as a lapsed pollard these areas will be weight bearing and future failure points.
- V. The tree is a lapsed pollard and will need to be significantly reduced in the future to a height of 4.5m.
- VI. The trees zone of influence does take in both Farm Hall and the neighbours. Given the high water demand of the tree, age of properties and soil conditions there is a very high chance of damage occurring to the properties. This will mean that the tree is limited in growth to no more than 5.6m in height.
- VII. There is existing damage to the neighbours property and this is within the zone of influence of the tree. This damage is likely to be due to tree damage due to the uptake of moisture in the soils.
- VIII. The damage to the neighbours property is conserved to be actionable nuisance and the tree owners have a duty of care to reduce this nuisance.
- IX. There is damage to the clients patio area which is direct damage due to tree roots from the tree and confirmed in the images.
- X. The patio is already at the height of the entranceway and cannot be increased. This means that the levels must be lowered and this will impact on the stability of the tree as the roots will need to be removed.
- XI. The tree is not a suitable tree in this location.

TPO Objection

Hall Farm, Farthing Lane, Curdworth, Sutton Coldfield, B76 9HE

Ref: AEL-18993 -TP00B

Reuben Hayes



This concludes the report. If I can be of further assistance, please do not hesitate to contact me.

Signature:  Date: 10th August 2024

Reuben Hayes M.Arbor.A; CMgr MCMI
Managing Director for and on behalf of Apex Environmental Limited

Appendix I – About the author

Author of this report: Mr Reuben Hayes, M.Arbor.A; CMgr MCMl

Qualifications

Quantified Tree Risk Assessment, 2018 – QTRA

CMI Management and Leadership (Level 5) – May 2015

Professional Tree Inspection, 2009 – Lantra

Higher National Diploma, Arboriculture (HND), July 2003 – Warwickshire College

National Diploma (Tree Management and Arboriculture), 2000 – Warwickshire College

Experience

Apex Environmental Ltd: May 2013 – Present

Cannock Chase Council: July 2010 – Present

RJH Silvicultural and Arboricultural Services Ltd: 2008 – 2010

London Borough of Camden: January 2005 – July 2010

Three Rivers District Council: March 2003 – January 2005

Forestry Commission: 1997 – 1998

National Trust

Membership of professional bodies

Professional Member of the Arboricultural Association

Professional Member of Consulting Arborist Society (CAS)

Associate Member of the Institute of Chartered Foresters

Fully accredited Chartered Manager of Chartered Management Institute (CMI)

Member of Institute of Directors (IoD)

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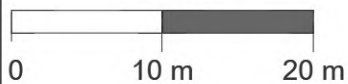
Client: James Hodgetts

Address: Hall Farm, Farthing Lane, Curdworth,
Sutton Coldfield, B76 9HE

Ref: AEL-18993 - A - TLP - Tree Location Plan

Page size: A4

1 : 500



APPENDIX 2: REPORT FROM COUNTY ARBORICULTURALIST – 22/08/2024

The tree is a mature Weeping Willow that has historically been managed and pollarded to a height of approximately 4 - 5m. Seemingly this was undertaken some time ago and the tree has been left to achieve a full canopy. The growth of this tree is now encroaching on neighbouring properties and hanging low over parking to the north. The tree has all the characteristics of a Willow of this age. Cavities with potential decay pockets are visibly present in the upper structure and unions, however this is not necessarily detrimental to the tree. It would be expected to find some level of decay in a Willow of this age, further investigation would need to be carried out as to the severity of any possible decay to determine it's potential impact on longevity.

There is some hollow sounding resonance within the main stem and within some of the buttresses which could indicate dysfunctional timber, the tree is however showing signs of adaptive growth seemingly in response to any decay that may be present. There is scarring present to the northern side of the main stem (seen in the photos within the report), it is unclear what has caused this scarring. Bootlace rhizomorphs were observed within necrotic (dead) sections of bark around this scarring, these are assumed to be linked to Honey fungus (*Armillaria sp.*). None were noted anywhere else or at least nothing was obvious without invasive investigation and there were no signs of any fungal fruiting bodies associated with the bootlace rhizomorphs at the time of inspection. Honey fungus can be saprotrophic on dysfunctional hosts, or sections of hosts, therefore this may be isolated to the scarring area only as things stand. Dependent on the type of Honey Fungus that is associated with the observed rhizomorphs, should it be having any additional impact, it is unclear as to its significance at present. The crown of the tree was showing good vigour and vitality and did not currently appear to be under noticeable stress.

- The tree overall scored 3 for being in a fair/satisfactory condition as things stand today.
- Under proper management, this tree could reasonably live for another 20 - 40 years, albeit perhaps at the lower end of this banding, and therefore has received a score of 2. It should be stated however that the management involved would likely entail reduction or re-pollarding to help prolong its life expectancy, which would directly impact the aesthetic and visibility of the tree in the future. Comments have been made within the APEX Environmental report in respect of damage to the patio and observed cracking within an adjacent wall, WCC have not undertaken any investigation with regard to this matter. Whilst no evidence has been presented as to the cause of the observed cracking in the report, it should be noted that trees which are deemed to be an "existing or near future nuisance, including those that are clearly outgrowing their context" would receive a score of '0' for this category, this is, in part, to cover nuisance instances such as tree related subsidence. It could also be argued that the tree is outgrowing its context, with encroachment over adjacent properties and parking, however basic management would mitigate this.

- The tree is deemed to be medium to large and clearly visible to the public as things stand, achieving a score of 4.
- The tree does not have any additional redeeming features acquiring a score of 1 for this category.
- The tree is situated on what appears to be an infill plot of land, and therefore would acquire a score of 2 being classed as having a "perceived threat".

TEMPO assessment scoring:

1-6 TPO indefensible

7-11 Does not merit TPO

12-15 Possibly merits TPO

16+ Definitely merits TPO

In total, the tree has achieved a score of 12 from our observations, which just puts it in the category of "Possibly merits a TPO (12-15)", however it has failed to do so convincingly. It should be noted that the score could be downgraded in the future in respect of any nuisance claims which could arise, and with any lack of management given the size of the tree within the context of its environment.



Agenda Item No 9

Planning and Development Board

7 October 2024

**Report of the
Head of Development Control**

Appeal Updates

1 Summary

1.1 The report updates Members on a recent appeal decisions.

<p>Recommendation to the Board</p> <p>That the report be noted.</p>

2 Appeal Decisions

a) Croxall Farm, Nether Whitacre

2.1 This appeal dealt with a proposed variation of a planning condition to extend any one occupancy period of caravans on four of the fourteen pitches at this site, from four weeks to six months. The Inspector in granting the variation found no evidence had been presented to show that any adverse or unacceptable impacts would arise. The decision letter is at Appendix A.

...

b) The Orchards, Bennetts Road North, Corley

2.2 Members will recall that this decision now means that this proposal for a self-build dwelling at this address has been dismissed three times at appeal. Once again, the development was found to be inappropriate development in the Green Belt and that there were no considerations put forward which would outweigh the harms thus caused. The decision letter is at Appendix B.

...

3 Report Implications

3.1 Links to the Council's Priorities

3.1.1 The Corley appeal decision reflects the Council's priority of retaining the Borough's rural character.

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



Appeal Decision

Site visit made on 14 August 2024

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/R3705/W/23/3331905

Croxall Farm, Caravan Site, Hoggrills End Lane, Nether Whitacre, Warwickshire B46 2DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs Brian & Sofya Lewis against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2022/0267.
 - The application sought planning permission for the change of use of agricultural land to caravan park to allow mix of 14 no. touring caravan and tent pitches, with formation of additional hardstanding, together with new building to house male and female toilets, washing and showering facilities and a waste water disposal facility without complying with a condition attached to planning permission Ref PAP/2018/0496, dated 21 January 2019.
 - The condition in dispute is No 4 which states that: *The pitches indicated on the plan reference 418/216/01 Rev E entitled 'Location and Site Plan' received by the Local Planning Authority on 18th December 2018 shall be occupied solely for holiday/leisure or touring purposes and not for permanent residential occupation. The occupation of the touring caravan or tent shall be restricted to a period of four weeks only for any single let and there shall be no return to the site within two weeks thereafter by the same occupier.*
 - The reason given for the condition is: *To ensure the site is operated as a tourism and leisure caravan site only and in accordance with adopted planning policies.*
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of agricultural land to caravan park to allow mix of 14 no. touring caravan and tent pitches, with formation of additional hardstanding, together with new building to house male and female toilets, washing and showering facilities and a waste water disposal facility at Croxall Farm, Caravan Site, Hoggrills End Lane, Nether Whitacre, Warwickshire B46 2DA in accordance with the application Ref PAP/2022/0267, without compliance with condition number 4 previously imposed on planning permission Ref PAP/2018/0496 dated 21 January 2019 and subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application form indicates that permission was sought to vary the condition to allow pitches nos. 1 to 4 inclusive to be used for stays of up to six months by construction workers for HS2 and related infrastructure projects. This is reflected in the Design and Access Statement. However, while the

appeal form states that the description of development has not changed from that stated on the application form, it sets out that the proposal seeks the variation of condition no. 4 of planning permission PAP/2018/0496 dated 21/01/2019 relating to amendments to use of pitches 1 to 4 inclusive for longer term use of up to 60 days, with no return for 30 days. It is clear from the officer's report and appellants' appeal submissions that the proposal was considered on this basis. In the interest of clarity, I have determined the appeal based on the revised description of development.

3. The appeal site is within the Green Belt. I note this was an issue in relation to a previous appeal at the site¹. The Council has not suggested that the proposed variation of the condition would result in inappropriate development in the Green Belt, and I have no reason to reach a different conclusion. Consequently, it is not incumbent on the appellants to demonstrate very special circumstances in this case.

Background and Main Issues

4. Planning permission² (the original permission) for the use of the land as a caravan park included a condition to restrict the occupancy of the pitches for holiday/leisure or touring purposes only, for a maximum duration of 4 weeks with no return to the site by the same party within two weeks. The reason for the condition is to ensure the site is operated as a tourism and leisure caravan site, in accordance with development plan policies.
5. The appeal seeks to vary the condition to enable the use of 4 of the pitches at the site for longer term stays of up to 60 days, with no return by the same party within 30 days, to include occupation by construction workers for HS2 and related infrastructure projects. The main issue is the effect of the proposed increase in the period of occupancy of the pitches on the living conditions of neighbouring residents, with particular regard to noise and disturbance.

Reasons

6. The appeal site forms part of a larger site comprising 14 touring pitches, each consisting of an area of hardstanding for the siting of a motorhome, caravan or trailer tent. It is set back from the road, located immediately behind the farmstead at Croxall Farm, which comprises a group of agricultural buildings adjacent to the farmhouse. The immediate area includes a small number of residential properties set in generous plots, surrounded by the adjoining open countryside. The appeal proposal would see the maximum length of occupancy of 4 pitches at the site increase from 4 weeks to up to 60 days, to provide temporary accommodation for construction workers or longer term stays for tourists. There would be no change to the existing facilities or infrastructure at the site, and the occupants would bring their own motorhomes or caravans for the duration of their stay.
7. The existing condition restricts the occupancy of the pitches to single lets of no more than 4 consecutive weeks. I acknowledge concern that the proposed extension of the maximum length of stay by a single party would lead to a sense of a greater degree of permanency of the site. However, the pitches could be occupied, albeit by different occupants, without interruption, on a permanent basis. Furthermore, while the presence or otherwise of caravans

¹ Appeal Ref: APP/R3705/W/23/3331166

² LPA Ref. PAP/2018/0496

and motorhomes on the pitches may currently fluctuate on a seasonal basis, in the absence of a restrictive planning condition to prevent the pitches being used during specific periods, they could be occupied continuously throughout the year.

8. The proposal, to allow the pitches to be occupied for longer periods for any single let, either by tourists or contractors, would therefore not lead to an increase in the amount of time, or when, the pitches could currently be occupied overall, above that permitted by the original permission. Nonetheless, there is no clear reason why periods of longer occupancy by a single party, would preclude periods of vacancy, as there may be now, or result in all year-round occupation of the pitches.
9. Moreover, there is no substantive evidence that the extended periods of occupation of the 4 pitches, as opposed to short term turnover, would have a demonstrable effect on the characteristics of the site, or that it would be more disruptive by virtue of a greater level of activity, including traffic movements, and associated noise. Furthermore, there is no compelling reason why the occupation of the caravans or motorhomes by parties not on holiday, but rather employed locally, would give rise to larger units or a greater number of occupants, or that it would lead to an increase in activity at the site that would be discernible, over and above a tourist use. This is particularly so given that such parties would be likely to be absent from the site for significant periods during the day when they are out at work.
10. As such, it has not been clearly demonstrated that the proposal would have a harmful effect in terms of additional noise or activity upon the occupiers of nearby residential properties.
11. While not specifically included in the reason for refusal, the Council also express concern that residential accommodation in this location, in open countryside beyond a settlement boundary, would be unsustainable in spatial planning terms. However, the imposition of a suitable planning condition to limit the maximum period of occupancy to 60 days, whether it be for holiday makers or contractors, would prevent the occupation of the pitches for permanent residential use. This would be monitored by the Council through the keeping of a register of visitors and touring caravans visiting the site.
12. I therefore conclude that the proposed variation of the condition, to increase the maximum period of continued occupancy of pitches numbers 1 to 4 inclusive, from 30 to 60 days, would not harm the living conditions of neighbouring residents, with particular regard to noise and disturbance. Accordingly, the proposal would not conflict with Policy LP29(9) of the North Warwickshire Local Plan 2021 adopted September 2021 (LP), which sets out that development should avoid and address unacceptable impacts upon neighbouring amenities through noise, or Policy LP13 of the LP, in so far as it supports proposals for farm diversification where there would be no adverse impacts arising from increased noise. It would also accord with the aims of the National Planning Policy Framework in relation to achieving well-designed places that have a high standard of amenity for existing and future users.
13. My attention is also drawn by the Council to Policy LEP2 of the Nether Whitacre Neighbourhood Plan 2023 – 2038, made September 2023 which supports small touring caravan sites (maximum five caravans). However, as the pitches to which the appeal relates form part of the established site at Croxall Farm, this

policy is not directly relevant to the proposal, which solely seeks to vary the occupancy period.

Other Matters

14. Whether or not the development has been carried out in accordance with the original permission, including the construction of the shower and toilet block, together with any alleged breach of other planning conditions, either historically or in the future, is a matter for the parties to resolve outside of this appeal.
15. As the proposal would not alter the position of the pitches, or the period of occupation of the site overall, there is no clear evidence that the extension of single periods of occupancy would give rise to a loss of privacy of occupiers of surrounding properties or harm the character and appearance of the area.
16. Given the absence of harm in relation to the main issue, the lack of availability of alternative accommodation for contractors in the locality and the provision of local amenities and services are not determining factors in the appeal.
17. There is no compelling evidence that traffic movements associated with the use of the pitches, including deliveries and commuters at specific times of the day, would have any significant effects in terms of the operation of the local highway network or air pollution or that waste from the site could not be managed appropriately.
18. My attention is drawn to a recent appeal at the site³ which was dismissed. However, the proposal in that case was for the creation of twelve additional motorhome/caravan pitches and is therefore not directly comparable to the appeal proposal before me. In any event, I have determined the appeal on its own merits, based on the evidence before me.

Conditions

19. Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) should also reinstate the conditions imposed on earlier permissions that continue to have effect. In the absence of information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties. I have not imposed condition 1, which relates to the commencement of the development within the prescribed period and is no longer necessary. For the avoidance of doubt and in the interests of clarity, as the red line plan submitted with this application includes only the 4 pitches to which it relates, I have amended the condition which restricts the maximum number of touring caravans or tents so that it applies to the site as a whole.

Conclusion

20. For the reasons set out above the appeal is allowed.

E Worley INSPECTOR

³ Appeal Ref: APP/R3705/W/23/3331166

Schedule of Conditions

- 1) The development hereby approved shall not be carried out otherwise than in accordance with the plans; 557/222/01 entitled 'Location and Site Plan' received by the Local Planning Authority on 26 May 2022; 418/216/01 Rev E entitled 'Location and Site Plan' received by the Local Planning Authority on 18th December 2018; 418/216/02 entitled 'Toilet Block' received by the Local Planning Authority on 29th November 2018.
- 2) The maximum number of the combination of touring caravans or tents on the whole site, as approved under planning permission Ref PAP/2018/0496, dated 21 January 2019, at any one time shall not exceed fourteen (14 no.) in total.
- 3) The occupation of pitches 1 to 4 inclusive, as shown on 'DWG No. 557/222/01 Rev A Location and Site Plan', shall be restricted to a maximum period of 60 days for any single let and there shall be no return to the site for at least 30 days thereafter by the same occupier. The occupation of pitches 5 to 14 inclusive shall be solely for holiday/leisure or touring purposes and occupation of any touring caravan, motorhome or tent shall be restricted to maximum period of 4 weeks only (28 days) for any single let and there shall be no return to the site for at least 2 weeks (14 days) thereafter by the same occupier.
- 4) The materials as approved under DOC/2022/0083 related to the toilet block shall only be used.
- 5) Hedges shall be planted along the southern and western boundary where indicated on plan reference 418/216/01 Rev E entitled 'Location and Site Plan' received by the Local Planning Authority on 18th December 2018 prior to the commencement of the use of the development hereby in accordance with details to include species and heights that have been submitted to and approved in writing by the Local Planning Authority.
- 6) The approved drainage plans for the disposal of surface water and foul sewage as covered by DOC/2022/0083. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 7) The use and development hereby approved shall not be in operation until vehicular access to the site shall be surfaced and drained in accordance with details to be submitted to and approved in writing by the District Planning Authority for a distance of 15 metres into the site, as measured from the near edge of the public highway carriageway.
- 8) The use hereby approved shall not commence until the retrospective vehicular track to the east of the site is removed and the land restored to its former condition within three calendar months and retained thereafter, to the satisfaction in writing of the Local Planning Authority.
- 9) For the avoidance of doubt, this permission shall specifically not allow this site to be used for the storage of caravans and mobile homes by any person whomsoever.

- 10) A register of visitors and touring caravans visiting the site including arrivals dates and departure dates shall be maintained and made available for inspection by officer of the Local Planning Authority at 24 hours notice.
- 11) No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.
- 12) 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.

*******end of conditions*******

Appeal Decision

Site visit made on 20 August 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/R3705/W/24/3340380

Orchards, Bennetts Road North, Corley, North Warwickshire CV7 8BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Dereck Beverley against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2023/0439.
 - The development proposed is a 3 bedroom bungalow (replacement of previous house on site).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council, in its description of the site address, identified the property as being 'land between Holmfield and Oakdene'. I have used the site address given on the application form here and in any event, am satisfied that the site location plan adequately identifies the land.
3. The description of development given in the banner heading is also that given on the application form. However, my inclusion of the reference to a previous dwelling on the site should not be taken as an inference of this as a prejudgement of the case or indication of it as a matter of fact.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. I am also aware of the consultation draft from July 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. References to paragraph numbers in this decision relate to the December 2023 version of the Framework.

Main Issues

5. The main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and

- b) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

6. The appeal site is located within the Green Belt. Policy LP3 of the North Warwickshire Local Plan 2021 (NWLPL) is consistent with the Framework in stating that inappropriate development in the Green Belt will not be approved except in very special circumstances. Criteria 3. and 4. of policy LP3 set out that limited infilling in settlements washed over by the Green Belt will be allowed within the infill boundaries as defined on the Policies Map. Such development may also be acceptable where a site is clearly part of the built form of a settlement where there is substantial built development around three or more sides of a site.
7. The Framework contains a similar provision within criterion (e) of paragraph 154. This paragraph sets out the exceptions to the general principle that new buildings in the Green Belt are inappropriate with limited infilling in villages being such an exception.
8. The site, however, is not within a defined infill boundary and therefore the criterion of LP3 3. do not apply. In relation to LP3 4., the site is not surrounded by substantial built development on three or more sides as there are only the adjacent dwellings, Holmfield and Oakdene, to either side. Fields are located to the front and rear of the site and I do not regard the existence of Bennetts Road North as being substantial built development.
9. The development does constitute infilling, as it located between these two neighbouring homes and the gap is consistent with neighbouring plot sizes, the site is not located within a village. The area has none of the characteristics of a village, lacking a focal point or any services or facilities that would give it such character. It is part of a linear row of ribbon development on the outskirts of Coventry. Although the surroundings are semi-rural to rural in nature, this does not equate to the site being located within a village.
10. I have been mindful of the views of the Parish Council in this regard, and their observations of the dispersed nature of Corley. However, I am unwilling to accept this argument. The village itself clearly has a focal point with historic lanes having developed through and from around it. Conversely, it is readily apparent that Bennetts Road North is a relatively modern ribbon style extension of Coventry and is unaffiliated with the village in any geographic form.
11. Turning to the criteria under Framework paragraph 154(g); this allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, subject to it not having a greater impact on the openness of the Green Belt than the existing development.

12. There is some evidence on the site of previous development in the form of bricks and footings. The evidence suggests that this may have been the remains of a house which was demolished a significant amount of time ago. Indeed, a previous Inspector¹ was willing to accept this point and I have no reason to disagree. The site could therefore be regarded as being previously developed land. Even so, there is no building presently in situ and the site is open and undeveloped above ground. The proposed development would introduce a new dwelling which would have an adverse effect upon the openness of the green belt in both a spatial and visual dimension.
13. Accordingly, I conclude that the proposed development would be inappropriate development in the Green Belt which would, by definition, be harmful to it contrary to policy LP3 of the NWLP and provisions of the Framework.

Other considerations and very special circumstances

14. The appellant has put forward that the proposed dwelling would be a self-build or custom-build dwelling. The Housing and Planning Act of 2016 provides that authorities must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom-build housing in the authority's area, in each base period.
15. The appellant suggests that only two self-build or custom-build homes have been permitted since 2016 and there is a register of 41 people in the current base period. I have not been provided with any evidence to confirm this but nevertheless, even if the Council is not meeting its requirement to deliver such sites, due to the conflict with the Green Belt policies of the NWLP and the Framework, I can afford this limited weight.
16. I have considered that the land remaining undeveloped may result in it becoming overgrown and attracting rubbish. However, this could easily be resolved through adequate site security and maintenance which would not adversely affect the openness of the Green Belt. It does not require, or justify, the construction of a dwelling and as such I can assign negligible weight to this argument.
17. My attention has been drawn to various other examples of developments permitted in and around the North Warwickshire area however I have been provided with limited details of these cases. Accordingly, and given that the circumstances of each case may differ substantially, I am not able to assign weight to these examples.
18. In reaching my decision and being mindful of the appellant's claims to being ex-military personnel, seeking an affordable home in the countryside in the interests of mental health; I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Act sets out the relevant protected characteristics which includes disability.

¹ APP/R3705/W/20/3258573

19. The appellant claims mental health concerns and the proposal would be to meet these needs. Furthermore, the proposal would enable the appellant to live in countryside surroundings. However, I have no cogent evidence that this scheme is the only way in which the appellant's needs could be met particularly given that the site location plan indicates that the appellant owns a neighbouring property. Furthermore, the new dwelling is likely to remain long after such personal circumstances cease to be material. Therefore, and in the absence of supporting evidence, I can only attribute very limited weight to such personal circumstances.

Green Belt Balance and Conclusion

20. Paragraphs 152 and 153 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

21. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt.

22. The evidence provided by the appellant can only attract limited weight and it would not amount to very special circumstances to clearly outweigh the harm to the Green Belt I have identified. I have further considered the social and economic benefits of delivering a new home, but the benefits of a single dwelling would be very modest, and they are not sufficient to clearly outweigh the harm to the Green Belt. Therefore, the very special circumstances necessary to justify the development do not exist.

23. The proposal conflicts with the development plan read as a whole and the material considerations do not indicate a decision otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Nick Bowden

INSPECTOR

Agenda Item No 10

Planning and Development Board

7 October 2024

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

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

Agenda Item No 11

Authorisation to extend existing Injunction/seek new Injunction – Report of the Head of Development Control

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

Agenda Item No 12

Tree Preservation Order – Report of the Head of Development Control

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

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

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