

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

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

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719226 via e-mail – democraticservices@northwarks.gov.uk

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

6 NOVEMBER 2023

The Planning and Development Board will meet on Monday, 6 November 2023 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

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

AGENDA

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

REGISTERING TO SPEAK AT THE MEETING

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

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

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

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

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

- 4 **Minutes of the meeting of the Board held on 9 October 2023** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

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

Summary

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

- 5a **Application No's: PAP/2023/0062 & PAP/2023/0334 - Whitehall Farm, Atherstone Road, Hartshill, Nuneaton, Warwickshire, CV10 0TB**

PAP/2023/0062 - Prior approval for conversion of barns to one dwelling

PAP/2023/0334 - Proposed conversion of a dutch hay barn under general permitted development

5b Application No: PAP/2023/0168 - Waterworks House, Station Road, Nether Whitacre, B46 2AJ

Erection of single storey rear extension

5c Application No's: PAP/2023/0105 and PAP/2023/0155 - Lea Lodge, Nuneaton Road, Ansley, Nuneaton, CV10 0QU

Planning Application and Listed Building Application for the reinstatement of vehicle access and drive associated with Lea Lodge

5d Application No: : PAP/2023/0379 - 1 to 36, Abbey Green Court, Grendon Road, Polesworth, B78 1HD

Proposed improvement works to include external wall insulation (EWI) render system, new pitched tiled roof and new Upvc double glazed windows

5e Application No's: PAP/2023/0422 and PAP/2023/0422 - WHS Plastics, Water Orton Lane, Minworth

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

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

5f Application No: CON/2023/0022 and 0023 - The Interchange Triangle, bounded by the M42 Motorway, the A452 and the A45

A Schedule 17 submission for the construction of external works associated with the Interchange Station including short stay, taxi and drop off car parking, public realm earthworks, substations and other associated works

A Reserved Matters Planning Application for details of access, appearance, landscaping and layout of car parking

5g Application No: PAP/2023/0429 - Land north west of 20, Mulberry Way, Hartshill

Works to trees protected by Tree Preservation Order

- 5h Application No: PAP/2023/0391 - Car Park, Sheepy Road, Atherstone, CV9 1HD**
- Notification to fell tree within a Conservation Area
- 5i Application No: PAP/2019/0473 - The Paddocks, Church Lane, Corley, Coventry, CV7 8AZ**
- Garage
- 5j Application No: PAP/2023/0265 - Dorset Cottage Bed and Breakfast, 202 Coventry Road, Coleshill, B46 3EH**
- Change of use from bed and breakfast (C1) to Sui Generis Housing in Multiple Occupation (HMO)
- 5k Application No: PAP/2023/0056 - Land At Junction Lichfield Road, Watton Lane, Water Orton**
- Battery Energy Storage Site, substation compound, with associated infrastructure, fencing, access off Watton Road, drainage and landscaping
- 5l Application No: PAP/2023/0462 - Abbey Green Court, Grendon Road, Polesworth, B78 1HD**
- Notification of works to a tree within a Conservation Area
- 5m Application No: PAP/2022/0298 - South View, Weddington Lane, Caldecote, Nuneaton, CV10 0TS**
- Proposed garage, gym, snug and link to existing property
- 5n Application No's: PAP/2022/0169 and PAP/2022/0170 - Lea Marston Sports Ground, Blackgreaves Lane, Lea Marston**
- PAP/2022/0169 - Erection of single-storey extension to existing cricket pavilion to provide amenities block (toilets and showers) for use by Lea Marston Caravan Site
- PAP/2022/01701 - Variation of condition numbers 11 and 12 of planning permission reference PAP/2007/0525 to allow storage within the cricket pavilion of sports equipment (including guns and ammunition) for use by Lea Marston Shooting Club and variation of condition number 2 of planning permission reference PAP/2007/0525 to allow the retention of 2 no. disabled access ramps, door canopy, disabled viewing and firing platform (retrospective)

5o Application No's: PAP/2021/0221 and PAP/2021/0222 - Lucky Tails Alpaca Farm, Dexter Lane, Hurley, CV9 2JQ

PAP/2021/0221 - Change of use of the land to a mixed-use including agriculture and alpaca walking events, including alterations to access and formation of customer parking area and yard including animal shelter

PAP/2021/0222 - Siting of a timber cabin to replace mobile home to provide rural workers accommodation

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

6 Caldecote Conservation Area Designation - Report of the Chief Executive

Summary

The report seeks the Board's support for the designation of a conservation area for the village of Caldecote. The report includes a Caldecote Conservation Area Boundary Map, Appraisal and Management Plan.

The Contact Officer for this report is Jennifer Leadbetter (719475).

7 Tree Preservation Orders - Land North of Dunns Lane and Church Road, Dordon and Polesworth and Land South of Dunns Lane, Dordon – Report of the Head of Development Control

Summary

As Members may recall two large Tree Preservation Orders were placed on a significant number of individual, group and Woodland trees located on land situated to the north and south of Dunns Lane, Dordon, involving or adjoining most of the land area covered by the Local Plan Strategic Allocation H4. It came into force on 9 May 2023 and lasts six months (until 9 November 2023). This report seeks to make both of the Orders permanent, but with modifications.

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

8 Appeal Update - Report of the Head of Development Control

Summary

The report brings Members up to date on recent appeal decisions.

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

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

9 October 2023

Present: Councillor Simpson in the Chair

Councillors Barnett, Bates, Bell, Chapman, Dirveiks, Fowler, Hayfield, Hobley, Humphreys, Jarvis, Parsons, Reilly, Ridley, Turley and Whapples

Apologies for absence were received from Councillor Gosling (Substitute Councillor Barnett), H Phillips (Substitute Councillor Turley) and Ririe (Substitute Whapples)

38 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Turley declared a non-pecuniary interest in Minute No 42d and took no part in the discussion or voting thereon.

Councillor Fowler declared a non-pecuniary interest in Minute No 42f, due to the proximity of his home, and took no part in the discussion or voting thereon.

39 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 4 September 2023, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

40 **Nuneaton and Bedworth Borough Local Plan Regulation 19 Consultation**

The Chief Executive informed the Board of a consultation by Nuneaton and Bedworth Borough Council on the Regulation 19 version of a new Local Plan.

Resolved:

That the Board object to the plan and that Members meet with Members from the Nuneaton and Bedworth Borough Council. Following this meeting, the final response to Nuneaton and Bedworth Borough Council's consultation on a Regulation 19 version of a new Local Plan be delegated to the Chief Executive.

41 **Submission of Nether Whitacre Neighbourhood Plan for Referendum**

The Chief Executive informed Members of the progress of the Nether Whitacre Neighbourhood Plan and sought approval for a formal referendum to take place, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Resolved:

That the Nether Whitacre Neighbourhood Plan (as amended) be taken forward to referendum.

42 Planning Applications

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

Resolved:

- a That Application No CON/2023/0019 (Land off Caldecote Lane, Caldecote) be deferred in order to consider additional reports that had been received;**
- b That Application No PAP/2023/0191 - (The Willows, Tamworth Road, Cliff, Kingsbury, B78 2DS) be refused for the following reason:**

“The site is in the Green Belt. It is considered that the proposal amounts to inappropriate development as it fails to preserve the openness of the Green Belt and it conflicts with the purposes of including land within it. In this case this is because of the additional pitch together with the amount of earth bunding on the site. This spatially and visually does not preserve the openness of the Green Belt and causes significant actual harm. The works also do not accord with Policies LP10 and LP14 of the North Warwickshire Local Plan 2021 as they are not assimilated into the surroundings and landscape, or do they conserve or enhance the landscape character. The circumstances put forward by the applicant do not clearly outweigh this cumulative level of harm because of the scale of the overall development proposed. The proposal is not in accord with Policies LP3, LP10 and LP14 of the North Warwickshire Local Plan 2021 as supplemented by the National Planning Policy Framework 2023”;

[Speaker: Alex Bruce]

- c That Application Nos PAP/2022/0261 and PAP/2022/0260 (92 Coleshill Road, Harsthill, Nuneaton) be granted subject to the conditions set out in the report of the Head of Development Control;**
- d That Application No PAP/2023/0076 (Arden Livery and Menage, Tippers Hill Lane, Fillongley, CV7 8DJ) be granted subject to the conditions set out in Appendix A to the report of the Head of Development Control;**

[Speaker: Joy Langley]

- e That Application No PAP/2019/0473 (The Paddocks, Church Lane, Corley, Coventry, CV7 8AZ) be deferred for further discussion with the applicant;
- f That in respect of Application No DOC/2023/0040 (Trajan Hill Spinney, Trajan Hill, Coleshill) condition 9, 10 and 11 be discharged.

[Speaker: Chris Timmins]

43 **Budgetary Control Report 2023/24 Period Ended 31 August 2023**

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

Resolved:

That the report be noted.

44 **Woodland Tree Preservation Order Land at Well Spring Clump, Carlyon Industrial Estate, Atherstone**

Following the receipt of an objection, the Head of Development Control asked the Board to confirm a Tree Preservation Order made in April for the protection of trees at Well Spring Clump, Carlyon Industrial Estate, Atherstone.

Resolved:

That, following consideration of the representations received, the Tree Preservation Order in respect of a woodland at Well Spring Clump on the Carlyon Industrial Estate in Atherstone, be confirmed.

45 **Tree Preservation Order – Land West of Water Orton**

The Head of Development Control sought confirmation of a Tree Preservation Order placed on 15 trees located on land situated on the western side of Water Orton. The Order came into force on 28 August 2023 and lasted six months until 28 October 2023.

Resolved:

That the Tree Preservation Order for the protection of 15 trees on land to the west side of Water Orton be confirmed.

46 **Appeal Update**

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

Resolved:

That the report be noted.

M Simpson
Chairman

Agenda Item No 5

Planning and Development Board

6 November 2023

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, 11 December 2023 - at 6.30pm in the Council Chamber

6 **Public Speaking**

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

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
5/a	PAP/2023/0062 & PAP/2023/0334	1	Whitehall Farm, Atherstone Road, Hartshill Prior Approval of conversion of barn to dwelling Proposed conversion of a dutch hay barn under general permitted development	General
5/b	PAP/2023/0168	8	Waterworks House, Station Road, Nether Whitacre Erection of single storey rear extension	General
5/c	PAP/2023/0105 & PAP/2023/0155	15	Lea Lodge, Nuneaton Road, Ansley Planning Application and Listed Building Application for the reinstatement of vehicle access and drive associated with Lea Lodge	General
5/d	PAP/2023/0379	22	Abbey Green Court, Grendon Road, Polesworth Proposed improvement works to include external wall insulation render system, new pitched roof and new Upvc glazed windows	General

5/e	PAP/2023/0422 & PAP/2023/0421	27	WHS Plastics, Water Orton Lane, Minworth Demolition of existing buildings and structures on site to facilitate the erection of a new industrial unit (Use Class B2) associated with battery technology for the production of electrically powered vehicles; canopy, ancillary storage and office use, re-profiling of site levels, erection of two silos, water sprinkler tanks, pump house, provision of photovoltaic reef panels, service yard including security barrier, associated parking including cycle shelters and landscaping. Engineering operations to facilitate the construction of new industrial unit comprising ground re-profiling, installation of storm and foul water drainage provision, demolition of existing building and structures.	General
5/f	CON/2023/0022 & CON/2023/0023	42	The Interchange Triangle, bounded by the M42 Motorway, the A452 and the A45 A Schedule 17 submission for the construction of external works associated with the Interchange Station including short stay, taxi and drop off car parking, public realm earthworks, substations and other associated works. A Reserved Matters Planning Application for details of access, appearance, landscaping and layout of car parking.	
5/g	PAP/2023/0429	45	Land north west of 20 Mulberry Way, Hartshill Works to trees protected by Tree Preservation Order	
5/h	PAP/2023/0391	49	Car Park, Sheepy Road, Atherstone Works to tree in Conservation Area	
5/i	PAP/2019/0473	52	The Paddocks, Church Lane, Corley Erection of garage	
5/j	PAP/2023/0265	63	Dorset Cottage, 202 Coventry Road, Coleshill	

			Change of use from bed and breakfast (C1) to Sui Generis Housing in Multiple Occupation (HMO)	
5/k	PAP/2023/0056	72	Land At Junction Lichfield Road, Watton Lane, Water Orton Battery Energy Storage Site, substation compound, with associated infrastructure, fencing, access off Watton Road, drainage and landscaping	
5/l	PAP/2023/0462	87	Abbey Green Court, Grendon Road, Polesworth Works to tree in Conservation Area	
5/m	PAP/2022/0298	89	South View, Weddington Lane, Caldecote Proposed garage, gym, snug and link to existing property	
5/n	PAP/2022/0169 & PAP/2022/0170	118	Lea Marston Sports Ground, Blackgreaves Lane, Lea Marston, Erection of single-storey extension to existing cricket pavilion to provide amenities block (toilets and showers) for use by Lea Marston Caravan Site, Variation of condition numbers 11 and 12 of planning permission reference PAP/2007/0525 to allow storage within the cricket pavilion of sports equipment (including guns and ammunition) for use by Lea Marston Shooting Club and variation of condition number 2 of planning permission reference PAP/2007/0525 to allow the retention of 2 no. disabled access ramps, door canopy, disabled viewing and firing platform (retrospective),	
5/o	PAP/2021/0221 & PAP/2021/0222	137	Lucky Tails Alpaca Farm, Dexter Lane, Hurley Change of use of the land to a mixed-use including agriculture and alpaca walking events, including alterations to access and formation of customer parking area and yard including animal shelter	

			Siting of a timber cabin to replace mobile home to provide rural workers accommodation	
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General Development Applications

(5/a) Application Nos: PAP/2023/0062 & PAP/2023/0334

Whitehall Farm, Atherstone Road, Hartshill, Nuneaton, Warwickshire, CV10 0TB

PAP/2023/0062 - Prior approval for conversion of barns to one dwelling

PAP/2023/0334 - Proposed conversion of a dutch hay barn under general permitted development

Mr & Mrs S And T Hennessy

1. Introduction

- 1.1 These two applications involve proposals at the same address and in the same range of buildings. The report below will thus not repeat matters that are common to both applications.
- 1.2 They are NOT planning applications. The change from an agricultural use to a residential use is already permitted by virtue of Class Q to Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. In effect this grants an outline planning permission. The Order however does require an applicant to seek a decision from the Local Planning Authority as to whether it wishes to approve details relating to a number of detailed matters before the development can proceed and then whether any such submitted details are acceptable. One of the matters raised under Class Q for which the Council can seek further details are the “transport and highway impacts” and that is the material issue here.
- 1.3 The case is referred to the Board under the Council’s adopted Scheme of Delegation for the Determination of planning and related applications, because the recommendations below are contrary to the response from a consultee – namely the County Council as Highway Authority.

2. The Site

- 2.1 Whitehall Farm is a collection of farm buildings closely grouped together off an unmade track, several 100 metres west of its junction with the Atherstone Road to the north of Hartshill. There is also the former farmhouse here together with another cottage.
- 2.2 There are two existing barns the subject of application 0062. Both are brick built with clay roofing tiles. One is two storey and the second is at right angles to that and wholly single storey in appearance, but with different ridge heights. These are on the opposite side of a small yard to the main farmhouse.
- 2.3 The building the subject of application 0334 lies immediately to the north of the two-storey element of the barns under 0063 and comprises an open sided, dutch barn.

- 2.4 A general location plan is at Appendix A and the site plans are at Appendices B and C.

3. The Proposals

- 3.1 Both applications involve the conversion of the respective barns to residential use. The former two barns would be joined together with new internal openings so as to provide one dwelling. It would accommodate three bedrooms on the upper floor of the two-storey element, with the ground floor and single storey range providing other living accommodation. A feature external stair would be retained on the two-storey element. Existing openings would be used, but several new sky lights would be added where there are no convenient existing openings. The second barn is an open-sided, dutch barn and this would be converted to a four-bedroom dwelling with one of its sides clad and the other with extensive glazing.
- 3.2 All access to both proposals would be via the unmade and private track leading to Atherstone Road.
- 3.3 The applicant says that the barns have been in constant agricultural use since he acquired the property in 1959. He has also provided Statements to say that they have not been separately let or tenanted.
- 3.4 The applicants have submitted structural appraisals of the barns. It concludes that the two brick-built barns are structurally sound with sound timbers and masonry throughout with little work required for conversion other than repairs and general refurbishment. The dutch barn was found to be sound with no underlying issues. It would be suitable for conversion with further wall cladding.

4. Background

- 4.1 The proposal for the dutch barn – 0334 – is a resubmission of an earlier approval PAP/2022/0481.

5. Representations

- 5.1 The owner and occupier of another property along the unmade track has objected to both applications on highway grounds – the extra traffic on an unmade narrow track with no passing places. Additionally, it is not known by either party who owns the length of track running from the site to the Atherstone Road.

6. Consultations

Warwickshire County Council as Highway Authority – It objects because of the intensification of the use of the track which is single carriageway and with no passing places. There is also a query over the whether adequate visibility can be achieved at the access onto Atherstone Road. It says that if the proposals were just for one additional dwelling through conversion, it would withdraw its objection.

Environmental Health Officer – No objection subject to conditions.

7. Development Plan

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

The Hartshill Neighbourhood Plan

8. Other Material Planning Considerations

The National Planning Policy Framework

9. Observations

- 9.1 The principle of conversion of the barns is acknowledged because of the permitted development rights arising from the Order. In essence there is an outline planning permission here for two dwellings through conversion. It is therefore necessary to review a number of detailed matters as set out in that Order.
- 9.2 Firstly there are a number of pre-conditions to be satisfied under Class Q and the evidence submitted provides sufficient confidence to agree that the cases can be dealt with under Class Q – the history of the barns, their use over time, their condition, the sizes of the proposed dwellings, there being no extensions and the work to be undertaken is all building work that would normally be permitted development. The buildings are neither Listed nor Ancient Monuments and they are not in a Conservation Area. No Sites of Special Scientific Interest are affected.
- 9.3 It is thus now necessary to look at the matters referred to in the Order that might require the submission of a greater level of detail. It is noted that there are no objections from the Environmental Health Officer in respect of potential contamination or noise concerns and that the site is in Flood Zone One – the least at risk from fluvial flooding. Sufficient detail has been provided to show how the buildings would be converted together with their appearance.
- 9.4 The main issue is the detail connected to the means of vehicular access.
- 9.5 The County Council had expressed concern about the physical characteristics of the track leading to the Atherstone Road as well as the adequacy of the junction onto that Road. This is the reason why the case is referred to the Board.
- 9.6 The concern of the Highway Authority is understood and it reflects the substance of the other representation received. The Board will be aware that the County Council does not have the power of direction and thus the issue here is what weight should be given to its concern in the planning balance. The relevant Development Plan policy is LP29(6) which says that development should provide “safe and suitable access”. The NPPF at para 111 says that “development

should only be refused on highway grounds if there would be an unacceptable impact on highway safety”.

- 9.7 The County has not submitted any evidence in the form of accident records, that the visibility does not meet its specifications, or that the addition of traffic generated by the proposals would be materially greater than that which currently uses the track – that is domestic, agricultural and equestrian. This latter point is important because it did not object to other applications, including the most recent one in 2022. It is saying that it will agree to one more conversion, but not to two conversions. However as indicated above, it is ignoring the 2022 case which as pointed out above has not been taken up, with one of the current proposals being a re-submission of that 2022 case and thus cumulatively there would only be one extra conversion. It is a fact that if the current application is supported, the 2022 case cannot be implemented as both applications relate to the same structure – to be converted to one dwelling in either proposal.
- 9.8 The Board is advised to take a proportional approach to this situation. Given the content of para 9.7 above, officers could not advise Members to support refusal of the access details here.

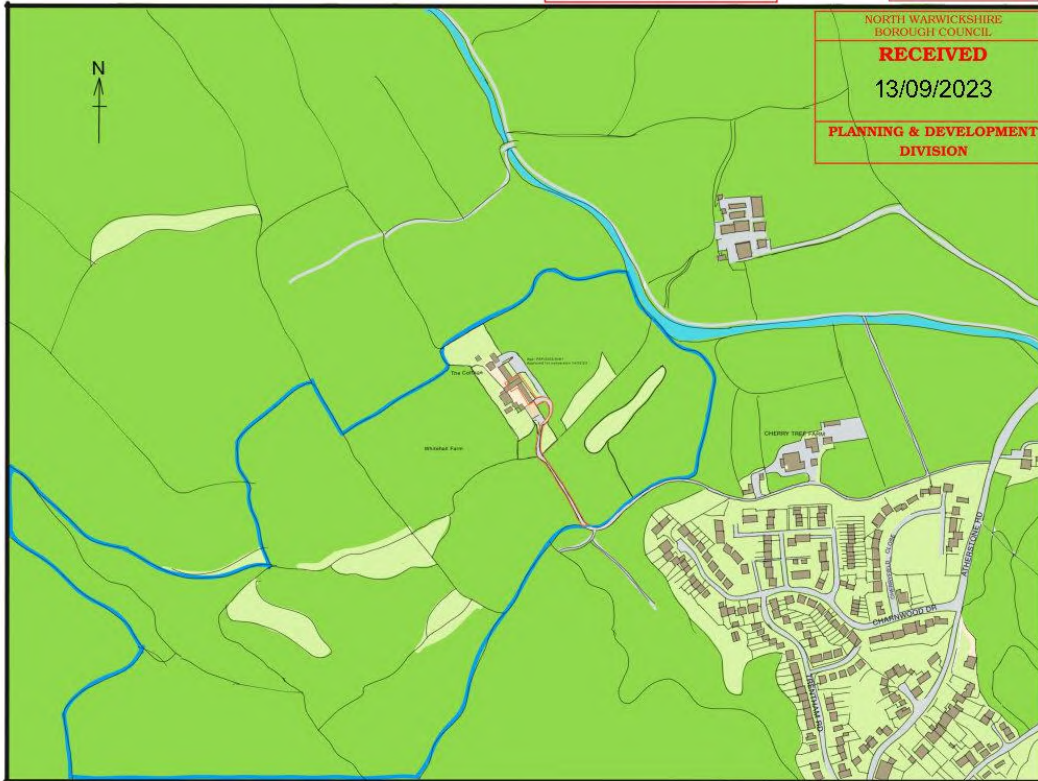
Recommendations

a) PAP/2023/0062

That the development may proceed in accordance with the Location plan received on 13/9/23 and the Proposed plans and elevations received on 1/8/23.

b) PAP/2023/0334

That the development may proceed in accordance with the Location Plan received on 17/8/23 and the Proposed Site Plan, Floor Plans and Elevations received on 31/7/23.



Site Location Plan for Whitehall Farm

Scale. 1:4810



APPENDIX B

PAP/2023/0062

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

01/08/2023

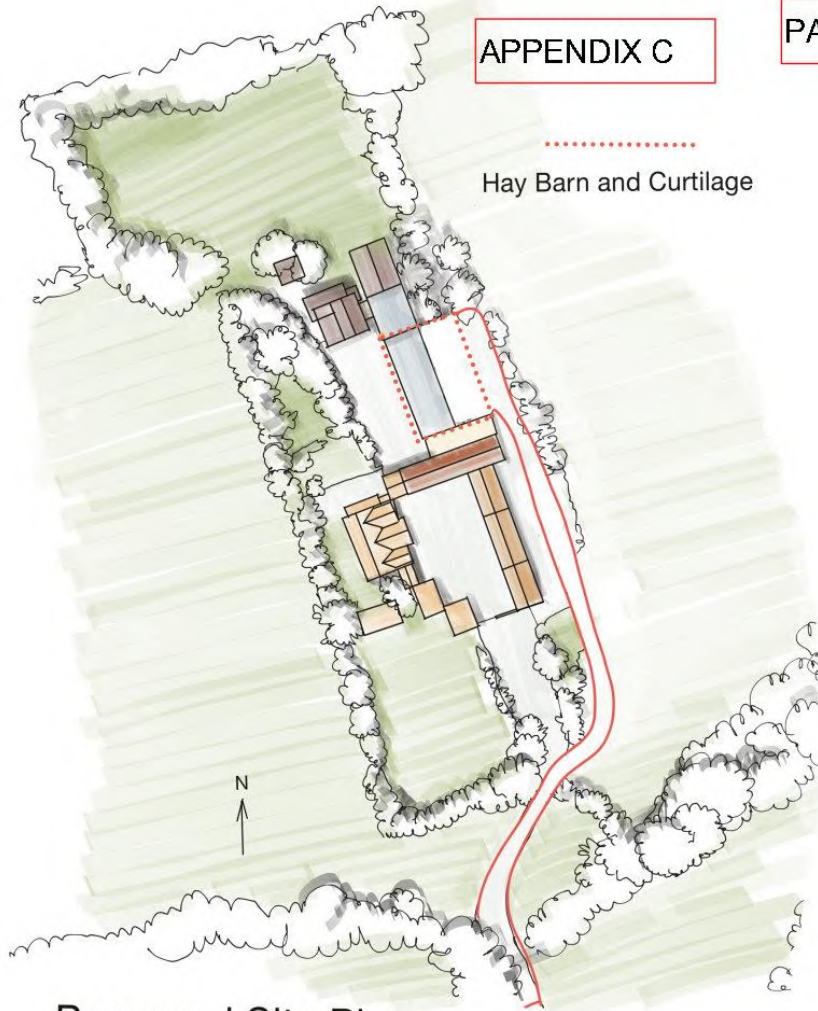
**PLANNING & DEVELOPMENT
DIVISION**



Whitehall Barn Curtilage

Proposed Site Plan

Scale 1: 783



Hay Barn and Curtilage

Proposed Site Plan

Scale 1: 783



NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
31/07/2023
**PLANNING & DEVELOPMENT
DIVISION**

General Development Applications

(5/b) Application No: PAP/2023/0168

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

Erection of single storey rear extension, for

Mr Ashley Kilgas

Introduction

This application is referred to the Board for determination in line with the Council's adopted Scheme of Delegation in respect of the determination of planning applications as there was concern about the overall impact of the proposal visually and on amenity grounds.

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 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 three metres and running practically across the whole width of the house. This essentially is a flat roof structure, but the central portion has a pitched roofed gable extending out from the existing house rear elevation. Its pitch is steep, matching those on the host dwelling. All openings are in the rear elevation.

The proposed materials would be matching or similar to those of the host dwellinghouse.

The proposals are at Appendices A and B.

Development Plan

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

Other Relevant Material Considerations

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

Supplementary Planning Guidance (“SPG”) - A Guide to the Design of Householder Developments, adopted September 2003.

Representations

An objection was received from the neighbouring occupier in respect of the original submission and a further objection has been received in respect of the amendment. This latter representation says that:

- The proposed extension would be overbearing and lead to a severe loss of light to a kitchen.
- The design of the proposed extension is not in keeping with the Victorian style of the pair of semi-detached houses, or the nearby Waterworks building.
- The proposal if approved could lead to a first storey being added.
- A decision should be delayed until the prospect of including the houses within the curtilage of the nearby Waterworks is considered by Historic England.

Nether Whitacre Parish Council – No comments received.

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 here is negligible.

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) Other Policies

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

The first is LP30 which 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.'

The amended proposal is a significant modern addition to the rear of one of an ornate and distinctive pair of Victorian semi-detached dwellinghouses. They reflect the "grandeur" of the nearby Victorian Waterworks building as they would have housed the key workers at that site. The issue with a building of this nature, is that there are a different shaped facades and roof pitches on the rear elevation, together with distinctive brick and fenestration detail making it difficult to replicate the character of the building in a useable and subservient rear extension.

The amended scheme is an acceptable compromise in design and practicality. The rear facing gable end at the centre of the of the extension is in keeping with the larger rear facing gable of the hosting dwellinghouse and with the mix of geometric shapes in the rear elevation. Although flat roofed designs are generally discouraged, in this case there is not a clear practical solution to achieving the extension without having the flat roofed sections due to the nature of the rear elevation. This also has the benefit of allowing the upper half of the main dwellinghouse to remain visible.

On balance, officers consider that the final design submitted for determination is a bespoke arrangement between what the applicant can achieve under permitted development rights and a design that is sympathetic to the Victorian character of the host dwellinghouse. It therefore satisfies policy LP30.

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, there is a material planning consideration here of substantial weight as the applicant does have the fallback position of permitted development.

Under Class A of Part 1 Schedule 2 of the General Permitted Development Order (2015) as amended, the applicant would be able to construct a single storey rear extension along this boundary without the need for a planning application as long as it extended no more than three metres from the existing rear wall and the height of the eaves was less three metres.

As a consequence, that part of the proposal which abuts the neighbour's property and boundary is "permitted development" and even if this current application is refused planning permission, the applicant could construct an extension up to three metres out and three metres to its eaves without any "planning" referral to the Council. The design of that may not follow what is now submitted.

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. Local Plan policy LP14 provides more detail on this duty. Here the regard is to the setting of the nearby Listed Waterworks building. This is a Grade 2 Listed Building. The significance of this heritage asset is that it is a substantial Victorian building depicting typical architectural characteristics of the Gothic revival in significant public buildings of that period and in its scale in providing a public utility. The application considered in this report would not directly physically affect the building itself. It would neither harm the significance of its setting. This is because that setting is extensive and open. The pair of cottages here is some distance from and of such a reduced scale in comparison with the "mass" of the Waterworks building that the proposed rear extension would not impinge or reduce the open setting of that building and neither would it be visible within that overall setting. It is thus considered that the proposal would conserve the setting of the Listed asset.

There is reference above to the possibility of the pair of cottages here being included as "curtilage" buildings within the overall Listing of the Grade 2 Waterworks building. No decision has been made by Historic England. The fact that it is being assessed does become a material consideration in the determination of this application. However, if the cottages are included, that would not affect the recommendation below. This is because the impact of the proposal would need to be considered on the setting of the whole curtilage. As concluded above that would be preserved and additionally the proposal does not dominate the pair of cottages when treated together and because the design does reflect the particular characteristics of the cottages.

Recommendation

That planning permission be granted subject to the following conditions:

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbers 100/PL002B and 003C both received on 13/9/23.

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.

Notes:

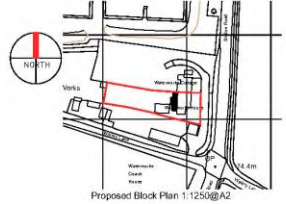
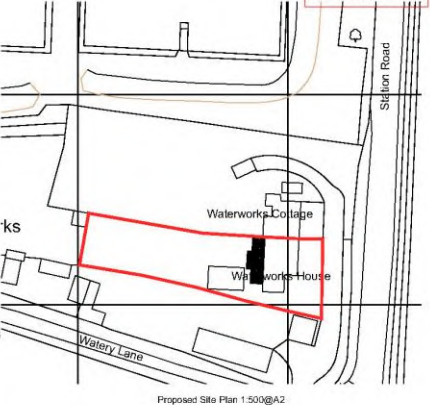
1. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
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. 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.
5. 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), and 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>
6. 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 objections and issues such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

NORTH WARWICKSHIRE
BOROUGH COUNCIL
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13/09/2023
PLANNING & DEVELOPMENT
DIVISION

APPENDIX A

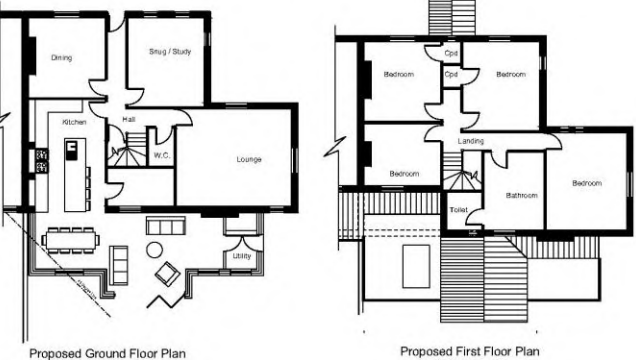
PAP/2023/0168



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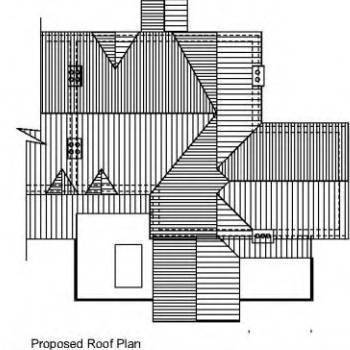
10/3/2023	100	PL	003	C
13/09/2023	100	PL	003	C



APPENDIX B

PAP/2023/0168

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
13/09/2023
PLANNING & DEVELOPMENT
DIVISION



REVISION	DATE	BY	CHKD

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10/3/2023	100	PL	002	B
13/09/2023	100	PL	002	B

General Development Applications

(5/c) Application No's: PAP/2023/0105 and PAP/2023/0155

Lea Lodge, Nuneaton Road, Ansley, Nuneaton, CV10 0QU

Planning Application and Listed Building Application for the reinstatement of vehicle access and drive associated with Lea Lodge for

S Brothwell

Introduction

These applications are referred to the Board in light of the recommendations being contrary to the receipt of the response from a consultee – the Highway Authority in this case.

The Site

This is a detached house with outbuildings, set well back from the Nuneaton Road behind a small woodland. There is another house – Lea Cottage - in front, closer to the road. At present there is a single access serving both properties.

The setting is one of open countryside between Ansley and Furnace End, but the access to the Hoar Park Farm garden and craft centre is around 100 metres to the east.

A general location plan is at Appendix A.

The Proposals

It is proposed to provide a new access through the trees onto the road so as to serve just Lea Lodge, with the existing access to be retained for Lea Cottage. It is said that the proposal would re-instate a former access.

As Lea Cottage is a Grade 2 Listed Building, a Listed Building application has also been submitted due to the proximity of the works.

There is a small rectangular of gravel to the west of Lea Cottage being used for car parking. This is unauthorised and will be referred to below.

These matters are illustrated at Appendices A and B.

Background

The two properties share an access. This arrangement is to cease with the physical separation of the two properties with a new post and rail fence to be erected over the access where it continues to Lea Lodge.

The building marked as “A” on Appendix A has the benefit of a lawful light industrial use through the issue of a Certificate of Lawfulness.

There is evidence of a dropped kerb within the grass highway verge where the proposed access would exit onto the road. The height and maturity of the trees to its rear however suggest that it has not been used for several decades.

Representations

None received.

Consultations

Warwickshire County Council as Highway Authority – It objects on the grounds that the access is not suitable for use as one that would be used by commercial traffic generated by the lawful use of the building at the rear of Lea Lodge.

Development Plan

The North Warwickshire Local Plan 2021 – LP3 (Green Belt); LP15 (Historic Environment), LP29 (Development Considerations)

Other Material Planning Considerations

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

Observations

The site is in the Green Belt. The NPPF states that inappropriate development here is harmful to the Green Belt and that this harm carries substantial weight. The NPPF also sets out what might be inappropriate development. In this case, the proposal is for access works and in planning terms this is an “engineering” operation. The NPPF says that such operations would not be inappropriate provided that they preserve the openness of the Green Belt and do not conflict with the five purposes of including land within it.

The proposal here is essentially a “surface” development with no consequential change to openness. The loss of some trees will “open up” the site, but that is very limited, and the trees could be removed without reference to the Authority. Additionally, the new gap would only be visible to passing traffic. There is no conflict with the five purposes and thus it is considered that the proposal is not inappropriate development.

Additionally, through the course of the application the applicant has indicated that he would be prepared to remove the gravel area referred to above and re-instate the land. This would improve openness in the area as this site is currently used to park cars.

The Council in under a Statutory Duty to have special regard to the preservation of the building or its setting or any features of special architectural or historic interest it possesses. The significance of the heritage asset here is the retention of cottage dating from the 16th Century with architectural features typical of its period – e.g. timber framed and timber trusses with internal sandstone features. It is considered that the setting of the cottage has been reduced due to much later surrounding development including Lea Lodge. The separation of the cottage from the larger rear area; the removal of the shared access and the gravel area would all be of benefit in this regard. The new

boundary treatment – post and rail fencing – is appropriate and the new access works would not materially reduce the setting. Overall, it is considered that there would be some enhancement of the setting.

The Highway Authority's response needs to be assessed. It is acknowledged that there is a lawful light industrial use in the building at the rear and that access to it would be via the proposed access. The highway issue is that there should ideally be a passing place along the new drive, but more importantly that the use of the access by larger vehicles will result in them using the whole of the carriageway in which to turn out or in. As a consequence, the access should be wider in order to accommodate these movements.

This response is fully understood. However, this issue is whether a refusal could be defended on this basis. On the other side of this assessment are firstly, that the building the subject of the lawful use is small and thus unlikely to attract larger HGV's or in large numbers. Secondly that the industrial use here has always used the shared access – the lawfulness case was based on ten-year continuous use. The County Council has not indicated if that shared access has an accident record or that it was inadequate for such use. Thirdly, the proposed access would be wider than the existing shared access and finally, any further widening would result in a greater loss of trees and visual intrusion.

Members will be aware that the Highway Authority does not have the power of direction and thus its response has to be weighed in the final planning balance. Here in all of these circumstances it is considered that a proportionate approach here would be not to attach substantial weight to the County Council's response. There are mitigating circumstances.

Recommendation

a) PAP/2023/0105

That planning permission be GRANTED subject to the following conditions:

1. Standard three year condition
2. Standard plan numbers condition – the site location plan received on 17/8/23 and plan number DWG/01 received on 12/4/23.
3. Within three months of the completion of the access hereby approved a post and rail fence shall be erected in the position marked on the approved site location plan.

REASON

In the interests of highway safety and to protect the adjoining heritage asset.

4. Within three months of the date of this permission, the gravel parking area illustrated on the approved site location plan shall be wholly removed and the resulting materials used in the construction of the new access hereby approved. The former parking area shall then be re-instated to grassland thereafter to the written satisfaction of the Local Planning Authority.

REASON

In order to enhance the setting of the adjoining heritage asset and in the interests of the visual amenities of the area.

5. The access hereby approved shall be constructed with a hard surface for a distance of 12 metres into the site as measured from the rear edge of the highway carriageway.

REASON

In the interests of highway safety.

6. No gate, or other barrier feature shall be erected across the access hereby approved within 12 metres of the rear edge of the highway carriageway and any such gate or feature so installed shall open inwards.

REASON

In the interests of highway safety.

7. The visibility splays shown on the approved plan shall not be obstructed at any time.

REASON

In the interests of highway safety.

Notes:

- a) The Local Planning Authority has met the requirements of the NPPF in this case through the issue of a positive decision as a consequence of making a proportionate response to a consultation response.
- b) Attention is drawn to Section 184 of the Highways Act 1980 in respect of the need to obtain highway approval for the construction of the access.
- c) Attention is also drawn to Sections 149, 151 and 163 of the Highways Act 1980.

d) PAP/2023/0155

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

1. Standard three year condition
2. Standard plan numbers condition – the site location plan received on 17/8/23 and plan number DWG/01 received on 21/3/23
3. Within three months of the completion of the access hereby approved a post and rail fence shall be erected in the position marked in green on the approved plan.

REASON

in the interests of highway safety and to protect the adjoining heritage asset.

4. Within three months of the date of this permission, the gravel parking area illustrated on the approved site location plan shall be wholly removed and the resulting materials used in the construction of the new access hereby approved. The former parking area shall then be re-instated to grassland thereafter to the written satisfaction of the Local Planning Authority.

REASON

In order to enhance the setting of the adjoining heritage asset and in the interests of the visual amenities of the area.

Notes:

- a) The Local Planning Authority has met the requirements of the NPPF in this case through the issue of a positive decision as a consequence of making a proportionate response to a consultation response.

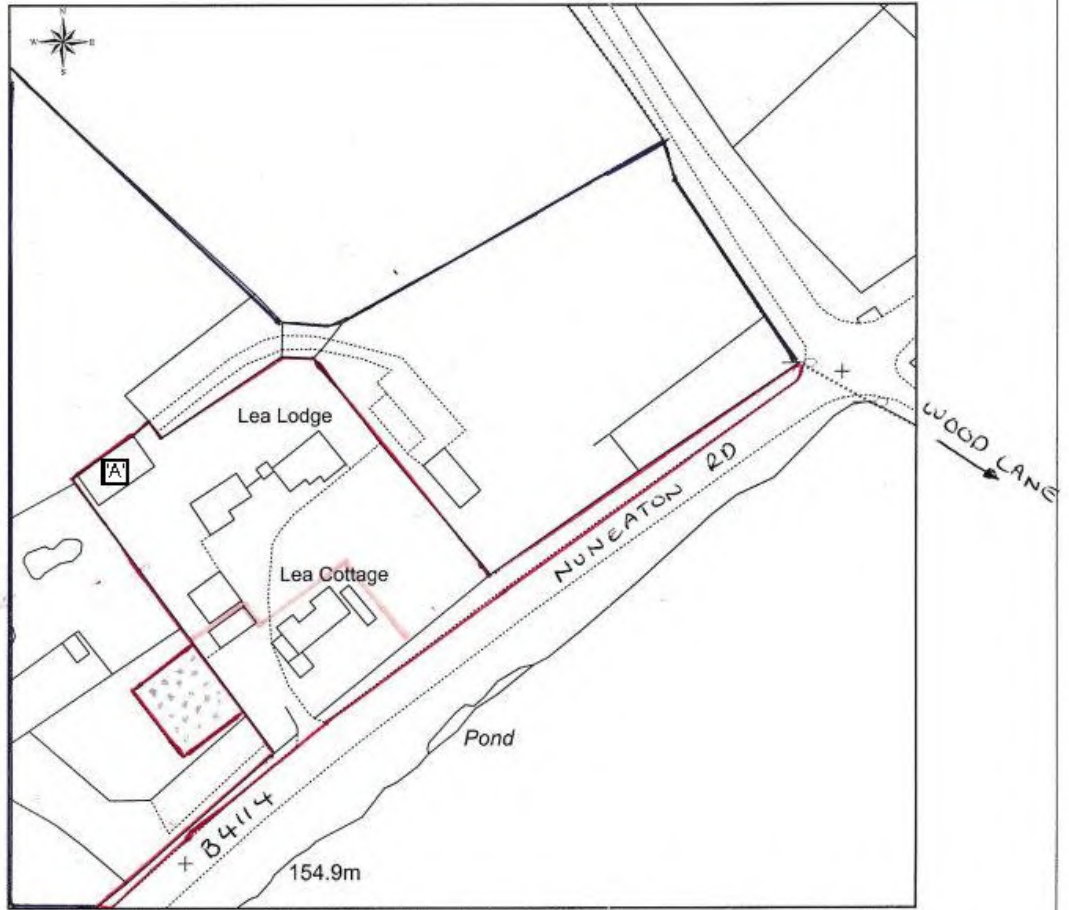
SOUTH WAJPOKSTRE
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17/08/2023
PLANNING & DEVELOPMENT
DIVISION

APPENDIX A

PAP/2023/0105

Site Location Plan

PAP/2023/0155



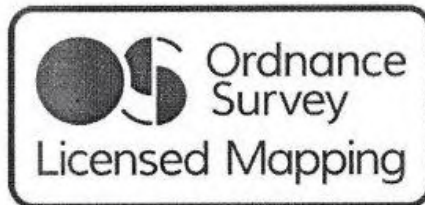
This Plan includes the following Licensed Data: OS MasterMap Black and White PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2023. Ordnance Survey 0100031673

0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4

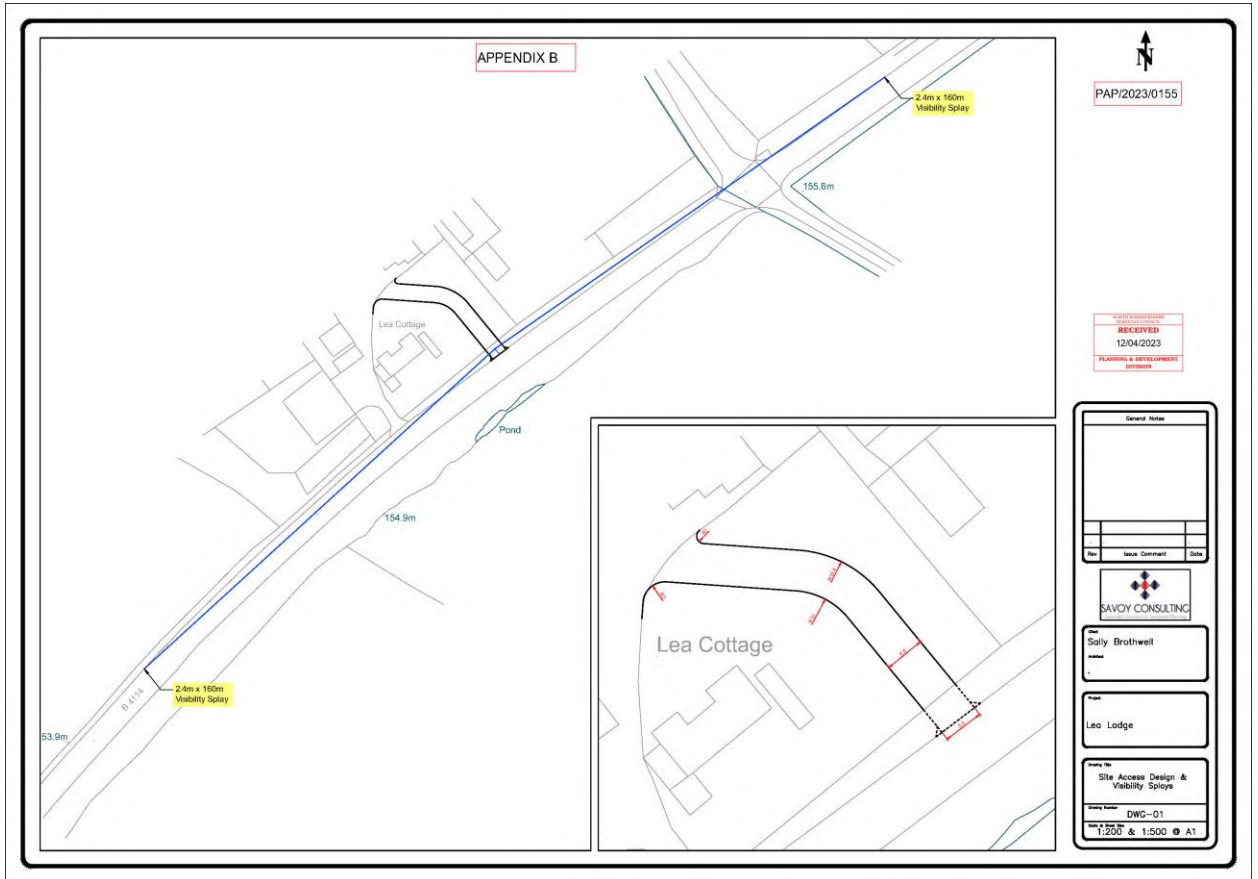
Lea Lodge, Nuneaton Road, Ansley, Nuneaton, CV10 0QU.

POST & RAIL FENCING
GRAVEL PARKING AREA



emapsite™
plans

Prepared by: Simon Cheshire, 28-02-2023



General Development Applications

(5/d) Application No: PAP/2023/0379

1 to 36, Abbey Green Court, Grendon Road, Polesworth, B78 1HD

Proposed improvement works to include external wall insulation (EWI) render system, new pitched tiled roof and new Upvc double glazed windows., for

North Warwickshire Borough Council

Introduction

This application is referred to the Board as the Borough Council is both the applicant and the land-owner.

The Site

This is a three-storey block of 36 flats on the north side of the road between it and the Abbey Green Recreation Park to the north. There are other residential properties in the locality.

It is shown at Appendix A.

The Proposals

The proposals are improvement works to extend the lifespan of the building and to avoid recurring maintenance costs as well as to improve thermal insulation. The existing vertical tile hanging will thus be removed and a rendered external wall insulation applied, the existing windows will be replaced and a new lightweight steel framed roof added to sit over the current flat roof.

The new panels would be within a range of different browns in colour moving from a darker base to a lighter colour at its top. The roof would be a titanium colour.

The existing elevations are at Appendix B and those proposed are at Appendix C.

Representations

None received.

Consultations

Conservation and Heritage Officer – No objection and is supportive of the proposals.

Development Plan

The North Warwickshire Local Plan 2021 – LP15 (Historic Environment); LP29 (Development Considerations), LP30 (Built Form) and LP35 Renewable Energy)

Other Material Planning Considerations

The National Planning Policy Framework 2023

The Polesworth Conservation Area Designation Report

Observations

Members will be aware of similar proposals that have approved to similar blocks of flats in Atherstone, Hartshill and Chapel End. The proposals here are similar in extent but with a different approach to the coloured finish.

It is considered that there is no adverse impact on the residential amenity of surrounding occupiers due separation distances, that no window openings are being altered and that the new roof will have a shallow pitch. Similarly, in built form terms the improvements are seen as a visual improvement over the existing appearance.

The main issue here is the location of the site within the Polesworth Conservation Area. The Council is under a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The significance of the Polesworth Area is very much related to the historic evolution of the settlement, particularly in respect of its religious background, its market town status and the setting of its centre on the banks of the River Anker. The proposal will enhance the setting of the Area as visually the proposed works will improve the appearance of this block of flats and thus add to the overall setting rather than detract from it.

Recommendation

That planning permission be GRANTED subject to the following conditions:

1. Standard three year condition
2. Standard plan numbers condition – plan numbers 2752/01, 03 and 06 received on 1/9/23 and 2752/11 received on 25/10/23.

REASON

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

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through the issue of a positive outcome within the appropriate time period.

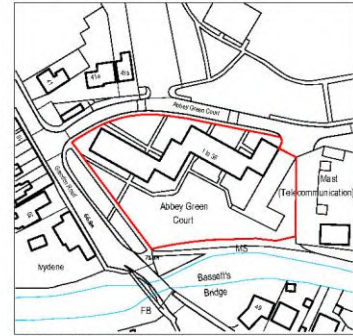
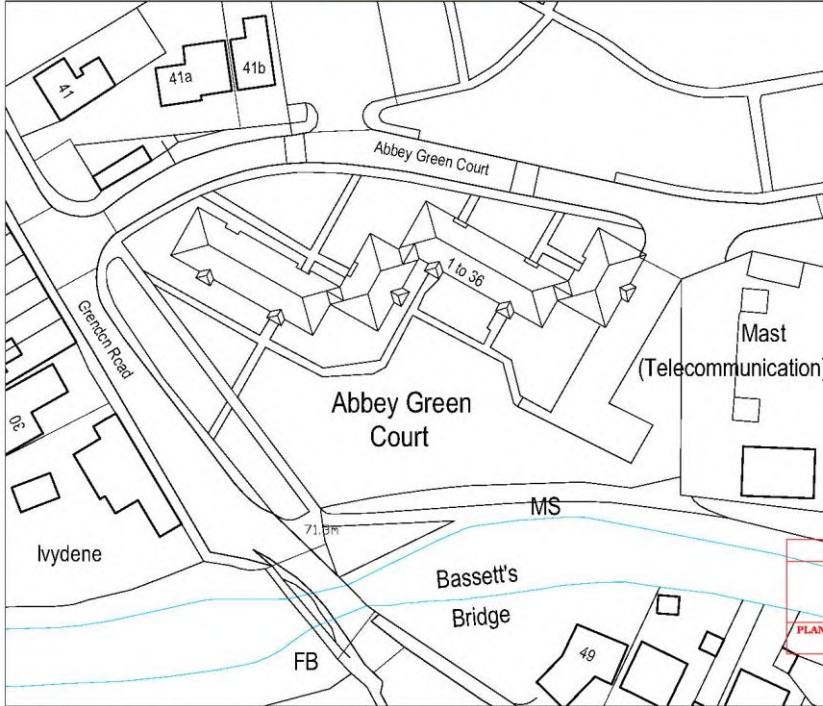
PAP/2023/0379

APPENDIX A



NOTES:

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All Contractors must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilkinson Chartered Architects to be advised of any variation between drawings and site conditions.



Location Plan - Scale 1:1250

PROJECT:
Proposed EWI & Roof works to,
Abbey Green Court,
Grendon Road, Pooleworth,
Tamworth, B78 1HD

CLIENT:
Wates Living Space

TITLE:
Location & Proposed Block Plan

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
01/09/2023
PLANNING & DEVELOPMENT
DIVISION

SUTTON AND WILKINSON
CHARTERED ARCHITECTS

Victoria House, 13 New Pentridge Road,
Cannock, Staffs, WS11 1HP
Telephone: 01843 606411
Facsimile: 01843 602469
e-mail: office@suttonwilkinson.co.uk

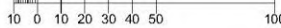


Proposed Block Plan - Scale
1:500

Scale Bar 1:500



Scale Bar 1:1250



SCALE	REVISED	DATE	SIZE
As Indicated	SC	Aug 23	A3
2752 - 01			REVISION



Existing South West Elevation



Existing South East Elevation



Existing North East Elevation



Existing North West Elevation

NOTES:

The project is the existing building to be retained and the proposed works to be carried out in accordance with the approved planning consent.
 All construction shall be in accordance with the approved planning consent and the Building Regulations. All construction shall be in accordance with the approved planning consent and the Building Regulations.



Existing View
Scale 1:75



PLANNING

PROJECT:
 Proposed ERM & Roof works to:
 Abbey Green Court,
 Granby Road, Polesworth,
 Leicestershire, LE18 1SD

DATE:
 Works Lifting Dates

TYPE:
 Existing Elevations

SUTTON AND WILKINSON
 CHARTERED ARCHITECTS

Waters Road, 12-14a New Edge Road,
 Church Square, SO1 1 1PH
 Telephone: 01703 60466
 Fax: 01703 60466
 www.suttonandwilkinson.co.uk



NO:	DATE:	BY:	CHK:
1/100	SC	Aug 23	AL
2752-02			10/01/23

APPENDIX C



11 - 01 OPTION 8 Rendered Gable
2752 Colour - 6020 Y30R



11 - 02 OPTION 9 Brick Effect Gable
2752 Colour - Buckton Brown



11 - 03 OPTION 10 Brick Effect Gable
2752 Colour - Meltham Red



11 - 04 VIEW OF COMPLETED EWI & PITCHED ROOF TO ALEXANDRA COURT, POLESWORTH (Sothern Render System)

COLOUR REFERENCE

	11 000-Y30R (2752)	①
	11 000-Y40R (2752)	②
	11 010-Y30R (2752)	③
	11 020-Y30R (2752)	④
	11 030-Y30R (2752)	⑤

Colors being used on site to be approved by client. All colors rendered with 2752.

WETHERBY RENDER SYSTEM COLOUR CHART

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All Contractors must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilkinson Chartered Architects to be advised of any variation between drawings and site conditions.

PROJECT:
Proposed EW & Roof Works to:
Abbey Green Court,
Grendon Road, Polesworth,
Tamworth, Staffordshire

CLIENT:
Wates Living Space

TITLE:
Proposed Conceptual Colour Options 8, 9 & 10
Sheet 4

SUTTON AND WILKINSON
CHARTERED ARCHITECTS
Walsall House, 13 New Parkgate Road,
Canwick, Walsall, WS11 1BN

Telephone: 01945 806481
Facsimile: 01945 806483
e-mail: info@suttonandwilkinson.co.uk



SCALE	DATE	SET
NTS	SC	Oct 23
DRAWING NUMBER	2752 - 11	REVISION
		PD

General Development Applications

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

WHS Plastics, Water Orton Lane, Minworth

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

a) PAP/2023/0421

WHS Plastics, Water Orton Lane, Minworth

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

both for

WHS Plastics

1. Introduction

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

2. The Site

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

3. The Proposals

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

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

4. Background

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

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

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

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

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

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

5. Supporting Documentation

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

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

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

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

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

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

6. Development Plan

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

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

7. Other Material Planning Considerations

Birmingham Development Plan 2017
The National Planning Policy Framework 2023 – (“NPPF”)
The North Warwickshire Landscape Character Appraisal 2010
The Water Orton Conservation Area Designation Report
The Town and Country Planning (Consultation) (England) Direction 2021

8. Observations

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

Recommendation

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

APPENDIX E

framptons

PAP/2023/0422

APPENDIX 5 Decision Notice PAP/2018/0707





North Warwickshire
Borough Council

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

Jeff Brown BA Dip TP MRTPI
Head of Development Control Service

The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

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

Date: 02 January 2019

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

DECISION NOTICE

Certificate of Lawfulness Application

Application Ref: PAP/2018/0707

Site Address

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

Grid Ref: Easting 417006.82
Northing 291353.66

Description of Development

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

Applicant

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

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

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

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

FIRST SCHEDULE

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

SECOND SCHEDULE

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

Authorised Officer _____

Date 2 January 2019

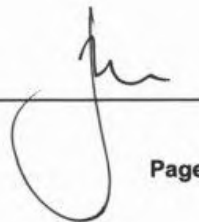
Page 1 of 2

NOTES

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

Authorised Officer _____

Date 2 January 2019



Page 2 of 2

APPENDIX F



PAP/2023/0422

APPENDIX 6 Kingsbury Pallets letter dated 9th August 2023

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



kingsbury
pallets

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

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

9TH August 23

Dear Brad,


Re: WHS Plastics Site 5-

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

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

If you need any further information please let me know.

Regards


[REDACTED]
Managing Director

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

General Development Applications

(5/f) Application No's: CON/2023/0022 and 0023

The Interchange Triangle, bounded by the M42 Motorway, the A452 and the A45

A Schedule 17 submission for the construction of external works associated with the Interchange Station including short stay, taxi and drop off car parking, public realm earthworks, substations and other associated works.

A Reserved Matters Planning Application for details of access, appearance, landscaping and layout of car parking.

both for HS2 Ltd

Introduction

These applications have been submitted to the Solihull Metropolitan Borough Council and it has invited this Council to submit any representations as part of the determination of the two applications.

The descriptions above refer to a Schedule 17 submission and to a full planning application. They each refer to different parts of the overall car parking arrangements for the new Interchange Station. This is a procedural consequence of the terms of the HS2 Act. The report below however will deal with them together – for the whole station car parking provision.

Background

The Interchange Station and associated works have previously been approved in 2020. In addition, the long stay car parking arrangements were approved in 2021 for around 7000 spaces around the station.

Members will be aware that an alternative arrangement for the provision of this car parking was approved more recently. This was for multi-storey car parking buildings to eventually accommodate 7500 spaces.

However, it has since been concluded that the multistorey car parking alternative could not be delivered within budget.

The main reason for proposing this alternative, was that it would use less land which would then become available for other development opportunities. The various parties have thus looked again at the amount of car parking that should be provided – so as to see if there was a better balance between spaces and the release of land. That has led the DfT to agree in August 2023 that the total provision here should be 4500 surface spaces.

These two current applications are the consequence of this Agreement.

The Proposals

The plan at Appendix A illustrates the new proposals – two surface car parks on the eastern (the North Warwickshire) side of the line providing 1900 and 1100 spaces respectively – with the remainder to the west. The outer limits of these areas are not to be secured by fencing, but rather through hedges and earthworks – typically ditches and banking – which will be used as surface water attenuation measures.

In terms of lighting, the main vehicular approaches would be tree lined but have 6 metre lighting columns. Taller columns – ten metres – would light the actual surface parking areas as this is said would lead to fewer light sources. The main pedestrian routes into the station would have a mix of five metre columns and bollards.

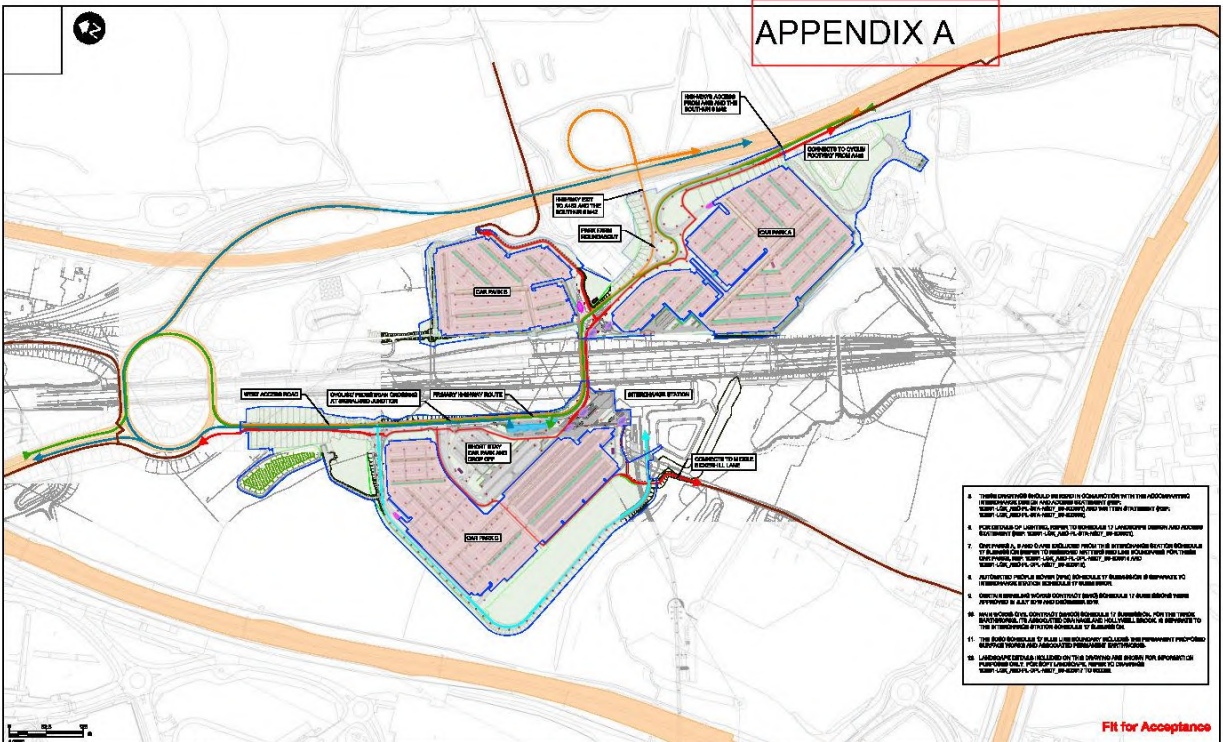
Observations

These changes are welcomed as they would materially reduce adverse visual impacts on the rural character of the North Warwickshire landscape on the other side of the A452.

Recommendation

That the Council does not object to these proposals.

APPENDIX A



1. THE PROPOSED DESIGN IS SUBJECT TO CONSULTATION WITH THE ADJOINING LANDOWNERS AND THE LOCAL AUTHORITY AND THE HIGHWAYS DEPARTMENT.
2. THE PROPOSED DESIGN IS SUBJECT TO CONSULTATION WITH THE ADJOINING LANDOWNERS AND THE LOCAL AUTHORITY AND THE HIGHWAYS DEPARTMENT.
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10. THE PROPOSED DESIGN IS SUBJECT TO CONSULTATION WITH THE ADJOINING LANDOWNERS AND THE LOCAL AUTHORITY AND THE HIGHWAYS DEPARTMENT.
11. THE PROPOSED DESIGN IS SUBJECT TO CONSULTATION WITH THE ADJOINING LANDOWNERS AND THE LOCAL AUTHORITY AND THE HIGHWAYS DEPARTMENT.

Fit for Acceptance

Scale	1:1000
North Arrow	True North
Revision	1.0
Date	10/10/2011
Author	...
Checker	...
Approver	...

1. DO NOT SCALE FROM THIS DRAWING.
 2. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED.
 3. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED.
 4. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED.

LEGEND

— PROPOSED HIGHWAY AND CYCLE ROUTES	 BUS STOP FOOTPRINT
— PROPOSED HIGHWAY AND CYCLE ROUTES	 BUS STOP ACCESS POINT
— PROPOSED HIGHWAY AND CYCLE ROUTES	 CYCLE PROVISION
— PROPOSED HIGHWAY AND CYCLE ROUTES	 SCHEDULED FOOTWAY PROVISION
— PROPOSED HIGHWAY AND CYCLE ROUTES	 FOOTWAY AREA
— PROPOSED HIGHWAY AND CYCLE ROUTES	
— PROPOSED HIGHWAY AND CYCLE ROUTES	
— PROPOSED HIGHWAY AND CYCLE ROUTES	
— PROPOSED HIGHWAY AND CYCLE ROUTES	
— PROPOSED HIGHWAY AND CYCLE ROUTES	

	1001-1002 Interchange Station 1001-1002 Interchange Station & People-Mover Depot	1001-1002 Interchange Station & People-Mover Depot 1001-1002 Interchange Station & People-Mover Depot
	1001-1002 Interchange Station & People-Mover Depot 1001-1002 Interchange Station & People-Mover Depot	1001-1002 Interchange Station & People-Mover Depot 1001-1002 Interchange Station & People-Mover Depot

General Development Applications

(5/g) Application No: PAP/2023/0429

Land north west of 20, Mulberry Way, Hartshill,

Works to trees protected by Tree Preservation Order, for

Warwickshire County Council (Forestry)

Introduction

This application is being reported to Board as it relates to works to a tree within the ownership of the North Warwickshire Borough Council.

The Site

The site is on an area of open space between Mulberry Way and Hill Side, where an area of open space and trees is situated. The oak tree to which the application relates is situated around 2 metres away from the highway.

The location of the tree is shown on Appendix A.

The Proposal

It is proposed to crown lift the tree so that there is a clearance of 5.5metres over the highway, 3metres over the footpath and to prune it back from a lighting column by 1.5m.

Development Plan

North Warwickshire Local Plan 2021 - LP14 (Landscape); LP16 (Natural Environment) and LP29 (Development Considerations)

Hartshill Neighbourhood Plan

Other Relevant Material Considerations

National Planning Policy Framework 2023.

Consultations

Warwickshire County Arboricultural Officer - No objections.

Representations

None received.

Observations

Following the receipt of the Notification the County Council Officers examined the documentation supplied with it in order to understand the works specified. The reason for the works is to ensure that branches and limbs are cut away from the lamp column and to give safe access under it for vehicles and pedestrians.

The reasoning for the works to the tree is fully appreciated and is seen to be warranted given the location of the tree and its potential influence on persons and property in close proximity to the site address.

It is considered that the works to the tree are reasonably necessary in the interests of prudent management of the trees and that they will not be harmful to the character of the area. The proposal is thus in line with policies LP14, LP16, LP29 of the North Warwickshire Local Plan.

Recommendation

That Consent be **GRANTED** subject to the following conditions:

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

REASON

To comply with the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. For the avoidance of doubt, this permission is only in relation to the tree within the Application PAP/2023/0429 as detailed within Tree Information and Sketch Plan received by the Authority 20 September 2023. The works shall be confined to the following;

- Quercus robur T1 (part of G20 in TPO) - Crown lift to 5.5m over highway, crown lift to 3m over footpath, prune/tip back from lighting column by 1.5m.

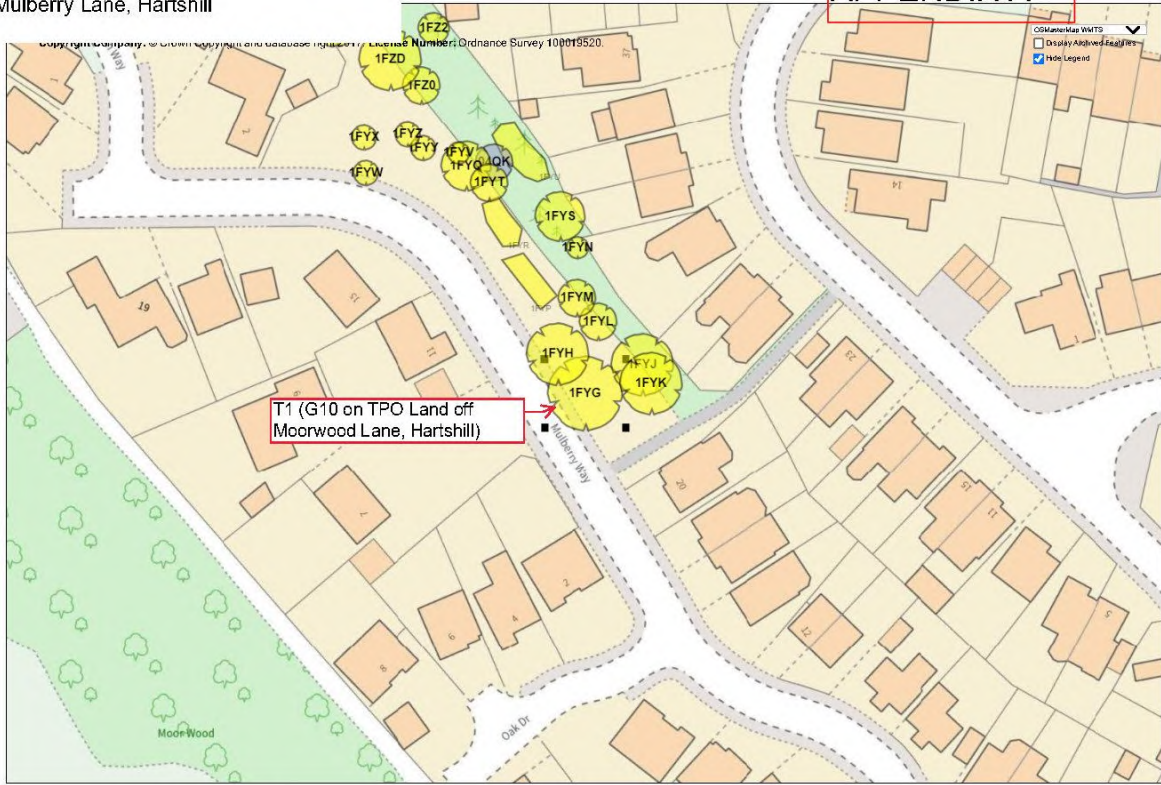
REASON

To ensure that works not permitted are not undertaken without prior approval.

Notes

1. The approved works must be begun not later than the expiration of two years from the date of this permission.
2. With the exception of the tree/s noted within this notification, no tree shall be lopped, topped or felled without the prior approval of the Local Planning authority, in writing.

3. No works relating to the tree/s hereby approved, including works felling or preparation prior to operations, should take place before the hours of 0700 nor after 1900 Monday to Friday; before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
4. 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).
5. 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.
6. In dealing with this application, 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 paragraph 38 of the National Planning Policy Framework.



General Development Applications

(5/h) Application No: PAP/2023/0391

Car Park, Sheepy Road, Atherstone, CV9 1HD

Notification to fell tree within a Conservation Area for

Warwickshire County Council

Introduction

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

The Site

The application site is the public car park at the rear of Croft Road, with access off Sheepy Road and has views from Phoenix Yard.

The Proposal

It is proposed to fell a dead Willow tree which is located close to the rear of properties in Croft Road as illustrated at Appendix A.

A replacement tree will be planted.

Recent photographs of the tree are at Appendix B.

Representations

Atherstone Town Council – No comments to make.

Observations

The tree is not protected by virtue of an Order but because it is located within a Conservation Area. As such this is not a formal application for Consent to undertake works, but a notification of proposed works. The Council's remit here is either to agree that an Order should be made for the tree, or that it should not. In this case the tree is dead, and this has been confirmed by the County Arboriculturalist. The photographs also show this. As such it is not appropriate to make an Order.

If the Council has not responded to the notice within a period of six weeks the works may be undertaken without penalty, provided they are completed within two years of the notice being received.

A replacement tree will be planted.

RECOMMENDATION

That the works may proceed subject to the following:

1. For the avoidance of doubt, these works are in relation to the tree mentioned within the Notification (PAP/2023/0391 and located upon the site address (Sheepy Road Car Park, Atherstone) and detailed on the Tree Sketch Plan, entitled – Sheepy Road Car Park Atherstone’ received 8 September 2023. The works shall be confined to the following:

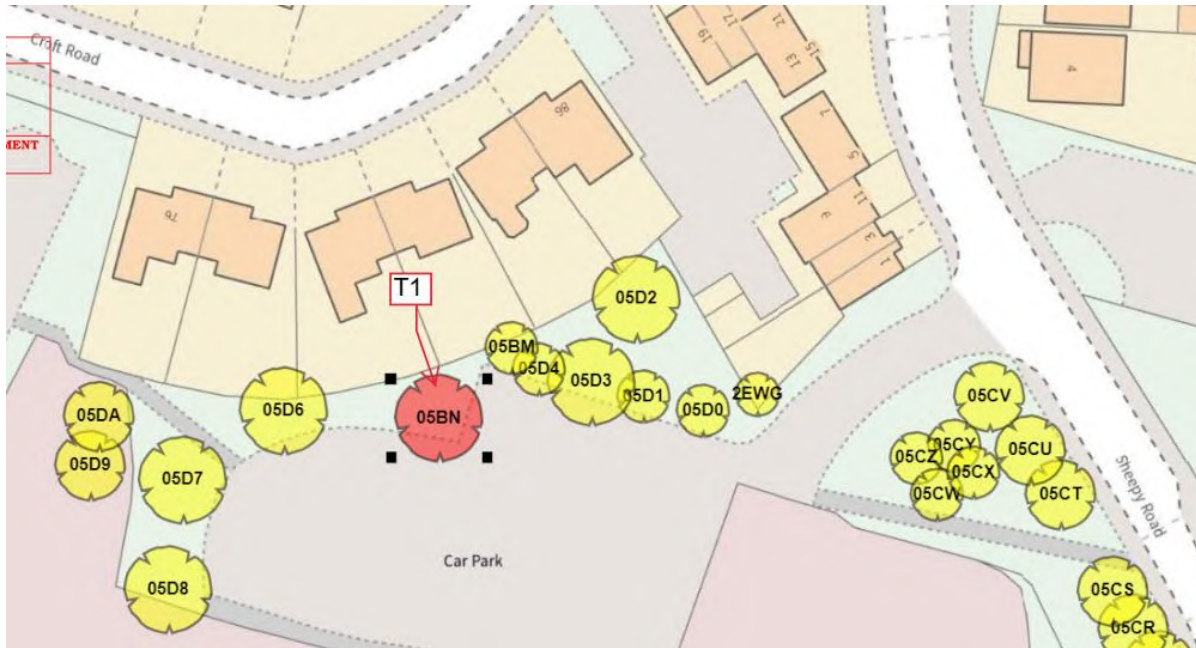
T1 - Salix x sepulcralis 'Chrysocoma' (05BN) fell dead tree - As shown on the plan 05BN – T1

2. An appropriate replacement tree shall be planted in the next available planting season following the felling of this tree.

Notes

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

APPENDIX A



APPENDIX B



General Development Applications

(5/i) Application No: PAP/2019/0473

The Paddocks, Church Lane, Corley, Coventry, CV7 8AZ

Garage, for

Mr Peter Veal

Introduction

This application was referred to the Board on 9 October, but determination was deferred in order that Members could understand the reasons why the applicant had decided not to enter into a Section 106 Undertaking.

Officers have now heard from the applicant. He considers that an Undertaking would not be “lawful”.

Further Advice

The proposal is for a garage and as such this development is “incidental” to the enjoyment of The Paddocks as a dwelling house. Normally this would comprise “permitted development” not requiring the submission of a planning application. Indeed, this fall-back position would apply here as the garage if removed, could be re-erected under permitted development elsewhere within the curtilage.

This permitted development right – Class E of Part 1 to Schedule 2 of the General Permitted Development Order 2015 as amended – would allow the garage to be used for any other “use” incidental to the residential enjoyment of The Paddocks. This could include its use as a residential annex, provided that that use did not create a separate “planning unit”. In that case, a material change of use would occur and that would trigger the need for a full planning application.

It is therefore for the Local Planning Authority to follow through on such a material change of use if evidenced, as a breach of planning control. In other words, the Authority has the powers and ability to “control” a future changed situation within existing legislation. A legal requirement for an Undertaking is thus not necessary. In such circumstances a Court, when applying the Statutory requirements for an Agreement, may consider that a request for an Undertaking, as a condition of granting a permission would be “unreasonable”. This possible outcome has some weight because a planning condition could be used to achieve the same end. Additionally, the applicant has the opportunity of appealing that condition which is not available under a 106 Agreement and as Members are aware, speculation about future uses is not a material planning consideration.

The garage has been built. It is being used as a garage and officers consider that any formal action to remove the building would not be expedient.

Recommendation

As set out in the Appendix.

General Development Applications

(7/e) Application No: PAP/2019/0473

The Paddocks, Church Lane, Corley, Coventry, CV7 8AZ

Garage, for

Mr Peter Veal

Introduction

This application was reported to the Board in March 2020. It resolved to grant a planning permission subject to the completion of a Section 106 Agreement which would restrict the use of the garage to that use and not to be used for any other purpose including a new residential use.

The report is attached at Appendix A.

Update

The garage has now been completed but no Agreement has been completed.

Several inspections since the 2020 meeting have taken place and the building has always been in use solely as a garage.

The owner/applicant has not completed an Agreement.

Observations

This application remains undetermined because of the absence of the Agreement.

In the circumstances, it is considered that a planning permission should now be granted subject to a planning condition restricting the use in lieu of the Agreement.

Members should be aware that the building will be lawful due to the lapse of time in March next year.

Recommendation

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

1. Standard plans number condition.

2. The building hereby approved shall be used solely as a garage incidental to the residential use of the property known as The Paddocks, Church Lane, Corley, CV7 8AZ and for no other purpose whatsoever. For the avoidance of doubt, it shall not be used for a residential use under Class C3 of the Town and County Planning (Use Classes Order)2020 as amended.

REASON

In order to satisfy Policy LP2 of the North Warwickshire Local Plan 2021.

7e/108

5i/55

APPENDIX A

(3) Application No: PAP/2019/0473

The Paddocks, Church Lane, Corley, Coventry, CV7 8AZ

Garage, for

Mr Peter Veal

Introduction

This application is reported to the Planning and Development Board at the request of a local member concerned about the impact of the proposal.

The Site



Proposed Block Plan and Site Location Plan

The application site is a detached 1980's single storey dwelling situated within the village of Corley, benefitting from a large curtilage that extends eastwards to the property's boundary with the Parish Church. It lies within the village's historic core, sited adjacent to the Grade 2 Star listed church and the Grade 2 listed Corley Manor House. The property falls inside the West Midlands Green Belt.

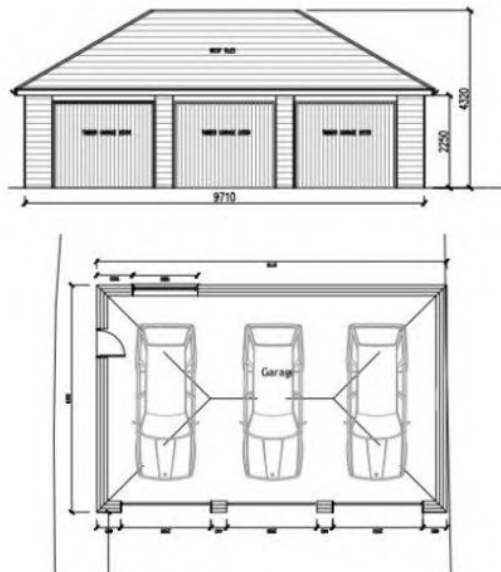
The Proposal

Planning permission is sought for the construction of a detached triple garage to the east of the site adjacent to the boundary with Corley Church and immediately to the east of a shared access road. The garage would sit at a 90 degree angle to the shared access and would be 9.71 metres wide, 6.3 metres deep and stand 4.32 metres tall to the apex of a hipped roof. Facing materials would consist of roof tiles, timber cladding and timber doors. It would be sited next to a Sunday school building in the church yard.

7/51

7e/109

5i/56



Proposed Front Elevation Plan and Floor plan

Background

Planning permission was refused last year (PAP/2018/0699) for the erection of a detached annex on the same area of the site.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations) and NW14 (Historic Environment)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

The National Planning Policy Framework 2019 - (the 'NPPF')

The North Warwickshire Local Plan Submission Version, March 2018 – LP1 (Sustainable Development); LP3 (Green Belt), LP 15 (Historic Environment), LP31 (Development Considerations) and LP32 (Built Form)

Supplementary Planning Guidance: A Guide for the Design of Householder Developments 2003

Planning (Listed Building and Conservation Areas) Act 1990

Consultations

Warwickshire County Council (Highways) - No objection subject to conditions.

Representations

Corley Parish Council objects for the following reasons:

- This construction is unacceptable in this location
- The scale is not acceptable nor in keeping with the surroundings
- Concern is raised that garage will become a property in the future

Observations

a) Green Belt

The site lies within the Green Belt. The NPPF defines appropriate forms of development in the Green Belt. The construction of new buildings is not included in this definition, but in this case the construction could satisfy one of the exceptions outlined in that definition. This is where the construction is considered to be "limited infilling in villages".

In this case it is considered that it would meet this exception. Corley is recognised as a settlement within the settlement hierarchy as set out in the Development Plan and the application site itself is within a built up area where there is a variety of different surrounding built forms. The residential curtilage is not to be extended and there are fall-back situations here where incidental outbuildings could be built under permitted development rights. Looking at other Green Belt characteristics then there is unlikely to be an adverse impact on openness given the surrounding development; the tree cover and the lack of public visibility. The development would also not conflict with the five purposes of including land within the Green Belt.

As a consequence it is concluded that the proposal is appropriate development in the Green Belt.

b) Historic Environment

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 the building or its setting or any features of special architectural or historic interest which it possesses'. Core Strategy policy NW14 reflects this and seeks to protect and enhance heritage assets commensurate to their significance. The garage is considered to be sited within the setting of the listed church.

The heritage significance of the church is a product of its architectural appearance and historic association with the community of the parish, forming an important building at the nucleus of the village. It is considered that owing to the single storey nature and form of the building, the development would not adversely harm the church's setting beyond how the Sunday school arrangement has been carried out. It is considered that

7/53

7e/111

5i/58

the setting of the church would be preserved and thus protected. Consequently the development would accord with policy NW14; the NPPF and the statutory requirement as no harm would be caused.

Corley Manor lies further to the east and its significance is that it represents a retained building of architectural and historic interest in the evolution of the settlement. The proposal would have no direct impact on the Manor itself only its setting. However the proposal is some distance away and would not impinge visually on the curtilage of the Manor given surrounding development. As for the Church, it is not considered that any harm would be caused.

c) Design

No objection is offered from a design perspective. As indicated within preceding sections of this report, the single storey height of the building ensures that the garage would not form a dominant feature nor detract from the appearance and significance of other buildings in the vicinity. Facing materials would be conditioned to be provided prior to construction given the sensitivity of the site, ensuring that a harmonious facing appearance is achieved. However those proposed now are in keeping.

d) Highway Safety

Saved policy TPT1 states that development is only permissible in situations whereby there is sufficient capacity within the highway network to accommodate the traffic generated and the development would not be hazardous to traffic safety and visibility.

Visibility onto Church Lane is very restricted and therefore an independent use and resultant intensification of the access is not deemed to be acceptable here. Following negotiations and revised plans, the highways authority has removed their objection subject to the inclusion of a condition limiting use of the garage. This is a normal approach in circumstances such as this and would ensure that the development accords with Development Plan policy.

e) Fall-back position

In this case, the site is within a residential curtilage and thus there is a fall-back position which can be weighed against the impacts of a scheme. In these particular circumstances a garage of very similar proportions could be erected to the south of the dwellinghouse without the need for a planning application. The difference in terms of Green Belt and visual impacts would be negligible.

f) Other Matters

Members are aware that "speculation" about future uses of a building is not a planning consideration and no weight should be attached to this matter.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the drawing numbered 3779-01F, received by the Local Planning Authority on 17 January 2020.

REASON

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

3. No development shall commence until details of the facing materials have been submitted to and approved by the local planning authority. The approved materials shall then be used and maintained thereafter.

REASON

In the interests of the character and appearance of the area and the building concerned.

4. No development shall commence until a landscaping scheme has been submitted to and approved by the Local Planning Authority. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first use of the garage or the completion of the development, whichever is the sooner; and any plants which within a period of five years 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 interests of the character and appearance of the area

7/55

7e/113

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5. No laying of services, creation of hard surfaces or erection of a building shall commence until a scheme for the drainage of surface water from the site has been submitted to and approved in writing by the Local Planning Authority.

REASON

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

6. The garage hereby permitted shall not be converted or used for any purpose other than as a domestic garage for the dwelling known as The Paddocks, Church Lane, Corley as such.

REASON

In the interests of highway safety and to prevent unauthorised use of the building hereby approved.

7. No development whatsoever within Class 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 recognition of the very special circumstances warranting the approval of planning permission and to control future development in the interests of the openness of the Green Belt

7/56

7e/114

5i/61

BACKGROUND PAPERS

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

Planning Application No: PAP/2019/0473

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14/08/2019
2	Corley Parish Council	Objection	18/11/2019
3	Warwickshire County Council Highways	No Objection	02/01/2020

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

7/57

7e/115

5i/62

General Development Applications

(5/j) Application No: PAP/2023/0265

Dorset Cottage Bed and Breakfast, 202 Coventry Road, Coleshill, B46 3EH

Change of use from bed and breakfast (C1) to Sui Generis Housing in Multiple Occupation (HMO) for

Coventry Road Cottages Limited

Introduction

The application is referred to the Board because of concerns about the potential impacts raised by a local Member.

The Site

The application site is a detached bed and breakfast property located at the junction of Coventry Road and Hall Walk, within the town of Coleshill and surrounded by residential development. The bed and breakfast currently provides ten guest rooms, with the southern wing being for the owner's private accommodation.

There is a pedestrian access from the Coventry Road and vehicular access directly off Hall Walk with on-site parking for eight vehicles including a disabled parking space. There is an electric vehicle charging point as well as space for bicycles.

The location of the site can be viewed at Appendix A.

The Proposal

This is for the change of use from a bed and breakfast use to a House in Multiple Occupation (HMO) utilising the whole property. The applicant points out that the main building is set up with ten bedrooms over two floors including a guest lounge and dining room. There is a kitchen for the preparation of breakfasts and also a laundry. The southern end of the building has the accommodation used by the owners who run the bed and breakfast business.

The proposal is to use the whole premises for HMO use so as to provide eleven bedrooms – by incorporating the existing private accommodation into the proposal. There would be five rooms on the ground floor and six on the first floor. All of the bedrooms apart from two, have en-suite bathrooms with those using a shared bathroom. The existing living room and kitchen facilities will be available for shared use, as will the existing store and laundry.

Due to the current layout, there is only need for minor internal alterations and refurbishment with no alterations that will impact on the exterior of the building.

There will also be no need for any alteration to the site layout so all the existing parking spaces will be retained.

The site plan and layout plans which are existing and proposed are shown at Appendix B. A google street view is at Appendix C.

Background

Planning permission for a bed and breakfast use here was first granted in 1992 on a permanent basis with extensions to the building and this use resulting in a final consent for the ten rooms in 2020.

There have been interim uses of parts of the property as a granny annex and for use by a dog hydro-therapy unit.

Representations

Ten representations have been received referring to:

- Noise impact upon the area
- No capacity in the road for additional vehicles. Hall Walk is narrow.
- The site cannot accommodate vehicles for 11 residents.
- Pedestrian safety.
- Change the character of the area, with no similar properties.
- Reduce quality of life and amenity impact
- Could lead to residents with disruptive behaviour.
- Inadequate arrangement for waste and rubbish.
- Disabled and Environmental considerations not being met.
- Safety of school children from potential residents.
- Decrease in house prices.
- Residents currently staying who work on HS2 have not caused issues.
- No cycle parking, and rooms do not meet HMO space standards.

Coleshill Town Council – No objection

Consultations

Environmental Health Officer - No objection.

Warwickshire County Council as Highways Authority -- No objection.

Development Plan

North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy) and LP29(Development Considerations)

Coleshill Neighbourhood Plan

Other Relevant Material Considerations

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

National Planning Policy Guidance

Observations

The Local Plan identifies Coleshill as a sustainable location and where new development can be accommodated in principle, particularly as the town has a full range of local services facilities and public transport available. As the proposal is for a residential use there is no objection to the grant of planning permission here in principle. Indeed, this is why the bed and breakfast use was supported.

The main issues here are thus to do with potential highway and amenity impacts.

The building is not to be changed externally and thus there would be no change in the potential for over-looking, or for the loss of privacy to neighbouring property as a consequence of this proposal. Similarly with coming and goings, the eleven bedrooms would remain and thus it is difficult to evidence a view that more people would be arriving and leaving. Similarly, evidence to support a material increase in noise will be difficult to establish. Members will also appreciate that concerns about possible anti-social behaviour will carry little weight. The proposal is for a residential use within a residential area.

Members will also be aware that in planning terms, a residential use can include occupation by extended families, up to six unrelated people living together as a single household as well as some use for residential care and some houses in multiple occupation. It is thus difficult to establish whether there would be materially different impacts arising here particularly given the lawful use of the property.

It is material that the Highways Authority have not objected. The proposal will use an existing access and the total number of people occupying the premises is not proposed to increase. The site is well placed in respect of bus services and has both pedestrian and cycle connections with the town centre.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered AB-XX-XX-DR-A-4021-0003 - ground and first floor proposed layout plan as received by the Local Planning Authority on 28 September 2023, AB-XX-XX-DR-A-4021-0003 - site plan as received by the Local Planning Authority on 27 September 2023, AB-XX-XX-DR-A-4015-0002 - location and site plan as received by the Local Planning Authority on 16 June 2023

REASON

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

3. No additional windows or door openings in all elevations and roof planes shall be made, other than as shown on the plans hereby approved, nor shall any approved windows or doors be altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

4. The use hereby approved shall not contain more than 11 bedrooms for HMO use at any one time.

REASON

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

5. The car park layout as shown on drawing AB-XX-XX-DR-A-4021-0003 - site plan, received by the Local Planning Authority on 27 September 2023, shall be retained as such at all times, unless agreed in writing by the local planning authority.

REASON

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

6. The use shall not be implemented until the internal works as covered by drawing AB-XX-XX-DR-A-4021-0003 - ground and first floor proposed layout plan - have been undertaken in full, and shall be retained as such, unless approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

Notes

1. 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.

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

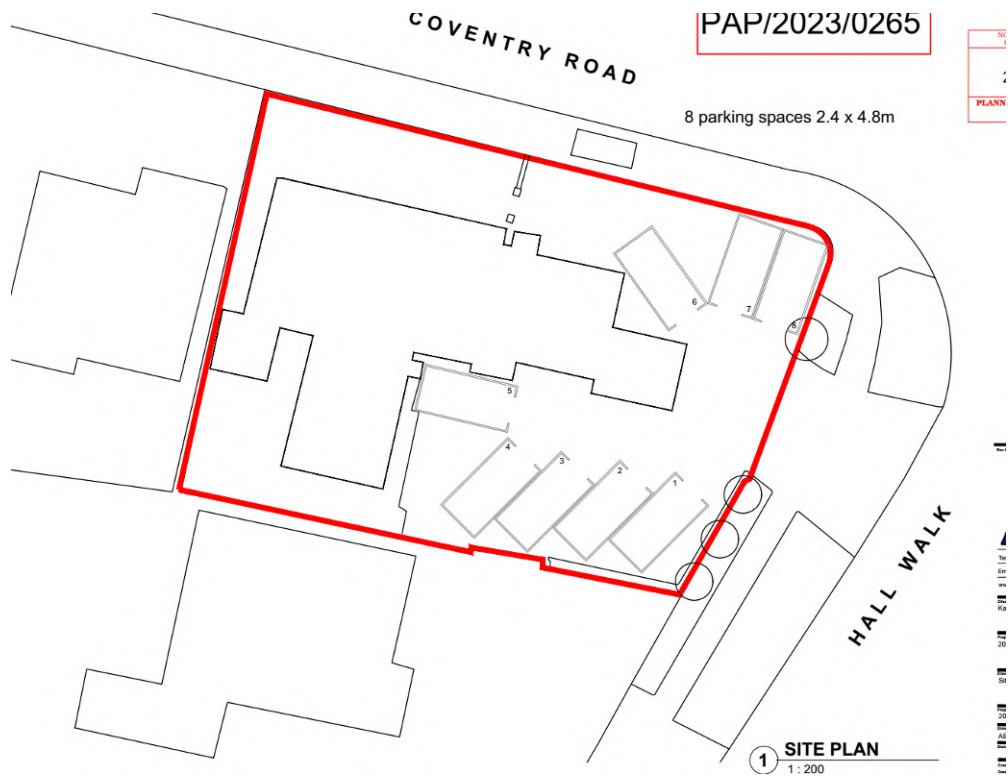
4. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with six other Councils under the Central Building Control Partnership. For further information please see Central Building Control - Come to the experts (centralbc.org.uk), and 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>

5. The applicant is encouraged to ensure that any demolition, construction works and deliveries do not cause nuisance to neighbouring properties and their occupiers. It is recommended that works are restricted to between 0800 and 1800 hours on weekdays, and 0800 and 1300 hours on Saturdays, with no demolition, construction works and deliveries on Sundays or recognised public holidays.

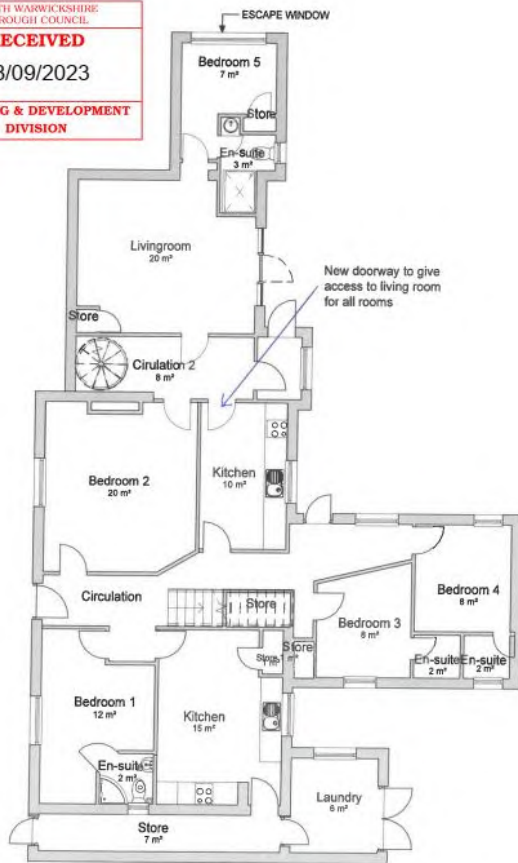
Appendix A – Location Plan



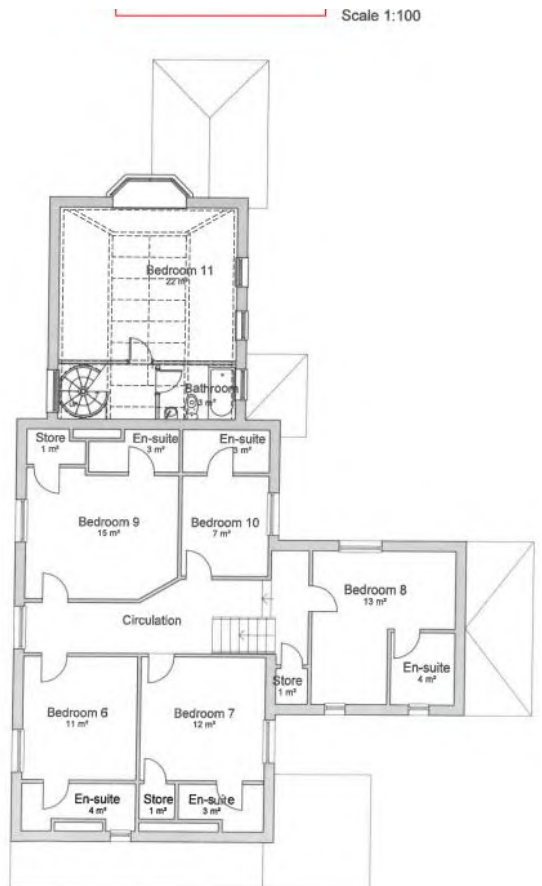
Appendix B – site plan and layout plans



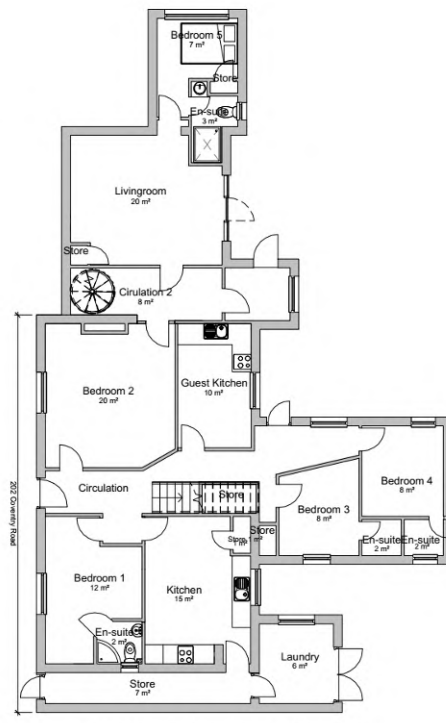
NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
28/09/2023
PLANNING & DEVELOPMENT
DIVISION



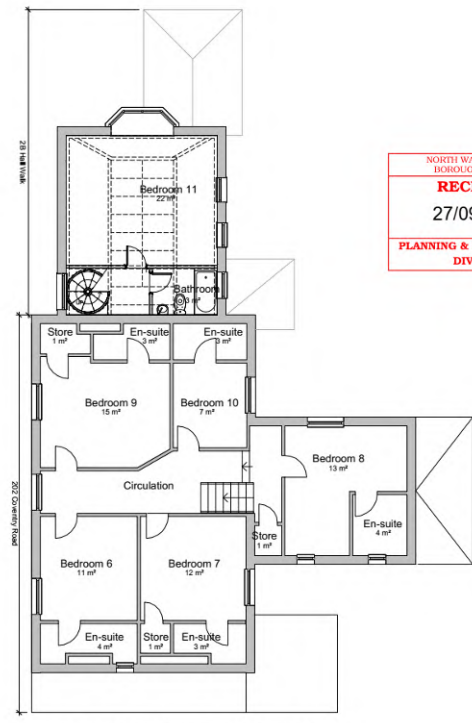
1 Ground Floor - Proposed
1:100



2 First Floor - Proposed
1:100



1 Ground Floor - Existing
1 : 100



2 First Floor - Existing
1 : 100

NORTH WARK
BOROUGH
RECEIVED
27/09/2014
PLANNING & DEVELOPMENT
DIVISION

Appendix C – Google streetviews



General Development Applications

(5/k) Application No: PAP/2023/0056

Land At Junction Lichfield Road, Watton Lane, Water Orton,

Battery Energy Storage Site, substation compound, with associated infrastructure, fencing, access off Watton Road, drainage and landscaping, for

- Anglo ES Water Orton Ltd

1.Introduction

1.1 This application is referred to the Board at the discretion of the Head of Development Control as the matter may require referral to the Secretary of State as a "Green Belt" development under the 2021 Direction. If the Board is minded to support the proposal, that could trigger a referral, but a resolution to refuse would not.

2.The Site

2.1 This is a rectangular flat parcel of land of approximately 0.7 hectares in size, bounded to the north by the Birmingham/Leicester railway line, to the west by the embankments of the M42/M6 Toll roads and to the south by Watton Lane. There is further open land to the east before the A446 Lichfield Road is reached. There is a hedgerow boundary along the Watton Lane frontage.

2.2 There is a sewer easement running east/west in the northern section of the site.

2.3 Water Orton lies on the other side of the M42/M6 Toll road embankment corridor. There is a single residential property around 140 metres away at the junction of Watton Lane with the Lichfield Road.

2.4 The site was used in part in the past for commercial purposes with a number of tin sheds and buildings along the Watton Lane frontage.

2.5 More recently it was acquired by HS2 Ltd for accommodation works and the remains can be seen on site presently.

2.6 The site is illustrated at Appendix A.

3 The Proposals

3.1 The site is to be used as a Battery Energy Storage Site ("BESS") for a period of 40 years. In short, electricity is imported into the site from the National Grid at times of low demand but high production, stored in the battery cells on site and exported back into the Grid at times of high demand. It would have direct connection to the 132kv underground cables within Watton Lane.

3.2 The substation and transformers (up to 4 metres tall) would be located within an on-site compound set back from the road frontage which would also house switch and control rooms (up to 3.8 metres tall) surrounded by a palisade fence (2.75 metres tall).

3.3 The battery compound would be located behind this comprising 14 battery storage containers (2.7 metres tall) and other plant and equipment also surrounded by a security fence.

3.4 All access would be from Watton Lane.

3.5 Perimeter landscaping is to be provided.

3.6 The proposed layout with the planting is at Appendix B.

3.7 The application is accompanied by supporting documentation.

3.8 A Transport Statement says that the access onto Watton Lane would be 7.3 metres wide with 10- metre, wide bell-mouth radii either side. There are anticipated to be 346 two-way movements over the whole of the construction period of three to five months – around four two-way trips a day. Once operational, the site would be likely to generate four two-way movements a week involving light goods vehicles only. The Statement concludes that there would be no significant highway impact.

3.9 A Flood Risk Assessment identifies the site as being in Flood Zone One, the least likely to be the subject of fluvial flooding and that as the proposal is not a sensitive use such as a residential one, the proposed use is appropriate to the site. In responding to surface water runoff and disposal, the permeable surfacing will result in a moderate impact of surface water run-off. It is thus proposed to use filter drains to attenuate surface water flow and to discharge into the existing combined sewerage network that crosses the northern part of the site. The site is known to be susceptible to groundwater emergence. Ground levels will thus have to be agreed with at least a 150mm increase above existing ground levels including increased levels over the sewer easement to gain access into the northern section of the site.

3.10 A Noise Impact Assessment concludes that there would be negligible impacts for both day and night times essentially because of the high levels an ambient noise in the area.

3.11 A Landscape and Visual Appraisal identifies the site as being in an area dominated by urban and communication networks, predominantly flat, open and barren, with only areas of hardstanding present. The HS2 proposals would add to this infrastructure. As a consequence, the proposal would reduce the openness of the area, but the landscape impacts would be low. There are a limited number of residential buildings or viewpoints. The visual impact would be slightly adverse within the overall setting. The Appraisal concludes that whilst the proposal would cause limited landscape or visual harm here, there would be some benefit arising from new tree and hedgerow planting.

3.12 A Heritage Impact Assessment identified no heritage assets within the site or nearby and recent disturbance and activity will have removed any buried resources.

3.13 An Ecological Appraisal and Bio-Diversity Impact Assessment has been submitted. There are two designated sites nearby – the Cole End Nature Reserve (1.7km to the south-east) and the River Blythe SSSI (1.8km also to the south-east). Nine non-statutory sites are within 2km of the site. The majority of the site is modified grassland displaying signs of disruption and with species tolerant of disturbance. The remainder is mixed scrub and unvegetated unsealed surfaces. No identifiable or protected species were noted on site. The mitigation measures proposed, include over 200 metres of new perimeter hedgerow and grassland plus three new broadleaved trees. Even so the proposal would not deliver a nett biodiversity gain and thus an off-setting payment would be needed.

3.14 An Alternative Site Assessment outlines the defining locational requirements for a BESS – namely the proximity to a grid connection particularly to a higher voltage network for both the import and export of electricity; the capacity of the network to accommodate the BESS without the need for development to reinforce that and the need to avoid extensive underground cabling. Once likely connection sites are identified, the usual planning filters are applied – eg. sites free from flooding and not within areas of ecological or heritage protection and physical obstacles for the connection.

3.15 A Planning Statement brings all of these matters together and concludes that the proposal is inappropriate development in the Green Belt, but that there are considerations that amount to the very special circumstances to clearly outweigh the Green Belt and any other harms caused. The considerations advanced are the climate change benefits of the BESS, energy security, national and local planning policy support for renewable energy, the locational requirements for a BESS, investment and new construction jobs.

4. Representations

4.1 One letter of objection has been received referring to:

- Loss of Green Belt
- The site has not been used as industrial land.
- More traffic will be generated.
- Its next to a gas main.
- It will be an eyesore.

5. Consultations

Warwickshire County Council as Highway Authority – It had initial concerns concerning the adequacy of the proposed engineering works at the proposed access. A Road Safety Audit was submitted. This has now been reviewed and there is no objection subject to standard conditions.

Warwickshire Ecology – No objection subject to conditions and to an appropriate off-setting contribution through a Section 106 Agreement

Environmental Health Officer – No objections

National Highways – No objections

HS2 Ltd – No comments to make.

Network Rail – Advisory Notes are recommended concerning working close to the line.

Cadent – Advisory Notes are recommended concerning working close to pipelines.

Health and Safety Executive - Advisory Notes are recommended concerning working close to pipelines.

6. Development Plan

The North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP3 (Green Belt), LP15 (Historic Environment), LP14 (Landscape), LP16 (Natural Environment), LP29 (Development Considerations), LP30(Built Form), LP35 (Renewable Energy) and LP33 (Water Management)
Water Orton Neighbourhood Plan 2022

7. Other Material Planning Considerations

The National Planning Policy Framework 2023

National Planning Practice Guidance

National Policy Statement for Energy (EN1)

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

Renewable Energy Directive 2009

UK Security Statement

North Warwickshire Climate Change Action Plan

The North Warwickshire Landscape Character Assessment 2010

The Climate Change Act 2008

The Climate Change Act (2050 Target Amendment) Order 2019

National Infrastructure Strategy 2020

Energy White Paper 2020

The Infrastructure (Electricity Storage Facilities) Order 2020

8. Observations

a) Green Belt

8.1 The site is in the Green Belt. Inappropriate development as defined by the NPPF is considered to be harmful to the Green Belt and that harm carries substantial weight. A planning permission should not be granted, unless there are material planning considerations of such weight to clearly override that Green Belt harm and any other harm. In such a case, the very special circumstances will exist to support that proposal.

8.2 The NPPF defines what might be inappropriate development in the Green Belt. In this case the proposal could fall under two of the categories set out in the NPPF.

8.3 In the first instance, if the proposal is treated as the “construction of new buildings” – the plant, structures and equipment – then the proposal might not be inappropriate development by virtue of paragraph 149 (g) of the NPPF, if it is considered to involve the “partial or complete redevelopment of previously developed land”. This however is the subject of a condition - the proposal should have “no greater impact on the openness of the Green Belt than the existing development.” This will be assessed below.

8.4 The second instance is that if the proposal is treated as a “renewable energy project” then the NPPF at para 151 says that some “elements” will comprise inappropriate development. In such cases the NPPF goes on to say that developers would need to demonstrate “very special circumstances” if projects are to proceed. The NPPF continues by saying that such circumstances “may include the wider environmental benefits associated with increased production of energy from renewable sources.”

8.5 It is considered that the overall proposal is not a renewable energy project as it is not a proposal that generates renewable energy. It is designed to import, store and then export existing electricity. The proposal thus needs to be dealt with under paragraph 149 (g) of the NPPF – the redevelopment of previously developed land.

8.6 There are two matters to assess here – whether the site is indeed “previously developed land” and then to undertake the comparison of the respective impacts on the openness of the Green Belt between the existing and the proposed development.

8.7 The NPPF sets out a definition of “previously developed land”. This is “land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure”. It then excludes several other “uses” including “land that was previously developed, but where the remains of the permanent structure or fixed surface structure have blended into the landscape”. Here the site was occupied by permanent structures as indicated above in paragraph 2.4 above. Those have now been removed and thus the exclusion referred to above does not apply. The site is considered to be “previously developed land”.

8.8 As such, the comparison referred to in the NPPF condition needs to be considered. That condition refers to the “existing development”, not former or original development. The site is presently clear of buildings or structures and thus the introduction of new built development will not satisfy the condition. The proposal therefore does not accord

with the paragraph 149(g) exception. The proposal is thus inappropriate development in the Green Belt and that is harmful to the Green Belt with that harm carrying substantial weight.

8.9 This harm is a “definitional” harm under the NPPF. It is also necessary to assess the “actual” harm to the Green Belt – i.e. do the conditions on the ground here lead to a similar weighting. There is no definition of “openness” in the NPPF, but Government guidance indicates that there are four factors to take into account. The first of these is a “spatial” consideration. Here the site is presently open and free from development. It is also part of a wider area of open space – the land to the east up to the A446. However, it is contained by other development – the A446, Watton Lane, the Motorway embankments and the railway line. It too will be materially affected by the HS2 construction. These developments have both two and three-dimensional elements. The loss of the site spatially, will thus have a very limited impact on the openness of the Green Belt hereabouts. The second factor is the visual one. Here too it is the setting of the site that is significant. That is dominated by urban and transport infrastructure and soon to be added to by the HS2 works. The proposal will visually reduce openness here, but that is considered to be of limited local harm, particularly if the proposed landscaping is fully implemented. The third factor is the activity associated with the proposed use. Apart from the construction period this would be immaterial. The final factor is whether the proposal is temporary or permanent. Here that would be for a period of 40 years and thus the development is reversible. When all of these four factors are considered together it is concluded that there would be limited actual Green Belt harm caused.

8.10 The proposal is thus considered to be inappropriate development in the Green Belt causing substantial definitional harm, but limited actual Green Belt harm.

b) Other Harms

i) Landscape Harm

8.11 The site is not within a Statutory landscape designation. It falls within the “Cole Valley” Landscape Character Area defined by the 2010 North Warwickshire Landscape Character Assessment. This is described as being a flat broad valley but dominated by busy roads and substantially influenced by industrial and utilities development, pylons and urban views. The introduction of HS2 here will add to this.

8.12 Local Plan policy LP14 refers to the 2010 Assessment and says that new development should look to conserve and enhance the characteristics of the Landscape Areas and where appropriate, restore landscape character.

8.13 It is agreed that this is a damaged landscape, heavily influenced by transport and urban development. The impact of this proposal on the landscape will be local and limited in scale. It is one that can be absorbed into it without affecting its overall character. The importance of the proposed perimeter landscaping is thus of weight in introducing a degree of mitigation and betterment. Overall, there would be limited landscape harm.

ii) Visual Impact

8.14 The site is only really visible to drivers and pedestrians on the roads rather than residents. Any impact will thus be very transitory given the scale of the site and its presence close up to the Motorway embankments within the overall landscape as described above. It is considered that the impact will thus be neutral. Again, the mitigation proposed would bring some improvement.

iii) Ecology

8.15 The County Ecologist is satisfied that sufficient information has been submitted and that its content has been properly produced. As a consequence, it is agreed with the applicant that there would be a bio-diversity loss here, even with the proposed mitigation. In line with Local Plan Policy LP16, in order to provide net gain, an off-setting Agreement will be required through a Section 106 Agreement. Additionally, conditions are recommended by the Ecologist for the preparation and implementation of a Construction Environmental Management Plan to ensure protection of species during construction, to agree the specification of any lighting on the site and a Management Plan for the implementation and ongoing maintenance of the proposed mitigation measures. Given this background, it is considered that there would be no adverse ecological impact.

iv) Heritage

8.16 It is agreed that there would be no adverse impact to any heritage asset and that there is very limited scope for underground archaeological interest.

v) Residential Amenity

8.17 Given the limited residential development in the vicinity of the site and the overall urban and heavily trafficked environment in which the site is located, it is agreed that there would negligible adverse impacts arising solely from this development which would materially worsen this existing environment. The Environmental Health Officer agrees.

vi) Highways

8.18 The initial highway concerns were not to do with the capacity of the local road network as a consequence of the traffic generated here, but with the engineering geometry of the proposed improvements to the existing access. This has now been agreed as a consequence of further discussion.

vii) Drainage

8.19 As indicated in the applicant's supporting documentation the site is in Flood Zone One with the proposal not being a sensitive user. The proposals put forward to deal with discharges are appropriate and proportionate.

c) The Harm Side of the Planning Balance

8.20 This report concludes that the cumulative harms caused by the proposal on the harm side of the final planning balance are the substantial definitional Green Belt harm, the limited actual Green Belt harm and the limited landscape harm.

d) The Applicants Considerations

8.21 It is now necessary to identify the considerations put forward by the applicant in support of the proposals on the other side of the planning balance. These have already been initially identified in paragraph 3.15 above.

8.22 His case is essentially based on climate change, the move to zero carbon and to ensure energy security.

8.23 He points to Local Plan policy LP35 which indicates that renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. In particular, they will be assessed on their individual and cumulative impacts on landscape quality, sites and features of natural importance, sites and buildings of heritage importance, residential amenity and the local economy. This is supplemented by the NPPF where there are several references to moving towards a low carbon economy – paragraphs 8 (c), 152 and 158. This latter paragraph is significant as it states that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy.

8.24 Additionally, the content and scope of the documents referred to in Section 7 above all support this local and national planning policy already set out.

8.25 In this case however it has been pointed out that the proposal is not for the generation of renewable energy, but rather to store and better use the energy already in the system so as to reduce reliance on new energy sources. That storage also allows extra capacity in the network and thus its ability to accommodate electricity generated from renewable sources. Additionally, it provides security for existing energy supplies. The 2020 documents referred to in Section 7 advocate the benefits of energy storage.

8.26 These considerations will carry substantial weight.

8.27 However that does not necessarily by itself override the cumulative level of harm already identified.

8.28 A key consideration of the applicant's case is that if energy storage sites are to be supported, they have to be located where operational criteria require them to be. Essentially this is where they can gain access to the Grid. The applicant's Alternative Sites Assessment explains this in more detail, but the summary in para 3.14 outlines the critical factors and para 3.1 provides detail of the link to the Grid. These criteria limit the scope in the search for sites and given the power transmission infrastructure in the Hams Hall area, it is almost inevitable that a Green Belt location would be identified. The applicant says that this is the case here. In short, the 132kv underground cables in Watton Lane have the capacity to take on additional supply at times of peak demand and they supply power directly into the national network.

8.29 This consideration will thus carry significant weight.

e) The Applicant's Side of the Balance

8.31 The report concludes that substantial weight should be given to the applicant's considerations based on need, energy objectives and site location criteria for selecting this site.

f) The Final Planning Balance

8.32 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.

8.33 The harm side of the balance has been set out in para 8.20 above and the other side of the balance is at paragraph 8.31.

8.34 It is considered that the applicant's considerations do clearly outweigh the harm side of the balance. The reasons for this are:

- a) The weights to be apportioned to the various matters identified on both sides of the balance suggest that the final assessment weighs in favour of the proposal.
- b) The national and local planning policy "direction of travel" carries substantial weight.
- c) The locational and functional requirements for this type of development are almost "bespoke". They are not footloose.
- d) In this case, the actual level of Green Belt harm is limited because of the physical and visual setting of the site. This is likely to continue into the future throughout the lifetime of the proposal.

g) The 2021 Direction

8.35 This Direction requires referral of "Green Belt" development to the Secretary of State to see if he wishes to call-in a proposal for his own determination. Hence if the Board was minded to support this proposal that referral might have to take place. However, that referral is also conditional on the scale of the development – there is a threshold under which referral is not mandatory. In this case the threshold comprises two factors either of which triggers the referral. The first is that any floorspace created is less than 1000 square metres and the second is that the development by reason of its scale, nature or location would have a significant impact on the openness of the Green Belt. Here the floor area created is well below the 1000 square metres. The analysis above in paragraph 8.9 concludes that there would not be a significant impact on openness here. As a consequence, it is advised that the Board can grant a planning permission without referral.

Recommendation

That subject to the completion of a Section 106 Agreement relating to a financial contribution of off-site bio-diversity setting, planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before 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 the accumulation of unimplemented planning permissions.

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

EPC/0331/PL/E/LA/OSL/01; BATT/01, FG01, AUX01, PCS01, CUST/01, AR01, CCTV01, ELV1/01 and ELV2/01, P1871/01B and 02B, 23219/03B, 2114/101E and WOR/BWB/ZZ/XX/DR/CD/001/S2/P3, YE/001/PO3, S2/PO3 and P2/PO1.

REASON

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

3. The planning permission hereby granted for the battery energy storage system shall be for a temporary period only, to expire 40 years after the date of the first connection to the National Grid. Written confirmation of this date shall be provided to the Local Planning Authority within one month of this event.

REASON

In order to confirm that this permission is for a temporary period only.

4. Within six months of the date of the first connection to the National Grid, a scheme for the de-commissioning of the battery storage system and its ancillary plant and equipment shall be submitted to the Local Planning Authority. The scheme shall make provision for the whole of the above and underground works approved under this permission. The scheme shall also include the details of the management and timing of the de-commissioning works, together with a traffic management plan to address any traffic issues during the de-commissioning period, an environmental management plan to include details of the measures to be taken during de-commissioning to protect wildlife and habitats, as well as details of site restoration measures. For the avoidance of doubt, the landscape

planting and bio-diversity improvements approved under this permission shall be excluded from this condition.

REASON

In order to confirm that this permission is for a temporary period only and to ensure the re-instatement of the land following expiration of this period.

5. The scheme as agreed in writing by the Local Planning Authority under condition (4) shall be implemented in full, within six months of the de-connection of the site from the National Grid, whether that occurs under the time period set out in Condition (3) or at the end of any continuous de-connection from the Grid for a period of twelve months.

REASON

To ensure the satisfactory re-instatement of the land.

Pre-commencement Conditions

6. No construction shall be undertaken on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan will contain details of:
 - the routing and timing of delivery and other construction traffic to and from the site.
 - suitable areas for the parking of contractors and visitors' vehicles
 - the site of the site compound.
 - the measures to be used to prevent the emission of dust and other debris arising on site.
 - the measures to be used to be used to clean the public highway of debris, waste and detritus.
 - the measures to ensure that the site is secure.
 - the measures to protect existing trees and hedgerows to be retained and
 - named contacts in order to address complaints.

The approved plan shall remain in force throughout construction.

REASON

In the interests of highway safety and to reduce adverse visual and amenity impacts.

7. No development shall commence on site until the finished floor level of the containers, transformer units, control rooms and other equipment have first been submitted to and approved in writing by the Local Planning Authority. The development shall then only be implemented in accordance with the approved levels.

REASON

In order to reduce the risk of flooding

8. No external lighting shall be installed on site until details of the specification and the location of all external light sources has first been submitted to and approved in writing by the Local Planning Authority. Only the approved specifications and locations shall then be implemented on site.

REASON

In the interests of the amenities of the area.

Pre-Commencement Conditions

9. The development hereby permitted shall not be brought into use until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first connection of the site to the National Grid and to the written satisfaction of the Local Planning Authority.

REASON

In the interests of public safety.

10. There shall be no use of the site for the purposes hereby approved until all parts of the existing accesses within the public highway not included within the approved access works, including the vehicular access abutting the western side of the approved access, have all been permanently closed and the highway reinstated to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

11. There shall be no use of the site for the use hereby permitted until the whole of the access works as shown on the approved plans together with the whole of the car parking, manoeuvring and service areas have all been laid out and fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

12. There shall be no use of the site for the use hereby permitted until visibility splays as shown on the approved plans have first been provided in full to the written satisfaction of the Local Planning Authority. These splays shall remain unobstructed at all times.

REASON

In the interests of highway safety.

Other Conditions

13. No gates shall be hung within the vehicular access into the site so as to open within eight metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety

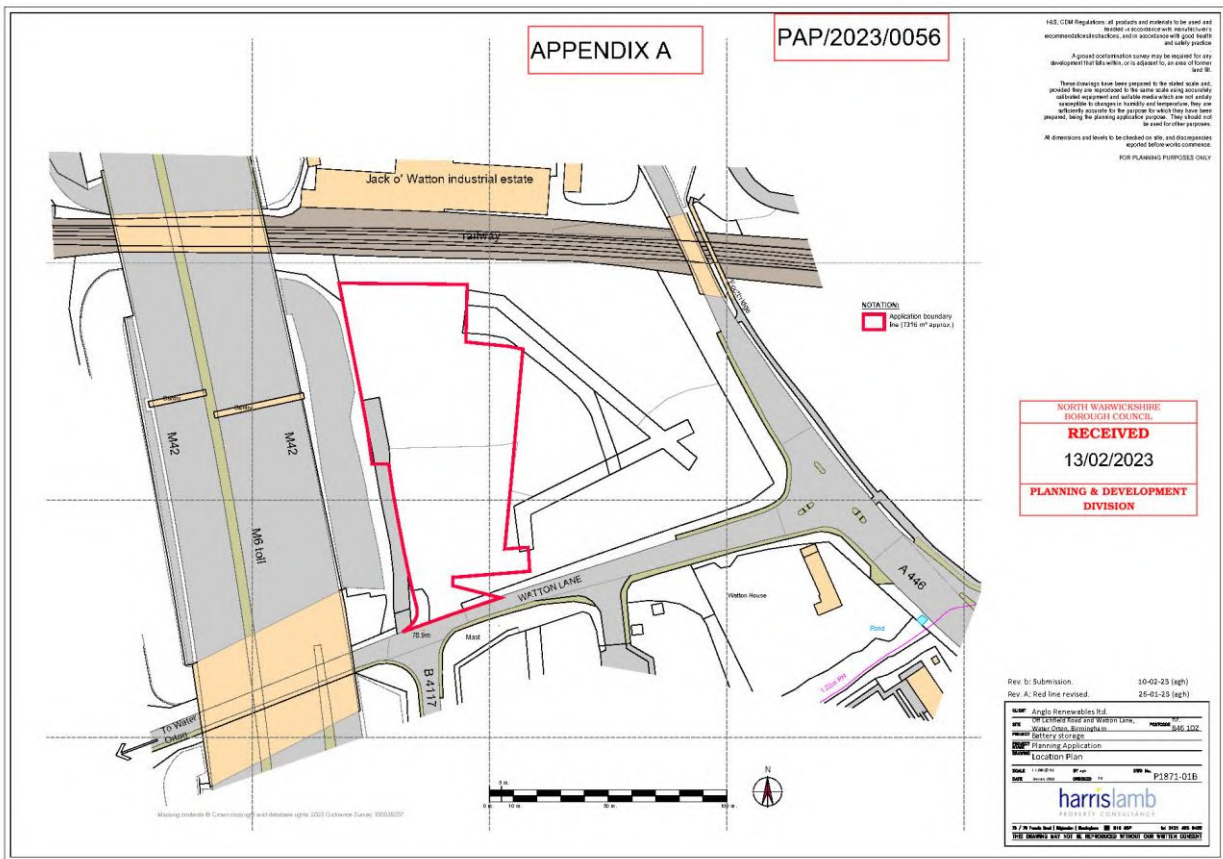
14. The hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding, turfing and soil preparation shall be carried out in the first planting season following the first use of the development hereby approved. Any plants, trees or shrubs which, within a period of five years from completion of the development, die become seriously damaged or diseased, shall be replaced in the next planting season.

REASON

In the interests of the visual amenities of the area.

Notes

1. Attention is drawn to Sections 163 and 278 of the Highway Act 1980, the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Advice on Section 278 can be obtained from the Warwickshire County Council.
2. Warwickshire Fire and Rescue Authority require the inclusion of an advisory note, drawing attention to the need for the development to comply with Approved Document B, Volume 2, Requirement B5 – Access and Facilities for the Fire Service.
3. The Local Planning Authority has met the requirements of the NPPF in this case through the issue of a positive decision following discussion and engagement to overcome initial technical concerns.



General Development Applications

(5/I) Application No: PAP/2023/0462

Abbey Green Court, Grendon Road, Polesworth, B78 1HD

Notification of works to a tree within a Conservation Area for

Warwickshire County Council

Introduction

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

The Site

The tree the subject of this notification stands at the rear of the Abbey Green block of flats facing number 41 Grendon Road as shown on the plan at Appendix A.

The Proposals

The tree is a *Robina Pseudoacacia* (a false acacia) and it is proposed to prune it back three metres from the face of the buildings' elevation as well as to remove epicormics up to six metres from ground level

Observations

This is not an application to undertake works to a tree protected by a Preservation Order. The tree is already protected by its location within the Polesworth Conservation Area. It is a Notification of proposed works to the tree. The Borough Council's remit here is solely to assess whether a Tree Preservation Order should be placed on the tree. Members will be aware that such an assessment is confined to whether it is in the interests of amenity to place an Order on the tree. Planning policy is thus not a matter to be considered here.

If the Council has not responded to the notice within a period of six weeks the works may be undertaken without penalty, provided they are completed within two years of the notice being received.

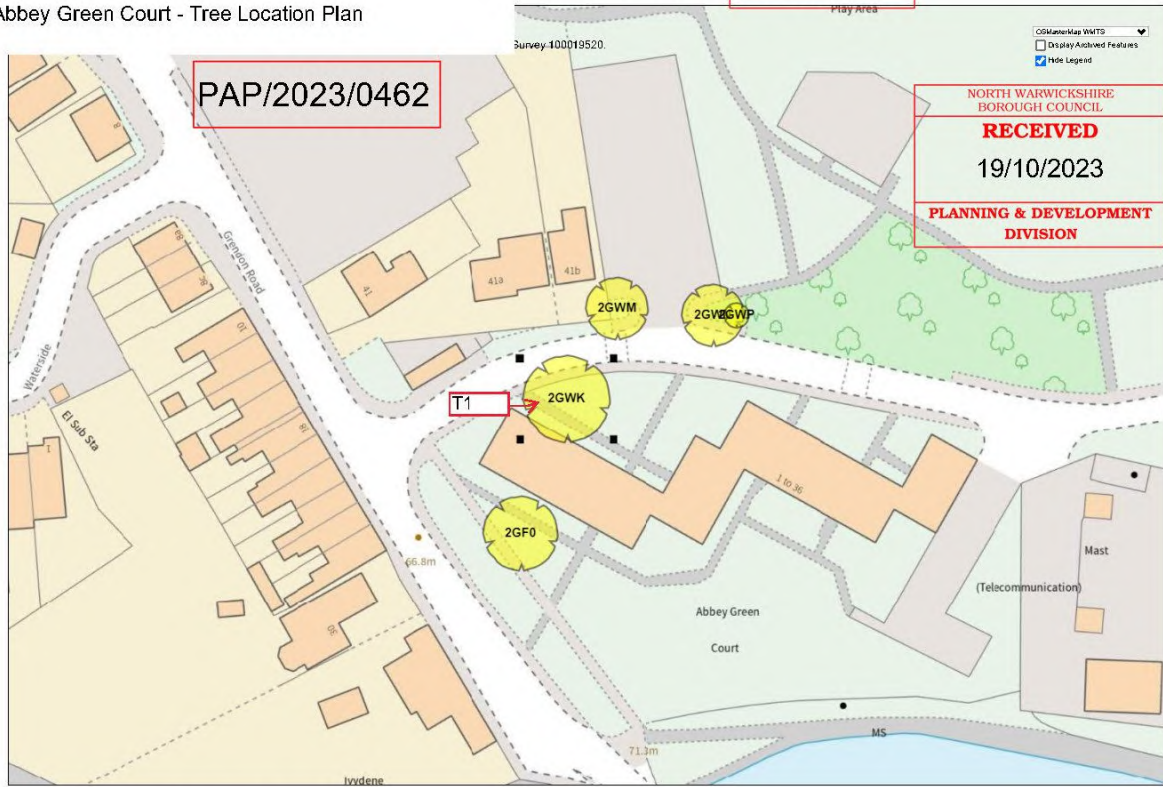
The works to the tree are proportionate and reasonable given its location and the need to maintain its presence in this area. As such the tree will be retained and its amenity value will continue to be protected by virtue of its location within the Conservation Area.

Recommendation

That the works may proceed.

Abbey Green Court - Tree Location Plan

APPENDIX A



<https://web.arbortrack.com/index.asp?action=printmap>

1/1

General Development Applications

(5/m) Application No: PAP/2022/0298

South View, Weddington Lane, Caldecote, Nuneaton, CV10 0TS

Proposed garage, gym, snug and link to existing property, for

Mr Mark Spencer

1. Introduction

1.1 This case is referred to the Board following a deferral, in order that officers could review the previous report in light of comments made at the meeting and to enable a further site visit.

1.2 That visit took place on the 5th August and a note is attached at Appendix A.

1.3 Rather than provide an update to the previous report, it is considered that a new single report should be provided, so that Members have a full understanding of the case. This will also enable responses to be made to those comments.

1.4 One of the issues raised in the course of the application, has been the matter of dimensions. This report refers to officer's understanding of these. They have also been forwarded to objectors in advance of preparation of the report, in order that differences if any can be highlighted. There has been no response at the time of writing this report. If any are received before the meeting, Members will receive a Supplementary Report.

2. The Site

2.1 The site is located on the west side of Weddington Lane within a range of other similar large detached residential properties south of the junction with the A5. The houses are all set well back from the road and have large front gardens. There are numerous trees within the curtilages of all of these properties. In the case of the application site, there are outbuildings close to its northern boundary.

2.2 The property at South View is currently for sale.

2.3 The property to the north – Timberlea – is a bungalow and is sited on a slightly lower ground level than the application property. It has recently been extended. It has an existing detached double garage close to the common ownership boundary and forward of the dwelling. There is a further residential property beyond – Highlands. The residential property to the south – Keepers Gate – is some distance beyond the application site.

2.4 A location plan is shown at Appendix B.

3. Background

3.1 The current proposal arises as a consequence of matters following a refusal of planning permission in early 2022. The background to this present submission will assist the Board in understanding the scope of the current proposals.

3.2 A retrospective application was submitted to the Council in 2020 for the retention of building works at Southview including the demolition of an existing garage/shed, a replacement garage together with a gym, snug and playroom. This had the reference PAP/2020/0259. Representations were received, in particular from the adjoining occupier at Timberlea on the grounds of loss of privacy and loss of light arising from the scale of the built development, its massing and particularly its height. Two site visits were undertaken to both the application site and that of the objector. The case was eventually refused planning permission in February 2022 on the grounds of there being an adverse impact on the residential amenity neighbouring occupiers citing non-compliance with Local Plan policies LP29 (9) and LP30.

3.3 Because of this refusal, the Board also considered whether it would be expedient to take enforcement action. Authority to commence such action was given, but the Board also instructed officers to engage with the applicant on a “without prejudice” basis, to “review alternative proposals”. That process led to the submission of this second application – PAP/2022/0298 - in June 2022.

3.4 In short, this proposal involves the removal of parts of the roof structure presently on site to create a smaller built development. The Board resolved to defer determination at its meeting in August 2022, “so as to allow officers and the applicant further time to consider information provided by an objector and for Members to visit the site”. That process has taken time, but it did lead to the case being referred back to the Board for determination in July 2023. A further deferral ensued, enabling officers to review the officer report in light of representations received and so that the site visit could be organised.

3.5 This report will also address the matters raised as part of the review of the July 2023 report.

4. The Proposals

4.1 The proposal before the Board is for the adaptation of the existing structure along the northern boundary with Timberlea whilst retaining garaging, a gym, a snug and the link to existing property. In short, this would involve a reduction in its height, with the apex of the roof being removed leaving a part flat and a part pitched roof. The end gable would be replaced with a hipped design thus also removing the existing Juliette window. No accommodation is proposed in the roof space.

4.2 It is considered that it is best to show the current proposal as the outcome of the sequence of events as set out in Section 3 above. Moreover, as there is some concern about dimensions, the sequence below enables these to be identified.

4.3 The plans at Appendix C illustrate the position prior to the commencement of the works referred to in para 3.2 above. It shows a swimming pool with its link to a garage close to the northern boundary with Timberlea. As a consequence of the submission of subsequent photographs, it is acknowledged that these plans do not accurately depict the height of the garage/shed building – it being lower than that shown at Appendix C. The original flat roof facing Timberlea is estimated to be around 2.4 metres above the ground level at South View. The full width of the garage was 7.45 metres. It extended 14.3 metres from the end of the pool building and 16.3 metres from the eastern side of the pool's side extension facing Timberlea.

4.4 The plans that were submitted with the 2020 retrospective application are at Appendix D. These show a widening and lengthening of the swimming pool building at its eastern end in order to provide additional accommodation – a gym and a snug - the removal of the original flat roofed garage/shed and its replacement with a new one which had playroom accommodation in its roof-space. As can be seen from the plans the overall extension comprises the addition of the gym and a snug beyond the pool, the snug of which appears as a new side extension, together with an extension of the roof over the pool and the long “limb” of the garage and playroom. Using the same dimensions as above the garage is shown as being 6.9 metres wide and it extends 18.9 metres from the end of the original pool building – and 20.9 metres from the eastern side of the former pool's side extension facing Timberlea. That is 4.5 metres from the end of the original garage building. The height of the whole new structure is 5.9 metres as measured from the ground level at South View.

4.5 These are the plans that were refused planning permission in February 2022.

4.6 The current plans submitted under PAP/2022/0298 are at Appendix E. These retain the accommodation at the end of the pool building and the garage as built. The amendment is the reduction in the height of the roof over the new garage together with the removal of its gable end and replacement with a “hipped” arrangement. The ridge is now 4.3 metres above the ground level at South View. As indicated above, its apex has been removed leaving a height of 1.5 metres between eaves level and the flat roof. The first-floor accommodation has been removed as a consequence, together with the gable end window and Juliet balcony.

4.7 The plans at Appendix E also show the footprint of the original garage/shed and the height of the “as built” structure. Sections are also provided at Appendix F. These show sections through the garage “as-built” and as now proposed, including the bungalow at Timberlea (Section BB) and through Timberlea's garage (Section AA).

4.8 As set out in paragraph 2.3 the ground levels at Timberlea are lower than that at South View. Objectors have indicated that these are between 0.5 and 0.8 metres running along the side new structure's side extension and 0.5 metres from that side extension to the opposite side of Timberlea.

4.9 The plans at Appendices E and F are those submitted for determination.

4.10 In order to best illustrate the differences between these plans, officers have prepared a composite plan – Appendix G. This shows three sections - the top one shows the former situation; the middle section is the “as-built” situation and the bottom is that now proposed. The vertical red line is the estimated front of the extended Timberlea. The horizontal red line shows the height of the original garage/shed. The letters refer to the dimensions in metres set out below and represent officer’s best estimates.

	Original Garage	Refused Scheme	Current Scheme
Height from South View’s ground level (AB)	2.4	5.9	4.3
The overall length from end of the pool’s side extension (CD)	16.3	20.9	20.9

4.11 The objector too has drawn attention to the % increases of the proposals over the original garage thus evidencing the material change of the proposals. Looking at the figures in the table above then a further table can be produced:

	Refused Scheme	Current Scheme
% increase in height over the original garage/shed	142%	76%
% increase in length from end of the pool’s side extension to the end of garage	28%	28%
% increase in floor are over the original garage/shed	94%	94%
% increase in volume over the original garage and link	221%	181%

4.12 As indicated in the Introduction, these tables have been referred to the objector and his comments are awaited.

5. Representations

5.1 Two objections have been received from neighbouring occupiers. The planning matters raised are summarised below:

- There is no material change since the last refusal.
- The proposed siting, scale, bulk and height of the buildings are not proportionate to the buildings they replaced. They are domineering due to their scale, massing and the difference in ground levels and slopes of the neighbouring property. They are equivalent in size to a new dwelling.

- The appearance of the buildings and materials would not assimilate with the character of the local vernacular. They bear no relationship to the buildings that were demolished.
- The reduction will not improve lighting.
- The building has been constructed next to a 180 year old oak tree which has been pruned.
- The impact on the tree and the surrounding buildings has not been assessed.
- The steepness of the roof pitches (especially over the snug) may raise health and safety risk to the neighbouring buildings.
- The Council has to address the Human Rights Act 1998
- There has been no assessment of potential pollution.
- It would set a precedent.
- There is no objection, if the works are smaller and with a lower height.

5.2 A number of other matters have been raised:

- The application forms have been incorrectly completed.
- There are no clear dimensions on the plans and some depictions are incorrect.
- The unauthorised works commenced in 2017 not 2020.
- There is concern about compliance with the Building Regulations

5.3 Additionally, concerns have been expressed about the accuracy of the July 2023 Board report. These will be covered in Section 8 below.

6. Development Plan

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

7. Other Relevant Material Planning Considerations

The National Planning Policy Framework 2021 – (the “NPPF”)

The National Planning Practice Guidance

8. Observations

a) Introduction

8.1 The issue for the Board is whether the current proposal accords with Development Plan policy. The Board has a “guide” in this respect, as there has been a recent refusal here. That proposal did not satisfy Plan policy because the scale and massing of the building was considered to have an overbearing impact on neighbouring residential amenity, as well as the loss of light.

8.2 Officers consider that the current proposal does now satisfy Development Plan policy. It is proposed first to outline a number of planning matters which will have a bearing on the determination of this application, before the report addresses the reasons for the above conclusion. A number of other matters will then be addressed.

b) Dimensions

8.3 A substantial issue for the objectors is to ensure that the Board understands the dimensions of the current proposal and the differences between them and the original position as set out in para 4.3 above.

8.4 It is first necessary to say here that the plans as submitted did have incorrect depictions and that the description did not include reference to the demolition of the garage or to the “snug”. These matters have been corrected in that the amended plans have been received and the description changed as per the header to this report. The corrected plans are those referred to in the Appendices to this report and they have reference to scales such that dimensions can be measured.

8.5 Dealing first with heights, the height of the refused scheme was 5.9 metres as measured from the South View ground level. The proposed height under the current application is 4.3 metres above the South View ground level. The flat roof of the original garage/shed was around 2.4 metres above this ground level (see Appendix G). The proposed reduction in height over the “as built” roof is thus 1.6 metres. That would still be 0.17 metres taller than the height of Timberlea itself (see Appendix F). In summary, the roof of the original garage facing Timberlea was 2.4 metres above ground level at South View; the highest part of the “as built” structure is 5.9 metres above that ground level and the highest part of the current scheme would be 4.3 metres above that level.

Because of the difference in ground levels and slopes between South View and Timberlea, these dimensions would be taller when measured from the ground level at Timberlea.

8.6 Looking next at the length of the new build, then the present structure is 4.5 metres beyond the end of the original garage and 18.9 metres beyond the end of the original pool building. The current proposal would not alter these dimensions.

8.7 So for the purposes of assessment of the current scheme, Members are asked to refer to the tables in paragraphs 4.10 and 4.11, Appendices F and G together with the footprint plan at Appendix E.

8.8 The objectors have also submitted a plan – attached at Appendix J – on which they have superimposed the extent of the former garage/shed on the now proposed elevation facing Timberlea.

c) Overshadowing

8.9 When the original retrospective application (PAP/2020/0259) was reported to the Board it was accompanied by a Daylight and Sunlight Report commissioned by the applicant. This report addressed the impact of that proposed development on the light received at the neighbouring property – Timberlea. It did not compare the impact of the former garage/shed on lighting at Timberlea with that of the proposed development. It looked at the windows in Timberlea’s side elevation as well as the windows and roof lights in its new front extension together with the windows in its nearby garage. It concluded that all of the neighbouring windows passed the relevant Building Research Establishment (BRE) tests for diffuse and direct sunlight and that the proposed development also passed the relevant BRE overshadowing test for garden and open

spaces. The report's overall conclusion was that whilst the development would affect the lighting in the side elevation of Timberlea and the outbuildings together with the closest opening in the front elevation, that impact would be low in respect of the overall light receivable at Timberlea.

8.10 The objectors refuted these conclusions and submitted a series of photographs to illustrate the extent of overshadowing from the "as-built" structure. They also say that because there was no comparison with the situation before the proposal, the increased loss of sunlight as a direct consequence of the larger structure has not been assessed. The photographs are attached at Appendix H.

8.11 Members have the benefit of these photographs as well as their experience on site, following three site visits at different times of the year, to make their own assessment. It is however important to point out that firstly the Report was intended to assess the impact of the proposed development and secondly, the Report as well as the photographs refer to the "as-built" structure presently on site and not to the amended scheme currently before the Board.

8.12 It is agreed that the "as-built" structure did worsen the sunlight affecting the front of Timberlea when compared to the former garage/shed building. This was explicitly recognised in the refusal reason. It is also agreed that the current proposal will reduce the sunlight affecting the front of Timberlea. The issue is whether that is acceptable or not. Given that the BRE Report concluded that the impact of the as-built structure would be "low", the impact of the reduced height of the current proposal would lead to an improved position.

d) Overdevelopment

8.13 The objectors have referred to the National Design Guide and the National Model Design Code. These are referred to in Section 12 of the NPPF which sets out the objective of creating high quality, beautiful and sustainable buildings and places. This is reflected in Policy LP30 of the Local Plan. This states that all new development should respect and reflect the existing pattern, character and appearance of its setting. The Board has already assessed the "as-built" structure on site through the determination of the last application. It now has to make the same assessment with the proposed amended scheme. In other words, does the amended scheme satisfy this Policy in that it overcomes its concern about the impact on the wider setting.

e) Conclusions

8.14 The refusal reason for the "as-built" structure cited Local Plan Policy LP29 (9). This says that development should "avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing and light" amongst other matters. Officers consider that the amendment has gone sufficiently far to overcome the past refusal – it does go far enough to "avoid unacceptable impacts". The change is the reduction in height of the new building – 1.6 metres over the "as-built" structure. This is a material change in height, even allowing for the difference in ground levels between the two properties. The two Sections BB on Appendix F illustrate this change. It is acknowledged that the length of the building and its footprint remain the same and thus that the reduced height would still extend over a longer building than was there originally. However, the change in the roof design at the northern gable to a "hipped"

arrangement is of benefit. The key issue here is the material height reduction which reduces the impact of the massing of the building and in turn that is sufficient to improve the openness of the setting and to improve the day lighting and sun lighting to the front of the neighbouring property.

8.15 Looking at this in more detail, then Timberlea is to the north of the building – its side elevation being some 4 metres from the new building. It is also at a slightly lower level, but from the site visits this was not generally noticeable. The property faces east and its main window openings face east and west. The side elevation facing the new building includes a door and a small obscurely glazed bathroom window. The closest windows in the front elevation have large floor to eaves openings. The nearest one to the site is a study, the next is to a lounge. There is also a small front window in the garage facing east close to the new development. The Lighting report submitted with the original application in respect of the “as-built” structure, concluded that there would be a limited impact on the degree of day and sun light received by Timberlea as a consequence of the development. The worst rooms affected are those along the side elevation, but these are not habitable rooms – neither is the garage. The two most affected windows are those two in the new front extension closest to the development. The sun will travel from east to west and particularly in the winter, there will be a shading effect from the “as-built” structure on these windows. This is shown on the photographs at Appendix H. It is considered that the reduction in roof height will improve the day and sun-lighting received by these two windows. This can be deduced from the photograph at Appendix I where officers have used their best endeavours to superimpose the height of the proposed ridge onto the photograph at Appendix H in order to aid this assessment.

8.16 The main garden to Timberlea is at the front and it does not really have an open setting given the number of existing trees in the locality. It is considered that the light entering this front garden is not materially affected by the proposed development. The courtyard in front of the house will mainly be affected as illustrated in the photograph at Appendix H. However, that impact is limited to part of this area and not continually throughout the day. The reduced height will improve this situation.

8.17 The rooflights in the building facing Timberlea are to be retained in the revised proposal. These are not considered to impact on privacy or the potential for overlooking, because of their height above floor level and because they face the side elevation of Timberlea which has no habitable rooms. Additionally, they are to be obscurely glazed.

8.18 The “as-built” structure includes a window in its east facing gable, which would serve a play-room. This will be removed due to the reduction in height of the proposed amendment and the change in the roof design with the subsequent loss of the play-room at first floor.

8.19 The amended scheme is considered also to improve the situation in respect of Local Plan policy LP30 referred to in para 8.12. This is because the wider setting here is one of larger buildings set within quite spacious and open surroundings together with many trees and set well back from the road – see Appendix A. A building here would not materially affect this wider setting. The impact on the immediate setting has been dealt with in the preceding paragraphs.

8.20 It is not considered that there would be a material adverse impact on the setting or lighting received at the other residential properties here – namely Highlands and Keepers Gate – given the separation distances of at least 45 metres.

8.21 It is in all of these circumstances that the recommendation below is made.

8.22 The Board is asked to assess whether the current amended plans accord with Development Plan policy. In order to aid that assessment, it has a guide or benchmark with the previous refusal. Officers consider that it does now satisfy the relevant policies as it is a material betterment over the refused scheme. It is important to assess the submitted plans against Plan policy. This is not an assessment as to how close the plans match the original building. They plainly do not, and that is not a reason for refusal. There has been discussion about the height of the original garage here – acting as a kind of bench-mark. The sections shown at Appendix G and the table at para 4.10 have been shared with the objector and his comments are awaited. However, the height of the original garage is not considered to be the determining factor here. This is whether the current proposal satisfies Policies LP29(9) and LP30.

f) The Protected Tree

8.23 The application site is partly covered by a Tree Preservation Order. The tree shown on Appendix F as being on the objector's property, is covered by this Order. The concern is that the root system of this tree may have been affected by the foundation works for the building. The applicant submitted a report with his 2020 application which concluded that there was only likely to be limited damage to the health and stability of the tree, but that further monitoring should be required. The Council's tree officer at the time pointed to the lack of evidence about the details of the foundations and the severance of any roots. As a consequence, the County Council's Forestry Officer inspected the tree. He concluded that the tree had not suffered any short or long-term damage, in that it had coped naturally with the change in circumstance within its root protection area.

8.24 In light of the receipt of these amended plans, the Forestry Officer was again asked to visit and inspect the tree. This took place towards the end of September 2023 after the date of the Board visit. He found the tree is "not in decline" and that "the works have not had a negative impact on the long-term future of the tree". This is attached at Appendix J.

8.25 Unauthorised works to trees protected by an Order is an offence. However, in order to successfully prosecute a person undertaking such works, the Council has to have evidence that that person has "wilfully" damaged or destroyed a protected tree – Regulation 13 of the 2012 Regulations. The key word here is "wilfully". Actual works to a tree can normally be evidenced, but proving to a Court that they have been done to "wilfully" damage the tree is more difficult to evidence. Moreover, the Council would need to show that those works have had an adverse impact on the tree. In other words that the action is in the public interest as a protected tree has been damaged or lost. The evidence from two qualified Arborists who have looked at the tree - two years apart – does not provide this evidence.

g) Planning Application Forms

8.26 Concerns have been expressed about the planning application form, which is said to have been incorrectly completed and thus should not be relied on in the assessment of the proposal. Each matter raised will be dealt with.

8.27 The first is that the form says the materials used would be “brick-work” whereas the elevation facing Timberlea is constructed in “block-work”. This indeed is the case. The applicant has been asked about this and confirms that this elevation would be rendered. This can be conditioned should planning permission be granted.

8.28 The second was that the depictions on the original version of Appendix E were incorrect. This was the case and the corrections have been made. The plan at Appendix E as included with this report is that corrected version.

8.29 The third was that the full details as required by the forms were not provided. The forms and the accompanying Application Validation requirements ask for details of fences, trees and hedgerows, drainage, roads, public rights of way, hard-standings, the location of neighbouring properties and ground levels to be included in the submission. Several of these were not illustrated on the submitted plans. This is agreed. However, the Validation requirements says that these details are needed where they might “influence” or would be “affected” by the proposal. The plans as updated do now show boundary treatments (Appendix F); the relevant tree is shown on Appendix F, roads are illustrated on Appendix B, the location of neighbouring properties on Appendix B, together with ground levels on Appendix F. There are no public rights of way in the vicinity and drainage has not been raised as a planning issue throughout the history of this case. Additionally, Members have now visited the both the application site and that of the objector on three occasions. As a consequence, it is considered that the Board does have the appropriate information. If it considers that it does not, then it may wish to defer a determination in order to ask officers to follow up on the requested details.

h) Enforcement Proceedings

8.30 Concerns have been expressed about the resolution of the Board to authorise enforcement action, but then not to act on it. The Board will be aware of a number of cases referred to it by the objector where unauthorised developments elsewhere have been the subject of enforcement action. The resolution of the Board following the refusal is set out in para 3.3. The reasoning for this approach is that the decision to enforce is “discretionary”. Members will be aware of the legislation which says that enforcement action should be taken when it is “expedient” to do so, and that enforcement action should be dealt with in a “proportionate way” – see Section 172 of the 1990 Planning Act and paragraph 003 17b-003-20140306 of the National Planning Practice Guidance respectively. Moreover, Section 73A does enable the submission of retrospective planning applications. In this case the following factors needed to be considered in respect of the assessment of “expediency. Here, there have been buildings constructed along this boundary and the objectors too have indicated that they would not object to a replacement garage (albeit smaller than that now being considered). Additionally, the two most important planning policies here both ask for an assessment to be made in respect of their requirements. As such, it is quite possible within the wording of these policies, for an amended proposal to that “as-built”, to potentially be supported in this location. Significantly, the policies do not prevent development here. As a consequence,

the Board considered that notwithstanding its refusal, an alternative proposal might be one that could be supported. That opportunity was offered to the applicant on a “without prejudice” basis. If it was not taken up, then formal Enforcement action as authorised, could proceed.

8.31 The Board resolution included “engagement” with the applicant. Officers did so by referring the main thrust of the refusal reason to him – namely the size of the building and particularly its height. The applicant was thus aware of the issues. His response was acknowledgement of these, through the submission of the amended plans now before the Board.

8.32 If the Board does not agree with the recommendation below, then it can re-assess the expediency of enforcement action.

8.33 It is also understood that the applicant has recently been “carrying out substantial works” to the building – block paving in front of the garage and fitting windows. Members will be aware that works undertaken in advance of the grant of a planning permission are unauthorised and thus the applicant runs the risk of enforcement action should planning permission be refused. The last report did include a recommendation to grant planning permission and that was in the public domain. That however is not a determination and the Board will have to make the final decision.

i) The Building Regulations

8.34 There is an allegation that there is no Building Regulation approval for the building as built – particularly for the specification of the foundations due to the presence of the tree.

8.35 Members will be aware that the need to comply with these Regulations can reside with either the Local Authority or through an Approved Inspector. Members will know that the Council is in a Partnership with neighbouring Authorities to fulfil this service. It is understood that the applicant chose not to use the Partnership route. In this regard the objector is following the matter through with the appropriate bodies outside of the Local Authority Partnership. Members will be aware that this is the proper approach here.

8.36 This will not prevent the Board making a planning decision on the planning merits of the current case. If further action is needed under the Regulations, then that is a matter for the applicant and his Approved Inspector.

j) Human Rights and Corporate Manslaughter and Homicide Act

8.37 These are matters that have been referred to in dealing with this case.

8.38 In the case of the Human Rights Act, the concern refers to Article 2 (the Right to Life) and Article 8 (the Right for respect to a private life). Members are aware that the determination of this application is to be made under planning legislation – essentially this is about conformity with the Development Plan and whether there are other material considerations that indicate otherwise. The Human Rights Act is sometimes mentioned in Board reports and advice given to Members revolves around two matters. The first is that the rights mentioned are not Absolute Rights. The second is that there is appropriate and relevant other legislation here, in order to properly address the matters

referred to in the two Articles mentioned – the Planning Acts. These enable the matters raised to be assessed and balanced by reference to the Development Plan. As a consequence, the respect for a private and family life is fully represented by the Development Plan policies mentioned in this report – LP29 and LP30 of the Local Plan.

8.39 The issue around the other Act relates to two matters. Firstly, the possibility of the protected oak tree failing as a consequence of this development, leading to damage to buildings. Secondly, to the prospect of tree branches or snow and ice falling from the building's roof onto a third party's property. As indicated previously, this application is to be determined under planning legislation. This enables consideration being given to the impact of the development on the tree's health and stability. In respect of the second matter, then there are many roof slopes that affect neighbouring property throughout the Borough. As such, it is considered that this matter is more appropriately dealt with by civil action.

In any event, the Corporate Manslaughter and Homicide Act does not apply to the Council in its capacity of determining an application under the Planning Acts. Should planning permission be granted then, should a death occur because of a corporate body negligently implementing that permission, the Act would apply to that body.

k) Other Matters

8.40 Reference was made in Section 1, to the fact that this property has been put on the market. The Sales particulars are not that clear in respect of the planning "status" of the building the subject of this application. If the recommendation below is agreed, a planning condition should be included so as to restrict the use of the garage to that use alone.

8.41 If Members consider that there is information or detail which they think is relevant to their consideration of this application that has not been submitted, then they can request that at this time.

8.42 The Board has now visited both sites three times. Different Members have attended these visits, but several have undertaken all three.

8.43 Any response by the objector to the tables referred to in this report, will be made known to the Board.

Recommendation

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

1. The development to which this permission relates must be begun no later than the expiration of six months 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 accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with plan numbers 9606/21 b received by the Local Planning Authority on 14 July 2023, 9606/23A received by the Local Planning Authority on 15 June 2023 and 9606/01 received by the Local Planning Authority on 13 June 2022.

REASON

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

3. Notwithstanding the details shown on the approved plans, the facing material to be used on the building shall be rendered blockwork, the colour of which shall first have been agreed in writing by the Local Planning Authority.

REASON

In the interests of the visual amenities of the area.

4. No additional openings within any elevation of the building hereby approved or within any part of its roof shall be made or installed.

REASON

In the interests of protecting the residential amenity of neighbouring occupiers.

5. The building hereby approved shall only be used for the uses as depicted on the approved plans as incidental residential use to the residential property known as South View, Weddington Lane, Caldecote, CV10 0TS and for no other use or purpose whatsoever.

REASON

In the interests of protecting the residential amenity of neighbouring occupiers.

Notes

1. The building is close to an oak tree protected by an Order. Any works close to that tree should first be discussed with the Local Planning Authority prior to being carried out.
2. The Local Planning Authority has met the requirements of the NPPF in this case by working with the applicant to achieve an amended scheme that can be supported.

3. 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 5e/98 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.

4. 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>

5. 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".

6. 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), and 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>

7. 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.

Appendix A

PAP/2022/0298

South View, Caldecote

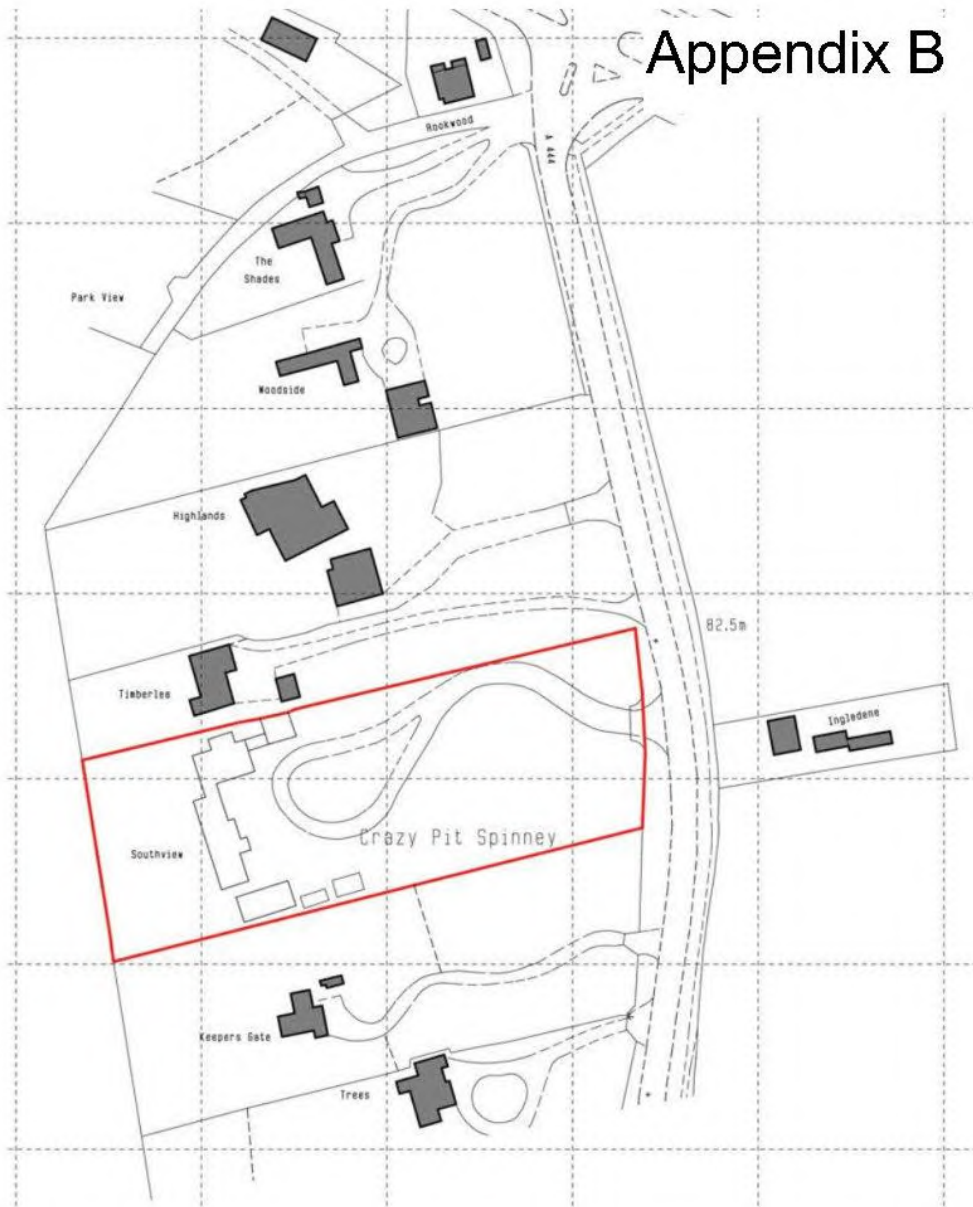
Site Visit – 5th August 2023 at 1100

Present: Cllrs Bates, Bell, Humphries, Ridley and Ririe together with J Brown

Mr Spencer, the applicant was present for the first part of the visit and Mr Welford and Mrs Brown attended the second part.

1. Members met at South View and were able to see the general setting with the existing buildings and tree cover.
2. The proposed plans were shown to Members.
3. The existing garage was identified together with the snug and gym area.
4. It was pointed out that the development on site was that which had been refused in 2022.
5. The differences from the proposed plans were pointed out – the reduction in the ridge height/the removal of the dormers/the gable end being replaced by a hipped roof and the removal of the gable end window and its Juliette balcony.
6. The protected oak tree was also identified.
7. Members then walked around to Timberlea, the neighbouring property which lies on the other side of the garage.
8. The proposed changes as identified under (5) above were repeated and Members were able to see the existing garage and a small outbuilding together with their heights. Members then walked between the side elevation of Timberlea and the side elevation at South View.
9. Here they saw the existing openings in the side elevation of Timberlea – a door and an obscurely glazed window.
10. The three roof lights were pointed out.
11. The fenestration on the front of Timberlea was also pointed out.
12. The location of the tree was identified.
13. Mr Welford had illustrated the height of the original garage on the site at South View by way of a wire which was pointed out to Members. This was below the height of his garage and approximately ran to the height of the eaves of the proposed “snug” building.
14. He also pointed out the difference in levels – with Timberlea being lower than South View. He also pointed out the slope of the land from his garage to beyond his bungalow and also away from his garage towards the north.
15. The passage of the sun across the site was also identified – from east to west.
16. Cllrs Bates, Ridley and Ririe together with Mr Welford, Mrs Brown and J Brown then walked over to Mrs Brown’s property at Highlands.
17. Here Members were able to look back at the existing roof of the new garage.
18. The height of the original garage was also identified.
19. Members then returned to Timberlea and then back to South View.
20. The visit concluded at around 1150.

Appendix B



LOCATION PLAN.

SCALE - 1/1250.



5m/104

ELEVATION - facing Weddington Road.

ELEVATION - facing Keepers Gate.

ELEVATION - facing Timberlea.

GROUND FLOOR PLAN.
Scale 1/100.

SITE LAYOUT.
Scale 1/500.

Revisions

No	Description	Date
1	Issue for Approval	04/06/2023

RECEIVED
04/06/2023
PLANNING & DEVELOPMENT
DIVISION

BAILEY DESIGN LIMITED
ARCHITECTURAL PLANNING & DEVELOPMENT CONSULTANTS
40A WINDMILLS COURT COFFEE LODGE WINDMILLS INDUSTRIAL PARK
SOUTH VIEW WEDDINGTON ROAD, SALISBURY WILTSHIRE

PROPOSED GARAGING, SWIMMING POOL & PLAYROOM AT SOUTH VIEW WEDDINGTON ROAD, SALISBURY WILTSHIRE

PLANS AND ELEVATIONS - 01j of Garage

DATE	DATE	SCALE	NO.
1/100	1/500	1/1	9606.24

ELEVATION - facing Weddington Road.

ELEVATION - facing Keepers Gate.

ELEVATION - facing Timberlea.

GROUND FLOOR PLAN.
Scale 1/100.

FIRST FLOOR PLAN.
Scale 1/100.

SITE LAYOUT.
Scale 1/500.

Revisions

No	Description	Date
1	Issue for Approval	09/02/2022
2	Issue for Approval	19/05/2021

RECEIVED
09/02/2022

RECEIVED
19/05/2021

BAILEY DESIGN LIMITED
ARCHITECTURAL PLANNING & DEVELOPMENT CONSULTANTS
40A WINDMILLS COURT COFFEE LODGE WINDMILLS INDUSTRIAL PARK
SOUTH VIEW WEDDINGTON ROAD, SALISBURY WILTSHIRE

PROPOSED GARAGING, SWIMMING POOL & PLAYROOM AT SOUTH VIEW WEDDINGTON ROAD, SALISBURY WILTSHIRE

PLANS AND ELEVATIONS.

DATE	DATE	SCALE	NO.
1/100	1/500	1/1	9606/02

RECEIVED
23/06/2023
PLANNING & DEVELOPMENT DIVISION

RECEIVED
14/07/2023
PLANNING & DEVELOPMENT DIVISION

Appendix E

PAP/2022/0298

ELEVATION - facing Weddington Road.

ELEVATION - facing Keepers Gate.

GROUND FLOOR PLAN.
Scale 1/100.

ELEVATION - facing Timberlea.

SITE LAYOUT.
Scale 1/500.

ROOF LAYOUT.
Scale 1/100.

NO.	DATE	BY	CHKD	REV
1	15/06/2023			

BAILEY DESIGN LIMITED
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01928 542222

PROPOSED GARAGING, GYM & PLAYROOM
AT SOUTH VIEW, WEDDINGTON ROAD,
COLLEEGATE, NANTWICH, CHES, CH89 9JQ

PLANS AND ELEVATIONS.

DATE	DATE	DATE	DATE
15/06/23	15/06/23	15/06/23	15/06/23

9606/21

RECEIVED
15/06/2023
PLANNING & DEVELOPMENT DIVISION

Appendix F

PAP/2022/0298

Existing Section A - A
Scale 1/50

Proposed Section A - A
Scale 1/50

Existing Section B - B
Scale 1/50

Proposed Section B - B
Scale 1/50

Key Plan
Scale 1/500

NO.	DATE	BY	CHKD	REV
1	15/06/2023			

BAILEY DESIGN LIMITED
ARCHITECTURAL PLANNING & DEVELOPMENT DIVISION
15A, WINDMILLS COURT, LORRAINE ROAD, WINDMILLS INDUSTRIAL PARK, COLLEEGATE, NANTWICH, CHES, CH89 9JQ
01928 542222

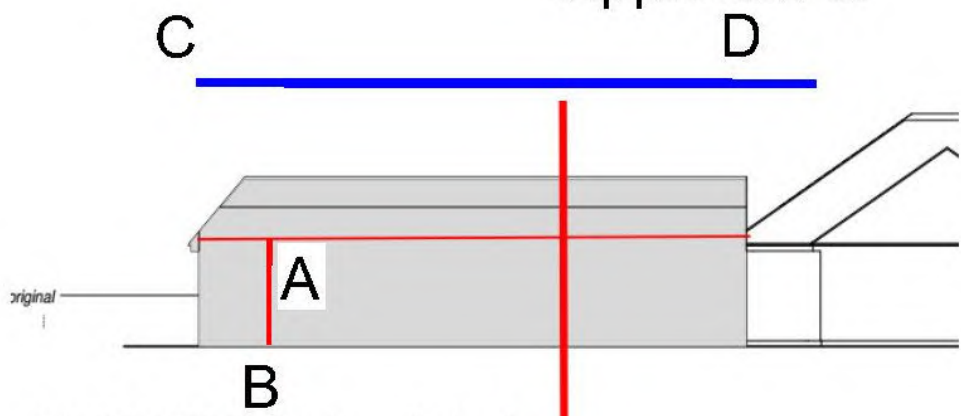
PROPOSED GARAGING, GYM & PLAYROOM
AT SOUTH VIEW, WEDDINGTON ROAD,
COLLEEGATE, NANTWICH, CHES, CH89 9JQ

SITE CROSS SECTIONS

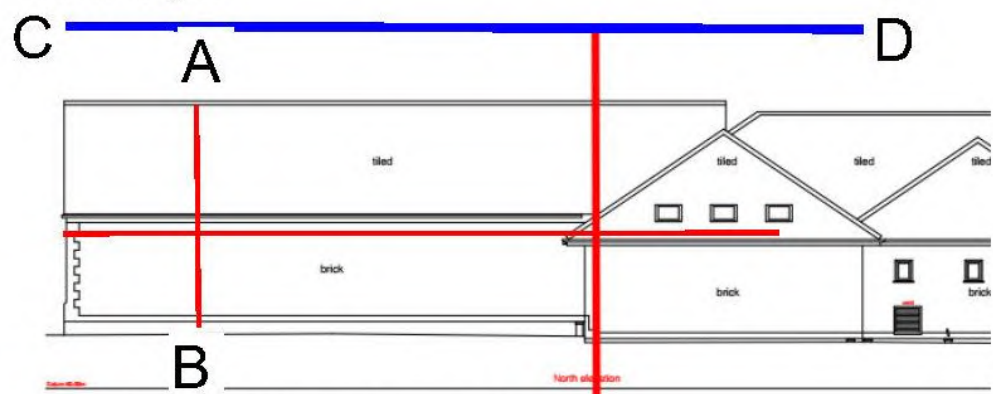
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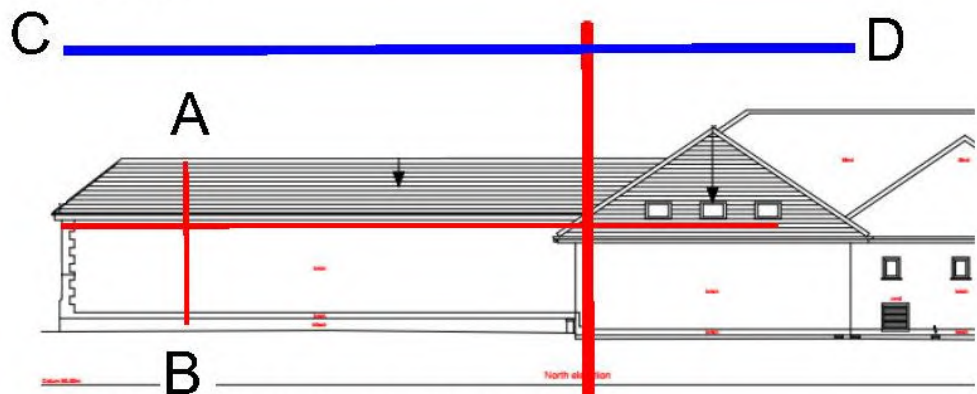
Appendix G



ELEVATION - faci imberlea.
Above - original



ELEVATION - facing Timberlea
Above - refused



ELEVATION - facing Timberlea
Above - proposed revision

Appendix H

Picture at 0940



Picture at 0942



Picture at 0948



Picture at 1007



Picture at 1101



Picture at 1139



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Appendix I



Appendix J

ARBORICULTURAL INSPECTION

Site: Timberlea, Weddington Lane, Caldecote,
Warwickshire, CV10 0TS

Ref No: 8413

Prepared for: Ian Griffin

Prepared by: Clint Parker

Date of Inspection: 19 September 2023

Date of Report: 26 September 2023

Clint Parker Arboricultural Team Leader
Warwickshire County Council
Communities
Forestry
Highways Depot, Buckley Green
Henley in Arden B95 5QE
Tel: 01926 736490

OFFICIAL

RE: Inspection of Oak tree Timberlea (Southview) Caldecote

Brief:

I have been instructed by Ian Griffin from North Warwickshire Borough Council to carry out a secondary inspection on an Oak tree sited at the above address. The inspection is to summarise potential physiological and structure damage following construction works adjacent to the tree.

Background:

Further information can be found in my previous report reference 7736 and dated October 2021. However, as an introduction to the case, I inspected this tree in October 2021 following ground works that occurred within the rooting area in October 2017.

Findings:

The tree does not appear to be showing any signs of decline six years after the works were carried out. Plate 1 shows the tree at the time of inspection from the garden of Timberlea and there is no crown dieback as could be expected following severe root severance. This can also be seen when looking at the 2023 images from google when compared to the surrounding vegetation, Plate 2.



Plate 1: photo 19.9.23



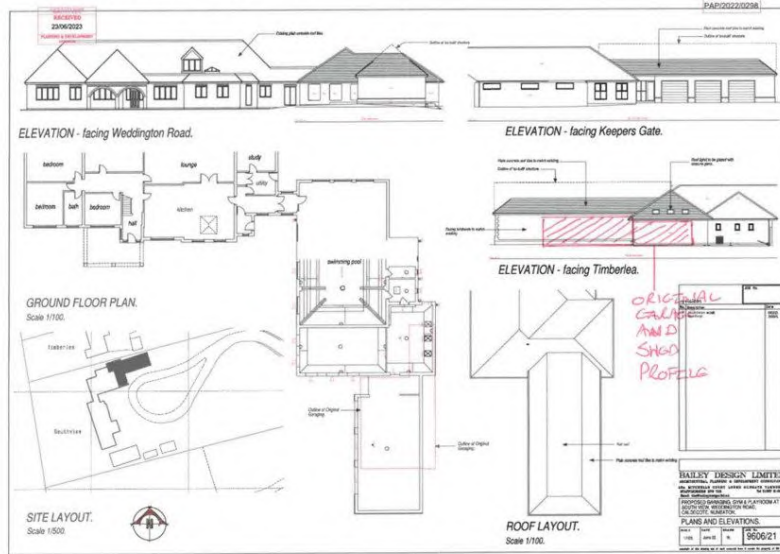
Plate 2: Google image 2023

Conclusion:

Following on from the first inspection in October 2021 I can confirm that the latest inspection does not show the tree to be in decline and that the works have not had a negative impact on the long-term future of the tree. I would therefore conclude that North Warwickshire Borough Council do not need to continue to monitor the condition of this tree.

Appendix K

Planning Drawing 9606/21 showing the North Elevation profile of the original garage and shed



General Development Applications

(5/n) Application No's: PAP/2022/0169 and PAP/2022/0170

Lea Marston Sports Ground, Blackgreaves Lane, Lea Marston,

169 - Erection of single-storey extension to existing cricket pavilion to provide amenities block (toilets and showers) for use by Lea Marston Caravan Site,

170 - Variation of condition numbers 11 and 12 of planning permission reference PAP/2007/0525 to allow storage within the cricket pavilion of sports equipment (including guns and ammunition) for use by Lea Marston Shooting Club and variation of condition number 2 of planning permission reference PAP/2007/0525 to allow the retention of 2 no. disabled access ramps, door canopy, disabled viewing and firing platform (retrospective),

Both for Mr Guy Breeden

1. Introduction

1.1 These applications are being reported to the Development and Planning Board at the discretion of the Head of Development Control, given the Boards' previous involvement with earlier proposals. As both applications relate to the same general land area they are being reported together.

2. The Sites

2.1 A general location plan is at Appendix A.

2.2 This illustrates a sports field and buildings on the north side of Blackgreaves Lane.

The Lea Marston Clay Pigeon Shooting Club has its premises on the other side of the Lane. Blackgreaves Farm is to the south-west where there a number of residential barn conversions. The Lea Marston Hotel and Golf Course are to the north and east.

2.3 The overall site comprises the sports field together with two buildings marked as the pavilion and restaurant on Appendix A. There is also a fishing pond and an area of hardstanding together with a site for the stationing of five touring caravans. All vehicular access is gained from Blackgreaves Lane via two locations – one close to the restaurant and the other opposite the Farm.

2.4 The site for application 169 relates to works to extend the pavilion as shown on Appendix A and application 170 also to this building.

3.The Proposals

3.1 Application 169 is a proposal to erect of single-storey extension to the existing pavilion so as to provide an amenities block. It measures 7.9 metres by 6.3 metres with an overall height of 3.8 metres and would include a laundry room, male and female facilities including toilet and shower facilities. It would have concrete plain roof tiles to match the existing and cedar oak wall cladding also to match the existing. A pedestrian link would be provided along the southern edge of field so as to link the caravan sites with the building.

3.2 The extension would be used by occupiers of the caravan site as well as those using the fishing pool. The applicant also points out that the clay pigeon shooting ground on the other side of the Lane is frequented by those with disabilities who stay at the caravan site, but do not have full facilities to meet their need. The proposal will also cater for this need.

3.3 The location of the extension and elevations are at Appendices B and C

3.4 Application 170 seeks variations to condition numbers 11 and 12 of the original planning permission for the pavilion which deal with its use. It also seeks a variation of condition 2 in order to substitute plans to accommodate elevational and layout changes at the pavilion.

3.5 Condition 11 is proposed to be replaced. It presently restricts the use of the pavilion as changing accommodation in connection with sporting events taking place on the associated sports field. The condition reads:

“The approved cricket pavilion shall only be used as changing facility consequent upon sporting events taking place on the associated sports pitch unless first agreed in writing by the Local Planning Authority.

Reason: To prevent the facility being utilised as a venue for events unrelated to the sporting use of the adjoining pitch.”

3.6 The applicant says that the building is not so used. It is currently leased to the Lea Marston Shooting Club and will be used for the storage and operation of various sports taking place on the field including archery, air sports and multi-activity days run the Club. It would also provide space for the secure storage of guns and ammunition used by that Club. In short, the proposed use is one of storage of equipment used by the Shooting Club.

3.7 Condition number 12 restricts the use of the pavilion for a period in excess of 30 minutes following the end of any match or training session on the associated sports ground at the site. The condition reads:

“The use of the building hereby approved as defined by Condition 11 shall cease, and it shall then be vacated no longer than 30 minutes after the end of any match or practice session that utilises the associated sports field.

Reason: In order to prevent the facility being utilised as a venue for events unrelated to the sporting use of the adjoining field.”

3.8 The applicant says that this condition should be removed as it is no longer appropriate given the current situation.

3.9 Condition 2 of the original permission listed a number of approved plans. The proposal seeks a variation of the condition through the substitution of new plans, to reflect the appearance and design of this building now on site. These include both elevation and layout changes. It also includes the retention of two disabled access ramps, door canopy, disabled viewing and firing platform. The changes do not involve any increases in the footprint of the building or its volume. It does include a covered verandah.

3.10 The approved plans and layout of this building are at Appendix D

3.11 The plans to be substituted by the proposed changes to Condition 2 are at Appendix E.

3.12 The applicant has submitted a covering letter which explains the background in more detail. It particularly refers to the existing situation at the Shooting Club and the connection with the current proposals. This is at Appendix F.

4. Background

Planning permission was granted for a pavilion in 1973 together with the use of the land for outdoor sporting/recreational use. This was taken up, but the building is now the restaurant building as shown on Appendix A. This later use arises because of a Certificate granted in 2002.

The planning permission for the sports pavilion the subject of the current application as identified on Appendix A dates from 2007.

There have also been refusals on the site - in 2004 and 2007 for earlier versions of the pavilion which included residential use.

A planning application to station 16 touring vans on the site with ancillary accommodation was refused in 2015.

A proposed new amenity block on the site of the present hardstanding together with five new pitches remains undetermined.

5. Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP14 (Landscape), LP17 (Green Infrastructure), LP22 (Open Spaces and Recreational Provision), LP29 (Development Considerations) and LP30 (Built Form)

6. Other Relevant Material Considerations

National Planning Policy Framework 2023 (the “NPPF”)

7. Consultations

Environmental Health Officer – No objections subject to conditions

8. Representations

Lea Marston Parish Council

i) The developments are in the Green Belt and are not for sporting purposes. The development will lead to overcrowding of the site which is incrementally changing from a sporting venue to a commercial function. The development is out of character with the current purpose of the building. There is no other facility within the parish on which to play cricket. The pitch and pavilion need to be preserved for sporting purposes.

ii) There is also concern about security, the fear of crime and safety risks

One objection has been received on both applications referring to:

- the proposed extension should be a separate building and be located on the same footprint as the existing building.
- the replacement facility has no physical connection with the caravan complex raising questions about its functionality.
- increased activity associated with the caravanners using the facility all times of the day and night during the weekdays and at weekends.
- the operation of the proposed development must be tied to the caravan site by means of a legal agreement, and not a planning condition, so that its use is controlled in perpetuity.
- The suitability of the building to store firearms
- The site is not being used for its intended purpose.

9. Observations

a) Introduction

9.1 The application to extend the building will be dealt with first.

b) Application 2022/0169

9.2 The site lies within the Green Belt and so any development proposal should accord with advice contained within Policy LP3 in the North Warwickshire adopted plan and the NPPF. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt unless they fall under one of a number of listed exceptions. One of these and not therefore to be considered inappropriate development, is 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.'

9.3 The proposed amenities block would provide toilet and shower provision for an existing touring caravan site operated by the Lea Marston Shooting Club (i.e. a recreational organisation). It would also provide such facilities for people using the fishery and would be accessible to disabled users of the Club. It is therefore considered that the building would represent an appropriate facility to support the existing tourism/recreational use of the site. Moreover, given its modest size and relatively enclosed nature of the site, the development would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. The building would be set against the backdrop of other development, the other building and the existing pavilion which all reduce its impact on the Green Belt particularly if it were in a more isolated proposal. Moreover, the proposal is not considered to be disproportionate to the pavilion in both qualitative and quantitative assessments representing a 34% increase in volume and being of subordinate design. Moreover, the proposal is not considered to be disproportionate to the pavilion in both qualitative and quantitative assessments representing a 34% (150 cubic metres extension to a 440 cubic metres building) increase in volume and being of subordinate design. It would thus not be inappropriate development under that exception defined by the NPPF.

9.4 The proposed extension and pathway would thus not represent inappropriate development in the Green Belt and would therefore accord with Local Plan Policy LP3 and the NPPF.

9.5 Local Plan policy LP30 requires proposals to harmonise with the immediate and wider setting while respecting natural features. The proposal relates well to the physical characteristics of the established development when the scale, massing, height and appearance of the proposal is taken into account. Moreover, the application site is largely obscured from public views along Blackgreaves Lane by the existing established landscaping with the building being only visible from the entrance to the site and from views from the adjacent sports area. Due to its position set back in the plot, existing landscaping and modest size, the proposed structure would not appear unduly prominent from public vantage points. Consequently, the development would accord with Local Plan policy LP30.

9.6 Local Plan policy LP29 (9) requires all development proposals to avoid and address unacceptable impacts upon neighbouring properties. The application site is an established lawful caravan site and the wider setting is one with recreational and sporting uses. It is therefore necessary to assess whether the proposed amenity building would impact on the residential amenities of nearby occupiers. As the site only benefits from a license for up to 28 days in each calendar year for a maximum of five caravans/mobile homes, any potential noise and disturbance generated by the use of the amenity building on neighbouring properties is likely to be limited. Any additional use by other occupiers is not considered to be material. This is because of the separation distances from existing residential property, the intervening Lane and highway hedgerows. Overall, the proposal would accord with Policy LP29.

9.7 Given that the site has a lawful use, it is considered that the introduction of an amenity block would not in itself result in any increase in vehicular traffic on Blackgreaves Lane. Therefore, the proposal will not negatively impact on highway safety in the area.

9.8 Concern has been raised about foul surface water drainage. The proposal is to provide a new treatment plant which then extends to a soakaway. Surface water issues will be dealt with a condition which will ensure that surface water run-off will not be exacerbated by the proposal, which meets with the requirements of the NPPF.

9.10 Representations refer to alleged breaches of planning control. The use of the land as a caravan site is lawful as is the use of the fishing pool. As such it is entirely reasonable and proportionate that users should have the appropriate on-site facilities. The proposed extension would cause less harm to the openness of the Green Belt than a stand-alone new building. The concerns about the use of the pavilion are dealt with under the other application reported here.

9.11 A previous application for additional caravan pitches and an amenity block was refused in 2015. That was for substantially more development than currently proposed - 16 pitches and two portacabins. The current proposal is considered to have substantially lesser impact on openness. It would also cause less impact than the outstanding application for a separate amenity block and five extra pitches. That proposal will be withdrawn if this application is determined favourably subject to the grant of permission of 169.

c) Application 2022/0170

9.12 There are a couple of introductory comments to be made.

9.13 Firstly, this application relates to retrospective alterations to the elevations and internal layout as well as to the use of the building. Members are aware that unauthorised development is not illegal and planning legislation allows for the submission of such applications in an attempt to remedy issues. Should they be refused, then the Board will need to assess the expediency of enforcement action.

9.14 Secondly, therefore, this means that if there is a refusal, the reasons can only address the proposed changes, not the principle of the grant of the original planning permission, and any subsequent enforcement action, if expedient, would be confined to those variations. In this case the lawful use of the building is as a “changing facility consequent upon sporting events taking place on the associated sport pitch” – Condition 11 of the 2007 consent.

9.15 In respect of the elevational changes, the main new feature is the new viewing platform/verandah. It measures 4 metres by 20 metres and is 2.6 metres in height but is an open sided structure. As with the case above the site is in the Green Belt and the platform would comprise a structure which provides an appropriate facility (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation, in line with one of the exceptions set out in the NPPF in its definition of inappropriate development. The structure provides a platform for disabled visitors to participate in events such as archery and air rifle shooting taking place on the adjoining sports field as well providing a viewing area. This exception is however conditional on

the works preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.

9.16 Here the verandah/platform is open sided, not taller than the main building and constructed in wooden materials. It has a negligible impact on the openness of the Green Belt given the character and appearance of its setting.

9.17 Members are also asked to consider the impact on the openness of the Green Belt of this platform together with the extension referred to in above. Both together they represent an 81% increase in the size of the building increasing it by 358 cubic metres. They both extend the original building. It is considered that even together they do not materially worsen the perception of openness in the locality. Spatially and visually, they are small in scale and are located on the perimeter of a lawful outdoor sporting area set back behind significant hedgerow planting with limited public visibility. Officers are therefore satisfied that both works can fall under the NPPF exception relating to new construction works for appropriate facilities for outdoor sport and recreation.

9.18 In terms of the removal of conditions 11 and 12 these relate to the use of the building for changing rooms only and restricts the use of the building 30 minutes after the end of any match or training session. These conditions were placed on the permission to ensure that the building was not used for unrelated events.

9.19 The use of the sports field has changed. However, the need for storage space ancillary to the fishing and shooting club use has significantly increased and applicant is satisfied that it would provide a safe and secure environment for ammunition that is currently stored on the adjacent site. This would in any event require necessary clearance by the appropriate regulatory Authority. It is also said that storage here could lead to the removal of storage containers on the site of the Shooting Club's premises on the other side of the Lane. These containers store equipment that would move to the building and they could be removed from the Shooting Club site. The layout of the building indicates an area for storage, staff room, toilet and equipment, as well as a public area too. The building would widen and extend the recreational use to enable whole year use even when inclement weather currently restricts the lawful usage. It is considered that there is a reasonable connection here with an established outdoor recreation use.

9.20 In terms of the wording of the condition linking the use of the building to the adjacent recreational land, there is merit in ensuring that the building remains linked to that land. Rather than removing the condition, officers consider that it is more appropriate to vary it, as without this, the building would be contrary to the NPPF exception relating to buildings not being inappropriate development for use in connection with outdoor sports and recreation and policy LP3. The adjacent pitch has a lawful recreational use going back to the 1970's. The Use Classes Order does not restrict or limit the use of land to individual sporting or recreational uses such as archery, cricket, rugby or air rifle shooting. It would therefore be appropriate for the building to be used in association with this land. There is also some merit too, on the consequential impact on the present shooting club premises – ie. the removal of containers. However, to do this would require an appropriately worded legal agreement.

9.21 Officers consider that condition 11 is varied to as to read:

“11. The approved building hereby approved shall only be used as an ancillary facility consequent upon sporting events taking place on the associated recreational land and the adjacent shooting club unless otherwise agreed in writing by the Local Planning Authority.”

9.22 As a consequence condition 12 could be removed.

9.23 Overall, it is considered there is merit in the applicants' case for the proposed use of the building. However, that should be balanced by a legal agreement requiring the removal of containers from the adjacent land.

9.24 As indicated above, should the recommendation below be agreed, it will be necessary to issue a fresh planning permission. As a consequence, it will be necessary too to consider whether any of the existing conditions should be repeated on the new Notice is updated.

RECOMMENDATIONS

a) PAP/2022/0169 – the extension

That planning permission be GRANTED subject to the withdrawal of application PAP/2019/0524 and subject to the following conditions:

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered Proposed amenity block 9741.01, Proposed site layout 9741.03, Site layout 9741.04 received by the Local Planning Authority on the 23rd March 2022.

REASON

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

3. No development shall commence until details of the foul sewage and surface water attenuation has been submitted and approved in writing by the Local Planning Authority. The building hereby approved shall not be brought in use until the drainage details have been provided on site.

REASON

To ensure that the development has satisfactory foul and surface water provision.

4. The number of caravans stationed within the site hereby approved shall not exceed 5 at any time.

REASON

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

5. Notwithstanding the submitted drawings, no development shall commence until a landscaping scheme has been submitted and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until the approved landscaping has been provided.

REASON

In the interests of the visual amenity of the area.

b) PAP/2022/0170 – the conditions

That subject to a legal agreement requiring the removal of containers on the adjacent land and subject to the following conditions, planning permission be GRANTED

1. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 5336.03 rev. G received by the Local Planning Authority on 26/10/07 and the plan elevations numbered 9043.20A received on the 5 October 2022.

REASON

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

2. The development hereby permitted shall be carried out in accordance with the approved drainage plans for the disposal of surface water and foul sewage approved under application DOC/2010/0056. The scheme shall then be implemented in accordance with the approved details before the development is first brought into use.

REASON

In order to reduce the risk of pollution and flooding as there are no public foul/surface water sewers available within the vicinity of the site to serve this development.

3. The development hereby permitted shall be carried out in accordance with the approved scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes approved under application DOC/2010/0056. The development shall not be brought into use until the approved scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON

In the interests of fire safety

4. The building hereby permitted shall not be brought into use until the car park serving it has been laid out and substantially constructed to the satisfaction in writing by the Local Planning Authority.

REASON

In the interests of safety on the public highway.

5. The parking spaces hereby approved shall not be used for any purpose other than the parking of cars.

REASON

To ensure adequate on-site parking provision for the approved development and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

6. Prior to the commencement of development, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

7. The approved landscaping scheme reference DOC/2010/0056 shall be implemented within six calendar months of the date of the use of the pavillion being brought into use, 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.

8. Within six calendar months of the first use of the approved pavillion, the existing gate providing maintenance access to the fishing pond shall be secured at all times unless being utilised by maintenance staff.

REASON

To ensure this area of land is used purely as an essential access to maintain the fishing pond and is not used as a secondary car park to the detriment of the character of the green belt.

9. The approved pavillion shall only be used as an ancillary facility consequent upon sporting events taking place on the associated recreational land and adjacent shooting club unless otherwise agreed in writing by the Local Planning Authority.

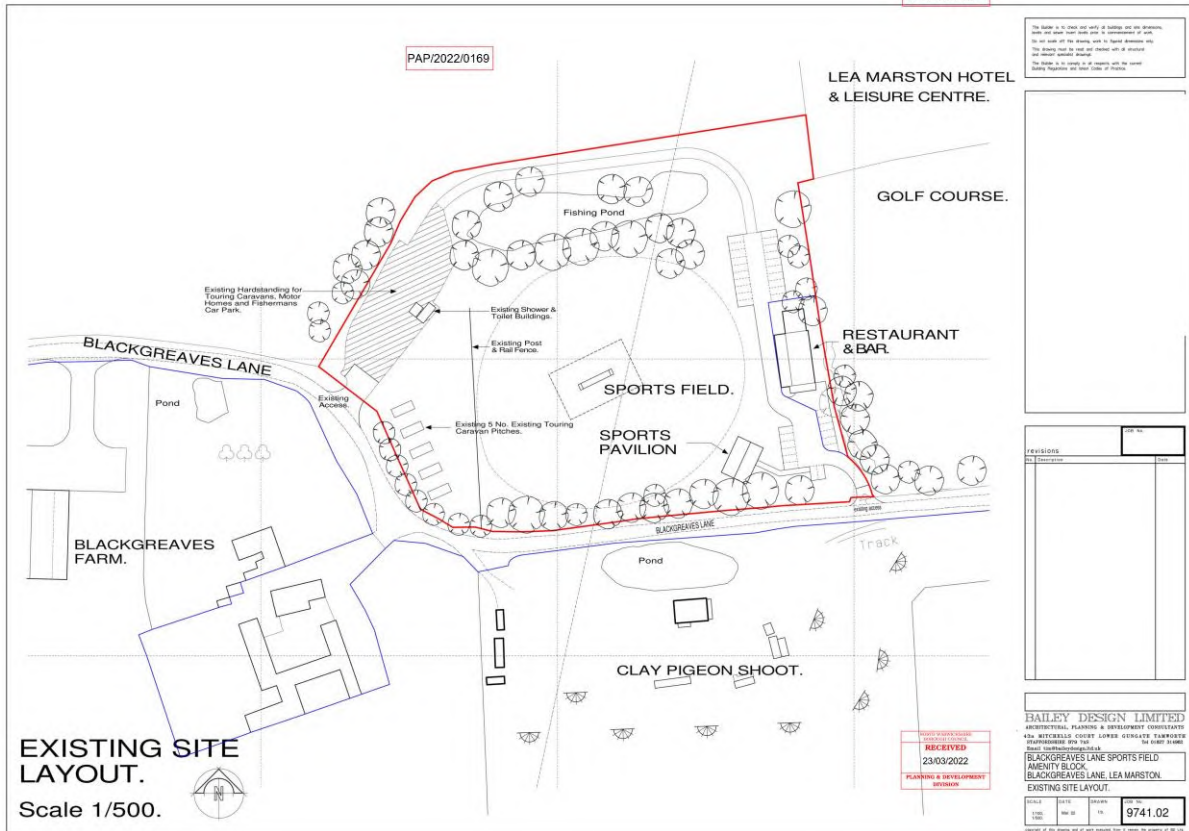
REASON

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.

10. This permission specifically does not include any floodlighting provision for the site. No such floodlighting shall be installed otherwise than agreed in writing by the Local Planning Authority

REASON

In the interests of the visual and residential amenities of the area, and to retain openness.

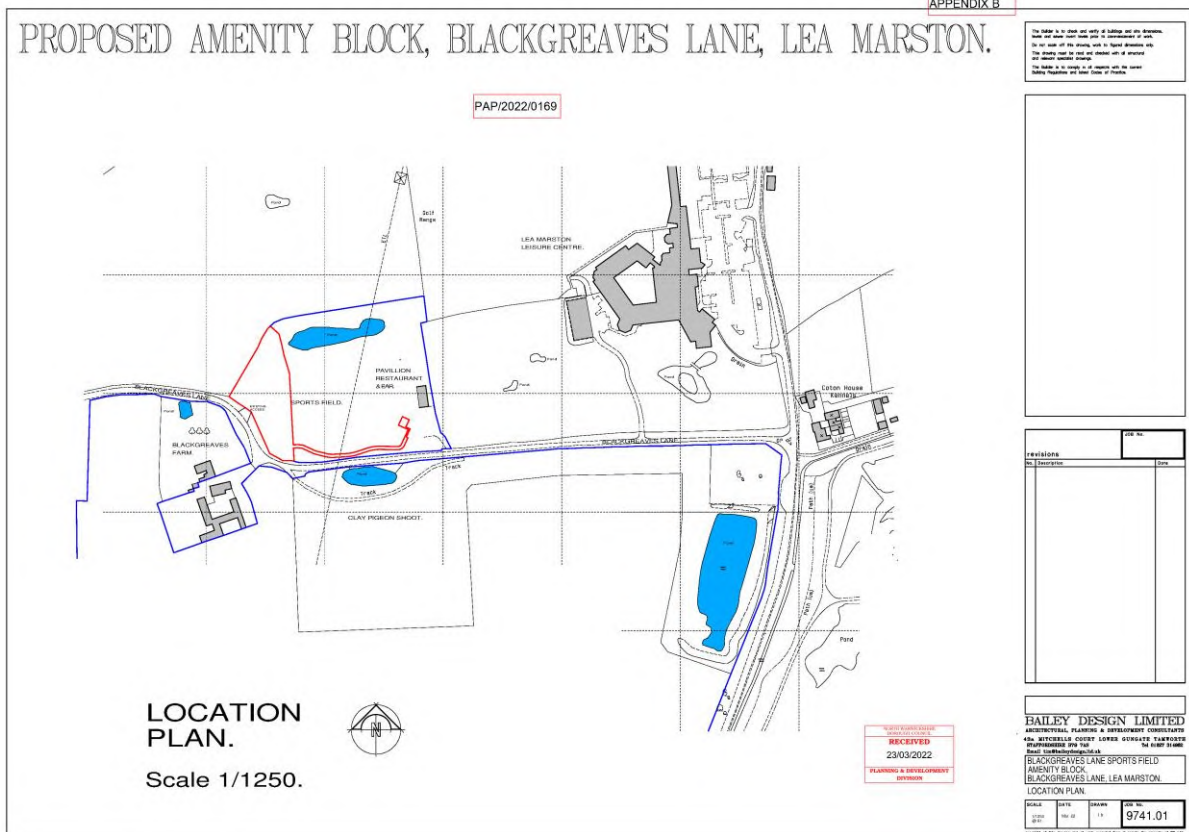


The design is to be used only for the purposes of the planning application. It is not to be used for any other purpose. The design is to be used only for the purposes of the planning application. It is not to be used for any other purpose.

REV	DATE	DESCRIPTION

REV	DATE	DESCRIPTION

BAILEY DESIGN LIMITED
ARCHITECTURAL PLANNING & DEVELOPMENT CONSULTANTS
4th FLOOR, MITCHELL COURT, LORRAINE COURT, TAMWORTH
LEICESTERSHIRE LE11 1JL
BLACKGREAVES LANE SPORTS FIELD
AMENITY BLOCK,
BLACKGREAVES LANE, LEA MARSTON
EXISTING SITE LAYOUT.



The design is to be used only for the purposes of the planning application. It is not to be used for any other purpose. The design is to be used only for the purposes of the planning application. It is not to be used for any other purpose.

REV	DATE	DESCRIPTION

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4th FLOOR, MITCHELL COURT, LORRAINE COURT, TAMWORTH
LEICESTERSHIRE LE11 1JL
BLACKGREAVES LANE SPORTS FIELD
AMENITY BLOCK,
BLACKGREAVES LANE, LEA MARSTON
LOCATION PLAN.

CARAVAN AMENITY BLOCK, LEA MARSTON SPORTS PAVILLION, BLACKGREAVES LANE, LEA MARSTON.

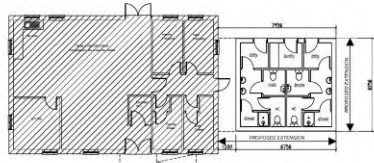
PAP/2022/0169



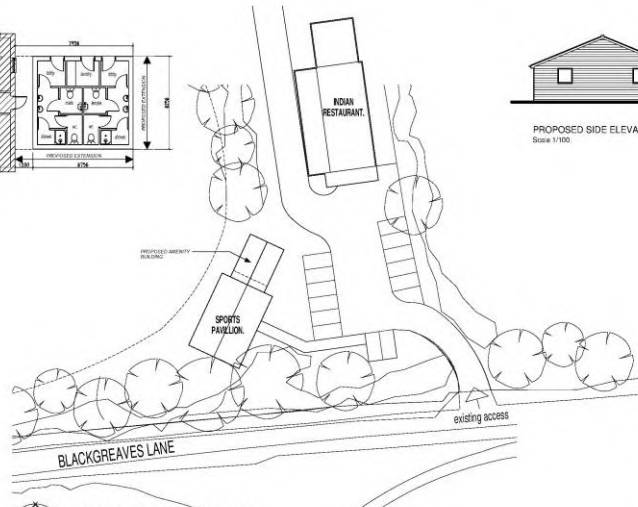
PROPOSED FRONT ELEVATION.
Scale 1/100.

PROPOSED SIDE ELEVATION.
Scale 1/100.

PROPOSED REAR ELEVATION.
Scale 1/100.



PROPOSED FLOOR LAYOUT.
Scale 1/100.



SITE LAYOUT.
Scale 1/250.



PROPOSED SIDE ELEVATION.
Scale 1/100.

Revisions		Job No.
No.	Description	Date
1	Submission 01/24	17/03/22

RECEIVED
23/03/2022
PLANNING & DEVELOPMENT
DIVISION

BAILEY DESIGN LIMITED
ARCHITECTURAL PLANNING & DEVELOPMENT CONSULTANTS
4th FLOOR, COURT HOUSE, CORNHILL, SOUTHAMPTON, SO9 1JH
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**CARAVAN AMENITY BLOCK,
LEA MARSTON SPORTS FIELD,
BLACKGREAVES LANE, LEA MARSTON**

SITE LAYOUT, PLANS & ELEVATIONS.

SCALE	DATE	DRAWN	JOB NO.
1/100	17/03/22	GR	9741.04

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PROPOSED CRICKET PAVILLION, LEA MARSTON



PROPOSED REAR ELEVATION.
Scale 1/100.

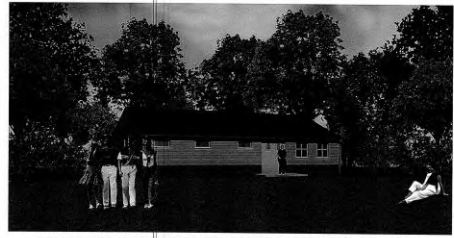
PROPOSED SIDE ELEVATION.
Scale 1/100.

PROPOSED FRONT ELEVATION.
Scale 1/100.

PROPOSED SIDE ELEVATION.
Scale 1/100.



PROPOSED FLOOR LAYOUT.
Scale 1/100.



TYPICAL VIEW FROM CRICKET PITCH TO REAR ELEVATION

NOTICE TO APPLICANTS
RECEIVED
20/04/2022
PLANNING & DEVELOPMENT
DIVISION

The Building is to be used as a cricket pavilion and associated facilities. It will be used for the storage of cricket equipment and for the use of the building as a social space for the club. The building is to be used for the storage of cricket equipment and for the use of the building as a social space for the club. The building is to be used for the storage of cricket equipment and for the use of the building as a social space for the club.

Revisions		Job No.
No.	Description	Date
1	Submission 01/24	17/03/22

LEA MARSTON CRICKET CLUB

HADEN RITCHIE BAILEY
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01703 606000
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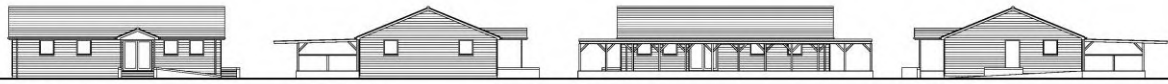
**PROPOSED CRICKET PAVILLION,
LEA MARSTON CRICKET CLUB,
LEA MARSTON**

FLOOR PLAN & ELEVATIONS

SCALE	DATE	DRAWN	JOB NO.
1/100	Dec 20	GR	5336.04

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APPENDIX E

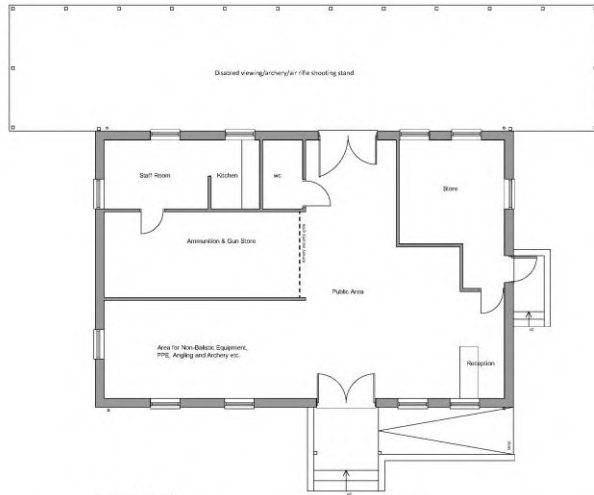


FRONT ELEVATION.
Scale 1:50

SIDE ELEVATION.
Scale 1:50

REAR ELEVATION.
Scale 1:50

SIDE ELEVATION.
Scale 1:50



FLOOR LAYOUT.
Scale 1:50

Revisions		Date
1	Initial design	10/12/20

The Client is to check and verify all drawings and specifications, issues and amendments shall be the responsibility of the Client.
 The drawings shall be used only for the purposes intended.
 This drawing shall be used in accordance with all applicable laws and regulations.
 The Client is to ensure that the drawings are used in accordance with the intended purpose.

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PROPOSED CRICKET PAVILLION,
 CLAY PIGEON, LEA MARSTON

Floor Plans and Elevations

SCALE	DATE	ISSUE	NO.
AS SHOWN	Apr 22	01	9043.20A

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Date 22 March 2022
Our Reference LTH01/LEA435/2
Your Reference PAP/2007/0525
Please ask for Louise Thorne
Direct Dial 07384 254638
Email louise.thorne@knightsplc.com

APPENDIX F

PAP/2022/0170
Knights

Andrew Collinson - Principal Development Control Officer
Development Control
North Warwickshire Borough Council
Council House
South Street
Atherstone
Warwickshire
CV9 1DE



BY EMAIL

Dear Andrew

Section 73 Removal of Planning Conditions Application: Condition 11 (Ancillary Use) and Condition 12 (Length of Use Post Sport) of Planning Permission Reference PAP/2007/0525: Lea Marston Sports Ground Cricket Pavilion, Blackgreaves Lane, Lea Marston, B76 0DA

Knights Plc are instructed on behalf of Mr Guy and Mrs Deborah Breeden to apply under Section 73 of the Town and Country Planning Act 1990 to seek removal of condition numbers 11 and 12 of planning permission reference PAP/2007/0525.

The Existing Planning Permission

Planning permission reference PAP/2007/0525 dated 4th November 2007 grants the following development at the site:

'Erection of cricket pavilion consisting of toilets, changing facilities and essential facilities'

A copy of the decision notice is enclosed.

The Conditions to be Removed

Condition number 11 restricts the use of the cricket pavilion for purposes ancillary to sporting events taking place on the associated sports ground at the site. The condition reads:

'The approved cricket pavilion shall only be used as changing facility consequent upon sporting events taking place on the associated sports pitch unless first agreed in writing by the Local Planning Authority.'

Reason: To prevent the facility being utilised as a venue for events unrelated to the sporting use of the adjoining pitch.'

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Condition number 12 restricts the use of the pavilion for a period in excess of 30 minutes following the end of any match or training session on the associated sports ground at the site. The condition reads:

'The use of the building hereby approved as defined by Condition 11 shall cease, and it shall then be vacated no longer than 30 minutes after the end of any match or practice session that utilises the associated sports field.'

Reason: In order to prevent the facility being utilised as a venue for events unrelated to the sporting use of the adjoining field.'

The Reason for the Removal

The Existing Situation at the Adjacent Lea Marston Shooting Club

Lea Marston Shooting Club is located immediately to the south of the cricket pavilion on the opposite side of Blackgreaves Lane where shooting activities have been taking place for over 40 years. The shooting club does not have enough space within its existing club house to securely store all equipment and ammunition that the club requires on site for day to day use. Therefore, at present, the storage of clays, traps, guns and ammunition all takes place in six outdoor storage containers on the shooting club site and within the club house itself. Outdoor storage of clays also takes place adjacent to the Portakabin buildings under a tarpaulin cover which is neither appropriate nor adequate for year round storage.

All traps, clays, guns and ammunition need to be stored securely when the site is not in operation. Traps are portable and have to be wheeled in and out before/after each shooting session. With the use of the site at current levels, there is a need to store a minimum of 35-40 traps and 125,000 clays on site at any one time to meet both demand and ensure the securement of a competitive and affordable wholesale price for the not for profit organisation. Clay targets are imported in bulk from Italy in 25 pallet loads. The current storage facilities allow for the indoor storage of only 10-15 pallets meaning the remainder cannot be stored securely or have to be stored off site in a warehouse at some distance from the site and transported in. This is neither cost effective nor sustainable.

The traps have to be stored in a specific manner and therefore cannot be stacked, meaning that the space taken up by the traps is significant. At present, the equipment is stored in steel containers which were installed on site as a temporary measure following an arson attack on the club's original ammunition and gun store. All traps, clays and guns were destroyed in the arson attack.

The use of container storage is not appropriate despite currently employing the highest levels of security to protect the containers including steel shutters, cameras, trip wires and alarms. In 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.

The use of storage containers is also not ideal given that condensation often occurs given their outdoor location and materials of construction. This condensation drips on and damages equipment and is particularly problematic and damaging to batteries and battery containing equipment. Guns and ammunition are now being stored in the club house itself taking up vital space needed for briefing, debriefing, courses and administration.

In order to try and find a solution to these problems, the applicant representing Lea Marston Shooting Club has been working with the Council for the last two years to seek to agree a suitable sized extension to the existing shooting club house to accommodate all of the storage, training, administration and other needs of the shooting club. The location of the site within the Green Belt has proved problematic and despite the trade-off of losing the ad-hoc outdoor storage containers at the site, the Council is still of the opinion that an extension to the club house that would provide storage for all ammunition, clays, firearms and traps within the building would be too large and in the view of the Council, would have an adverse impact on the openness of the Green Belt.

The Current Use of the Cricket Pavilion

The cricket pavilion was completed around 3-4 years ago in accordance with planning permission reference PAP/2007/0525 and is currently leased to Lea Marston Shooting Club. Cricket is no longer the main sport being carried out at the cricket ground as the wicket is no longer viable for competitive level cricket. The sports ground associated with the pavilion has therefore been used for various sports including archery, air sports and multi-activity days in recent years.

It is not the intention of the applicant to carry out any shooting involving the use of firearms on this land but it would be a natural evolution for the pavilion to be used as a store for sports equipment and baits, including the secure storage of the guns and ammunition from the shooting club. If this were to be achieved, not only would it solve some of the storage and security problems faced by the shooting club but it would enable them to reduce the scale of the proposed shooting club house extension to a level that would hopefully be agreeable to the Council.

The use of the cricket pavilion for storage would however be at odds with condition number 11, hence the need for its' formal removal.

Other Relevant Planning Applications

In tandem with this planning application, a further application has been submitted to North Warwickshire Borough Council for a single storey extension to the existing cricket pavilion (Planning Portal Reference PP-11091645). This will enable the provision of toilet and showering facilities adjoined to, but accessible separately from, the cricket pavilion. These would be used by guests of the adjacent Lea Marston Caravan Site, located approximately 85m to the west of the cricket pavilion. The benefits of this would be twofold:

- 1) Enable space within the cricket pavilion currently utilised for toilets/changing space etc to be freed up for the storage of guns and ammunition by Lea Marston Shooting Club; and

- 2) Enable the applicant to withdraw their current pending planning application (planning application reference PAP/2019/0133) for a separate amenity block at adjacent Lea Marston Caravan Site. This would also be used by the club's anglers outside of normal opening hours.

The amenities block as proposed at the caravan site under planning application PAP/2019/0133 would represent an appropriate development within the Green Belt as an appropriate facility for outdoor sport and recreation. The proposed extension to the cricket pavilion would also represent an appropriate form of development within the Green Belt as it would represent a proportionate extension to an existing building. However, modestly extending the cricket pavilion to provide toilets/showers rather than constructing a stand-alone new amenity block building would result in a reduction in the amount of development within the Green Belt in this location and would go some way to offsetting the additional development proposed through the extension of the adjacent shooting club house.

Access to the amenities by the caravan park guests would however be needed 24 hours a day and would therefore be at odds with condition number 12 hence the need for its' formal removal.

Implications of the Condition Removal Sought

The cricket pavilion is an existing structure, provided for outdoor sport and recreation uses. The proposed storage of equipment within the pavilion for use at the neighbouring shooting club would be within the spirit of the approved building use given that it would remain as a facility to support outdoor sport and recreation.

Conditions 11 and 12 were put in place to prevent the cricket pavilion being used as a separate social space which was unconnected within sports and leisure uses. The use of the building for the secure storage of firearms and ammunition will ensure that it is not suitable for use as a separate social space in its own right.

The proposed extension of the cricket pavilion would remove the need for a separate amenity block at the adjacent caravan site but access to the amenities would be required 24 hours a day. This would not however be against the purpose of condition 12 which was attached to the original planning consent to prevent social use after the sports use of the site had ceased for the day/evening.

Based on the information set out within this letter, it is not therefore considered that the removal of the two conditions as sought would have any adverse impacts on the use of the building or the Council's ability to control that use in planning terms.

We trust that the information set out above is sufficient to enable you to support the application but if you have any questions or require any further information, please do not hesitate to contact me.

Yours faithfully

Knights

Knights

Knights

Encs. Decision Notice PAP/2007/0525

General Development Applications

(5/o) Application No: PAP/2021/0221 and PAP/2021/0222

Lucky Tails Alpaca Farm, Dexter Lane, Hurley, CV9 2JQ

0221 - Change of use of the land to a mixed-use including agriculture and alpaca walking events, including alterations to access and formation of customer parking area and yard including animal shelter.

0222 - Siting of a timber cabin to replace mobile home to provide rural workers accommodation, both for

Ms S Booth

1. Introduction

1.1 These applications are being reported to the Board as the recommendations include the need to consider the expediency of enforcement action should they be refused.

2. The Site

2.1 The rectangular application site relates to 3.8 hectares of permanent pasture-land within open countryside around 400 metres south of the village of Hurley with access off Dexter Lane.

2.2 There is a scatter of residential properties along the Lane.

2.3A location plan is at Appendix A.

3. The Proposals

3.1 The first application (0221) relates to the regularisation of the site as an “alpaca experience”. This includes alpaca walking, animal petting and other activities which lead to members of the public visiting the site. They experience animal related activities on the site. This has reached a scale that means that the original agricultural use, which still continues, no longer continues alone. There is thus now a mixed-use of the site. The proposal also includes retention of the parking area which shows an indicative parking layout with 18 car parking spaces, around which a new hedgerow is to be planted, together with an area to be used as an overflow car park and the retention of a shelter, measuring 12 by 5 metres. The existing access will be widened to 5.5 metres and set back 12 metres from the edge of the carriageway, so as to allow a car/light van to pull clear of the carriageway.

3.2 The layout plan is at Appendix B.

3.3 The second application (0222) is to erect a single storey three bedroomed timber cabin home to replace the existing mobile home in the same position on the site. This would measure 14.85 metres long by 4.75 metres to 6.5 metres deep and have an internal height of 3 metres. The existing cabin measures 11 metres by 3 metres and is 3 metres to its ridge. The rationale for the siting of the proposal is to provide

accommodation for the applicant and family permanently on the site. A rural workers dwelling appraisal has been submitted as part of the application.

3.4 Plans are at Appendices C and D.

3.5 The appellant's case is at Appendix E.

4. Background

4.1 Planning permission was granted in 2013 for the use of land here for equestrian use together with a stable block located behind the hedgerow running along Dexter Lane and with the improvement of an existing access off the Lane.

4.2 In 2015, permission was granted for the siting of a temporary rural worker's mobile home on the land much further to the south of the approved building, behind the Dexter Lane frontage. This was in connection with the use of the site as an agricultural small-holding involving the keeping and breeding of Alpacas. The permission extended until 2018 and the permission was personal to the applicant.

4.3 In 2017, permission was granted for a storage barn and a container for the electricity box in the vicinity of the above mobile home.

4.4 In 2019, planning permission was refused for the erection of a permanent rural workers dwelling on the far eastern boundary of the site.

4.5 A repeat application later that year was also refused planning permission in 2020. An appeal was dismissed in January 2021 – see Appendix F.

4.6 The plan at Appendix G illustrates the current extent at Dexter Lane of the Alpaca holding outlined in red. The original holding in 2013 is shown outlined in red. The location of the 2013 stable building is identified as is the location of the 2017 barn. The location of the current mobile home is shown, this where the replacement is proposed. The location of the 2019 appeal site is also shown. The hatched area shows the additional land purchased by the client.

4.7 One of the two applications submitted seeks retrospective permission to retain the now mixed-use of the site as described in Appendix E together with a car parking area, yard and a further building.

4.8 The second application seeks to replace the mobile home on its same footprint, with a wooden permanent mobile home.

5. Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP11 (Economic Development), LP13 (Rural Employment), LP14 (Landscape), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP32 New Agricultural, Forestry and Equine Buildings) and LP34 (Parking)

6. Other Material Planning Considerations

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

National Planning Practice Guidance – (“NPPG”)

7. Consultations

Warwickshire County Council as Highway Authority - It objects to both applications.

Environmental Health Officer - No objections subject to conditions.

NWBC Agricultural Consultant – I continue to ADVISE that there is no agricultural or other rural occupational support for the proposed permanent rural workers’ dwelling at Lucky Tails Alpaca Farm, as the holding is overstocked, and the area of land available is unable to sustain the current levels of livestock. Furthermore, any essential/functional need is limited to the spring/summer months when occasional overnight accommodation may be necessary; and this limited essential/functional need can be fulfilled by some form of a temporary dwelling. (Appendix H)

8. Representations

Twelve objections from residents relating to both the applications have been received referring to the following matters:

- Existing use needs permission.
- Insufficient parking for the use.
- Significant expansion has taken place impacting on Green Belt
- Litter created on the site.
- Huge pedestrian safety issue along Dexter Lane
- Verge damage
- Width of road inadequate.
- Plenty of properties for sale in the village.
- Proposal removes car parking.
- Not enforcement of ‘temporary workers dwelling’.
- Circumventing planning system through temporary dwelling
- Dwelling is more required for the enterprise than the animals based on appeal decision.

9. Observations

9.1 Although within the same report, each application will be taken in turn below, dealing first with the retention of the mixed-use.

a) The Mixed Use

9.2 The site is in the Green Belt where the NPPF indicates that inappropriate development is harmful to the Green Belt and as a consequence substantial harm is caused. The NPPF provides some guidance as to what development might be considered to be inappropriate. Material changes of use of land or buildings need not necessarily be inappropriate provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Additionally, the NPPF indicates that appropriate buildings to be used in association with the use of land for outdoor sport and recreation also need not be inappropriate provided that they preserve the openness of the Green Belt. The same approach applies to engineering operations such as the car park. The key assessment here is thus whether the proposed mixed use preserves the openness of the Green Belt and doesn't conflict with the purposes of including land within it.

9.3 The NPPF does not define "openness", but the NPPG does offer guidance by identifying four elements that make up such an assessment. The first one is the spatial element. The land here is open and the setting is very much one of open countryside to the south of Hurley with field hedgerows and trees together with dispersed residential property as well as agricultural and equestrian use of land and buildings. The proposed mixed use would be absorbed into this setting as the only physical development would be the car park and a small building. The second element is the visual one. Again too, the introduction of the development would have only limited physical visibility within the wider agricultural landscape. The third element is the activity associated with the use. Here there would be an intensification of the use of the land – visitors come and go and there would be all of the vehicular traffic associated with the "attraction". The time spent on-site would be material and it would not be confined to one part of the holding. The increased activity however would have no greater than a limited impact on openness because of its scale, because it is not continuous, it being seasonal and it not giving rise to a material change in the appearance of the overall holding. The final element is that the use would be permanent and not temporary. When all of the matters are put together it is considered that the proposal would preserve the openness of the Green Belt.

9.4 It would neither conflict with the purposes of including land within it. The only one purpose that is applicable here is whether or not it would assist in safeguarding the countryside from encroachment. It is considered there is no conflict here, because of the scale of the site, its setting and because it has an agricultural basis.

9.5 The proposal overall is thus considered to be appropriate development. If the Board disagrees with this assessment, then reference should be made to the NPPF where uses such as outdoor sports, recreation and agriculture are all considered to be uses appropriate in the Green Belt.

9.6 It is not considered that there are other harms that would demonstrably indicate that they should outweigh the appropriateness of this development. The Council's Environmental Health Officer has not objected and the proposed new hedgerow around the car park will improve bio-diversity.

9.7 The main issue here is the highway matter and this revolves around the capacity of the car park, as in the past, visiting cars have had to park in Dexter Lane causing the concerns as expressed in the representations as set out above. The alpaca experience has created a parking demand for a number of members of the public visiting the site. In terms of the car parking area, this is welcomed and will reduce the previous conflict created by the use which at times has led to 40-50 cars on the road, which has restricted vehicle movements (including agricultural vehicles) along Dexter Lane. The provision of the overflow car park on the adjacent land will allow for parking when demand is high and resolve any on-street parking problems. The Highway Authority did originally object, but an amended plan has been received which meets its engineering requirements.

9.8 So in conclusion, the “alpaca experience” is an appropriate use in Green Belt under paragraph 150(e) which supports material change of uses to outdoor sports or recreation. In terms of the built form element of the scheme such as the car parking provision, this proposal could meet the exceptions in paragraph 149(b) which support appropriate facilities subject to it preserving the openness of the Green Belt. The car park could also be appropriate by paragraph 150(b) which supports engineering operations. However again this is subject to the caveat that it preserves the openness and do not conflict with the purposes of including land within it (paragraph 138). The extent and design of the car park is large and extends towards the village and is close to the road where the development is visible. There is relatively limited harm caused by the proposal as it is primarily at ground level, however this must be balanced against other considerations. The proposal has limited conflict with the safeguarding purpose of the Green Belt given the intensification and urbanising influence. The 12m by 5m animal shelter also is considered appropriate by paragraph 149 (b) and is considered to have limited impact on the Green Belt.

b) The Proposed Temporary Dwelling

9.9 The site is outside of the development boundary for the village as defined by the Development Plan and is situated in Green Belt. The construction of new buildings is regarded as inappropriate in the Green Belt by the NPPF and the exceptions identified in respect of new residential buildings do not apply in this case. As such the proposal is for inappropriate development in the Green Belt. This is the same conclusion that was reached at the recent appeal – Appendix F. This “harm” as a consequence of inappropriate development, carries substantial weight in the final planning balance.

9.10 Members will be aware that it is necessary too, to establish what the actual Green Belt harm is as opposed to this definitional harm. In other words, are there features on the ground here that would lessen this degree of de-facto harm. As above, there is no definition of openness in the NPPF, but the same four elements referred to the NPPG, need to be assessed in respect of this development. Spatially the building would be on the same footprint as the existing building and whilst larger it would not materially impact on the setting given that this is agricultural in character with a number of other agricultural buildings in the locality. Visually too the same conclusion would arise and for the same reasons. From an activity point of view there would be very little difference in the use of the building. It would however be permanent. When all of these matters are put together the actual harm caused to the Green Belt is considered to be

limited. For the same reasons, the degree of conflict with the one relevant purpose of including land within the Green Belt, would also be limited.

9.11. Other harms may be caused.

9.12 The site is outside of the development boundary for Hurley as defined by the Development Plan – Policy LP2. In such a location, new development is not generally acceptable. As a consequence, special circumstances will need to exist to justify new isolated homes in the countryside. The Policy indicates that rural workers' needs might constitute such a circumstance. As a consequence, each case needs to be considered on its merits. If this is such a circumstance here, then that will become a planning consideration that will need to be placed on the other side of the final planning balance, as that may be of sufficient weight alongside the applicant's other considerations, to clearly override the harm side of that balance. If so, the very special circumstances necessary to support the proposal will have been established.

9.13 Policy LP2 is wholly consistent with NPPF paragraph 80 which contains the guidance for local planning authorities in relation to housing in rural areas and sets out that, with a few exceptions, housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated houses should be avoided unless there are special circumstances. One such circumstance is where, "*There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside*". This is further expanded in the NPPG where it states "evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)". The Board should thus be aware that this is the crux of its assessment of this matter - is there a requirement for on-site attention 24-hours a day or not, including a risk from crime and security of the site?

9.14 The original decision to grant a temporary permission for the existing residential accommodation was based on the original agricultural operations on the land – the breeding and keeping of alpacas. Matters on site have moved on as explained above – the use on site is now still the breeding and keeping of alpacas, but this has expanded to include farm diversification, with the animal assisted therapies; experience days/sessions and recreational uses being a leisure "attraction" in its own right. The present assessment should thus be different from that taken back in 2019. It is however significant that the appeal decision of 2021 did take on board changed circumstances on the site at that time. That decision is thus of weight in the determination of the current case as it provides a relevant "starting- point".

9.15 The applicant has submitted an agricultural appraisal in respect of the application which is summarised in Appendix E. The following animals are on the site:

- 65 alpacas, including 35 breeding females and 30 males
- 5 Valais Blacknose Sheep
- 3 Baudet du Poitou donkeys
- 6 miniature donkeys
- Gottingen mini pigs
- 10 pygmy goats
- There are a number of other smaller animals too such as rabbits, meerkats and tortoises.

9.16 The central factor in the 2021 appeal decision was the “birthing” times of the various animals. The applicant has provided the following additional information:

- 35 breeding females alpacas - with birthing taking place between April-September
- 5 Valais Blacknose Sheep - two pregnancies per year between Christmas and May/June
- 3 Baudet du Poitou donkeys - pregnancies 12-15 months, slipping 3 months each year
- 6 miniature donkeys - pregnancies 12-15 months, slipping 3 months each year
- Gottingen mini pigs.
- 10 pygmy goats - gestation 5 months.

9.17 The applicant’s case is essentially that she needs a 24-hour presence to monitor the birthing of the different types of animals. There is also a need for on-site presence in terms of security, and the general care and welfare of the animals. Further to this, a number of the animals are high value so there is security element here too.

9.18 The Inspector stated within the appeal decision at para 24:

Therefore, the essential need for 24 hour presence mainly relates to the care of Cria with occasional extra overnight attendance to deal with sick animals and births. Due to the level of supervision that is needed, I consider that the care of those Cria that require bottle-feeding could not reasonably be carried out from a dwelling away from the farm. However, for the reasons set out above, the evidence indicates that the need for overnight attendance would largely be limited to spring and summer months. Consequently, there is no requirement to live permanently on the site. I am satisfied that any worked-related needs could be reasonably addressed through temporary accommodation.

9.19 As indicated above, this is a relevant starting point. The applicant has indicated that the dwelling would be required permanently. They accept that as shown in the appeal decision here and in other appeals elsewhere that the birthing of alpacas can be controlled. They agree that alpacas are relatively hardy and do not generally require round-the-clock supervision and that birthing times could be planned to coincide with spring and/or summer. In these circumstances, there is an acceptance that non-routine welfare issues would then be primarily seasonal, requiring temporary, not year-round accommodation, and could be met by agricultural permitted development rights, such as a caravan on the site. However, the applicant says that since the appeal, there is increased stock on site and thus there is now a larger number of animals requiring care

throughout the whole of the year. Additionally the business is now profitable and requires a presence on site because of security, as indicated in Appendix E. Since the appeal there has been a substantial increase in the number of breeding alpacas from 22 to 35, from 5 to 9 donkeys, from 2 to 6 miniature and Poitou donkeys, as well as the 5 Valais sheep and the increase in goats and pigs from 7 to 10.

9.20 The Council's agricultural consultant that concludes that there is no agricultural or other rural occupational support for the proposed permanent rural workers' dwelling at Lucky Tails Alpaca Farm, as the holding is overstocked, and the area of land available is unable to sustain the current levels of livestock. Furthermore, any essential/functional need is limited to the spring/summer months when occasional overnight accommodation may be necessary; and this limited essential/functional need can be fulfilled by some form of a temporary dwelling.

9.21 Previously, it was the Inspectors' decision that there is a "limited need" for overnight attendance. The Inspector considered on balance there is no requirement for a person to live permanently on the site; it could be argued that there is no requirement for a person to live permanently on the site during "all" of the spring and summer months, as the overnight attendance would only be required for bottle-feeding Cria and occasional extra overnight attendance to deal with sick animals and births.

9.22 So there are different views on the need for the permanent rural workers dwellings on the site. From the agricultural advice from the Council's consultant, any essential/functional need can be fulfilled by some form of a temporary dwelling on site. However, this is looking purely from an agricultural justification and the enterprise is much more than this. The site is profitable with the profit and employment potential of the holding being significant. The turnover in 2025 is expected to exceed £1½ million with 10 plus members of staff being employed. The business is presently profitable and employs 7 members of staff.

9.24 In terms of changes since the appeal, then, firstly there is more weight attributed to the employment generating use of the use on site. This accords with Local Plan policy LP11. On the basis of the evidence submitted, more weight can be given to the success of the business. Secondly, there is much more of a justification for agricultural need on the site with the accommodation of high value stock which requires on-site security for protection and a wider range of stock requiring more than seasonal attendance on site. Thirdly, the position of the dwelling is far less prominent and replaces the existing mobile home. It is also much smaller. These changes need to be considered in the overall planning balance.

9.25 In terms of highways, due to the amended plans which meets its engineering requirements there is no harm in respect of the proposal.

The Balance

9.26 Members are aware that the final planning balance rests around whether the considerations put forward by the applicant "clearly" outweigh any cumulative harms caused so as to amount to the very special circumstances needed to support the proposal.

9.27 Here the harm side of the balance includes the limited actual Green Belt harm caused and the harm caused to the spatial planning policy set out in Local Plan policy LP2 in regard of new housing development.

9.28 On the other side of the balance is the support given to the whole business currently operating on the site under Local Plan policy LP11.

9.29 The weights to be attributed to these matters have changed since the appeal decision. That on the harm side of the balance has reduced significantly, because of the changed location for the accommodation, its reduced size and that the reasons for its presence have been enhanced with the additional evidence. The weight to be attributed to the business in terms of employment and also in respect of rural business support has been enhanced.

9.30 It is this concluded that the weights in the balance have changed to the degree that the planning considerations do now clearly outweigh the cumulative harms caused.

RECOMMENDATIONS

a) PAP/2021/0221 – The Mixed Use

That planning permission be GRANTED subject to the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered location plan and site plan Rev received 24 October 2023; notes received on the 16 December 2021, animal layout and elevations of proposed animal housing received on the 16 December 2021, email from agent dated 16 December 2021.

REASON

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

2. Within six months of the date of this permission, electric charging points and one disabled space shall be installed at no less than three of the car parking spaces as shown on the approved plan. These shall be maintained at all times.

REASON

In the interests of supporting sustainable development and in accordance with the adopted Air Quality Supplementary Planning Document

3. Within six months of the date of this permission, the submitted hedgerow planting and hedgerow notes received on 16 December 2021 shall be carried out in accordance with parking layout plan received on 24 October 2023.

REASON

In the interests of bio-diversity and the visual amenities of the area.

4. Within six months of the date of this permission the access and gates to the site shall be laid out and constructed to a width to no less than 5.5 metres wide and set back 12 metres from the back on the highway to accord to the parking layout plan received on the 24 October 2023 in accordance with the specification of the Highway Authority.

REASON

In the interests of highway safety.

5. There shall be no opening of site to members of public other than between 1000 hours and 2200 hours, Mondays to Sundays inclusive.

REASON

To prevent disturbance to the occupiers of nearby properties.

B) PAP/2021/0222 - The rural workers dwelling.

That planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

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 shall be carried out in accordance with the list of approved plans set out below:

Site Plan 3045/101 received 24 October 2023
Details of Hobby mobile home dated 9 April 2021
Seasonal accommodation block dated 9 April 2021
Accommodation location dated 9 April 2021

REASON

For avoidance of doubt.

3. No development shall commence until a scheme of hard and soft landscaping has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be carried out within the first planting season following the occupation of the dwelling.

REASON

In the interest of visual amenity and the character and appearance of the Green Belt.

4. The dwelling hereby approved shall not be occupied until the access and gates to the site have been laid out and constructed to a width to no less than 5.5 metres wide and set back 12 metres from the back on the highway in accordance with the specification of the Highway Authority.

REASON

In the interests of highway safety.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out under Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse) classes AA, A, B, C, D and E other than those expressly authorised by this permission.

REASON

In the interest of visual amenity and the character and appearance of the Green Belt and to ensure the dwelling provide a suitable and affordable agricultural and rural workers dwelling.

6. Within two months of first occupation of the dwelling hereby approved the existing mobile home located in the field shall be removed from the site.

REASON

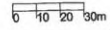
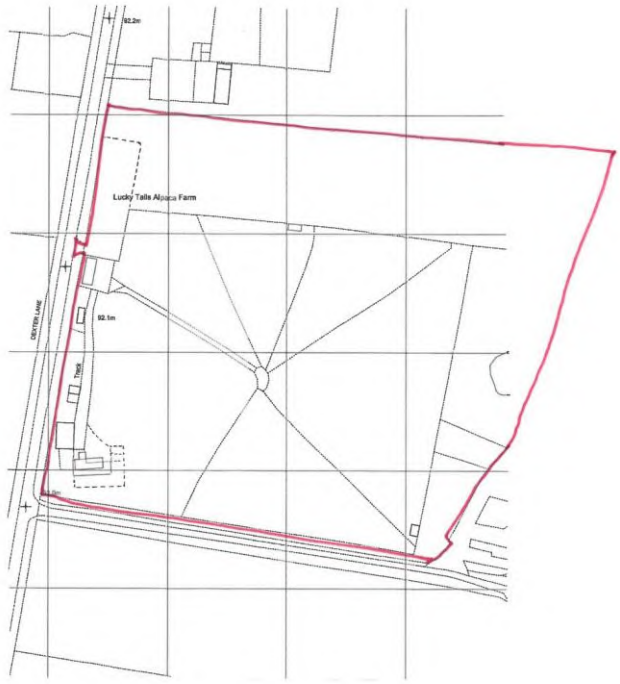
In the interest of visual amenity and the character and appearance of the Green Belt.

7. The occupation of dwelling shall be limited to a person solely or mainly employed in agriculture as defined in section 336 (1) of the Town and Country Planning Act 1990, including any dependant of such person resident with him or her.

REASON

For avoidance of doubt and in the interest of visual amenity and the character and appearance of the Green Belt.

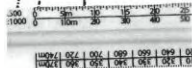
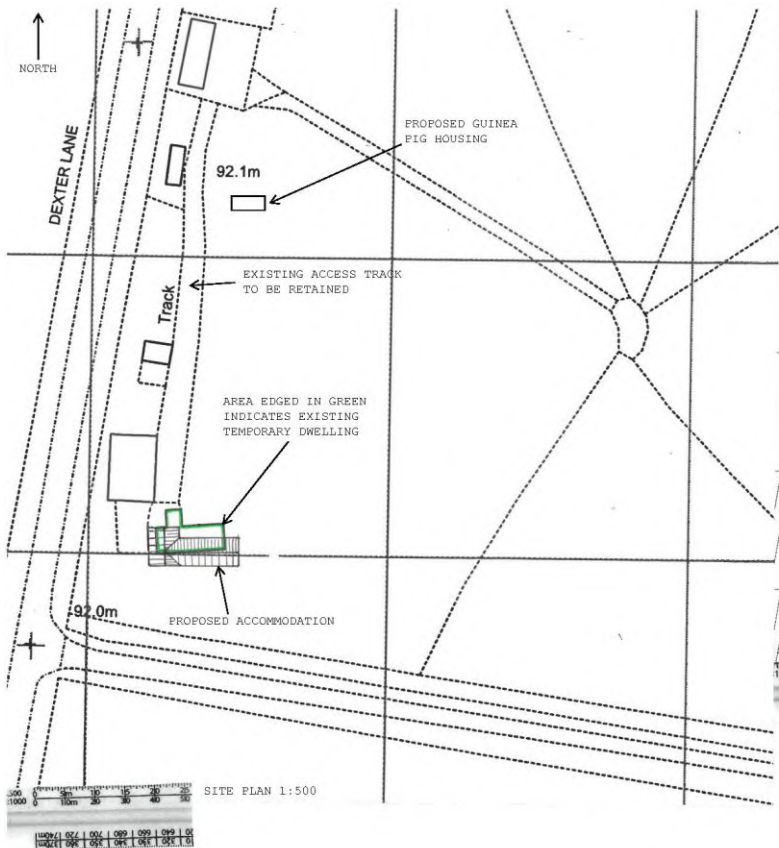
APPENDIX A



Willis & Co.
 Chartered Town Planners
 30 The Curriers, Chippingwood, Wiltshire, SN15 3DB
 Telephone: 01249 446212 Facsimile: 01249 602008
 Email: willis@willis.co.uk

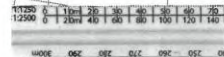
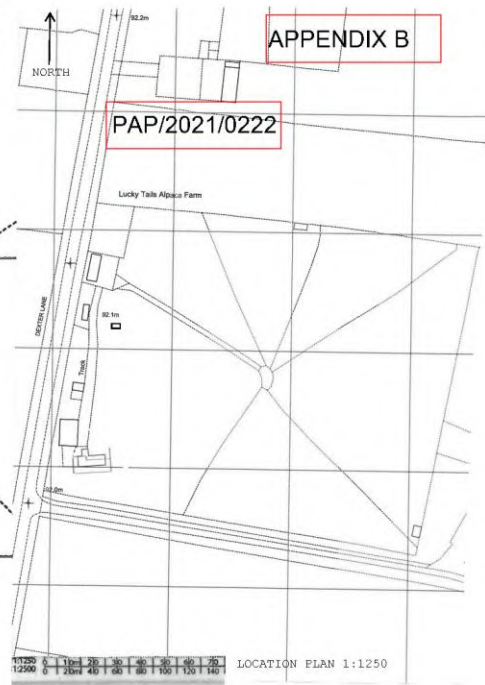
Client: Lucky Tails Alpaca
 Title: Dexter Lane, Hurley, Wiltshire
 Location Plan:
 Scale: 1:1250 @ A3 Date: March 2021 Drawing No: 2005/102

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SITE PLAN 1:500

APPENDIX B



LOCATION PLAN 1:1250

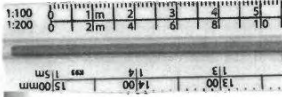
PAP/2021/0222

Revision B, Jan. 2022: Guinea Pig housing added

Willis & Co.
 Chartered Town Planners
 30 The Curriers, Chippingwood, Wiltshire, SN15 3DB
 Telephone: 01249 446212 Facsimile: 01249 602008
 Email: willis@willis.co.uk

Client: Lucky Tails Alpaca
 Title: Dexter Lane, Hurley, Wiltshire
 Location Plan & Site Plan:
 Scale: 1:1250 @ A3 Date: March 2021 Drawing No: 2005/102

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PAP/2023/0221

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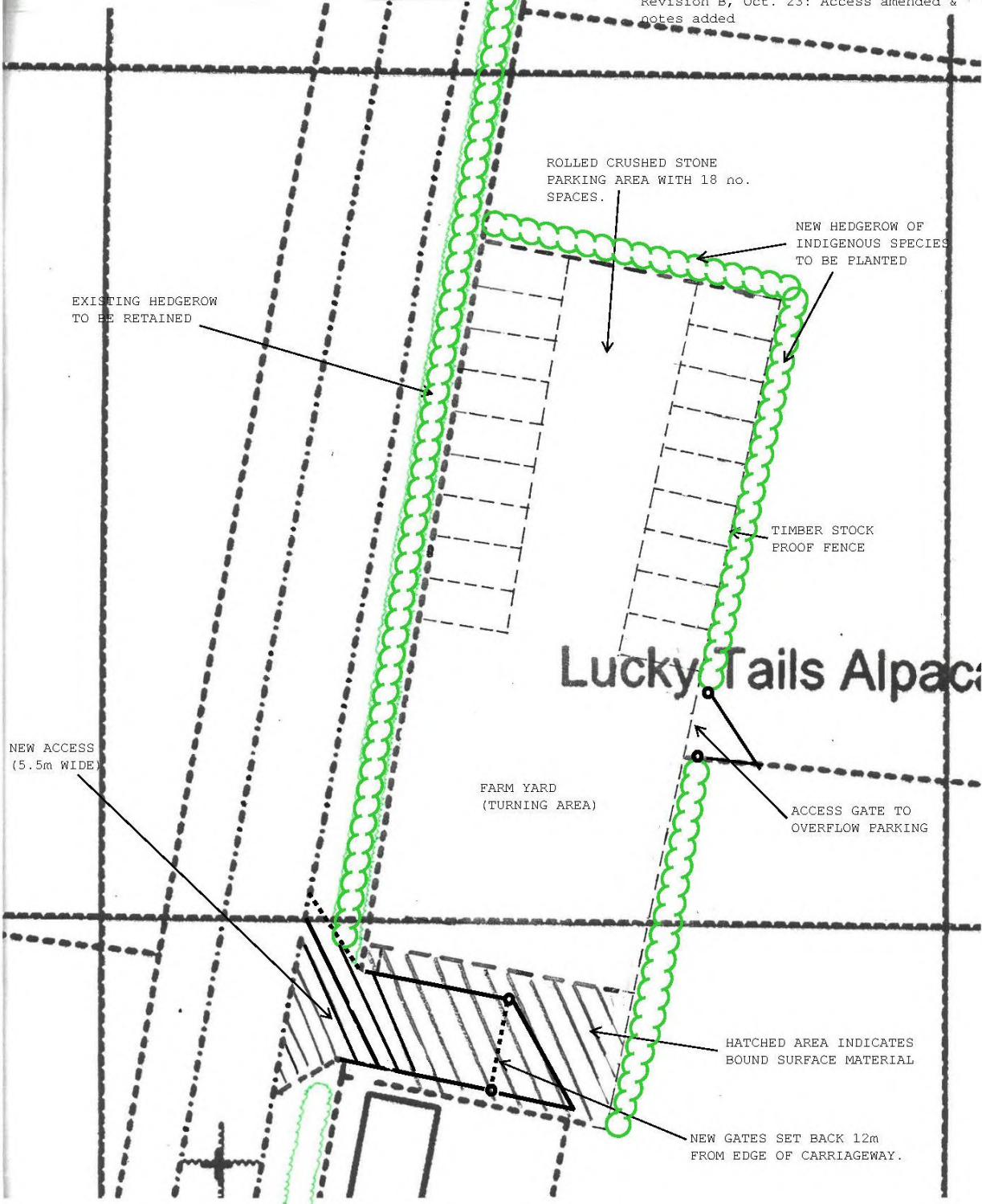
Willis & Co.
Chartered Town Planners
30 The Causeway, Chippenham, Wiltshire, SN15 3DB.
Telephone: 01249 444975 Facsimile: 01249 655556
Email: Willisplan@aol.com

Client: Lucky Tails Alpaca
Title: Dexter Lane, Hurley, Warwickshire.
Parking layout plan.

Scale: 1:200 @ A3 Date: May 2021 Drawing no: 3045200 B

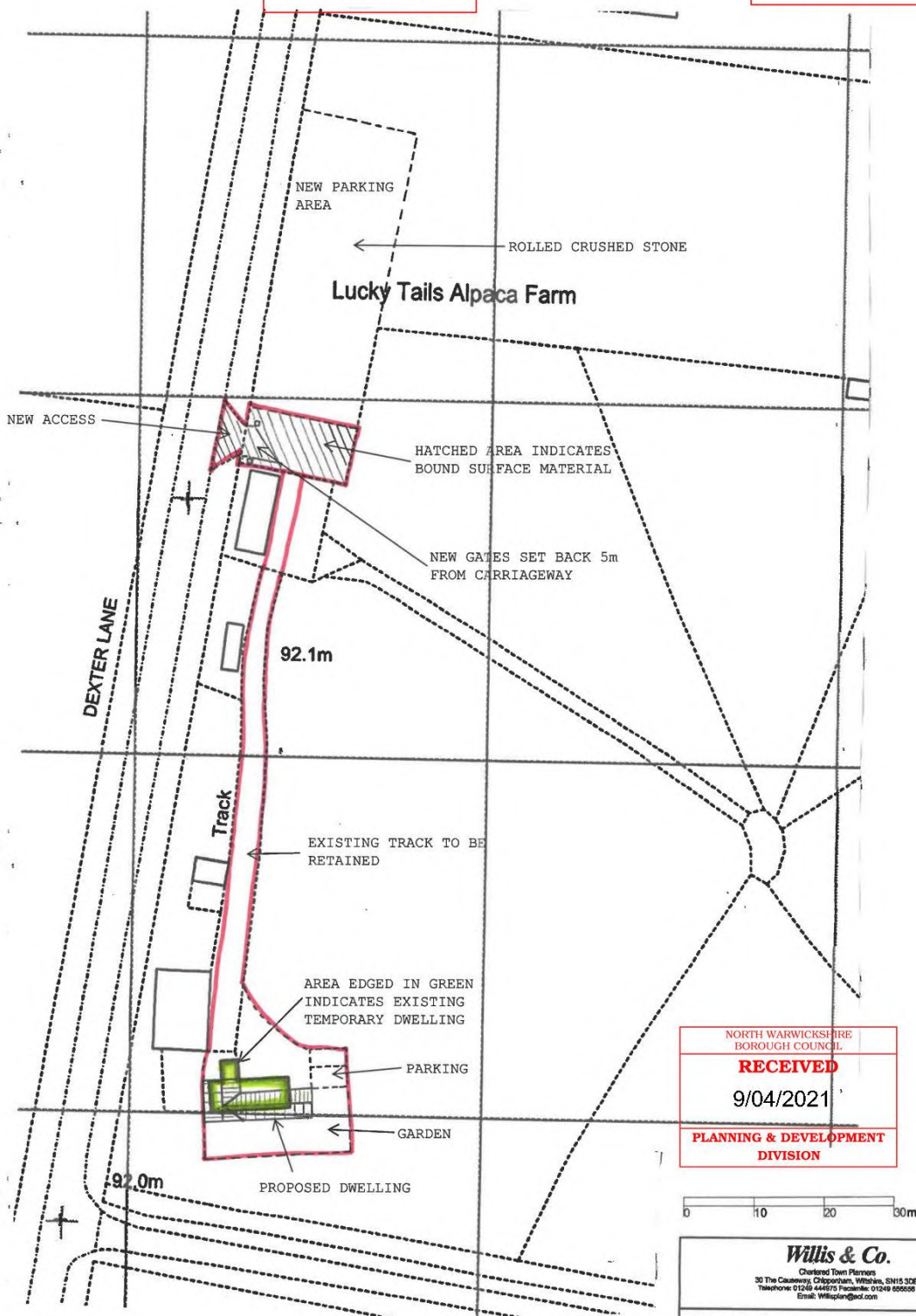
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Revision B, Oct. 23: Access amended & notes added



APPENDIX C

PAP/2021/0222



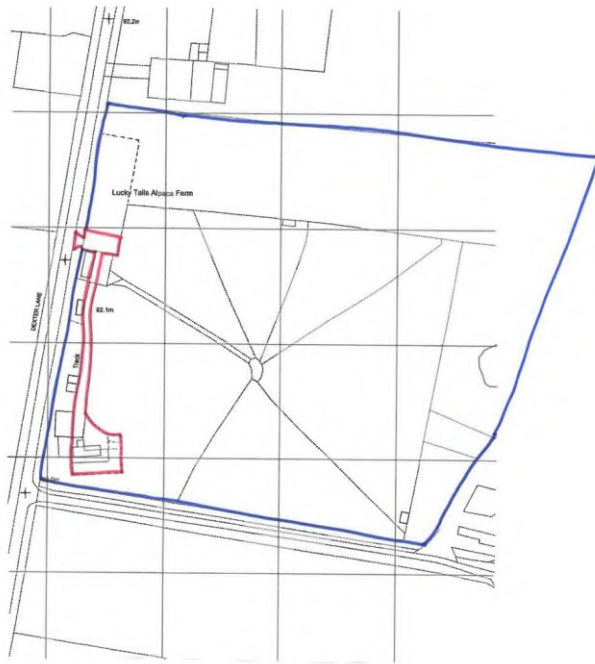
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Willis & Co.
Chartered Town Planners
30 The Causeway, Clipperton, Williton, SH13 3SR
Telephone: 01249 444675 Facsimile: 01249 859558
Email: Willisplan@aol.com

Client: Lucky Tails Alpacos
Title: Dexter Lane, Hurley, Warwickshire.
Site Plan.
Scale: 1:500 @ A3 Date: March 2021 Drawing no: 3045/101
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PAP/2021/0222



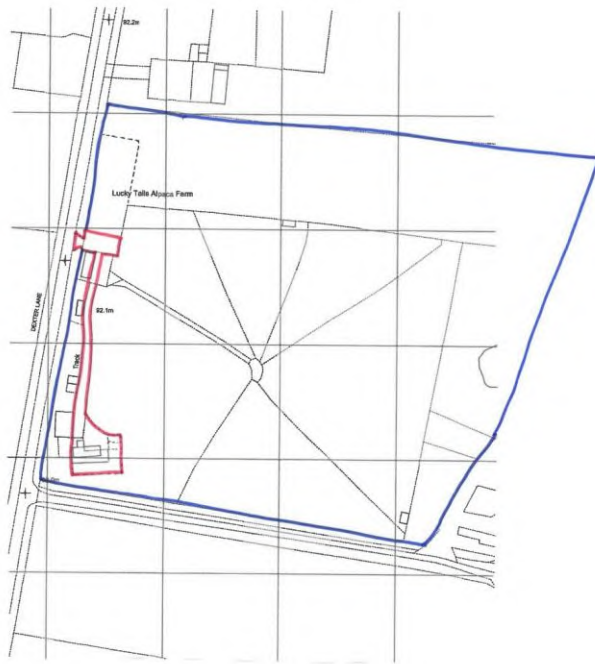
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Willis & Co.
Chartered Surveyors
50 The Courtyard, Clipperton, Willenhall, SP16 3QB
Telephone: 01927 440172 Fax: 01927 440168
Email: W&C@willisandco.com

Client: Lucky Tails Alpacas
Title: Clipperton Lane, Willenhall, Warwickshire
Location Plan
Scale: 1:1500 @ A3 Date: March 2021 Drawing No: 3045100
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Chartered Surveyors
50 The Courtyard, Clipperton, Willenhall, SP16 3QB
Telephone: 01927 440172 Fax: 01927 440168
Email: W&C@willisandco.com

Client: Lucky Tails Alpacas
Title: Clipperton Lane, Willenhall, Warwickshire
Location Plan
Scale: 1:1500 @ A3 Date: March 2021 Drawing No: 3045100
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APPENDIX D



PAP/2021/0222

Keops Interlock 'Hobby' **Three bedroom caravan/mobile home 6.5m x 15.05m**

Specification

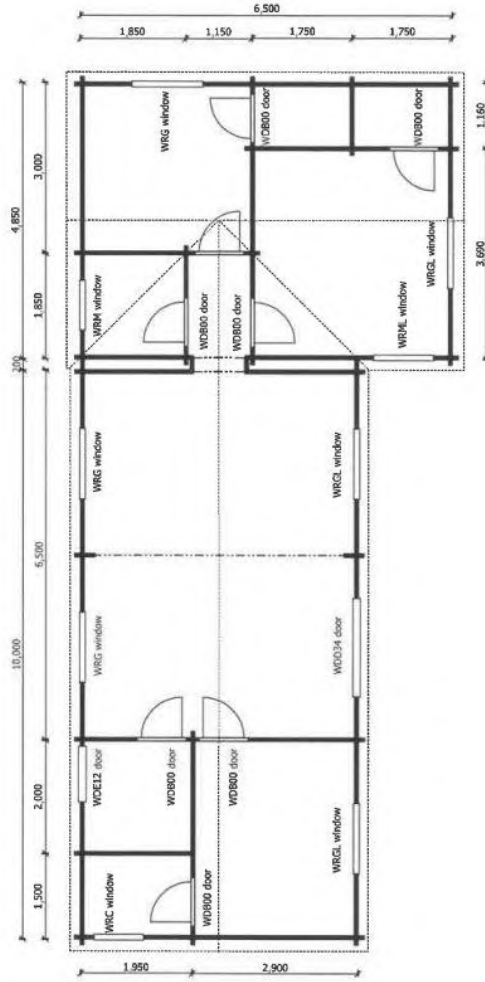
- 10000mm eaves x 4850mm gable + 4850mm gable x 6500mm eaves
- 56mm log thickness
- Apex/ridge roof
- Felt roof shingles in a choice of black, brown, green or red
- 19mm pine tongue & groove vaulted ceiling
- Structural timber chassis
- 19mm pine tongue & groove wooden floor
- Partition walls as shown on plan
- 1 x WDE12 Premium single door ½ glazed with 24mm double glazing
- 1 x WDD34 Premium double door ¾ glazed with 24mm double glazing
- 3 x WRG Premium tilt & turn double windows with 24mm double glazing
- 3 x WRGL Premium tilt & turn tall double windows with 24mm double glazing
- 1 x WRML Premium tilt & turn single windows with 24mm double glazing
- 1 x WRM Premium tilt & turn single windows with 24mm double glazing
- 1 x WRC Premium letter box window with 24mm double glazing
- 8 x WDB00 Premium interior pine doors
- Comfort grade roof insulation system
- Comfort grade floor insulation system
- Gutter system
- Box skirting
- Optional decking at front



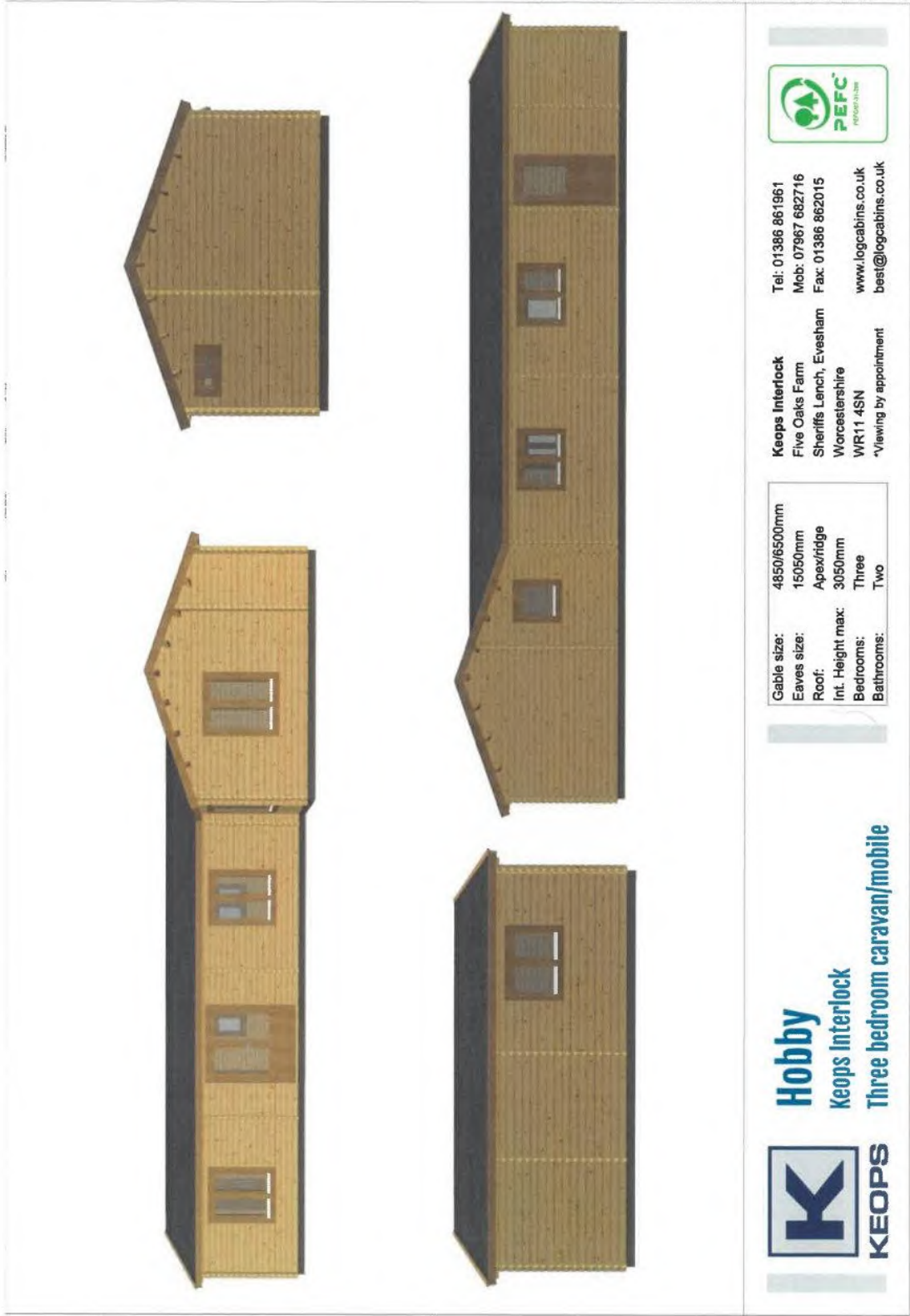
Keops Interlock Five Oaks Farm Sheriffs Leach Evesham WR11 4SN
Telephone 01385 861951 Fax 01385 862015 Mobile 07967 682716 e-mail best@logcabins.co.uk
www.logcabins.co.uk

Keops Interlock is a trading name of Keops Limited. Registered in England and Wales No. 04039277

Keops Interlock 'Hobby' Caravan/Mobile Home Scale - 1/100 Hobby MH Floor plan.sh3d



www.logcabins.co.uk 01386 861961 best@logcabins.co.uk



Representation drawing only. Pictures, fittings, furniture, kitchens, bathrooms & services are not included.



Hobby
Keops Interlock
Three bedroom caravan/mobile

Gable size:	4850/6500mm
Eaves size:	15050mm
Roof:	Apex/ridge
Int. Height max:	3050mm
Bedrooms:	Three
Bathrooms:	Two

Keops Interlock
 Five Oaks Farm
 Sheriffs Lench, Evesham
 Worcestershire
 WR11 4SN
 *Viewing by appointment

Tel: 01386 861961
 Mob: 07967 682716
 Fax: 01386 862015
www.logcabins.co.uk
best@logcabins.co.uk



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PAP/2021/0222

Lucky Tails Alpaca Farm - Assessment of the Functional and Financial Tests for the rural workers dwelling.**The Functional Test**

1. It is agreed that the breeding of livestock can generate an essential need for a worker to live close to the livestock to ensure their welfare is assured. This was considered by the Planning Inspector in the 2021 appeal and he agreed that:

"... the rearing of alpacas can generate a need for an overnight worker presence". (Paragraph 17)

2. The Inspector also concluded:

- there is an essential need that relates mainly to the care of cria;
- that care cannot reasonably be carried out from a dwelling away from the farm;
- the period of need is limited to spring and summer months; and,
- any work-related needs could be reasonably addressed through temporary accommodation.

3. The range, scale and numbers of livestock on the holding has increased and the essential need now spreads across the year. Specifically:

- 35 breeding female alpacas require supervision all year, and especially prior to, during, and after birthing. Birthing presently takes place between April – September, with the period of essential need considered to be March to October (with occasional slippages);
- 6 miniature and 3 Poitou donkeys – the gestation for the donkeys is approximately 12-15 months and births are presently due August – January – but necessarily slipping by up to 3 months in each progressive year;
- 5 Valais Blacknose sheep. These can breed throughout the year. Two pregnancies are possible each year and are presently planned for Christmas and May/June;
- the pygmy goats have a gestation of approx. 5 months and kid throughout the year;
- "other stock" includes rabbits, kune kune pigs, Gottingen mini pigs, meerkats, and tortoises.

4. Having a key worker living on site on a permanent basis will ensure that someone is available to monitor the birthing process of different livestock and intervene as necessary. Living off site – as the Inspector agreed – is not a workable solution. He opined:

"Therefore, the essential need for 24 hour presence mainly relates to the care of cria with occasional extra overnight attendance to deal with sick animals and births. Due to the level of supervision that is needed, I consider that the care of those cria that require bottle-feeding could not reasonably be carried out from a dwelling away from the farm".

5.. The essential needs is exacerbated when one adds in the donkeys (including an endangered species), sheep and goats – along with all the other livestock.

6. Security is an important factor here, on a specialist unit where the social care aspect requires surety that attendees will not arrive to be faced with death of livestock, illness, or indeed, theft of tools, etc.

The Financial Test

7. Planning Practice Guidance sets out the following guidance in terms of the financial test;

"the degree to which there is confidence that the enterprise will remain viable for the foreseeable future"

8. The test for a permanent rural workers dwelling set out in PPS7 Annex A is still widely applied by both LPAs and Inspectors. This test is;

"(iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so."

9. Although the business was affected by the Covid-19 pandemic it continued to trade and still reported a profit. Since then it has gone from strength to strength, with substantial profits now being generated. The accounts show:

	2019	2020	2021	2022
Turnover	111,481	113,713	173,280	350,002
Variable costs	10,778	69,577	77,560	163,602
Gross Margin	100,703	44,136	95,720	186,400
Fixed costs	39,825	31,714	25,222	101,341
NET PROFIT	60,878	12,422	70,498	85,059

10. The profit and employment potential of the holding is clearly significant. The turnover in 2025 is expected to exceed £500,000 with 10+ members of staff being employed.

11. There can be no doubt that the enterprise meets the financial test for a permanent rural workers dwelling. It has been established for almost 10 years and has made a profit each year. There is no doubt that, if it is able to continue with the support of the Council, it will remain viable for the foreseeable future. It is noted that the Councils agricultural consultant agrees that the enterprise is viable.

12. Since the unit has grown and diversified, off-site accommodation is not a reasonable solution to providing for animals essential needs. This proposal for a rural workers dwelling should be supported in accordance with Government policy. Please be in no doubt; in the absence of an on-site dwelling the enterprise cannot continue and will be forced to close.

Marc Willis BTP MRTPI FBIAC
October 2023



Appeal Decision

Hearing Held on 14 January 2021

Site visit made on 15 January 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2021

Appeal Ref: APP/R3705/W/20/3259888

Lucky Tails Alpaca Farm, Dexter Lane, Hurley CV9 2JG

- 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 Ms S Booth against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2019/0490, dated 27 August 2019, was refused by notice dated 27 March 2020.
 - The development proposed is described as erection of permanent rural workers dwelling (revised proposal).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both the appellant and the Council have provided statements after the deadlines for submissions. Also, information has been provided by the appellant on the acquisition of land away from the appeal site that was not before the Council at the time it determined the application. These submissions do not change the proposal and I am satisfied that no party would be caused injustice by taking them into account.
3. The emerging North Warwickshire Local Plan has been the subject of examination and I was told at the hearing of an aim to adopt it by March 2021. However, I attribute limited weight to the emerging plan as I am uncertain whether there are unresolved objections and whether policies will be adopted in the form provided to me.

Main Issues

4. The main issues are:-
 - whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework); and
 - the effect on the openness of the Green Belt; and
 - whether the proposal would be detrimental to highway and pedestrian safety; and

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

- if the development would be inappropriate, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

5. The Council's refusal reasons refer to no development plan policy in respect of its Green Belt objection. However, the main parties agree that the proposal falls to be determined in accordance with the Framework in respect of the Green Belt issue.
6. The Framework defines the construction of new buildings as inappropriate development in the Green Belt, although a list of exceptions is set out. The proposal would be on a farm and its occupation would be restricted to an agricultural worker or their dependents. However, it would be primarily intended for residential rather than agricultural purposes. As such, the proposed dwelling would not fall within the definition set out under paragraph 145 a) of the Framework. There is no suggestion that the proposal would fall within any of the other exception categories and so I conclude it would represent inappropriate development in the Green Belt.

Openness

7. The proposed house would be on land that is currently vacant of buildings. As a consequence, and by reason of its height, volume and overall extent, the development would lead to a spatial loss of openness. The main parties suggest that the removal of the existing mobile home on the farm should be taken into account in assessing any effect. Even if I was to accept this position, the proposal would be significantly larger than the mobile unit and so there would still be a net reduction in spatial openness.
8. The dwelling would be set back from the road but it would be seen from the adjoining highway through the access as well as from the holding itself. It would also be visible through gaps in vegetation from a public footpath along the southern boundary of the farm, from Knowle Hill and from adjacent land and properties. Therefore, it would result in a visual loss of openness of the Green Belt.
9. The house would be similar in size or smaller than existing properties in the area and other dwellings previously allowed in the Green Belt. However, this factor does not address or override the effects of the proposal. Consequently, I conclude the development would harm the openness of the Green Belt.

Highway and pedestrian safety

10. At the hearing, the appellant accepted that activities and insufficient space on the farm sometimes lead to vehicles parking on Dexter Road. As there are no pavements, such roadside parking increases the risk of conflict between pedestrians and vehicles and causes verge damage. However, new parking spaces are proposed to serve the dwelling and so it is unlikely the development would generate extra roadside parking.

11. Furthermore, there is no substantive evidence to demonstrate the proposal would result in additional traffic coming to and from the site. In any event, the appeal plans indicate alterations to the existing access which could reasonably include its widening to allow 2 way traffic flows. Such works would allow easier movement on and off the site and so would reduce driver and pedestrian confusion and waiting on the carriageway.
12. For these reasons, I conclude the proposal would not be detrimental to highway and pedestrian safety. In this regard, it would comply with policy NW10 of the North Warwickshire Core Strategy 2014 (CS). Amongst other things, this policy looks to ensure development provides for proper pedestrian and vehicular access as well as sufficient parking and manoeuvring space.

Other considerations

13. It is the appellant's contention that the proposal would address a need to live at the farm in order to run an established alpaca breeding and rearing enterprise. In addition, pygmy goats, sheep, miniature donkeys, pigs and chickens are kept at the holding. The latest account information for 2018 to 2019 shows the business returned a significant net profit. However, animal sales and stud fees represent a small proportion of the income. Instead, most of the revenue comes from members of the public attending alpaca walks and other animal activities as well as from sales at the on-site shop.
14. Paragraph 79 of the Framework allows new isolated homes in the countryside where there is an essential need for a rural worker to live permanently at or near their place of work. Factors that may be relevant in the consideration of this issue are set out in the Planning Practice Guidance¹. These include evidence of the need for a worker to provide on-site attention 24 hours a day to avoid risk to animal health or crime. CS policy NW2 is generally consistent with the Framework, although saved policy HSG3 of the North Warwickshire Local Plan 2006 (LP) is less so as it refers to the now cancelled Planning Policy Statement 7.
15. At the hearing the appellant confirmed that an on-site presence is required every day of the year to care for the animals and to carry out day to day farm tasks. The John Nix Farm Management Pocketbook 49th edition evidence indicates that the amount of labour to manage the number of animals on the farm justifies the input of a full time worker. In addition, running the animal activities and shop requires a worker to be on the site. Therefore, the enterprise requires a daytime presence throughout the year.
16. However, the appellant advised that after a final check in the late evening the alpacas are not supervised at all during the night unless there is a health concern. Identification of a sick animal can be unpredictable as alpacas are good at hiding illness. I was told at the hearing that night time care is required about once every 2 months.
17. The appellant advised at the hearing that no night time worker attendance is required to manage the mating of alpacas. However, a presence is preferable at a birth and while most take place during the day they can happen at night. Also, cria should be supervised for the first 24 hours after birth and some require regular bottle-feeding for a few months thereafter. As such, I am

¹ 010 Reference ID: 67-010-20190722 revision date 22 July 2019

- satisfied that the rearing of alpacas can generate a need for an overnight worker presence.
18. At the hearing the appellant advised of an alpaca birth in October, although she explained her intention to manage mating so births take place during the spring and summer. This move would be in line with British Alpaca Society's advice. Ensuring seasonal births is not straightforward due to unpredictable mating success and gestation times. Also, it may require the reproduction process being held up for some alpacas. However, the enterprise's income is largely generated by animal recreational activities rather than the breeding of livestock. As such, there is no strong profitability reason to pursue year-round breeding of alpacas.
 19. The appellant explained that before moving into the temporary unit on the site, items were stolen from the farm. Since she moved on, there has been no such thefts although there have been incidences at nearby premises. A permanent dwelling may deter crime although the proposal would be away from the road and so would not allow easy overlooking of the access at night. Also, there is no substantive evidence to show that alternatives such as security gates or surveillance devices would not provide an equally effective deterrent to unauthorised entry onto the site. As such, the need to address potential crime adds little to the justification for a permanent worker's dwelling.
 20. The appellant suggests that the Council's decision to permit a temporary mobile unit indicates an acceptance that there is a need for a worker's dwelling. However, I have limited information on the factors that led to the Council's decision. In any case, my assessment is based upon the evidence provided with this appeal rather than that considered by the Council when approving the temporary unit.
 21. Also, reference is made to other agricultural workers' dwellings that have been permitted by the Council elsewhere. These other decisions are of limited relevance as they do not relate to the appeal site or to a similar alpaca enterprise.
 22. I have carefully considered the other appeal decisions referred to by the appellant. These include appeals where dwellings for workers involved with the breeding and rearing of alpacas have been allowed. These decisions are based on information relating to other businesses rather than the evidence before me on the appellant's particular work requirements. Also, the other developments relate to enterprises primarily involved with breeding and sale of livestock in contrast to the appellant's concern where most income is generated by animal activities. Therefore, these other decisions fail to set a precedent that I am bound to follow in the determination of this appeal.
 23. No evidence has been provided that demonstrates over-grazing and so I am satisfied that sufficient land is available to support the appellant's business. However, this factor fails to influence the extent of night time supervision that the business requires. Limited information has been provided on how care for the appellant's other animals result in a need for overnight presence in addition to that associated with alpacas.
 24. Therefore, the essential need for 24 hour presence mainly relates to the care of cria with occasional extra overnight attendance to deal with sick animals and births. Due to the level of supervision that is needed, I consider that the care

of those cria that require bottle-feeding could not reasonably be carried out from a dwelling away from the farm. However, for the reasons set out above, the evidence indicates that the need for overnight attendance would largely be limited to spring and summer months. Consequently, there is no requirement to live permanently on the site. I am satisfied that any work-related needs could be reasonably addressed through temporary accommodation.

25. Therefore, I conclude that an essential need for a rural worker to live permanently on the site has not been demonstrated. In this regard, the proposal would not comply with CS policy NW2, LP policy HSG3 and the Framework.
26. Despite the above conclusion, the proposal would address the seasonal and occasional need for accommodation on the site and so it would support the business. Also, the development would be convenient to the appellant in caring for her animals. I attach significant weight to these benefits.
27. The proposed widening of the access would ease vehicular movement although there is no firm evidence the access currently prejudices highway safety. Reference has been made to the provision of an overflow car park to help address on road parking issues. However, no details are included on the appeal drawings and there appears to be little scope within the defined site to increase the number of spaces. I attach limited positive weight to all of these factors in my assessment.

Green Belt balance

28. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. These would only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
29. Overall, I conclude that the benefits of the scheme would be significant. However, in line with the Framework I attach substantial weight to the harm that would be caused to the Green Belt by reason of inappropriateness and the loss of openness. Therefore, the benefits and all other considerations would not clearly outweigh the totality of harm to the Green Belt. As such, the very special circumstances necessary to justify the scheme do not exist. In this regard the proposal would conflict with the Framework.

Conclusion

30. For the above reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Leanne Buckley-Thomson	Counsel
Marc Willis BTP MRTPI FBIAC	Planning Consultant

Peter Williams BSc FBIAC	Agricultural Consultant
Sarah Booth	Appellant

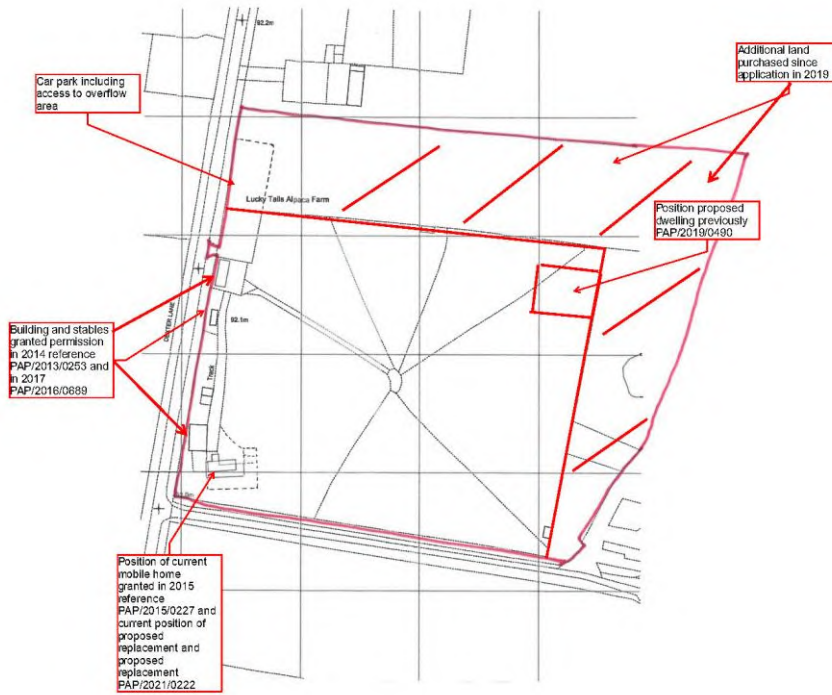
FOR THE LOCAL PLANNING AUTHORITY:

Andrew Collinson BA (Hons) BTP MRTPI	Principal Development Control Officer North Warwickshire Borough Council
Andrew Coombes	Agricultural Consultant
Anthony Burrows	Highway Development Engineer Warwickshire County Council

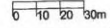
LIST OF DOCUMENTS SUBMITTED AT THE HEARING:

1. Policy NW3 of the North Warwickshire Core Strategy 2014.

APPENDIX G



Additional land is at Brick Kiln Lane 1.6 hectares
 Original site square shape 2.1 hectares
 7" shaped land to north and east - 1.75 hectares on farm business tenancy



Willis & Co.	
<small>Overland Town Planning 30 The Curriers, Chapperton, Wiltshire, BA15 3GB Telephone 01249 444050 Facsimile 01249 602558 Email: willis@willis.co.uk</small>	
<small>Client:</small>	<small>Lucky Tale Alpaca</small>
<small>Title:</small>	<small>Dwelling, Holiday, Manufacture, Location Plan</small>
<small>Scale:</small>	<small>1:1500 @ A3 Date: March 2021 Drawing no: 3040/100</small>
<small>This drawing is copyright and may not be reproduced, in whole or part, without the express consent of Willis & Co.</small>	

Mr. A. Collinson,
Principal Development Control Officer,
North Warwickshire Borough Council,
Council House, South Street,
Atherstone,
CV9 1DE.

Our ref: AGC/JC/NWBC2A-2023

Your ref: PAP/2021/0222

sanhamfarm@gmail.com

6th October, 2023

Dear Mr. Collinson,

**PROPOSED PERMANENT RURAL WORKERS' DWELLING – LUCKY TAILS
ALPACA FARM, DEXTER LANE, HURLEY – MS S. BOOTH**

I refer to your emailed consultation on the above application, and the copy of the rural workers' dwelling appraisal (up-dated) by Reading Agricultural Consultants dated June, 2023. I now comment on this appraisal as follows:-

1. The document dated June, 2023 is an update of the document dated October, 2022 on which I commented in my letter dated 24th March, 2023. I consider my letter dated 24th March, 2023 should be taken into account with this current letter.
2. The two documents are very similar with only minor alterations shown in the June, 2023 version. I will comment on these minor alterations/up-dates – paragraph 2.2 the livestock numbers have increased by the inclusion of "(newly) Gottingen mini pigs" – no numbers of these mini pigs have been given. Paragraph 4.4 "(other stock) includes rabbits, Kune Kune pigs, Gottingen mini pigs, meerkats and tortoises." With the Gottingen mini pigs having been added. Paragraph 4.12 has changed and now shows a summary of the accounts for 2019, 2020, 2021 & 2022. This summary of the accounts show that the business is profitable and viable, a fact that I have never disputed. Paragraph 4.13 explains where much of the income is from, including grants from Think Active, and Lotto Community and income from pupils. Paragraph 4.14 is new and states "Looking to the future, the profit and employment potential of the holding is clearly significant. The turnover in 2025 is expected to exceed £1½

million with 10 plus members of staff being employed.” Paragraph 4.15 was paragraph 4.13, paragraph 4.16 was paragraph 4.14. Paragraph 5.2 (ii) has changed from “The business is profitable; and,” to “The business is presently profitable and employs 7 members of staff. There is the potential for significant growth going forward; and,”.

3. I consider all of the above alterations are minor, and as a consequence I do not consider the conclusion in my letter dated 24th March, 2023 would change. Therefore, I continue to ADVISE that there is no agricultural or other rural occupational support for the proposed permanent rural workers’ dwelling at Lucky Tails Alpaca Farm, as the holding is overstocked, and the area of land available is unable to sustain the current levels of livestock. Furthermore, any essential/functional need is limited to the spring/summer months when occasional overnight accommodation may be necessary; and this limited essential/functional need can be fulfilled by some form of a temporary dwelling.

I trust the above will assist you to determine this current application.

Thank you for your instructions in this matter.

Yours sincerely,

A.G. Coombe MRICS FAAV
Sanham Agricultural Planning Limited