

**To: The Deputy Leader and Members of the Planning and Development Board
Councillors Simpson, Bell, T Clews, Dirveiks, Gosling, Hancocks, Hayfield, D Humphreys, Jarvis, Jordan, Morson, Moss, Parsons, H Phillips, Reilly and Rose.**

For the information of other Members of the Council

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

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

5 DECEMBER 2022

The Planning and Development Board will meet on Monday, 5 December 2022 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 719221 or 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.

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

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

- 4 **Minutes of the meeting of the Board held on 31 October 2022** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Local Listing of Heritage Assets** - Report of the Chief Executive

Summary

The report seeks the Board's approval to amend the selection criteria and consultation process associated with preparing a local list of non-designated heritage assets in North Warwickshire.

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

- 6 **Budgetary Control Report 2022/23 Period Ended 31 October 2022** - Report of the Corporate Director - Resources

Summary

The report covers revenue expenditure and income for the period from 1 April 2022 to 31 October 2022. The 2022/2023 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

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

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

Summary

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

7a Application No: PAP/2022/0508 - 6 Boulters Lane, Wood End, Atherstone, CV9 2QE

Proposed single storey rear extension

7b Application No: PAP/2021/0238 - Polesworth Working Mens Club, High Street, Polesworth, B78 1DX

Change of use of existing function room to provide bed and breakfast accommodation (25 bedrooms), including an additional mezzanine floor and elevation changes

7c Application No: PAP/2022/0544 - Land South of Astley Lane, Bedworth

Construction of a renewable energy generating solar farm together with transformers, inverters, control building, DNO substation, store-room, mast, security measures, associated infrastructure and works, landscaping and bio-diversity enhancements

7d Application No: PAP/2022/0353 - Heath House, 27 Birmingham Road, Whitacre Heath, B46 2ET

Change of use from C3 Dwellinghouse to 'Sui generis' (Houses in multiple occupation) for 9 single occupancy units

7e Application No: PAP/2022/0105 - Land South Of The Croft, Hoggrills End Lane, Nether Whitacre

Erection of stable block and change of use from agriculture to equestrian

7f Application No: PAP/2021/0428 - 4 Square Lane, Corley, CV7 8AX

Erection of agricultural building to be used for storage of agricultural machinery and hay

7g Application No: PAP/2022/0330 - Lake House, Bakehouse Lane, Nether Whitacre, Coleshill, B46 2EB

Demolition of the existing dwelling and erection of a replacement dwelling

7h Application No: PAP/2022/0373 - 23 Dordon Road, Dordon, Tamworth, B78 1QW

Two storey side extension, with single storey side extension to current rear extension

7i Application No: PAP/2022/0204 - Land South Of Dairy House Farm, Spon Lane, Grendon

Proposed Variation of Condition 10 of PAP/2017/0156 dated 3/7/18 through the inclusion of a bund, an updated landscape scheme and relocation of a play area

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

8 Tree Preservation Order – 108 Coventry Road, Coleshill - Report of the Head of Development Control

Summary

A temporary Tree Preservation Order was placed on an Oak Tree at 108 Coventry Road, Coleshill. It came into force on 8 August 2022 and would last six months (until 8 February 2023). This report now seeks confirmation of the protection of the tree.

The Contact Officer for this report is Samuel Patten (719220).

9 Tree Preservation Order - Land At 117-135 Grendon Road, Polesworth - Report of the Head of Development Control

Summary

A Tree Preservation Order has been placed on six trees on land between 117 and 137 Grendon Road, Polesworth. It came into force on 5 July 2022 and lasts six months (until 5 January 2023). This report seeks to make the Order permanent.

The Contact Officer for this report is Andrew Collinson (719228).

10 **Exclusion of the Public and Press**

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

11 **Tree Preservation Order Coleshill** - Report of the Head of Development Control

The Contact Officer for this report is Andrew Collinson (719228).

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

The Contact Officer for this report is Samuel Patten (719220).

13 **Confidential Extract of the Minutes of the meeting of the Planning and Development Board held on 31 October 2022** - copy herewith, to be approved and signed by the Chairman.

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

31 October 2022

Present: Councillor Simpson in the Chair

Councillors Bell, Chambers, Dirveiks, Gosling, Hancocks, Hayfield, D Humphreys, Jarvis, Jordan, Morson, H Phillips, Reilly and Rose.

Apologies for absence were received from Councillors T Clews, Moss and Parsons (Substitute Chambers).

The Chairman introduced the Heritage and Conservation Officer, Jennifer Leadbetter, to the Board.

43 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Dirveiks made a statement regarding minute no 46d declaring that he was a Trustee of Queen Elizabeth Charity which benefits Queen Elizabeth School although he is not linked to the Academy Trust in any way thus allowing him to take part in the discussion and voting thereon.

44 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 3 October 2022, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

45 **A5 Consultation on Dordon to Atherstone by National Highways - Report of the Chief Executive**

A consultation has taken place by National Highways on proposed works to the A5 between Dordon and Atherstone. The closing date for the consultation was 27 October 2022. The final response to the consultation were circulated prior to the meeting.

Resolved:

That the report be noted.

46 Planning Applications

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

Resolved:

- a That in respect of Application No (PAP/2022/0423 (Land to the South of Watling Street, Caldecote CV10 0TS)**
 - i The receipt of the application be noted;**
 - ii The Board visits the site prior to determination;**
 - iii The applicant be requested to address the matters raised in the observations section of the report;**
 - iv Further progress reports are brought to the Board; and**
 - v Engagement with the other two Local Planning Authorities be arranged when appropriate;**
- b That Application No PAP/2021/0428 (4, Square Lane, Corley, CV7 8AX) be deferred for further discussion with the applicant about the location of the building;**
- c That Application No PAP/2019/0651 (Atlantic Nurseries Wholesale, Wishaw Lane, Middleton, B78 2AX) be granted, subject to the conditions set out in the report of the Head of Development Control;**
- d That subject to a Section 106 Agreement in respect of the items referred to in the report, the Council grants planning permission for application number PAP/2019/0158 (Queen Elizabeth Lower School, Witherley Road, Atherstone, CV9 1LZ) with the conditions as set out in the report of the Head of Development Control;**
- e That in respect of Application No PAP/2022/0294 (Proposed Building Plot Rear Of 4-10, Kingsbury Road, Curdworth) Councillor Simpson, seconded by Councillor Riley, recommended an alternative to the recommendation that the application be refused on grounds of LP29. Upon being put to the vote the motion was lost. The application was then granted, subject to the conditions set out in the report of the Head of Development Control;**
- f That Application No PAP/2022/0105 (Land South Of The Croft, Hoggrills End Lane, Nether Whitacre) be deferred for a site visit;**

- g That in respect of Application No PAP/2022/0128 (North Court, Packington Park, Birmingham Road, CV7 7HF)**
 - i The applicant be informed that it welcomes the receipt of the amended sketch design, and that the Georgian Group be reconsulted once detailed plans are submitted;**
 - ii Even if the Georgian Group retains its objection, the Board is minded to support the latest sketch proposal, and therefore that this be referred to the Secretary of State to see if he wishes to call-in the case for his own determination;**
- h That Application No PAP/2022/0353 (Heath House, Birmingham Road, Whitacre Heath) be deferred for a site visit; and**
- i That Application No PAP/2021/0638 (Fox And Dogs Inn, Orton Road, Warton, Tamworth, B79 0HT) be granted subject to the completion of the Section 106 Agreement and the conditions set out in the report of the Head of Development Control;**

47 Appeal Update

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

Resolved:

That the report be noted.

48 Exclusion of the Public and Press

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

49 **Section 106 Agreement**

The Head of Development Control outlined how an issue that has arisen with the Section 106 Agreement in this case has been resolved.

Resolved:

That the Board confirms that appropriate action be taken to recover the debt if necessary.

Councillor Simpson
Chairman

Agenda Item No 5

Planning and Development Board

5 December 2022

Report of the Chief Executive

Local List of Heritage Assets

1 Summary

- 1.1 The report seeks the Board's approval to amend the selection criteria and consultation process associated with preparing a local list of non-designated heritage assets in North Warwickshire.

Recommendation to the Board:

- a Agree the amended selection criteria (Appendix A) and nomination form (Appendix B); and**
- b Agree to amendments to the consultation process for the confirmation of nominations which includes an ongoing establishment of the list rather than a time limited call for nominations.**

2 Consultation

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

3 Introduction

- 3.1 The Planning and Development Committee on 4 February 2019 agreed to the production of a local list of heritage assets (non-designated) for the Borough. It was agreed that a local list of assets which are not nationally listed by the Government, would include buildings of special architectural and/or historic interest, historic landscape features and structures or monuments of local interest/value.

- 3.2 The publication of the draft criteria and nomination form was followed by a 'call' for assets for inclusion in the local list over a period of six weeks. Nominations were received but uptake was lower than expected partly due to restrictions put in place during the Covid pandemic, which made it difficult to offer appropriate training to vital stakeholders to ensure the criteria could be properly applied by laypeople (who were largely responsible for the nominations).

- 3.3 Therefore it is proposed to re-publicise the production of a local list and the nomination process, through existing heritage / local history groups, parish

councils, the Council's website and social media platforms in order to reach a wider number of people who might benefit from basic training to aid review of assets for inclusion and generate new interest in the heritage of the Borough.

3.4 The Government and Historic England have amended their guidance on assessment of heritage assets therefore it is considered appropriate that our selection criteria and nomination form also be amended and reissued as part of readvertising of the request for nominations. The revised selection criteria can be found in Appendix A and revised nomination form in Appendix B.

3.5 In order to accommodate this more gradual process of ongoing training and nomination it is recommended that an incremental review and confirmation system be adopted. To this end a number of nominations deemed to meet the agreed criteria will be presented to the Planning Sub-Committee on an ad-hoc basis for their comments and authorisation for addition to the local list following a consultation process set out below.

4 **Non-designated Heritage Assets and Local List**

4.1 As detailed in the previous report, the consideration of non-designated Heritage Assets is mentioned in paragraph 203 of Section 16 *Conserving and enhancing the historic environment* of the NPPF: *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

What is a local list?

4.2 A local list is one of the tools used to conserve and enhance the historic environment. It will set out information for some of the non-designated heritage assets within North Warwickshire. Some non-designated heritage assets may be located within Conservation Areas and will therefore also benefit from the control over demolition afforded by the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.3 The development of a Local Heritage List will provide benefits for:

- The protection and/or enhancement of heritage assets to inform the character of new development,
- Generating economic benefits through retention and re-purposing of heritage assets, and
- Retaining the character and the local distinctiveness of the historic environment.

4.4 The NPPF identifies that the conservation of a non-designated heritage asset is a material consideration when determining the outcome of a planning application. This helps to inform the management of the asset and inform the balanced judgement with regard to the scale of any harm or loss and the significance of the heritage asset.

5 Observations

- 5.1 A local list is a way of helping conserve buildings of local, rather than national importance, which make a positive contribution to the character of North Warwickshire and re-enforce the sense of local character and distinctiveness in the historic environment. Moreover, the adoption of a local list will assist the Council when make planning decisions. In addition, various Neighbourhood Plans have highlighted the importance of key buildings and structures.
- 5.2 Although local listing will not have the level of protection of statutory designation, it will be a “material planning consideration” when planning permission is sought which might harm a building’s special interest or the character of the historic environment. It will complement the policies of the adopted Local Plan (LP15).
- 5.3 Local listing does not change any existing permitted development rights for a property but is considered as a “material planning consideration” that can be included in the decision making process of any application affecting the property.
- 5.4 Neighbourhood Plans have assisted in identifying local non–designated heritage assets, such as buildings of local architectural and/or historic interest. A list can continue to be compiled of those assets already identified through Neighbourhood Plans.
- 5.5 There could be many nominations for buildings for other features in the historic environment that might have potential for meeting the criteria for local listing. It is therefore proposed to commence with the inclusion of local buildings of architectural or historic significance already identified through neighbourhood plans and add to the list following public appeal for nominations throughout the Borough. The list will be increased in stages and regular reports provided to Planning Sub-Committee to assist in approving suitable nominations.

What are the implications?

- 5.6 Locally listing a building does not however provide statutory protection from demolition in areas outside of the Conservation Area. Other controls may be necessary such as Article 4 Directions if extra protection is deemed appropriate.

c) How to select a building or site to include on the local list

- 5.7 All historic buildings, landscapes and other historic features in the Borough each have:
- archaeological interest,
 - historic interest, and
 - architectural and artistic interest to some degree.

These nationally identified interests are assessed with added focus on the level of importance coming from unique factors associated with the local area, the structure and its past. It is this unique combination that gives the asset its character and its importance. The significance of a structure or place is the explanation of why the combination of interests is important and is not just a description of the physical attributes of a structure or place.

- 5.8 In order to include a heritage asset on the local list a selection criterion is used to identify an asset's unique character/importance and therefore its significance. The preparation and use of selection criteria is a consistent way for identifying and managing the importance of the local heritage assets. As noted in paragraph 5.6 the selection criteria are a mixture of nationally recognised elements of 'interest' assessed in conjunction with a locally relevant factors. Understanding the significance of a structure or place is a requirement of the NPPF and guidance is set out in reference to local lists specifically in Historic England's *Historic England Advice Note 7 (Second Edition): Local Heritage Listing: Identifying and Conserving Local Heritage*. Which can be found here: <https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/>. More general advice and information about the conservation of heritage assets can be found in Historic England's *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*. Which can be found here: <https://tinyurl.com/f48rjt3> This document is often quoted for information regarding the assessment of significance and a broader set of values of heritage assets, but it should be remembered that this document predates current policy found in the NPPF and guidance in the NPPG, which both take precedence in this situation.
- 5.9 Locally appointed selection criteria (listed below) are considered in conjunction with national criteria. *Historic England Advice Note: 7: Local Heritage Listing* suggests the following criteria will be useful in the assessment of an asset's significance in the Borough:
- Age
 - Aesthetic interest
 - Group value
 - Rarity
 - Historical Association
 - Archival interest
 - Designed landscape interest
 - Social value
 - Landmark status
- 5.10 The above selection criteria have been drafted in the selection guidance in Appendix A of this report. Each local listing may meet several of the aforementioned selection criteria. There may be nominated assets that do not meet the criteria for inclusion on the local list. The selection criteria can be used to ensure the proper validation and recording of each local heritage asset. The nomination form at Appendix B requires input of justification on how a local asset meets the criteria for inclusion on the North Warwickshire local list of heritage assets.

Implementation

- 5.11 The process for establishing a local list will involve undertaking both internal/external consultation.
- 5.12 It is proposed to advertise the request for nominations and include an opportunity for training in how to identify and assess structures and places for nomination. It is understood that these minor amendments to the previous selection and nomination processes will not require a lengthy public consultation because the changes do not alter the principals previously agreed or significantly depart from the previously agreed documents.
- 5.13 The request for nominations will involve:
- provision of information on North Warwickshire webpages,
 - request of nominations from parish councils and interested parties by email or letter, and
 - publication on social media (Facebook and Twitter).
- 5.14 Following receipt of nominations an assessment will be made against the selection criteria. Nominated assets will be advertised with Parish Councils, Warwickshire County Council's Historic Environment team and the various Civic Societies by means of email correspondence before being discussed at a regular Planning Sub-Committee meeting for approval or otherwise (refusal or request for further information). In addition, discussions will take place with the owners and tenants (where appropriate) of the assets inviting views on its heritage value and suitability for inclusion in the Local List. All responses will be reported back to Sub-Committee.

e) Adoption

- 5.15 When an asset has been adopted, the selection criteria, nomination form and Local Heritage Listings and will be published on the North Warwickshire website and used to update any relevant heritage information sources such as the Historic Environment Record. Landowners and tenants will be informed via email and/or letter. The local list will be reviewed and up-dated as and when appropriate. It will be monitored on an annual basis.

6 Report Implications

6.1 Legal, Data Protection and Human Rights Implications

- 6.1.1 Local Listing is not a statutory procedure and therefore any property which is Locally Listed will not have statutory protection. However, Local Listing is considered to be a "material planning consideration" that can be considered as part of a planning application affecting a locally listed building or site.

6.2 Environment, Sustainability and Health Implications

6.2.1 The historic environment is an important asset for the Borough as highlighted in the adopted Local Plan and various Neighbourhood Plans.

6.3 Links to Council's Priorities

6.3.1 A local list is directly linked to the Council's priority of "*protecting and improving our countryside and heritage in times of significant growth challenges.*" The local list will provide an opportunity to have a greater input into any changes that may affect buildings or structures on the list.

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

Background Papers

Background Paper No	Author	Nature of Background Paper	Date

North Warwickshire Local List Selection Criteria

- 1 This note sets out the criteria that will be used in nominating and selecting those buildings, structures, historic or special features in the landscape, gardens, memorials or sunken lanes that will be placed on to the Local Heritage List for North Warwickshire.
- 2 North Warwickshire has an abundance of designated and non-designated Heritage Assets that collectively contribute to the historic environment within North Warwickshire. Designated Heritage Assets range from Scheduled Ancient Monuments, Historic Parks and Gardens, Grade 1, 2* and 2 listed buildings and protection of historically significant townscapes and settlements through designated Conservation Areas.
- 3 There are many other non-designated heritage assets of local importance that are valued by the local community for their contribution to a setting or place. Including local non-designated heritage assets on a local list would ensure their significance is taken into account in planning decision-making. The local list can include buildings, structures, historic or special features in the landscape, gardens, memorials or sunken lanes that are not of sufficient merit to be statutorily listed but are seen to be of local historic importance or architectural significance.

Guidance for assessing the significance of local heritage assets

- 4 Each local listing will have a set of heritage interests contributing to their significance which have been developed by Historic England's *Historic England Advice Note 7 (Second Edition): Local Heritage Listing: Identifying and Conserving Local Heritage*. Which can be found here: <https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/>

To see a description of the meaning of significance you can access the National Planning Practice Guidance website ca be found here:

<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

- 5 The heritage values are defined as the following:
 - **Historic Interest:** the ways in which past people, events and aspects of life can be connected through a place to the present;
 - **Architectural and Artistic Interest:** architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture, landscape design and embellishment. The two are often closely related and may be important factors due to the status of the designer/creator or rarity of the work, and

- **Archaeological Interest:** there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

6 In combination with nationally identified criteria: archaeological, historical, architectural and artistic interests, Historic England’s extended selection criteria in the table below provides a consistent way for identifying and managing the importance of the local heritage assets to ensure the proper validation and recording of each local heritage asset. The local selection criteria are set out below:

Age	The age of an asset may be an important criterion to take into account distinctive local characteristics or building traditions. Age does not necessarily mean that the building has to be decades old. Mid to late 20th Century buildings also may be considered.
Aesthetic Interest	The intrinsic design value of an asset relating to local styles over its lifetime, materials or any other distinctive local characteristics. The authenticity of the remaining historic fabric and whether the building, structure, or landscape represents a good example of intact features that are authentic to the period or designer.
Group Value	Groupings of assets with a clear visual design or historic relationship
Rarity	Appropriate for all assets, it could be the last surviving example of its type
Historical Association	The significance of a heritage asset may be enhanced by historical association of local or national note, including links to important local figures, industry or events.
Archaeological Interest	The local heritage asset may provide evidence about past human activity in the locality, which may be archaeological – that is in the form of buried remains – but may also be revealed in the structure of buildings or in a manmade landscape.
Archival Interest	The significance of a local heritage asset may be enhanced by a contemporary or historic written record.
Designed Landscape Interest	The interest attached to locally important historic designed landscapes, parks and gardens that may relate to social history. This may be a local green space.
Social and Communal Value	Sources of local identity, distinctiveness, social interaction and coherence, contributing to the ‘collective memory’ of a place.
Landmark Status	An asset with strong communal or historical associations, or because it has an especially striking aesthetic value, may be a landmark within the local scene.

7 The above criteria will be used for nominating and assessing a local heritage asset.

**North Warwickshire Local List of Heritage Assets
Nomination Form**

Name and location of your nominated heritage asset (*please provide a photograph and map – if possible, and an address point*):

Please refer to the separate note: *North Warwickshire Local Heritage List - Selection Criteria*. The note explains the selection criteria which will be used in determining whether a nomination is successful. It is very important to provide as much information in this form as possible to explain how the selection criteria are being addressed. Please use extra pages if you find it necessary.

A WHAT IS IT?

Please tick one of the following:

	A building or group of buildings
	A monument or site (an area of archaeological remains or a structure other than a building)
	A place (a street, park, garden or open space)
	A landscape (an area defined by a visual feature, village, suburb, field system, sunken lane)



North Warwickshire
Borough Council

B WHY IS IT SIGNIFICANT? Indicate what it is about the asset that is valued locally. Please use the heritage values to define significance (Section 5 of the Note on Selection Criteria).

Historic: a documented association with a person, event, episode in history or local industry.

Architectural/Artistic: an exceptional example of an architectural style, an unusual example of a building with a particular use, a technique of construction or use of materials. Use of design to express artistic meaning or enhance the appearance a place (including landscapes).

Archaeological: potential to reveal more about the human past through further study - above ground or below.

C ARE THERE OTHER FACTORS OF HERITAGE SIGNIFICANCE?

What might make your nominated asset stand out from the surrounding environment (see Section 6 of the Selection Criteria for guidance):

Age: Is it old, or does it have a significant date?	
Rarity: Is it unusual in the area? Or an only surviving example?	
Identity: Does it have a particular character that would be typical of North Warwickshire?	
Group Value/Quality: It is part of a group of assets?	
Landmark Quality: Does it have a visual prominence in the townscape/landscape?	
Other: Is there any other factor? For example: Local value or Landscape interest? Archaeological Interest? Or Archival record? – Please explain	

Contact Details

Please provide your contact details so we can contact you to deal with any queries or to find out any additional information in relation to this nomination.

We will not provide this information to a 3rd party.

Name:.....

Telephone:.....

Email:.....

Please tick this box if you would like you details to be added to the Local Plan mailing list to be kept informed of planning policy work by the Borough Council.

(The Privacy Notice and how your data will be used can be found on the Council's website – www.northwarks.gov.uk.)

Returning this Form

Please return the form using any of the following:

By email:	planningpolicy@northwarks.gov.uk
By Post:	Heritage and Conservation Officer, Forward Planning Team, North Warwickshire Borough Council, The Council House, South Street, Atherstone CV9 1DE

If you have any questions about the listing process or selection criteria, please contact Jennifer Leadbetter on 01827 719475 or email jenniferleadbetter@northwarks.gov.uk

Agenda Item No 6

Planning and Development Board

5 December 2022

Report of the Corporate Director - Resources

Budgetary Control Report 2022/23 Period Ended 31 October 2022

1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2022 to 31 October 2022. The 2022/2023 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

Recommendation to the Board

That the report be noted and that the Board requests any further information it feels would assist it in monitoring the budgets under the Board's control.

2 Introduction

- 2.1 Under the Service Reporting Code of Practice (SeRCOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but also support costs relating to such areas as finance, office accommodation, telephone costs and IT services. The figures contained within this report are calculated on this basis.

3 Overall Position

- 3.1 The actual expenditure for those services reporting to this Board as at 31 October 2022 is £100,293 compared with a profiled budgetary position of £142,967; an underspend of £42,674 for the period. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period.

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

3.2 Planning Control

- 3.2.1 The underspend of £50,019 is due to a higher level of planning fees income to date by £34,460 due to a change in the mix of applications from small householder to larger applications. In addition, there is lower than expected expenditure on professional fees and advertising.

3.3 Local Land Charges

3.3.1 The overspend of £6,222 is due to a lower number and mix of local land charge searches.

4 Performance Indicators

4.1 In addition to the financial information provided to this Board, when the budgets were set in February performance indicators were included as a means of putting the financial position into context. These are shown at Appendix B.

...

4.2 The gross cost of planning applications is above the budgeted position due to the lower number of applications, partially offset by the reduction in professional fees and advertising costs. The net cost of planning applications is below the budgeted position, due to the additional income generated from the mix between large and small applications received.

4.3 The gross and net cost per Land Charge search is higher than expected due to the lower number and mix of searches between full searches and Official Register searches undertaken.

5 Risks to the Budget

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

- The need to hold Public Inquiries into Planning Developments. Inquiries can cost the Council around £50,000 each.
- A change in the level of planning applications received. A fall in applications is likely to lead to a reduction in planning income, whilst an increase in applications will increase the pressure on staff to deal with applications in the required timescales.
- The Government requires all planning applications to be dealt with within 26 weeks. If this is not achieved, the costs of the application must be borne by the authority. Whilst the Planning Team deals with almost 100% of current applications within this time, there is always the potential for this to slip, leading to a decline in the planning income level.
- There are potential additional costs for the Council in carrying out its planning function. If the Council loses a planning appeal, an award of costs can be made against the Council (the appellant's costs for the appeal). If the Council consistently loses appeals it will become a designated authority, which means that prospective applicants can submit their applications directly to the planning directorate. This would mean the Council would lose the accompanying planning fee.

5.2 A risk analysis of the likelihood and impact of the risks identified above are included in Appendix B.

6 Estimated Out-turn

6.1 Members have requested that Budgetary Control reports provide details on the likely out-turn position for each of the services reporting to this Board. The anticipated out-turn for this Board for 2022/23 is £268,570 the same as the approved budget.

6.2 The figures provided above are based on information available at this time of the year. Whilst planning income is currently higher than budget, it can vary significantly during the year, when reported in June 2022 Planning income was behind budget. Two large applications have been received in the last month. The budget will be reviewed again as part of the budgeting process and an updated position brought to board in February 2023. No change to the out-turn has been assumed at this time but this may change as the financial year progresses. Members will be updated in future reports of any changes to the forecast out turn.

7 Report Implications

7.1 Finance and Value for Money Implications

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

7.2 Environment and Sustainability Implications

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

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
Executive Board – Agenda item 9	Corporate Director - Resources	General Fund Revenue Estimates and Setting the Council 2022-23	14 th Feb 2022
Executive Board – Agenda item 10	Corporate Director - Resources	Financial Strategy 2022-2027	12 th Oct 2022

Planning and Development Board

Budgetary Control Report 2022/2023 as at 31 October 2022

Cost Centre	Description	Approved Budget 2022/2023	Profiled Budget to 31 October 2022	Actual to 31 October 2022	Variance	Comments
4009	Planning Control	146,380	91,580	41,561	(50,019)	Paragraph 3.2
4010	Building Control Non Fee-earning	46,200	6,008	6,008	-	
4012	Conservation and Built Heritage	60,730	35,426	35,639	213	
4014	Local Land Charges	8,080	5,765	11,987	6,222	Paragraph 3.3
4018	Street Naming & Numbering	7,180	4,188	5,098	910	
	Total Net Expenditure	268,570	142,967	100,293	(42,674)	

Performance Indicators for Budgets Reporting to the Planning and Development Board

	Budgeted Performance	Profiled Budgeted Performance	Actual Performance to Date
Planning Control			
Number of Planning Applications	900	525	468
Gross cost per Application	£870.32	£896.66	£972.63
Net cost per Application	£162.64	£192.18	£108.71
Caseload per Planning Officer			
All applications	167	97.2	86.7
Local Land Charges			
Number of searches	400	233	188
Gross cost per search	£178.00	£182.51	£222.38
Net cost/(surplus) per search	£20.20	£24.71	£63.76

Risk Analysis

	Likelihood	Potential impact on Budget
Need for public enquiries into planning developments	Medium	Medium
Decline in planning applications leading to a reduction in Planning Income.	Medium	Medium
Applications not dealt with within 26 weeks, resulting in full refund to applicant.	Low	Medium
Implications of losing planning appeals, resulting in appellant costs awarded against the Council or loss of Planning Income	Medium	Medium

**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, -9 January 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
7/a	PAP/2022/0508	1	6 Boulters Lane, Wood End Proposed single storey extension	General
7/b	PAP/2021/0238	8	Polesworth Working Men’s Club, High Street, Polesworth Change of use of existing function room and additional mezzanine floor to provide bed and breakfast accommodation	General
7/c	PAP/2022/0544	19	Land South of Astley Lane, Bedworth Construction of a renewable energy generating solar farm together with transformers, inverters, control building, DNO substation, store-room, mast, security measures, associated infrastructure and works, landscaping and bio-diversity enhancements	
7/d	PAP/2022/0353	28	Heath House, 27 Birmingham Road, Whitacre Heath Change of use from C3 dwellinghouse to “sui generis” (HMO) for 9 single units	
7/e	PAP/2022/0105	73	Land south of The Croft, Hoggrills End lane, Nether Whitacre Erection of stable block and change of use from agriculture to equestrian	
7/f	PAP/2021/0428	98	4 Square Lane, Corley Erection of agricultural building	
7/g	PAP/2022/0330	111	Lake House, Bakehouse Lane, Nether Whitacre Demolition of existing dwelling and erection of replacement building	

7/h	PAP/2022/0373	118	23 Dordon Road, Dordon Two storey side extension, with single storey side extension to current rear extension.	
7/i	PAP/2022/0204	127	Spon Lane, Grendon Proposed variation of condition 10 of PAP/2017/0156 dated 3/7/18 through the inclusion of a bund, an updated landscape scheme and relocation of a play area	

General Development Applications

(7/a) Application No: PAP/2022/0508

6, Boulters Lane, Wood End, Atherstone, CV9 2QE

Proposed single storey rear extension, for

Mr D Milligan

Introduction

This application is reported to the Board because the applicant is employed by North Warwickshire Borough Council.

The Site

The application site is a two storey, end terraced property and lies within the Wood End Development Boundary, as identified in the adopted North Warwickshire Local Plan 2021. The surrounding street scene is residential with a shared parking area to the south of the property.

A location plan is at Appendix A

The Proposal

Planning Permission is sought for a single storey rear extension.

The existing elevations are at Appendix B and the proposed elevations are at Appendix C

The Proposed materials are painted render to match the render of the existing property and single ply membrane for the flat roof.

Representations

An objection has been received from a neighbouring occupier, concerned with the following:

- Loss of light to habitable windows
- Overbearing sense of enclosure
- Use of flat roof rather than pitched roof
- The extension extending 5 metres from the rear elevation
- Drainage for neighbouring properties

Development Plan

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

Other Relevant Material Considerations

National Planning Policy Framework 2021 - (the "NPPF").

Supplementary Planning Guidance: A Guide to the Design of Householder Developments (2003).

Observations

Local Plan Policy LP30 requires that all development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Although a flat roof design is generally discouraged for extensions, in this case the harm is minimal due to the extension being located to the rear of the dwellinghouse. The use of matching render will mean that the extension is sympathetic to the host dwellinghouse.

Local Plan Policy LP29 (9) states that developments should amongst other things avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution.

It is considered that the impact on neighbouring amenities would not be more than reasonably expected given that the properties are terraced. The fallback position of permitted development rights can be considered material to analysing this application, because it allows the owner to build a 2-metre-high fence and or a 3-metre deep rear extension which is 4 metres in height, without requiring the submission of a planning application.

Therefore, the proposed extension which measures 5 metres from the rear elevation and 3 metres in height is not considered to be a significant increase above what the owners could do under permitted development, with the flat roof mitigating the impact of light lost.

The proposed route of drainage is indicated on the plans.

The proposal is thus in accordance with the Development Plan.

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 site location plan, the existing and proposed floor plans and sections, titled 22-M86 Block Plan, 22-M86 Location Plan, 22-M86-01 Existing - Rev P1 and 22-M86-02 Proposed - Rev P4 received by the Local Planning Authority on 28 September 2022.

REASON

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

3. The new works shall be carried out with painted render of a similar style, colour and texture to those present on the host dwelling.

REASON

In the interests of the amenities of the area and the building concerned.

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. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
7. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/> , located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

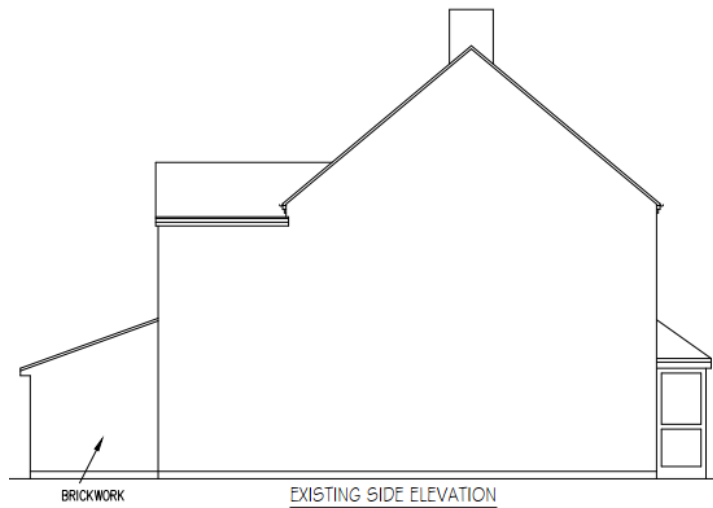
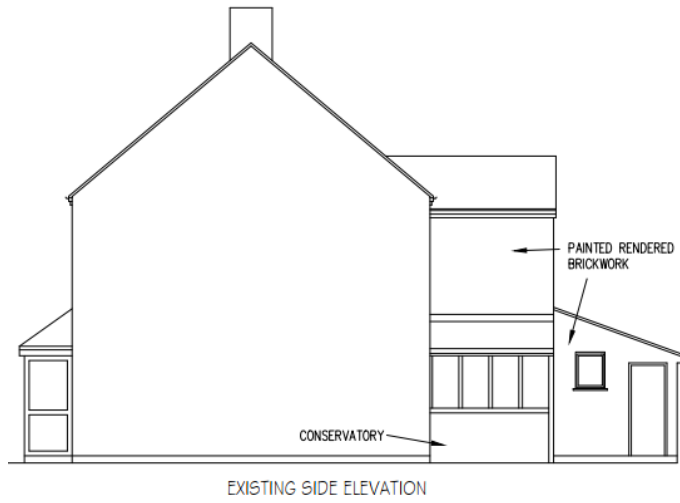
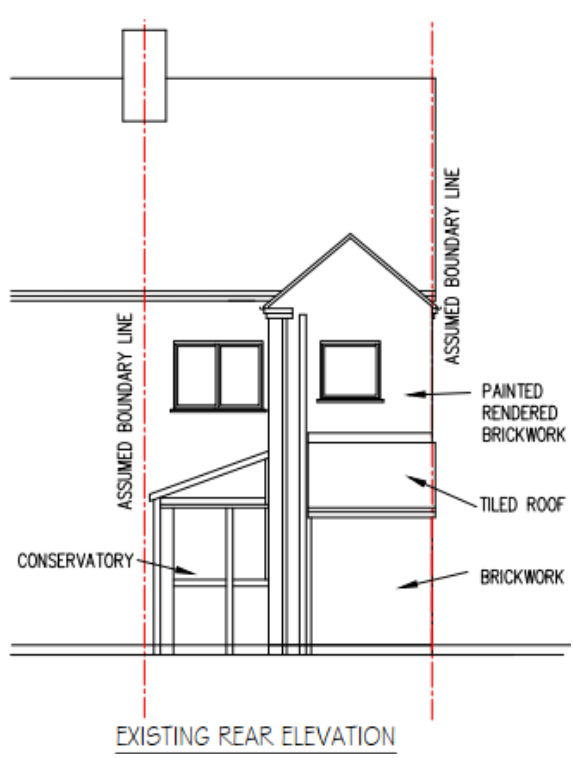
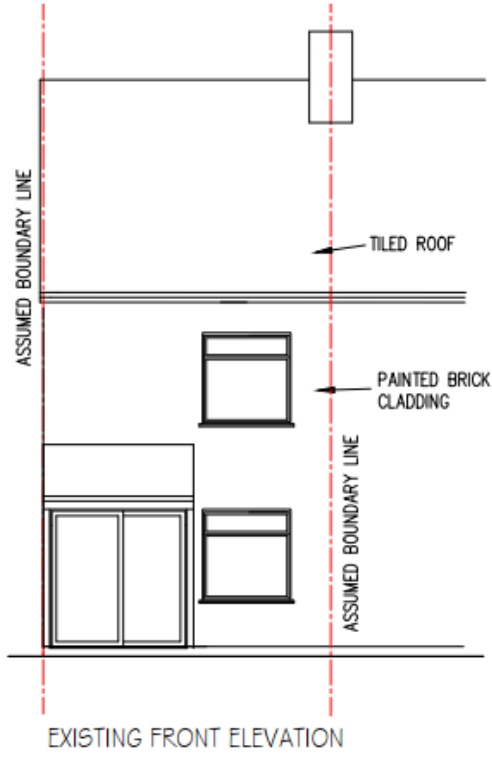
For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.

8. 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.

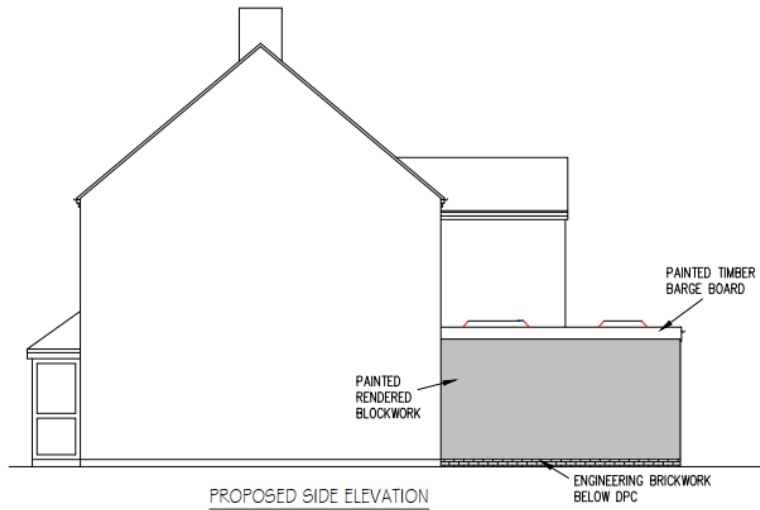
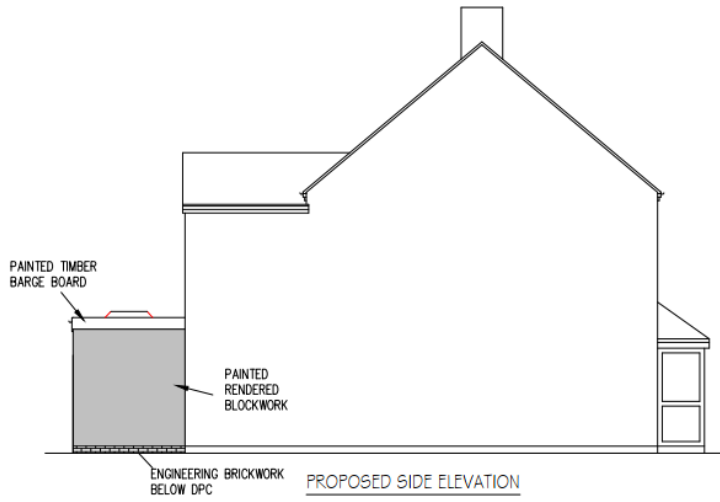
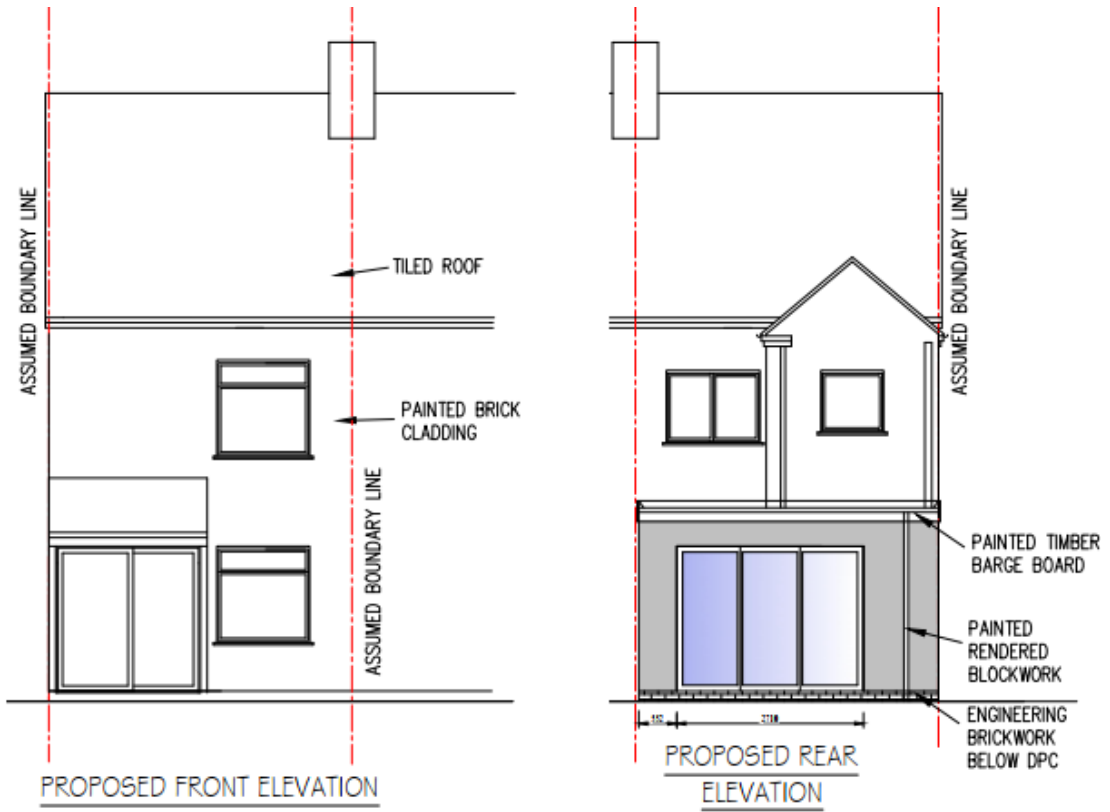
Appendix A



Appendix B



Appendix C



General Development Applications

(7/b) Application No: PAP/2021/0238

Polesworth Working Mens Club, High Street, Polesworth, B78 1DX

Change of use of existing function room to provide bed and breakfast accommodation (25 bedrooms), including an additional mezzanine floor and elevation changes, for

Mr Paul Owens

Introduction

This application is referred to the Board at the request of local Members who are concerned about the impacts of the proposal on the area.

The Site

This Club is located on the north side of High Street about 75 metres east of its junction with Bridge Street within the town centre of Polesworth. It is a large flat roofed building dating from the 1960's with a strong linear character to its front elevation and a single storey rear extension. It is set back from the road with front and side car parking.

Immediately to the west is a fish and chip shop and beyond that, the new residential conversion at the former Nethersole School. To the east is the Spread Eagle Public House with the Co-op retail outlet beyond and then residential property. Opposite the site are the Polesworth Abbey Gate House, the Health Centre and other mixed-use premises.

There are residential properties to the rear of site in Nethersole Street.

The general location is illustrated at Appendix A and the existing elevations are at Appendix B.

The Proposals

The property has a lawful use within a mix of local community uses under Class F2 and as a "commercial, business and service use" under Use Class E of the 2021 Use Classes Order. The application is to change this lawful use to mixed use retaining a use under F2 as well as introducing a new Hotel use within Use Class C1 of the same Order.

The present club has two large bars together with two function rooms at ground floor level. The proposal would involve reusing the larger function room by adding a mezzanine floor so as to provide 11 single bedrooms as bed and breakfast accommodation. In addition, the entire premises would be renovated so as to include an additional 14 single bedrooms at first floor level, a refurbished manager's flat as well as new disabled facilities. The existing bars at ground level would remain together with the smaller of the two function rooms for use by guests as well as existing club members. It

is said that the accommodation would create a new revenue stream to underpin the club's future.

There would be very little in the way of external alteration.

The internal changes, elevations and site layout are at Appendices C D and E.

Background

Use Class F2 includes some shops, community halls and meeting places as well as swimming pools and skating rinks

Use Class C1 includes hotels, boarding and guest houses

The site is in the Town Centre defined for Polesworth by North Warwickshire Local Plan Policy LP 21.

The site is also within the Polesworth Conservation Areas designated in 1995

There are a number of Listed Buildings in the locality of the site.

Consultations

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

Environmental Health Officer – No objection as previous concerns regarding noise emitted from the Public House have been addressed through a variation to its premises licence. The Noise Assessment submitted provides increased confidence that noise is unlikely to constitute an adverse impact. The proposed development may be integrated effectively with existing businesses.

Representations

Polesworth Parish Council – It objects because

- The use is not appropriate for the Conservation Area and
- It doesn't represent quality development or an acceptable standard of accommodation.

There are 28 objections from local residents referring to:

- The standard of accommodation is poor not benefitting tourists
- It will become a hostel
- Overlooking from bedrooms
- It will introduce more traffic
- Parking will overspill onto the road which is already obstructed
- This will add to existing anti-social behaviour in the area
- There are existing noise issues
- There ambience and character of the Conservation Area will be adversely affected

- There are existing access points into property at the rear which appear not to be safeguarded.

There are two supporting representations

Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP15 (Historic Environment), LP21 (Services and Facilities), LP29 (Development Considerations), LP30 (Built Form) and LP34 (Parking)

Other Material Planning Considerations

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

The Polesworth Conservation Area Designation Report 1995

Observations

a) Introduction

This site is within the settlement boundary defined for Polesworth as defined by the Development Plan and its Policy LP2. New development is supported here where there is already a wide range of local services and facilities, as well as access to public transport. Moreover, the site is within the defined town centre of Polesworth and Policy LP21 supports commercial, business and service uses in such a location. The proposed mixed use would fall squarely within this range of uses. It is for these policy reasons that the principle of supporting this proposal is acknowledged.

b) The Proposed Use

The present lawful use of the premises covers a wide range of uses including its use for the community as well as for commercial uses including those where food and drink can be consumed on the premises. The extent of the E and F2 Use Classes means that a wide variety of different uses and activities could be undertaken here without the need for any reference to the Local Planning Authority. Being in the town centre, this is appropriate and an approach which is supported by the NPPF as a consequence of greater flexibility sought by the Government through the new 2021 Use Classes Order. The introduction of the bed and breakfast accommodation – which would take up some 66% of the premises - is considered very likely to reduce the scale and amount of activity that could take place if the present uses were fully re-introduced, or other uses within the same Use Classes were accommodated here. The existing club use will continue, but on a much smaller scale. Overall, therefore it is considered that the impacts may very well be less than under any “fall-back” position, as the proposal has a material residential element. Indeed too, the use is probably more appropriate here where there are other commercial and business uses as well as on-site parking space, rather than being within a wholly residential area.

c) Highway Impacts

Local Plan policy LP29(6) requires that safe and suitable access is to be achieved for new development proposals. The NPPF points out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. It is of substantial weight that the Highway Authority has not objected. This is because the existing access arrangements and the established lawful use of the premises are a material fall-back position. The proposed use may well result in less traffic using the access and the site, than if used to its full potential under the fall-back position. The proposal is thus considered to accord with the relevant planning policies.

Local Plan policy LP34 requires parking provision commensurate with the Council's Standards. The proposed layout for the site shows 37 spaces. This would be an over-provision of some ten spaces in respect of the proposed new use. However, the existing lawful use would still operate, albeit on a reduced scale. That use is more likely to attract pedestrian visitors. Overall, it is considered on balance that this would be sufficient. It is of weight that the Highway Authority does not object and requires a planning condition for a Car Park Management Plan which would address operational issues such as preventing the site being used by the public. Members will be aware of such conditions from elsewhere in the Borough – at similar premises in Coleshill and at a new shop in Hartshill.

d) Heritage Impacts

Local Plan policy LP15 requires the quality, character, diversity and local distinctiveness of the historic environment to be conserved or enhanced.

The site is in the Polesworth Conservation Area. In assessing the merits of a development proposal, the Council is under a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of an Area. Here the significance of the Area is that it covers the whole of the town centre and its environs exhibiting the historic, architectural and community evolution of the town through many years, evidenced by the character and appearance of its layout, built fabric and its commercial/business and community uses. Of particular significance is the historic and community link to the Abbey and its associated buildings and open spaces.

The proposed use is within a building which itself has a lawful use that might well be seen as not being compatible with this latter characteristic. The proposed use is considered to introduce a residential element to this building and thereby reduce the scale of its lawful use. There indeed will still be vehicular and pedestrian activity here, as there would be if the present use was fully continued. Additionally, whilst the external appearance of the building would not be materially changed, there would be some betterment. It is considered on balance, that the proposal would cause less than substantial harm to the character and appearance of the Area, if any at all. This has to be balanced against any public benefit that might arise from the proposals. That benefit would be to retain a use for the building such that it would not fall into disrepair or remain vacant for some time. This would harm the appearance of the Area. Additionally, the proposal has the benefit of introducing a preferred use – mainly a residential use. These benefits would outweigh the less than substantial harm caused.

There are a number of Listed Buildings nearby. The Council is under a Statutory Duty 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. There are four listed buildings close by in High Street. Directly opposite is the Grade 2 star 14th Century Abbey Gate House and the adjoining Grade 2 star 16th Century house at number 22. The former has its upper part being a probable rebuild from the 17th Century. Their significance lies in their historic association with the former Abbey and now the current church as its main gateway entrance. Their architectural significance lies in the retention of the contemporaneous retention of their historic fabric and built form. They also have a strong community linkage to the former Abbey and the current Church and its open setting beyond the arched gatehouse. The proposal will have no direct impact on the fabric of these assets or on their individual historic or architectural attributes. It is the impact on their setting that is more important. As indicated above, the application site has a lawful use which would not normally be seen as being compatible with the quiet and restrained ambience around the Church and its extensive open setting. Indeed, there are other uses in the immediate area too and thus the setting is one which is very busy with day and night-time activity. The proposal's impact would be likely to be of benefit, given that there is a material residential element involved, with a reduction in the use as an active social club. There is thus unlikely to be any harm caused to the significance of the two buildings.

The former Nethersole School and its associated buildings is to the west. It is a Grade 2 Building which was completely rebuilt in 1818. Its significance lies in its historic connections to the Nethersole Family and its architecture reflects its age. There is a strong community significance being the retention of an early Victorian School building. It has recently been converted to two apartments. As above and because of its distance from the site there is no harm caused to these characteristics. The setting too would not be affected.

Polesworth Congregational Church is a Grade 2 Listed Building on the other side of the road. Its significance lies in the retention of an early Victorian Chapel exhibiting contemporaneous architectural characteristics, but also the strong community link in the settlement of the non-conformist tradition. Again, there would be no direct impact on the asset and similarly the setting would not be materially harmed for the reasons set out above in respect of other assets here.

Other Listed buildings are some distance away with no intervisibility between them and the site.

Some of the representations received speculate about the nature of the occupiers of the proposed new rooms, but as the Board is aware this is not a planning consideration that should be given any weight.

Overall, it is considered that the Local Plan policy would be satisfied as the historic environment would be preserved.

e) Amenity Impacts

Local Plan policy LP29 (9) requires all developments to avoid and address any unacceptable impacts on neighbouring residential amenity. It is not considered that there would be any greater impacts than those likely to be caused through continuation of the existing lawful use or indeed any other use that could be accommodated here

within the same Use Class as the existing building. Indeed, there could well be less activity and less noise as the lawful use is reduced in scale. However, there would be a new residential use and that might lead to overlooking of adjoining property. The bedroom windows on the front would mainly overlook the car park, the road and the health centre. The Abbey Gate House would also be visible, but the separation distance is some 30 metres. The bedroom windows in the east would overlook the garden of the Spread Eagle Public House and the rear gardens of the residential properties in Abbey Croft – some 35 metre distant. The bedrooms in the north elevation would face the rear of properties in Nethersole Street – a distance of 45 metres. In all of these instances it is considered that the separations would not lead to unacceptable harm given the guidance distance of 22/23 metres between the rear of residential property.

The representations have also referred to queries about rear access to properties in Nethersole Street. This is a private matter between the owner of the site and those residents as there is no public access or public rights of way that are affected. Private arrangements are not material planning considerations.

Overall it is considered that the proposal would accord with policy LP29(9).

f) Noise Issues

There is no issue with noise emissions from the proposal given the extent and scope of the lawful use here. If anything, that may well reduce. The issue here is that set out in para 187 of the NPPF – the agent of change matter.

Here the site immediately adjoins the Spread Eagle Public House and its beer garden. The issue is whether the proposed use would lead to “unreasonable restrictions” being placed on the Licence of the Public House, because of an increased number of complaints coming from the occupiers of the proposed bedrooms about noise coming from the Public House and its beer garden.

Paragraph 187 reads,

“Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where an operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or “the agent of change”) should be required to provide suitable mitigation before the development has been completed”.

There have already been complaints lodged with the Council concerning noise emissions from events at the Public House. This led to formal action being taken under the Environmental Protection Act leading to variations in the Licence for the premises. As such the noise issue was resolved, but this background is a material planning consideration in the assessment of the current application – the proposal being “an agent of change” which could lead to further complaints notwithstanding the varied Licence. The proposal would lead to eleven bedrooms facing the beer garden of the Public House. As a consequence, a Noise Impact Assessment was requested from the applicant, and this was submitted after the date of the varied Licence. Environmental Health Officers involved in the formal action referred to above, have reviewed this Assessment and do not object to the proposal.

Substantial weight is given to this response as it takes account of the background and the current application. The proposal based on this conclusion, would be unlikely to result in “unreasonable restrictions” being placed on the adjoining use. However, para 187 does infer the inclusion of “suitable mitigation” being applied to the proposed development. In this case a planning condition requiring a specification for the glazing and ventilation of the eleven windows would be appropriate and proportionate.

g) Conclusion

The representations received fall into two groups – those referring to potential direct impacts such as parking noise and additional traffic and then secondly, to speculation about how the development might be used. It is considered that when assessed against the relevant planning policies that the potential adverse impacts are not significant, with little evidence to show that they would be unacceptable. The “speculative” concerns in the second set of representations are not material planning considerations. The potential impact on the setting of the Conservation Area and the notable Listed Buildings in the Area is understood. However existing lawful uses here including that of the application site itself mean that this is not a quiet area at night or in the day. The proposal does have the potential to reduce the level of that activity and also to ensure that the building does not become vacant or partially vacant and thus fall into dis-repair which would affect the character and appearance of the Area. On balance the proposal can be supported.

Recommendation

That planning permission be GRANTED subject to the following conditions:

1. Standard Three year condition
2. Standard plan numbers condition – the location plan and plan numbers 1120/02A; 04A, 06B and 07.
3. The car park associated with this site shall only be used as a customer and staff car park in connection with the development hereby approved. For the avoidance of doubt, there shall be no outside storage on the car park of any materials, plant, equipment or structures including containers other than that directly related to the approved use.

Reason:

To ensure that the car park remains available for the use of the premises only so as to prevent on-street car parking.

4. There shall be no HGV parked, stored or kept on the car park other than those directly related to the approved use.

Reason:

To ensure that the car park remains available for the use of the premises only so as to prevent on-street car parking.

Pre-Commencement Conditions

5. No development shall commence on site until details of all of the facing materials to be used have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

Reason:

In the interests of the visual amenity of the area.

6. No development shall commence on site until full details of the glazing and ventilation specifications for the eleven windows within the east elevation have been submitted to and approved in writing by the Local Planning Authority. The windows installed shall only be those that accord with the approved specifications.

Reason

In order to reduce the risk of noise impacts.

7. No development shall commence on site until a Car Park Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall show how the car park is to be managed and operated to ensure compliance with condition (3) above and show how the car park is to be made secure. The Plan that is subsequently approved by the Local Planning Authority shall then be implemented in full and maintained at all times.

Reason:

In the interests of the general amenities of the area and highway safety.

8. The development hereby approved shall not be brought into use until the window specifications have been fully installed as under condition (6)

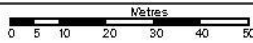
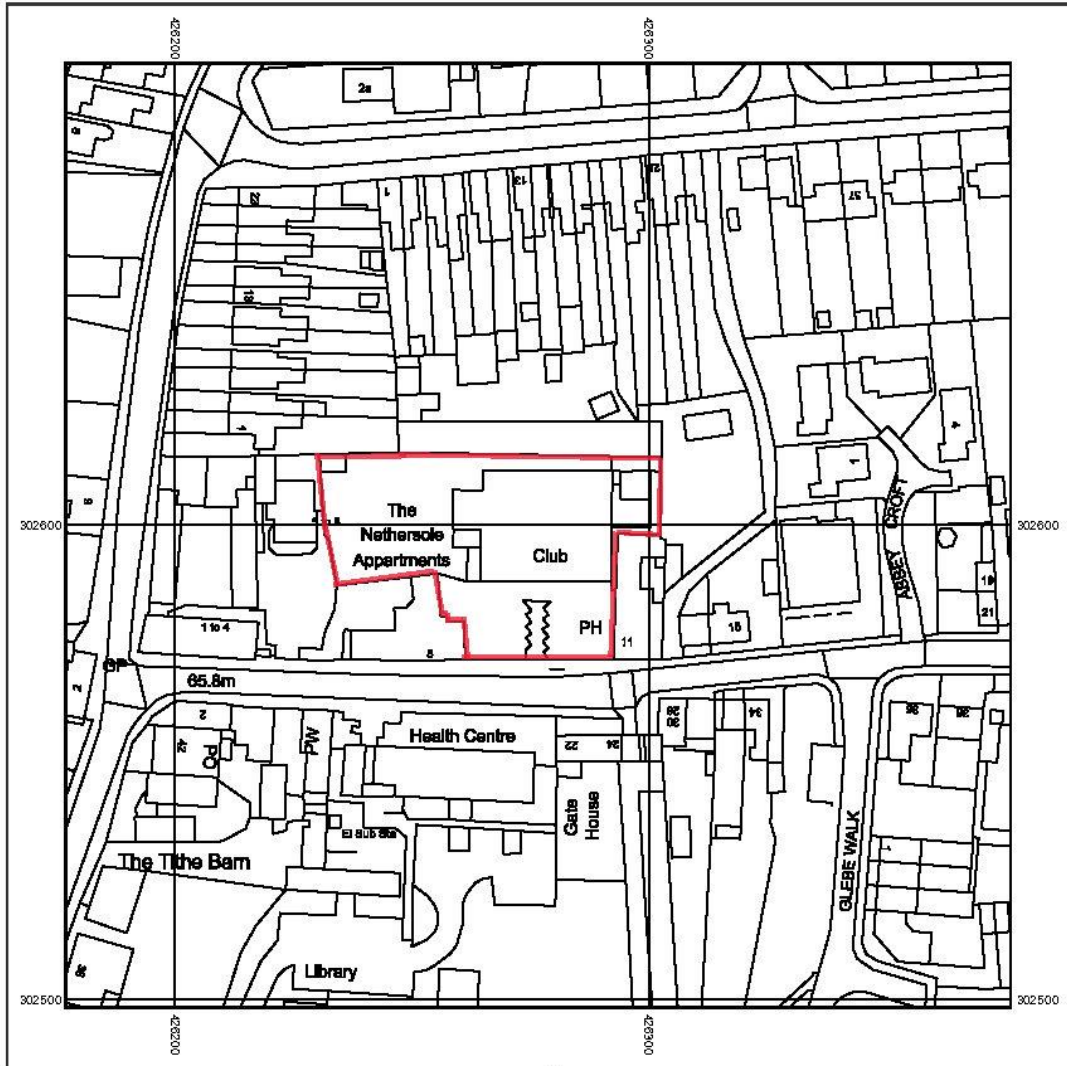
Reason:

In order to reduce the risk of noise impacts.

9. The development hereby approved shall not be brought into use until the whole of the car park has been laid out and completed as approved under condition (3) and the approved Car Park Management Plan under condition (7) has been commenced.

Reason

In the interests of the general amenities of the area and highway safety.



Scale: 1: 1250



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 Produced: 14/04/2021
 Serial number: 33409

POLESWORTH SPORTS & SOCIAL CLUB
 HIGH STREET
 POLESWORTH
 TAMWORTH

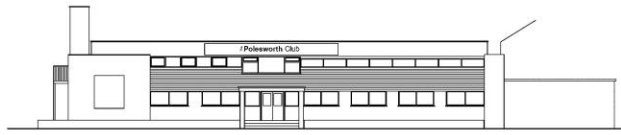
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 Project name: aupson_polesworth

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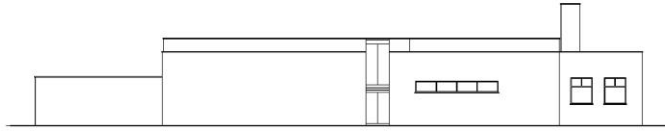


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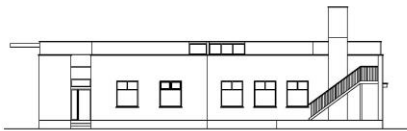
APPENDIX B



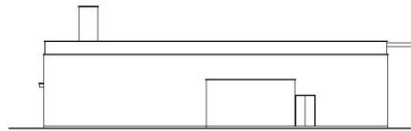
Existing Front Elevation



Existing Rear Elevation



Existing Side Elevation



Existing Side Elevation

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72 Main Road
Merridon
Coventry CV7 7NF

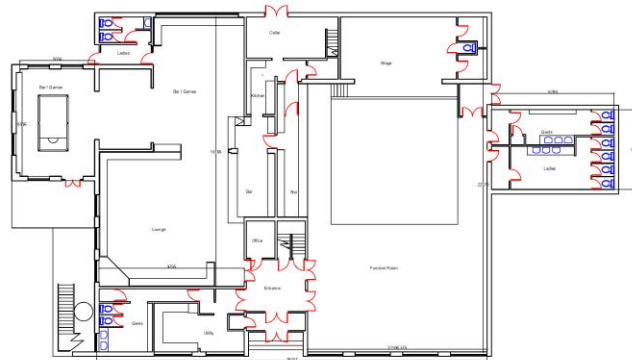
PROJECT
Proposed Part Conversion to Bed and Breakfast Accommodation at
The Polesworth Club
7 High Street
Polesworth
Tamworth B78 1DX

DATE
Existing Elevations
APRIL 2021

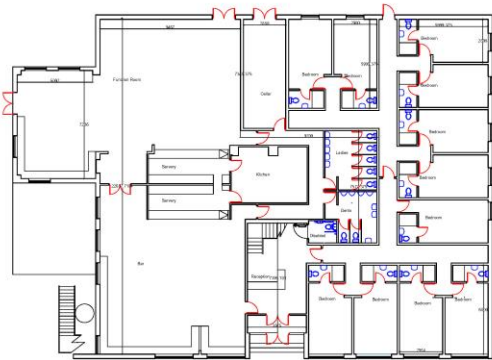
SCALE
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1:120 @ A4

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Existing Ground Floor Plan



Proposed Ground Floor Plan

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APPENDIX C

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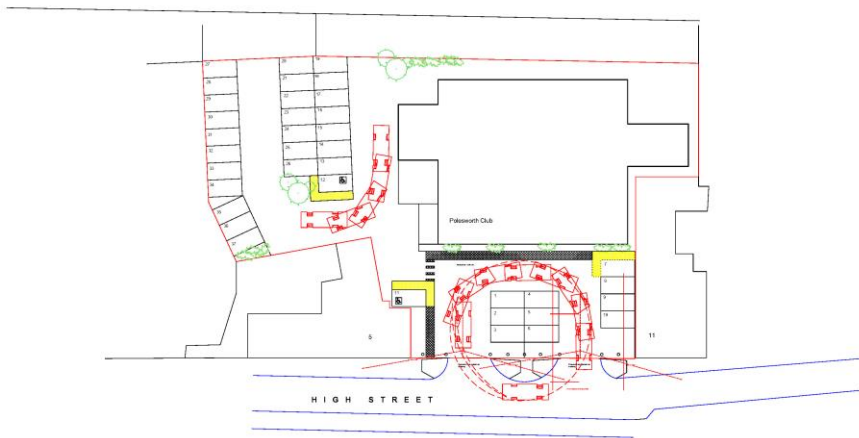
PROJECT
Proposed Part Conversion to Bed and Breakfast Accommodation at
The Polesworth Club
7 High Street
Polesworth
Tamworth B78 1DX

DATE
Existing and Proposed Ground Floor
Plans
October 2021

SCALE
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1:120 @ A4

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APPENDIX D

Revisions	

Upson & Co

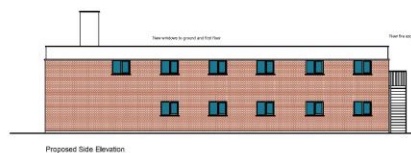


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APPENDIX E

Revisions	

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General Development Applications

(7/c) Application No: PAP/2022/0544

Land South of Astley Lane, Bedworth

Construction of a renewable energy generating solar farm together with transformers, inverters, control building, DNO substation, store-room, mast, security measures, associated infrastructure and works, landscaping and bio-diversity enhancements for

Industria Solar Bedworth Ltd

1. Introduction

1.1 This report is brought to the Board in order to acknowledge its receipt, such that Members can review the proposals and the planning background prior to a full determination report being referred to the Board.

1.2 Members will be aware that the Board recently granted planning permission for two other solar farm applications in this same general area of North Warwickshire.

1.3 The cumulative impacts of these two recent consents with this current case will need to be assessed.

1.4 The proposal may fall under the 2009 Direction whereby there would need to be referral to the Secretary of State in the event that the Council was minded to support the proposal given its Green Belt location.

2. The Site

2.1 The site comprises three arable fields with a total of 28 hectares located around 100 to 125 metres south of Astley Lane – the C13 road – which runs from Astley to the north-west into Bedworth to the south-east. The land between the Lane and the site is essentially level and flat. Two of the fields which comprise the largest segment of the site are closest to Astley Lane and they are beyond this level ground. They slope noticeably down to water course – named as the River Sowe - which runs along their southern edge. The third much smaller field is to the south-west and is on the other side of the watercourse on the up-slope from it to higher land to the south. The difference in levels from the north -i.e. the level ground - to the water course is around 20 metres and from the south to the watercourse is around 5 metres. There is an overhead electricity line crossing the northwest corner of the easternmost field.

2.2 The setting of the site is rural being open countryside. There are a few residential properties fronting the south side of Astley Lane on the level ground referred to above and these are concentrated around Sole End Farm. This is a large range of former and current agricultural buildings many of which are now used for commercial purposes – known as the Sole End Farm Business Park. Further to the east along the Lane is the Cow Lees Care Home. To the west along the Lane are Soar End Farm – now a “book-farm” – and Wood Farm house. Astley village is about two kilometres to the west and the edge of Bedworth is around a kilometre to the east.

2.3 On the other side of the valley are two isolated farmsteads – Vaul’s Farm and Taff’s Farm. The latter is accessed from Smorral Lane to the south whereas the former has access onto Astley Lane.

2.4 A public footpath – the M337 Coventry Way - runs alongside almost the whole southern site boundary running in an east/west direction. The M335 runs north/south from Smorral Lane and past Vaul’s Farm, crossing the MJ337, to exit onto Astley Lane. Another path the M336 joins the M335 at Taff’s Farm again running up from further east along Smorral Lane.

2.5 The site is illustrated at Appendix A.

2.6 The site along with those of the two recent permissions is at Appendix B.

3. The Proposals

3.1 The solar array would be oriented east/west across the whole site with the panels being angled so as to face south. These would be 2.7 metres off the ground at their highest and 800mm at their lowest. There would be a three and a half metre open corridor between the lines of panels as well as other “stand-off” distances from fencing, other structures, hedgerows and trees. In terms of dimensions of other infrastructure, then the transformers would measure 3 by 2.45 metres and be 2.6 metres tall; the substation would be 9.5 by 2.4 and 2.8metres tall. The DNO substation would be 6.5 by 5.9 metres and 3.7 high. Additionally, there would be a store-room of 6 by 2.4 metres and 2.7 tall and a communication mast 1.2 metres wide and 20 metres tall. This mast would be located in the north-east of the site close to and behind the Sole End Farm range of buildings. A two metre tall perimeter security fence together with pole-mounted CCTV cameras would surround the site. All buildings are to be coloured dark green.

3.2 Access into the site would be from Astley Lane using an existing farm access up to Vaul’s Farm. This would need

3.3 The point of connection to the grid would be at an existing substation on Woodlands Lane about 2 kilometres to the east and to route from the site would be within existing farm tracks and then in the highway.

3.4 The Construction compound would be in the far north-western corner.

3.5 A plan illustrating the layout is at Appendix C

3.5 In terms of landscaping then a mixture of wildflower meadow plants would be planted across the site; water tolerant wildflower meadow would be planted either side of the water course, a shade tolerant mix in the south-east outside of the site but in the same ownership, existing hedgerows would be retained but new ones planted so as to replicate the 1880 arrangement running down the slope together with a new pond in the north-east corner of the site. It is said that there would be a 250% biodiversity nett gain for habitats as a consequence and a 134% gain for hedgerows.

3.6 These are illustrated at Appendix D.

3.7 The construction period is estimated last for four to five months. It is anticipated that there would be an average daily flow of some 61 two-way vehicle movements into and out of the site during the initial phase of construction.

3.8 The proposal would generate renewable energy to power 5225 homes per year over its 40-year life.

3.9 A Community fund is being proposed either as a one-off payment or an annual sum throughout the proposals 40-year operational life. It is suggested that this might be arranged through the Parish Council.

3.10 There is a significant amount of supporting documentation submitted and this is summarised below.

4. Submitted Documentation

4.1 A Transport Assessment describes the condition of the access onto Astley Lane and the characteristics and setting of that road. The construction phase is anticipated to last for four months with an average of 61 movements per day (34 HGV's and 27 Car and LGV's) in the first month reducing to 28 in the final month (1 HGV and 27 Car and LGV's). Construction traffic would be routed via Bedworth to the M6 Motorway. The existing access geometry will need improvement. Once operational, the site would attract around 50 visits a year by either a van or a 4x4 vehicle.

4.2 A Ground Conditions Survey concludes that the site has always been in agricultural use. It is also within a Coal Authority Low Risk Area. There were also some small infilled former pits within the north of the site possibly used previously for the quarrying of sandstone. Because of the age of the infill – probably pre-1950 - the potential risks of gas emissions and leachable contamination are low. Overall, the survey concludes that there is low geo-environmental risk.

4.3 A Preliminary Ecological Appraisal concludes that there are no significant ecological constraints to the development and that with appropriate mitigation measures and additional assessments, the ecological value of the site would not be adversely affected. The proposed measures of meadow grassland, new hedgerows and the pond would enhance the overall value. The site lies wholly outside of the designated Ensor's Pool SSSI being 3.5 km away. Due to the low impact nature of the proposal, the separation distance and there being no ecological connectivity, there would be negligible direct or indirect impact. Similarly, the same conclusion is reached in respect of the site being at least 2.5 km and 4km away from three Local Nature Reserves. The site however is adjacent to Black Fir's Spinney – a local wildlife site – but due to the low impact of the proposal, any impacts are considered to be negligible. No further surveys are considered necessary for badgers or bats due to the low intensity of the development and there being no loss of trees or hedgerows. However additional survey work is needed for great crested newts given there is a pond within 250 metres of the site.

4.4 The Great Crested Newt Survey as recommended above has been undertaken. This showed that there are no ponds being lost as a consequence of the proposal, but that there may be some disturbance to them during construction when they are not present in the nearby pond referred to above. This would not normally require mitigation, but with proposed bio-diversity enhancements being proposed on site, the

opportunity is taken to provide an additional pond on site. The construction period is to be monitored by a qualified ecologist and one who is licensed to deal with newts and the creation of a potential new habitat for them.

4.5 An Environmental Management Plan describes in more detail how the bio-diversity enhancements are to be implemented and maintained.

4.6 A Noise Impact Assessment concludes that noise from the proposed development will cause a low impact at noise sensitive receptors and thus no mitigation is proposed. The report identifies these as being the residential properties along Astley Lane, Cow Lees Care Home, Taff's Farm, Vaul's Farm, Woodhouse Farm and the Astley Book Farm. The dominant existing noise source was found to be road traffic noise.

4.7 A Glint and Glare Assessment concludes that there would not generally be a material impact on residential properties around the site. However, two areas were identified where there may be some susceptibility to glint at certain times of the day – the northern portion of Astley Lane and the track to Vaul's Farm. The mitigation proposed in terms of proposed screening would have an impact in reducing this effect.

4.8 An Archaeological Appraisal indicates that an initial assessment has identified potential for archaeological remains from the medieval period onwards of agricultural use and it is suggested that a pre-commencement evaluation is the preferred way forward. The initial evidence does not suggest that the evaluation should be at pre-determination stage.

4.9 A Heritage Impact Statement identifies two Scheduled Ancient Monuments, a Grade 2 star and a Grade 2 Registered Park and Garden within five kilometres of the site, together with One Grade One, six Grade 2 star and 13 grade 2 listed buildings. It concludes that there is no direct impact on the fabric of any of these assets or their individual historic or architectural attributes. The main issue is the potential impact of the proposal on their settings both as individual assets and cumulatively. The Statement concludes that in general terms, due to the topography of the site, there is no intervisibility between these assets and the development and that the site is not within an area where the understanding of an asset might be prejudiced. Neither would there be any acoustic or lighting impacts on the settings. However, there are two instances that are identified. Views of the site would be possible from the top of the Astley Church tower. However, this is not a public viewpoint, but looking the other way, the tower would also have some visibility from the site. However, the Statement concludes that these would not be the "key" views of the tower. The other instance is that the site might have glimpsed and distant views from the lych-gate of the Corley Church. As above the Statement concludes that there would be no harm to the setting.

4.10 A Flood Risk Assessment identifies the majority of the site as being within Flood Zone 1. Surface water is to be discharged at four locations into the watercourse running along the southern boundary.

4.11 An Agricultural Land Classification Assessment says that the site is dominated by heavy textured soils which support land with mostly a Grade 3b (21 hectares – around 70%). The balance is made up of Grade 3a (3 hectares), Grade 2(1 hectare) and Grade 4 (3 hectares). The higher quality soils are lighter soils in the southwest of the site.

4.12 A Landscape and Visual Impact Assessment concludes that the proposal would lead to a local, long term but reversible change in the landscape, but that with the proposed mitigation the overall harm would be slightly adverse. In respect of the visual impact the Assessment concludes that the whilst the site is relatively open but constrained by the topography and the surrounding vegetation. It is well screened from long and middle-distance views, but the greatest impacts would be at the local closer distances – from Vault's and Taff's Farm, property on Astley Lane and users on the footpaths. With mitigation, this would be still be moderately adverse.

4.13 A Statement of Community Involvement describes the pre-application consultation undertaken by the applicant. Community engagement is said to have taken the form of an interactive website; letters to around 540 properties around the site and contact with the Astley Parish Council. Of the 23 respondents on the website, 19 were from local address points. The main issues raised were the impact of views, property prices, public health, wildlife, loss of agricultural land and the lack of community benefits. Overall, 55% approved the proposal, 27% were unsure or preferred not to say and 18% objected.

4.14 A Planning Statement draws together all of these matters and discusses them within the national and local planning context. In particular the Statement identifies the applicant's considerations which are said to clearly outweigh the cumulative Green Belt and other harms caused so as to amount to the very special circumstances necessary to support the proposal.

These are:

- The proposal is for renewable energy generation in response to climate change.
- Energy security
- lack of alternative sites
- Temporary and reversible impacts
- Significant bio-diversity gain
- Resting the soil from intensive farming
- Positive economic impacts

5. Development Plan

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

6. Other Material Planning Considerations

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

National Planning Practice Guidance – (the “NPPG”)

The North Warwickshire Landscape Character Assessment 2010

The Town and Country Planning (Consultation) (England) Direction 2009

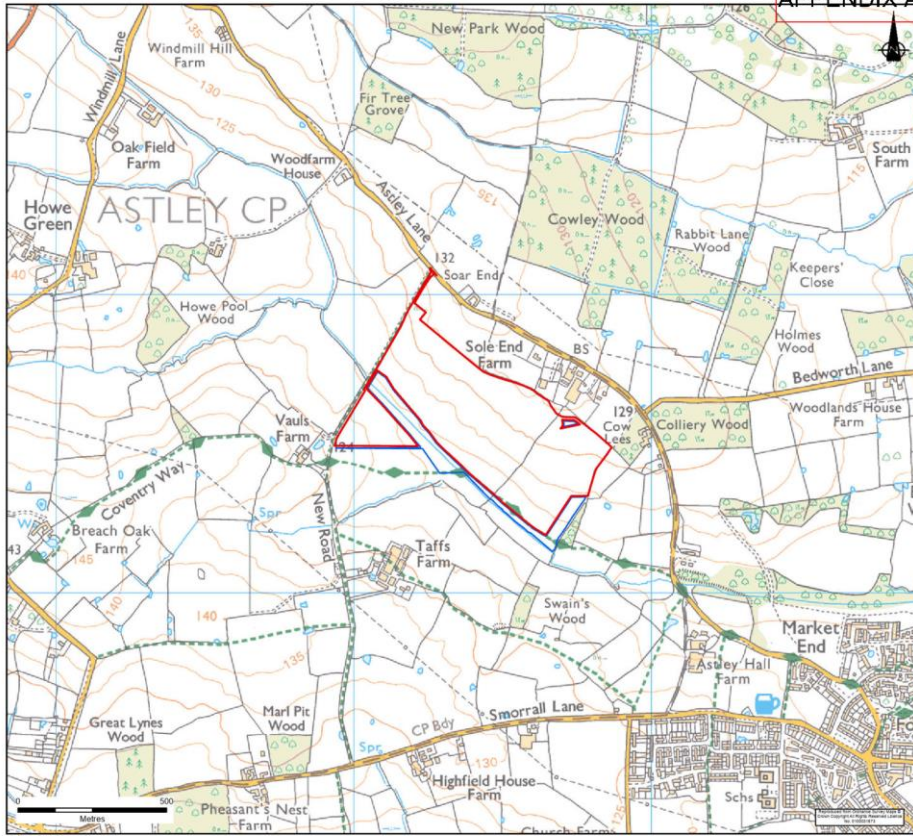
7. Observations

7.1 As explained above, this report is an introductory report bringing the application to the attention of the Board at an early stage. It describes the site as well as the proposal. The relevant parts of the Development Plan are identified as well as a number of other material planning considerations.

7.2 It is considered that the Board would benefit from looking at the site in order to best assess the impacts of the proposal.

Recommendation

That the report be noted and that Members visit the site prior to determination.



KEY

- Site Boundary
- Other land under the control of the Applicant

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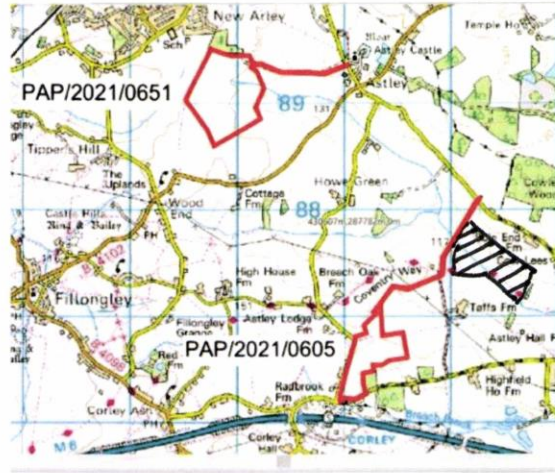
PLANNING & DEVELOPMENT
DIVISION

INDUSTRIA SOLAR BEDWORTH LIMITED	
BEDWORTH SOLAR FARM	
CONTEXT LOCATION PLAN	
DRAWING TITLE	
DRAWING NO. NT15256001	REV. B
DRAWN BY: A3	SCALE: 1:10,000
CHECKED BY: AB	DATE: 13/10/2022
APPROVED BY: LG	

wardell armstrong

BIRMINGHAM GLASGOW
 BOSTON LONDON
 CAMBRIDGE MANCHESTER
 CARDIFF SHEFFIELD
 EDINBURGH STYNE BY SEASIDE

Appendix B



5E/36

5f/179

7c/26

General Development Applications

(7/d) Application No: PAP/2022/0353

Heath House, 27 Birmingham Road, Whitacre Heath, B46 2ET

Change of use from C3 Dwellinghouse to 'Sui generis' (Houses in multiple occupation) for 9 single occupancy units, for

Mr Ian Watts

Introduction

This case was referred to the Board's last meeting, but determination was deferred to enable Members to visit the site. Members will also recall that the original report was updated through a Supplementary Report.

The previous report is attached at Appendix A and the Supplementary Report is at Appendix B.

As the visit is to take place after the publication of this Agenda, a note of the visit will be circulated at the meeting.

This report brings matters up to date in respect of the proposal and in respect of additional information.

Background – Car Parking

Members will recall that one of the issues within the two previous reports was that of the number of car parking spaces to be provided and their location.

The original report showed seven spaces - five for the proposed use and two for the residential use on the site. These were to be located at the front of the property. The County Council argued that additional spaces should be provided in view of the lack of alternative transport facilities. Local representations concurred with this approach.

The applicant submitted a further plan showing eleven spaces – nine for the proposed use and two for the residential use. These again were all to be located at the front of the property.

The County Council withdrew its objection, and the Supplementary Report was issued recommending that planning permission be granted.

Objections were received from the local community which were reflected in comments from the Parish Council. It welcomed the additional spaces but wanted to be sure that they would be practicable and pointed out that several spaces would now be located under a Protected Tree which could be adversely impacted if there had to be construction work and hard surfacing under its canopy.

The applicant has therefore taken all of these matters on board and submitted a further plan. This shows nine spaces – seven for the proposed use and two for the residential use. Two of these would be located at the rear of the house. The spaces at the front are located on existing hard surfacing and are not located under the tree's canopy. This is shown at Appendix C.

There has been re-consultation on this latest plan. Four representations had been received at the time of preparing this report. All re-iterated previous objections as were set out in Appendix A. Any further comments received, including anything from the Parish Council will be reported to the meeting.

Background – HMO

Several previous representations and indeed the recent ones too, have asked questions about how an HMO here would be managed. Additionally, the initial Board report at Appendix A indicated that an HMO Licence had been granted enabling the HMO use of the property under the Housing Act 2004. This was to expire in February 2026. This matter can now be brought up to date.

Members are aware that there are often cases where separate regulatory regimes apply. These regimes are independent of each other and the outcome of these is determined on the respective legislation and guidance. An owner often has to obtain two or more consents under different regimes before a use can be fully implemented. Here the owner will at least need a planning permission and an HMO Licence.

An HMO Licence for up to nine residents here was granted in February 2021 to run for five years. That Licence was removed from the Register, as the owner notified the Licensing Authority that the premises were no longer occupied, and that some renovation works were likely to be carried out. A new application was submitted in late October 2022.

Members will know that the issue of a Licence does not mean that a planning permission has to be granted and the reverse is also the case. The planning permission is determined on planning policy and the Licence on the Housing Act legislation and its relevant guidance and standards. The determinations should not stray into the two respective regulatory backgrounds.

As a consequence, how the premises might be managed and operated and other related matters are outside the remit of this planning application. Also, who the residents might be is also not a planning matter.

In essence the application is for a residential use within a residential area as set out in the last Board Report – see particularly part (b) of the Observations section at Appendix A.

Background – The Tree

The Copper Beech tree within the front garden of the site is protected by virtue of an Order confirmed in 1978. The owner has recently submitted an application for consent to fell the tree. The application is accompanied by an Arboricultural Implication Study undertaken by a qualified Arborist. It concludes that the tree shows signs of advanced

decay from Ganoderma Applanatum and that it is also infected with canker. This application has the reference PAP/2022/0591. The consultation period on that application has commenced.

Observations

The Board is reminded that the application before it for determination is that of the change of use to an HMO. The TPO application will be determined separately in due course and with full regard to the technical arboricultural evidence submitted and the advice of the County Council's own Forestry Officers in response. Its outcome is not dependent on the planning application.

Members are therefore asked to deal solely with the planning application before it.

In this respect, the receipt of the amended car parking plan does not change the principle of support for the proposed development as set out in the two previous reports.

The latest amended car parking layout is considered to be an acceptable compromise between all of the positions as set out above. The Council has no parking standards for HMO's. However Local Plan Policy LP34 says that "greater emphasis will be placed on parking provision in areas not served by public transport". This is a large house with more than two bedrooms, but the Council's residential parking standard would be for two spaces. The other residential use would also require two. Hence the minimum set out in adopted guidance would be for four spaces. The County Council and the local community say that because of the lack of public transport there should be a minimum of eleven spaces – at least nine for the HMO and two for the house. The applicant argues that both national and local plan policy promote more sustainable travel and hence his first proposal was for seven spaces – five for the HMO and two for the house – together with secure cycle storage. Two other factors enter this assessment – whether the site can accommodate the number of spaces finally agreed such that they are all practicable and secondly, the potential impact on the protected tree.

The matter of the impact on the tree is now taken out of the car parking layout assessment, because no new spaces are proposed below its canopy. Fortunately, there is space on the site – albeit towards the rear – which can be used and space here would be practicable. A condition requiring the provision of on-site secure cycle storage would also be appropriate.

Members are thus asked to balance all of these matters. Officers consider that the latest plan does provide a proportionate balance.

Recommendation

That planning permission be granted subject to the conditions set out in Appendix B, but with the following modifications:

- i) The latest car parking layout replacing the previous layout as set out in condition 2
- ii) Condition 4 being removed, and
- iii) an additional condition requiring the provision of on-site secure cycle storage to be available prior to occupation.

General Development Applications

(5/) Application No: PAP/2022/0353

Heath House, 27 Birmingham Road, Whitacre Heath, B46 2ET

Change of use from C3 Dwellinghouse to 'Sui generis' (Houses in multiple occupation) for 9 single occupancy units, for

Mr Ian Watts

The Site

This is a large three-storey nine-bedroom detached house on the north side of the road within a frontage of other larger detached and semi-detached properties all with large rear gardens. There is open land on the other side of the road.

The site has two access points. The western one - more or less central to the frontage – is hard surfaced and serves as the main access into and out of the application site and to the neighbouring residential property at number 29 – which is in the same ownership.

The eastern one is at the far end of the frontage and gravel surfaced, acting essentially as an access to serve the rear garden for maintenance purposes.

Birmingham Road is 5.5 metres wide with footpaths on both sides and subject to a 30mph speed limit. There are no parking restrictions.

A location plan is at Appendix A

The Proposals

This is to change the use of the premises from its lawful C3 use (a residential dwelling) to a house in multi-occupation (HMO) comprising nine single occupancy rooms spread over all three floors.

The proposal includes five on-site car parking spaces plus two for the residential use at number 29, together with nine secure covered cycle parking spaces. The plan at Appendix B illustrates the layout. The cycle store makes use of an existing outbuilding at the rear of the house which can be accessed from the eastern access.

There is a bin collection area to the front side of the house.

The application is retrospective given the Licence situation referred to below and has been operating as such since 2015.

The applicant has provided a Highway Technical Note to support the application. This is attached in full at Appendix C.

5H/142

7d/32

The Note draws attention to:

- The site has already been operating as an HMO and as a residence with seven on-site car parking spaces - paragraph 36.
- There are not known to have been on-street car parking problems directly associated with the existing HMO use - paragraphs 15 and 21
- The Development Plan has no parking standards for HMO developments – paragraphs 19 and 22.
- Pedestrian visibility at the access points is satisfactory – paragraphs 44 and 45
- Adequate space can be provided on site to provide for safe and convenient refuse collection- paragraphs 46 to 54

Background

The Town and Country Planning (General Permitted Development) (England) Order of 2015 as amended, enables the change of use of a dwelling house under Use Class C3 to an HMO without the need to submit a planning application – see Class L(b) of Part 4 to Schedule 2 of the Order. Because Use Class C3 includes up to 6 un-related residents living together as a single household, the permitted development benefit under Class L (b) also takes this threshold - limited to six persons.

The premises are Licensed under the Section 64 of the Housing Act 2004 for a maximum of nine persons. This Licence expires in February 2026. This was a renewal of a previous HMO License granted in 2015 for up to eight persons.

The property next door at number 29 used to be a Coach House used in connection with number 27. It is now in separate ownership as a C3 residential dwelling, but it was used lawfully as offices in the early 2000's. It shares a vehicular access onto the road with number 27.

Representations

Nether Whitacre Parish Council objects on the following grounds:

- This is an over-intensive occupation of the house
- There would thus be a detrimental impact on the residential amenity of neighbouring occupiers through noise and disturbance
- There will be a high demand for car parking and on-site space is inadequate possibly resulting in more on-street parking and potentially more hard surfacing changing the character of the area
- There are few services in the village to support day-to-day living and there are very infrequent bus services.

28 letters of objection have been received referring amongst other things to all of the above matters together with

- Additional traffic would be generated
- On-street car parking already is happening
- There has already been anti-social behaviour experienced – in particular noise
- The sewerage system will not cope

5H/143

- There would need to be a commercial refuse collection not a domestic collection because of the size of the proposal
- There could be the removal of trees

Consultations

Warwickshire County Council as Highway Authority – It originally drew attention to a number of concerns mainly to do with parking provision and increased use of the access - see Appendix D. The Highway Authority has reviewed the Highway Note provided by the applicant in response to its concerns. It still has concerns about the sustainability of the location given the reliance on the private car at this location. The need to justify onsite car parking provision is still thus needed – see Appendix E.

Development Plan

The North Warwickshire Local Plan 2021 – LP2 (Settlement Hierarchy); LP29 (Development Considerations) and LP34 (Parking)

Other Material Planning Considerations

The National Planning Policy Framework

Observations

a) Introduction

The site is within the settlement boundary for Whitacre Heath and thus the principle of the proposal is acknowledged as it would accord with Local Plan policy LP2.

It is also of substantial weight that the provisions of the General Permitted Development Order enable the use of these premises as an HMO for up to six residents. Indeed, the use of the premises as a dwelling house under Use Class C3 could also lead to it being occupied by up to six unrelated residents or as a single household of more than six persons. These considerations provide a useful guide as to the scale of use of the property, that has to be accepted as a “fall-back” position.

It is considered that the main issue here is whether there would be any adverse impacts arising from the increase to an HMO occupied by 9 persons, as opposed to the lawful use by a six person HMO. For these impacts to give rise to a possible refusal reason, the Board should be satisfied that it has demonstrable evidence to show that the impacts would give rise to significant harm.

b) Potential Harms

There are several potential impacts to assess.

The first is the sustainability of the location. Whitacre Heath is defined as a Category 4 settlement by Local Plan policy LP2. It is agreed that there are limited services and facilities in the village, and that car ownership is necessary, but this is why the settlement is placed into this Category rather than into a higher Category where growth would be acceptable. Nevertheless, the Policy explicitly states that “development within development boundaries will be supported in principle”. This is a large house and could

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be occupied by an extended family without the need for a planning application leading to an increase in population and car ownership in the Category 4 settlement. Similarly, a planning permission was granted at the next-door property for office accommodation – again involving an increase in car ownership. It is concluded that there is not a refusal reason here based on sustainability. It is recognised that the objections, including the view of the Highway Authority refer to the lack of local facilities and services here and thus their conclusion that the location is unsustainable. However, this has already been recognised as a matter of fact and translated into planning policy through the adoption of the settlement hierarchy which is clearly set out in Local Plan Policy LP2. New development leading to additional people and cars can take place within the village as a matter of principle under this Policy. This proposal accords with the Policy.

The second impact is that related to access considerations – i.e., whether the proposal would have unacceptable and/or unsafe access impacts. Local Plan Policy 29(9) says that developments should provide safe and suitable access for all users. The Board will know too that the NPPF says that refusals on highway grounds should only be based on unacceptable impacts on highway safety or on severe residual cumulative impacts to the local highway network. It is highly significant that there is a “fall-back” position here as already outlined and that the office permission included use of the existing western access. As above, an extended family occupying the premises too would use the same access. The applicant also points out that not all of the residents may own or use a car. Whilst that may or not be the case, the issue for the Board is to assess to what extent an increased use of the access as a consequence of three extra vehicles would have on highway safety or on the local highway capacity. It is considered that there is no evidence to demonstrate a significant adverse impact. The objectors have indicated additional on-street parking, but that has not been shown to be causing an adverse impact; there is no accident data to confirm an adverse impact and the County Council as Highway Authority has not raised it as a significant or evidenced objection.

The third impact to review is the parking provision. Local Plan policy LP29(9) encourages sustainable forms of transport focussing on pedestrian access and the provision of bike facilities. Policy LP34 says that “adequate vehicle parking provision commensurate to a proposed development will be expected as guided by the standards in the Document “Parking Standards. Greater emphasis will be placed on parking provision in areas not served by public transport, whilst lower provision in the main towns may be appropriate”. It is acknowledged that the provision of on-site secure cycle provision would accord with Policy LP29(9) and is a benefit of the proposal. In respect of parking provision then the Board will be aware that there is no HMO parking standard or guidance set out in its Document. Two spaces are recommended for residential accommodation. There is thus no planning policy or adopted guidance to advise on this matter. As a consequence, the provision that should be expected here is a matter for discussion. Given the lack of alternative modes of transport to reasonably use on a daily basis and the lack of local facilities, then the suggestion that there be one space per bedroom is understandable. It would also accord in general terms with the approach set out in Policy LP34 about proportionate provision. The applicant had referred to standards in other Districts which would result in five spaces being needed. This is a useful start, but these standards are taken from urban Authorities, not from a rural Authority. The proportionate approach in LP34 indicates that this should perhaps therefore be taken as a starting point as a minimum provision. The proposal shows that seven spaces can be provided on-site (five for the HMO and two for number 29). The Highway Authority has not objected to the layout accommodating this provision. The

5H/145

issue is thus whether this number should be increased and that any increase could be accommodated with a "safe" layout and/or minor accessway improvements. Policy LP34 suggests that it should. However, the fall-back positions described earlier in the report, together with the fact that an HMO has already been operating here for some time and the fact that whilst on-street car parking is not to be advocated, it is permissible here and other neighbouring occupiers can also do so, suggests that there is the potential for a compromise here. The recommendation below allows for this to be followed through.

The final issue is potential impact on the residential amenity of neighbouring occupiers. Local Plan Policy LP29(6) says that developments should "avoid and address unacceptable impacts upon neighbouring amenities through overlooking and noise" amongst others. Overlooking and loss of privacy are not considered to be an issue here given that this a large nine-bedroom house which could be fully occupied by a large or extended family. There is little material difference between this lawful use and that proposed. There has been reference to noise and anti-social behaviour. It is noticeable that there has been no direct evidence submitted from the Environmental Health Officer, the Police or other Agency to support a refusal on this basis. Moreover, noise and anti-social behaviour can arise from the lawful use of the property as a dwelling house and indeed from any other neighbouring property. There is no justification here for a refusal based on unacceptable impacts to residential amenity. The Board determines the application based on the proposed land-use, not who might occupy the premises.

c) Conclusion

This has been a lengthy assessment of the planning issues involved with this case. The Board is reminded that the main issue here is not whether an HMO is acceptable in this location as a matter of principle. It is, by virtue of the "fall-back" position. The issue is thus whether the increase from a six to a nine-bedroom HMO would cause adverse impacts to such a degree that they do not accord with the planning policies of the Development Plan. The only impact that might cause an adverse impact is the issue of additional on-site car parking provision because of the proportionate approach taken in Policy LP34. In this case, Members will have noted that the application site is large and presently the parking provision is located at the front. It is considered that there may be scope to explore the possibility of providing additional provision at the rear. This may not be able to accommodate eleven spaces all together - nine for the HMO and two for the house – but there is the possibility of providing more than the present seven.

Recommendation

- a) That determination be deferred in order that the Board visits the site in order to explore the possibility of providing additional on-site car parking space.
- b) That should an amended plan be submitted as a consequence of this visit, re-consultation takes place and the matter is then referred back to the Board for determination.

5H/146

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5H/147

7d/37

HighgateTransportation

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Technical Note

PROJECT: Heath House Change of Use to HMO, 27 Birmingham Road, Whitacre Heath

REPORT: 22130/TN/01 – Response to Warwickshire County Council Highway Officer's Consultation Response (planning reference: PAP/2022/0353)

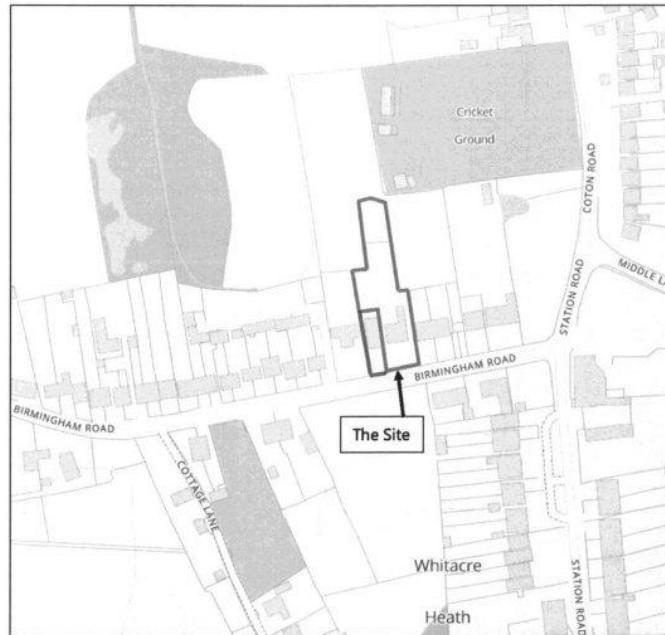
DATE: October 2022

-
1. This Technical Note (22130/TN/01) has been prepared by Highgate Transportation (HTp) to support the planning application (reference: PAP/2022/0353) for the change of use of Heath House, 27 Birmingham Road, from a C3 dwelling to 'Sui Generis' House in Multiple Occupation (HMO) with nine single occupancy bedrooms.
 2. Warwickshire County Council (WCC) highway consultation response, dated 12th September 2022 (see **Appendix 1**), raised an objection to the proposed change of use on highway grounds, based upon the following concerns:
 - i. No details are provided regarding parking provision on site
 - ii. It is unclear how many spaces are/could be provided and how the various spaces would affect each other/the other dwelling on site (number 29)
 - iii. One parking space should be provided per bedroom (total requirement of nine spaces) – it does not appear that nine spaces would be achievable on site
 - iv. Captive parking may be required which would not be supported as it can lead to unnecessary movements, increased demand for on-street parking, and it is unclear how captive parking would work with what are essentially separate households
 - v. Pedestrian visibility is restricted
 - vi. The development would intensify the use of the access
 - vii. The bin collection point shown on the footway would not be supported – bins should not be stored on the footway as they create an obstruction
 3. This report will confirm that the officer's concerns have been addressed and that there is no highway and transportation reason why the application should not be approved.

Background

4. The property currently benefits from nine bedrooms and **Figure 1** shows the location of the at 27 Birmingham Road, Whitacre Heath, Warwickshire B46 2ET.

Figure 1 – Site location



5. The site is in a sustainable location in terms of its proximity to employment opportunities at Lea Marston, around 2.5km west of the site, which equates to a cycle time of around eight minutes based upon an average cycle speed of 320 metres per minute (source: Department for Transport's Local Transport Note 1/20 (LTN/12) 'Cycle Infrastructure Design').
6. The site is also located close to local commercial and employment centres in and around Coleshill, around 4.0km southwest of the site, which are also within cycling distance (13 minutes).
7. Coleshill Parkway, the local railway station provides regular services to Cambridge, Birmingham New Street, and Leicester as well as a less frequent service to Gloucester and is located around 4.0km south-west of the site, well within an appropriate cycle distance (13 minutes).
8. Birmingham Road is around 5.5 metres wide, subject to a speed limit of 30mph and is lit with footways of up to around 2.0 metres wide to either side. A verge of around 1.0 metres wide is provided at the rear of the footway along the site boundary.

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9. Birmingham Road is not subject to any waiting restrictions, and it was noted that on-street car parking activities currently occur on Birmingham Road (see **Photograph 1**), which acts as informal traffic calming measures and assists in controlling vehicle speeds.
10. The highway boundary plan is provided at **Appendix 2**, and from this it is clear that the carriageway, footway and verge are public highway.

Photograph 1 – Existing on-street parking activities on Birmingham Road



11. The site has two points of access from Birmingham Road, which are not proposed to be altered as part of the application scheme. The western access serves as the main site access to the frontage of 27 and 29 Birmingham Road (also owned by the applicant, who uses 29 as their weekly residence), and the eastern access provides a traditional driveway, which also provides rear garden access for maintenance. The accesses are shown in **Photographs 2 and 3**, respectively.

5H/150

7d/40

Photograph 2 – Western site access



Photograph 3 – Eastern site access



5H/151

7d/41

12. As set out in **paragraph 8**, a highway verge is provided on the northern side of Birmingham Road between the footway and the property boundary (see **Photograph 4**), which is currently used as a collection point for refuse and recycling on bin collection day at the access, facilitating the Council's operatives to collect from the kerbside.

Photograph 4 – Existing highway verge

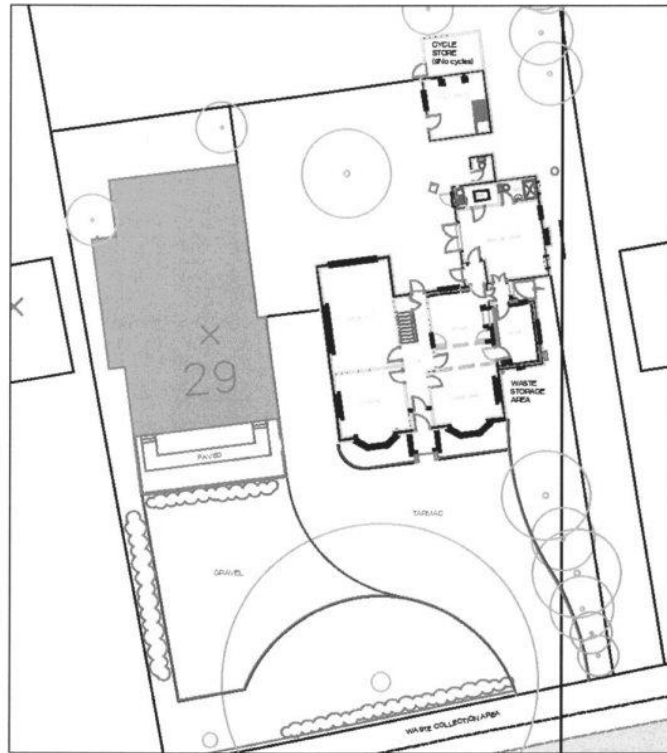


13. Personal Injury Accident data for the period January 2016 and December 2020 obtained from the CrashMap Pro database (see **Appendix 3**), for a radius of 200-metres from the site, confirms that no road traffic accidents have been recorded on Birmingham Road during this time period.
14. It is therefore concluded that there are no underlying road safety issues on the local highway network, which would be exacerbated by the proposed development.
15. It can be noted that previously, 27 Birmingham Road operated as an eight and nine-bedroom HMO under license from the local authority with no issues and car ownership has been confirmed as less than one car per resident. This is common to HMO properties and HTP has experience with HMO car ownership ranging from zero to 0.5 per bedroom i.e. more than half of the occupants usually do not own a car. Furthermore, there is no evidence that car parking activities associated with the nine-bedroom HMO created over-spill parking on the adopted public highway and given the accident records reviewed there was no impact of the HMO on highway safety.

Application Proposals

16. The application is for the change the use of number 27 Birmingham Road to provide an HMO with nine single occupancy bedrooms. The property will benefit from five off- street car parking spaces together with nine secure, covered cycle parking spaces. The applicant proposes to provide each tenant with a pedal cycle.
17. An extract of the Architect's block plan is shown in **Figure 2** (planning drawing pack contained at **Appendix 4**).

Figure 2 – The Architect's submitted block plan



18. From this plan (and those contained at **Appendix 4**), it can be seen that:
 - i. There are two site accesses
 - ii. Waste storage area is located along the side of number 27
 - iii. Cycle parking to be provided in an existing outbuilding to the rear, with side access
 - iv. Parking area is shown as per the existing arrangement, which includes the area in front of number 29
19. The North Warwickshire Local Plan 2021 provides a summary of the authority's adopted car parking standards. A review of the document confirms that there are currently no adopted car parking standards for either an HMO or for the 'Sui Generis' land use.
20. It is noted that adopted policy only requires two car parking spaces for a single residential dwelling.
21. However, it should be noted that the existing off-street car parking provision has not previously been identified as an issue, including during the period when the property was licensed and operating as an eight/nine-bedroom HMO.
22. Similarly, the authority does not have adopted cycle parking standard for either HMOs or the 'Sui Generis' land use. Notwithstanding this, it is proposed that nine secure, enclosed cycle spaces are provided within the curtilage of number 27 Birmingham Road, together with free cycle provision for all tenants. This could be secured via a planning condition.
23. It is considered that secure, enclosed cycle parking, together with free cycle provision, will encourage future tenants to travel by this sustainable mode of transport and therefore be less reliant on the private car (and hence ownership).

Consultation and Local policy

24. During a telephone conversation with the WCC highway officer on Tuesday 27th September 2022, it was confirmed that the requirement for nine off-street car parking spaces has no basis in terms of the adopted parking standards and that the initial approach to apply a maximum standard of one space per bedroom is not supported by surrounding local authorities.
25. Therefore, the request to provide nine off-street car parking spaces is clearly not a policy-based requirement and it is considered that a refusal on the grounds of insufficient off-street car parking provision could not be sustained at an appeal.
26. North Warwickshire Local Plan 2021 Policy LP29 'Development Considerations' confirms that development should:
 - i. *Encourage sustainable forms of transport focusing on pedestrian access and provision of bike facilities*
 - ii. *Provide safe and suitable access for all users*
27. Policy LP34 'Parking' states:

"Adequate vehicle parking provision commensurate to a proposed development will be expected, as guided by the standards in the Parking Standards."

28. Furthermore, it is noted that on 25th July 2019, WCC declared a climate emergency pledging to halve carbon emissions by 2030 and reach net-zero emissions in the 2040s or sooner. Given this, requesting nine off-street car parking spaces is contrary to the stated aims of WCC climate emergency.
29. It is therefore concluded that the proposed change of use of number 27 Birmingham Road to a nine-bedroomed HMO is in line with NWBCs policies.

Adopted HMO Car Parking Standards - Neighbouring Authorities

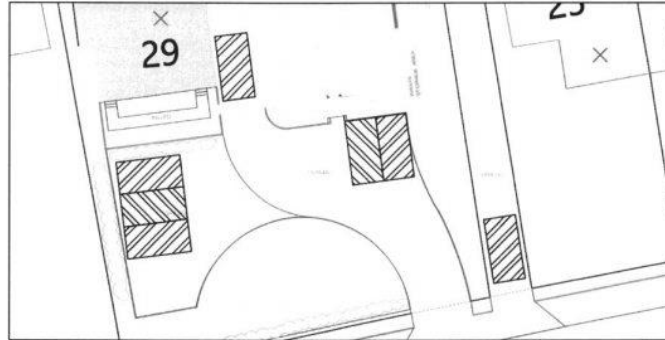
30. The following neighbouring authorities have adopted car parking standards for HMOs:
- i. Nuneaton and Bedworth Borough Council
 - ii. Warwick District Council
31. Adopted car and cycle parking standards for neighbouring authorities are summarised in **Table 1**.

Table 1 – Neighbouring Authorities Adopted HMO Car and Cycle Parking Standards

Authority	Car Parking Standard	Cycle Parking Standard
Nuneaton and Bedworth Borough Council (6 people or fewer)	0.5 spaces per bedroom	1 secure space per bedroom
Warwick District Council	1 space per 2 bedrooms	1 space per 2 bedrooms

32. It is therefore evident that none of the neighbouring authorities require off-street car parking provision at a ratio of one space per bedroom, instead specifying 0.5 spaces per bedroom.
33. Applying this ratio to the proposed nine-bedroom HMO results in a requirement for up to [9/0.5=] five car parking spaces on site.
34. With regard to cycle parking, it can be seen that the proposed provision of nine secure, enclosed cycle parking spaces is both acceptable and appropriate and that the applicant's proposal to provide tenants with access to a cycle assists in the councils net zero commitments.
- Quantification of On-Site Car parking**
35. During a visit to the application site, on Tuesday 27th September 2022, it was acknowledged that four cars were parked within the site frontage of 27 and 29 Birmingham Road, all of which could be manoeuvred independently of one another such that they could enter the adopted public highway in a forward gear.
36. It was also noted that there was additional capacity within the site to safely accommodate another two cars in this area, with another car parked off the separate driveway access i.e., a total of seven car parking spaces (see **Figure 3** and plan contained at **Appendix 5**).

Figure 3 – Existing car parking layout on site



37. The existing provision for seven cars to park within the site, without reliance on 'crush' parking demonstrates that the site is suitable for the proposed HMO use.
38. It is proposed that the parking spaces are unallocated, and it can be confirmed that there is sufficient space within the site accommodate the required parking for both 27 and 29 Birmingham Road. Swept path analysis has been carried out and is also contained at **Appendix 5**, this demonstrates that the existing layout is appropriate and is acceptable in highway safety terms.

Over-Spill Parking

39. Given that five parking spaces for 27 Birmingham Road can be provided without crush parking, there is no evidence that over-spill parking onto the local highway network will occur.
40. Furthermore, as the local highway network is unrestricted in the vicinity of the site, short-stay visitor parking may occur on the local highway network without detriment to local highway safety, which is as per the existing situation for adjacent properties.

Intensification of Use at the Access

41. Given that the increase in car ownership between a six-bedroom HMO (which the planning officer has confirmed could be implemented without requiring planning permission) and a nine-bedroom HMO is limited, with car parking standards requiring up to only an additional two parking spaces, intensification of use in motorised vehicle movements at the access will be so low and to be insignificant i.e. one arrival and one departure per day from the main access, and from the adjacent access.
42. **Paragraphs 5 and 6** confirm that the site is within a sustainable location, close to employment opportunities in Lea Marston, local commercial and employment centres in and around Coleshill, and the local railway station, Coleshill Parkway.

43. The local highway network offers opportunities to access local amenities and facilities by foot and the provision of nine secure, covered cycle parking spaces, plus the offer of providing a pedal cycle for each tenant, encourages travel by sustainable modes of transport.

Pedestrian Visibility

44. Pedestrian inter-visibility at the site access has been reviewed and is set out on the plan contained at **Appendix 6**. This confirms that pedestrian visibility of 2.4 metres by 2.4 metres measured from and along the rear of the highway boundary can be provided. The vegetation can be cut back to improve the inter-visibility.
45. It is therefore concluded that a motor vehicle exiting the site accesses will not conflict with vulnerable users on the footway.

Strategy for the Storage and Collection of Refuse and Recycling

46. Refuse and recycling storage for a typical dwelling can be summarised as:
- i. 140-litre black wheeled bin (residual/non- recyclable waste)
 - ii. 23-litre kerbside caddy (food waste)
 - iii. 55-litre (2No.) recycling boxes (dry recycling)
47. It is proposed to provide refuse and recycling storage for twice this amount for the HMO. It is noted that the 140-litre black wheeled bin is collected fortnightly and therefore must be taken into account when considering the volume of refuse and recycling to be stored and collected.
48. Government data from 2019 sets out figures of 392kg residual refuse to landfill per capita annually from households [392/52 = 7.54kg per week], and in addition to this a combined recycling rate of up to around 50% [7.54kg/2 = 3.77kg per week].
49. This is equivalent to around [7.54+3.77 =] 11.31kg of refuse and recycling per week and therefore suggests that the average person would produce up to around 45 litres of refuse and recycling per fortnight, based on a 1:2 ratio of weight to volume [11.31x2x2].
50. Based on a six-person, six-bedroomed HMO, this would be [6x45 =] 270 litres fortnightly and for a nine-person, nine-bedroom HMO [9x45 =] 405 litres fortnightly.
51. Therefore, there is an additional [405 – 270 =] 135 litres of refuse/recycling likely to be generated fortnightly by the nine-person HMO i.e., less than the equivalent of a 140-litre black wheelie bin. This is not considered to be a significant increase.
52. Refuse and recycling will be stored appropriately within the curtilage of the site and placed out onto the verge along the site frontage on collection day as per the existing situation and ensures that bins are not obstructing pedestrian movement along on the footway.

53. It will be the responsibility of future tenants to transport bins, bags, and caddies to the highway verge on collection day to allow the authority's operatives to collect from the kerbside.
54. It is therefore concluded that a suitable strategy for the storage and collection of refuse and recycling has been demonstrated, which does not obstruct the footway and is not a significant intensification over the current situation or previous eight/nine-bedroom HMO status.

Travel Plan Type Measures

55. It is acknowledged that adopting travel plan type measures will encourage future tenants to travel by sustainable modes of transport.
56. It is therefore proposed that a welcome pack be provided to each tenant, which will include details of:
 - i. The health benefits of walking and cycling
 - ii. Details of local walking and cycling routes
 - iii. Details of the tenants allocated cycle provision, storage, and security arrangements
 - iv. The location of the nearest railway station, together with information relating to the routes and frequency of services and details of ticketing
 - v. How tenants can car share with one another and/or join a local car sharing group
 - vi. Local taxi firms
 - vii. The benefits of working from home
 - viii. Supermarket home delivery services
57. It is considered that the provision of a cycle per resident is an effective travel plan measure to promote and encourage sustainable travel for tenants of the HMO.

Conclusion

58. This Technical Note has been provided to address the highway officer's comments raised in their consultation response dated 12th September 2022, and confirms that:
 - i. The existing on site car parking can be summarised as seven spaces, to serve both 27 and 29 Birmingham Road.
 - ii. During discussions with the highway officer, it was confirmed that the requirement to provide nine off-street car parking spaces has no basis, which has been accepted by the highway officer. It is clear that a maximum of five parking spaces are required to serve the nine-bedroom HMO, and this can be accommodated on site without the need for captive parking.
 - iii. Over-spill parking is unlikely to occur by residents, given the car ownership profile of HMOs.
 - iv. Short-term visitor parking may occur on-street, as per the existing situation for adjacent properties, without detriment to local highway safety. In any event the local highway network is unrestricted.
 - v. The provision of nine secure, covered cycle parking spaces is appropriate and the provision of a cycle for each bedroom will encourage tenants to travel by this sustainable mode of transport.
 - vi. Appropriate pedestrian visibility can be provided.

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- vii. There will be no significant intensification of use in motor vehicle movements at the existing access. Local amenities, facilities, commercial and employment opportunities, and the local railway station are within walking/cycling distance of the site.
 - viii. There is an appropriate strategy for the storage and collection of refuse and recycling, which has been agreed with the highway officer.
 - ix. The provision of five car parking spaces, and nine cycle parking spaces in an enclosed and secure outbuilding is effective in supporting the Council's policy to promote sustainable transport and delivery of their 2030 zero carbon target.
59. This Technical Note has addressed each of the issues raised by the highway officer and demonstrates that the application proposals are acceptable in terms of transport development matters.
60. It is therefore concluded that is no highway and transportation reason why the application should not be approved.

Appendix 1

Warwickshire County Council Highway Consultation Response

5H/160

7d/50

Your ref: PAP/2022/0353
My ref: 220353



Communities

PO Box 43
Shire Hall
Warwick
CV34 4SX

Tel: (01926) 412359
chrislancett@warwickshire.gov.uk
www.warwickshire.gov.uk

Mr J Brown BA Dip TP MRTPI
Head of Development Control Service
The Council House
South Street
Atherstone
CV9 1DE

FAO: Ben Dowker / Jeff Brown

12th September 2022

PROPOSAL: Change of use from C3 Dwellinghouse to 'Sui generis' (Houses in multiple occupation) for 9 single occupancy units
LOCATION: Heath House, 27 Birmingham Road, Whitacre Heath

Warwickshire County Council, hereby known as the 'Highway Authority', has undertaken a full assessment, of the planning application, at the request of North Warwickshire Borough Council in its capacity as the Local Planning Authority.

No details are provided in regard to parking provisions on-site. Whilst it is noted that there may be some existing parking, it is unclear how many spaces are/could be provided and how the various spaces would affect each other/ the other dwelling on-site (No.29). 1 parking space should be provided per bedroom for a total requirement of 9 spaces, it does not appear that 9 spaces would be achievable on-site.

Captive parking may be required which would not be supported. Captive parking can result in unnecessary movements, increased demand for on-street parking and it is unclear how captive parking would work with what are essentially separate households. If someone has gone for a walk etc and has blocked in another resident, how would the other resident leave the site?

A site visit has not been possible however based on the available street view images it appears that pedestrian visibility is restricted. The development would intensify the use of the access so pedestrian visibility splays of 2.4 metres by 2.4 metres measured from and along the highway boundary should be provided.

A bin collection point is shown on the footway which would not be supported. Bins should not be stored on the footway to create an obstruction. A bin collection point should be provided on-site to ensure the footway is not obstructed.

Based on the appraisal of the development proposals and the supporting information in the planning application the Highway Authority submits a response of **OBJECTION**.

OFFICIAL

*Working for
Warwickshire*

5H/161

7d/51

Yours sincerely

Chris Lancett

Chris Lancett
Development Group

****FOR INFORMATION ONLY****
COUNCILLOR JENNS – KINGSBURY

OFFICIAL

5H/162

7d/52

Appendix 2

Highway Boundary Plan

5H/163

7d/53

Birmingham Road, Whitacre Heath



Legend

Highway Maintainable at Public Expense

This plan has been produced in response to the enquiry referred to in the title address and should not be used for any other purpose, as its accuracy cannot be guaranteed. This plan is based on Ordnance Survey mapping and therefore only shows the general position of the boundaries, not their exact line. Vehicular rights cannot be assumed or implied from this plan, if roadside ditches are present, the legal presumption without evidence to the contrary is that these do not form part of the publicly maintainable highway. The highway boundaries depicted on this plan are based on currently available evidence. Whilst the Ordnance Survey is the authoritative source of information, it should be noted that it should be noted as a matter of highway law that only a Court can issue the definitive interpretation on matters of highway status and extent.

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5H/164

7d/54

Appendix 3

Accident Data

5H/165

7d/55



22130 - Heath House Personal Injury Accident Data

Area of Interest (AOI) Information

Area : 125,581.04 m²

Sept 23 2022 10:02:20 British Summer Time



5H/166

7d/56

23/09/2022, 10:02

about:blank

Summary

Name	Count	Area(m ²)	Length(m)
Crashes	0	N/A	N/A

Report produced from CrashMap Pro

about:blank

2/2

5H/167

7d/57

Appendix 4

Block Plan & Planning Drawing Pack



Block Plan 1:500

Heath House - Whitacre Heath
 Proposed Change of Use
 Block Plan

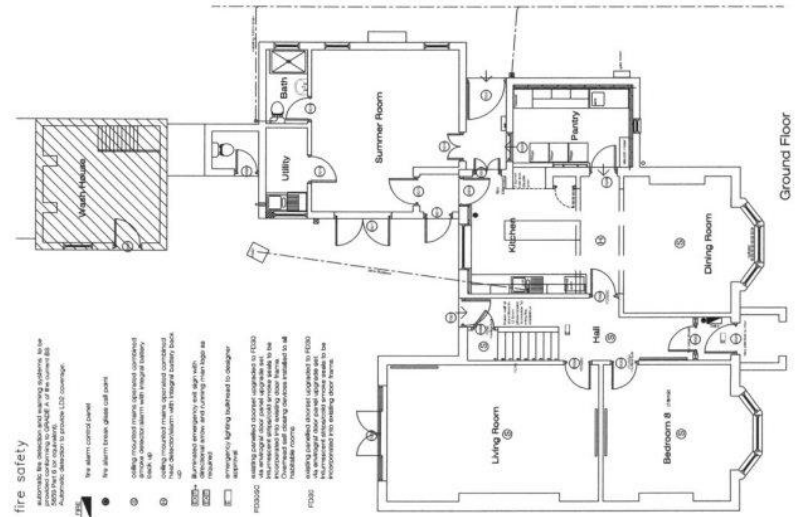
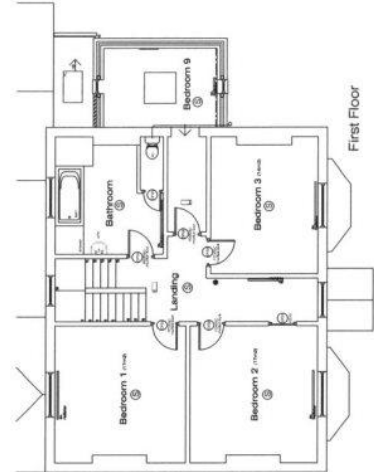
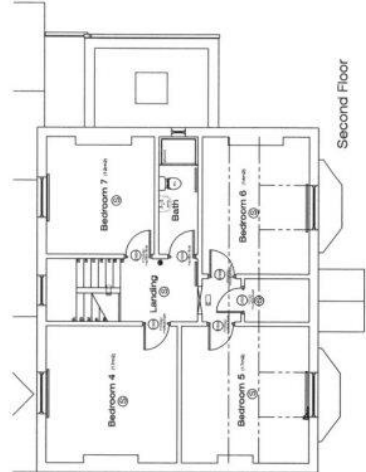
Project/Site Ref.	1745	Date	Sept 2022
Drawing Scale	as noted	Drawing No.	1745-110
		Rev.	

5H/169

7d/59

PAP/2022/0353

Health House - Whitacre Heath
Proposed Change of Use
Building Plans
05/07/2022
PLANNING & ENVIRONMENT
CITY OF BRISTOL



fire safety

① automatic fire detection and warning systems. To be installed in accordance with BS 58-1:2002, BS 58-2:2002 and BS 58-3:2002. A 24 hr alarm system shall be installed in accordance with BS 58-1:2002, BS 58-2:2002 and BS 58-3:2002.

② fire alarm system, manual call points

③ lobby mechanical smoke extraction combined with fire alarm system with integral safety

④ lobby mechanical smoke extraction combined with fire alarm system with integral safety

⑤ fire alarm system with integral safety

⑥ fire alarm system with integral safety

⑦ fire alarm system with integral safety

⑧ fire alarm system with integral safety

⑨ fire alarm system with integral safety

⑩ fire alarm system with integral safety

⑪ fire alarm system with integral safety

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㊹ fire alarm system with integral safety

㊺ fire alarm system with integral safety

Health House - Whitacre Heath
Proposed Change of Use
Building Plans
05/07/2022
PLANNING & ENVIRONMENT
CITY OF BRISTOL

5H/170

7d/60

Appendix 5

Parking Layout & Swept Path Analysis

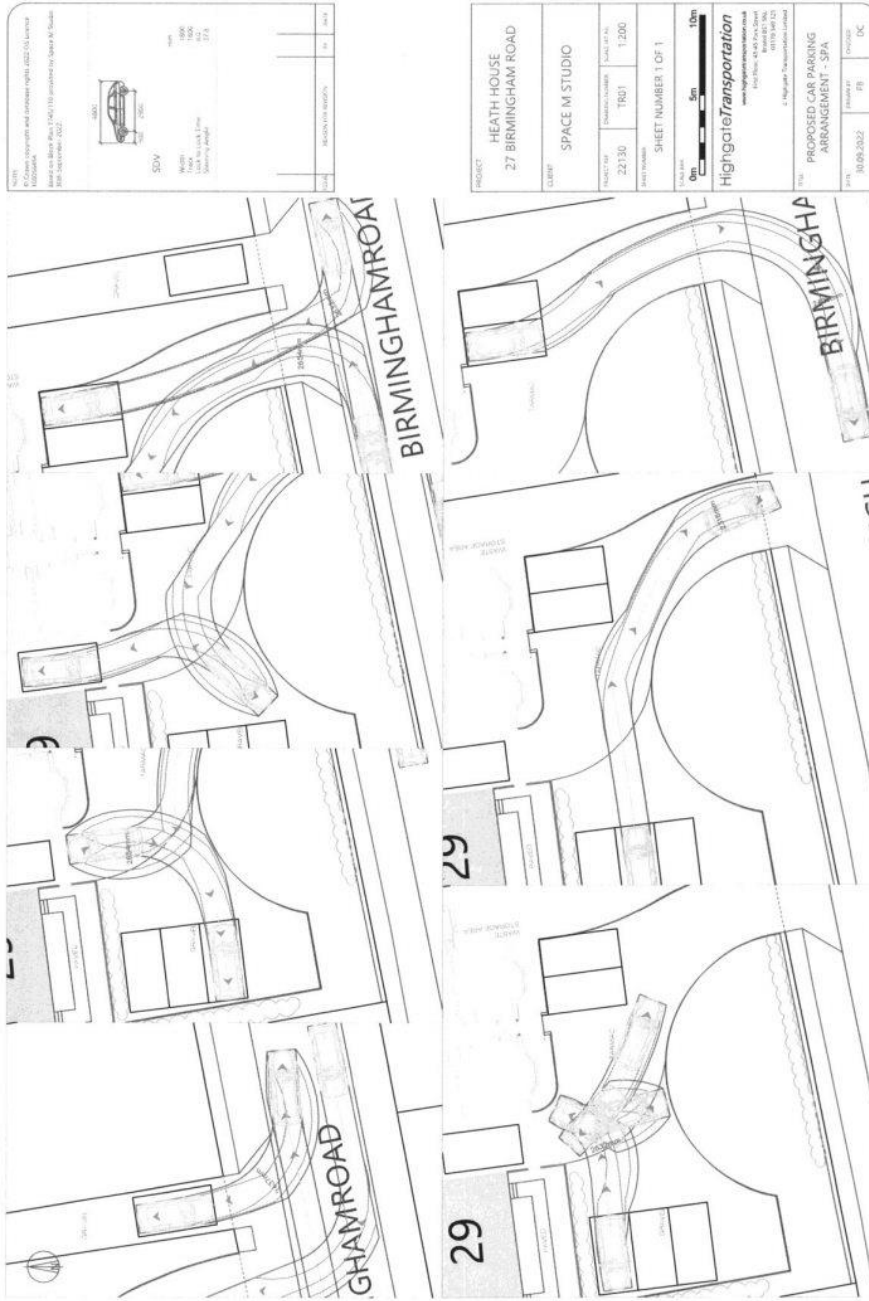
5H/171

7d/61



5H/172

7d/62



5H/173

7d/63

Appendix 6

Pedestrian Inter-Visibility

5H/174

7d/64

Your ref: PAP/2022/0353
My ref: 220353



Communities

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Mr J Brown BA Dip TP MRTPI
Head of Development Control Service
The Council House
South Street
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CV9 1DE

FAO: Ben Dowker / Jeff Brown

12th September 2022

PROPOSAL: Change of use from C3 Dwellinghouse to 'Sui generis' (Houses in multiple occupation) for 9 single occupancy units
LOCATION: Heath House, 27 Birmingham Road, Whitacre Heath

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No details are provided in regard to parking provisions on-site. Whilst it is noted that there may be some existing parking, it is unclear how many spaces are/could be provided and how the various spaces would affect each other/ the other dwelling on-site (No.29). 1 parking space should be provided per bedroom for a total requirement of 9 spaces, it does not appear that 9 spaces would be achievable on-site.

Captive parking may be required which would not be supported. Captive parking can result in unnecessary movements, increased demand for on-street parking and it is unclear how captive parking would work with what are essentially separate households. If someone has gone for a walk etc and has blocked in another resident, how would the other resident leave the site?

A site visit has not been possible however based on the available street view images it appears that pedestrian visibility is restricted. The development would intensify the use of the access so pedestrian visibility splays of 2.4 metres by 2.4 metres measured from and along the highway boundary should be provided.

A bin collection point is shown on the footway which would not be supported. Bins should not be stored on the footway to create an obstruction. A bin collection point should be provided on-site to ensure the footway is not obstructed.

Based on the appraisal of the development proposals and the supporting information in the planning application the Highway Authority submits a response of **OBJECTION**.

OFFICIAL

*Working for
Warwickshire*

5H/176

7d/66

Yours sincerely

Chris Lancett

Chris Lancett
Development Group

FOR INFORMATION ONLY
COUNCILLOR JENNS – KINGSBURY

OFFICIAL

5H/177

7d/67

Jeff Brown

From: Chris Lancett <chrislancett@warwickshire.gov.uk>
Sent: 14 October 2022 14:56
To: Andrew Collinson
Cc: Jeff Brown
Subject: Re: PAP/2022/0353 - Heath House

OFFICIAL

Hi Andrew,

Thanks for that.

I have had a more detailed look and have the following comments:

When speaking on the phone to them prior to the amended info I had indicated that less than 1 space could be acceptable however would need justification of why it would be acceptable to be submitted.

Based on the attached details the Highway Authority does not agree with the statement that the site is located in a sustainable location. It is stated that the site is within acceptable cycling distance however even if the distance is acceptable the routes to any locations must also be considered. The locations stated i.e. Hams Hall, Coleshill Parkway would all require cyclists to cycle on carriageway on 50/60mph roads which is not considered as suitable. Where no off-carriageway provision is provided cycling is unlikely due to the speeds of the roads, even experienced cyclists may be unlikely to cycle on the surrounding roads.

No reference has been made to other methods (walking/ buses) however these are both lacking as well. There are no bus stops in Whitacre Heath, and it doesn't appear to be located within acceptable walking distance of amenities, work etc.

As it has not been suitably demonstrated that the site is in a sustainable location with good links to alternate methods of transport it is likely that any future residents would require the use of a car. It is therefore maintained that at least 1 space per unit is provided and there does appear to be room on-site for this to be provided if the access/layout is amended slightly.

It is not suitable to rely on the public highway to accommodate any potential increased demand for on-street parking, particularly as it is unclear if there would be any capacity for an increased demand. It is also noted that existing parking is half on half off the footway so any increased parking will likely be the same which is not ideal.

Whilst the previous experience of the consultant of HMOs is that not all residents have a car, more often than not HMOs are located within town centres with good links to multiple different methods of sustainable travel, a car is therefore not required. There are no sustainable methods of travel in the location so a car would be a necessity.

It is also noted that HMOs can be used by workers on temporary contracts etc where all residents would arrive in their own cars and go to work on-site in one car leaving the remaining vehicles at the HMO, for example in this location could accommodate HS2 workers.

Regards,
Chris

Chris Lancett GradCIHT
 Development Management Engineer
 Planning Delivery
 Communities
 Warwickshire County Council

Tel: 01926 412 359
 Email: Chrislancett@warwickshire.gov.uk

1

5H/178

7d/68

Supplementary Report
Planning and Development Board

31 October 2022

(6/h) Application No: PAP/2022/0353

Heath House, 27 Birmingham Road, Whitacre Heath, B46 2ET

Change of use from C3 Dwellinghouse to 'Sui Generis' (House in multiple occupation) for 9 single occupancy units, for

Mr I Watts

Introduction

This application appears on the agenda of the Board meeting for the 31 October.

Following publication of the agenda, officers received an amended car parking plan. This is a material change in the circumstances affecting the case and thus this Supplementary Report has been prepared.

Members are also referred to the published report in respect of all other matters.

Background

Members will have seen from the published report that there was an issue with car parking provision on site. The plan reported to the Board in that report showed 7 spaces – five for the HMO and two for the house at number 29. In light of concerns expressed by the Highway Authority and the content of Local Plan Policy LP34, the officer recommendation to the Board was that the applicant be invited to consider the provision of additional space on site.

Amended Plan

On-going exchanges with the Highway Authority led to the submission of an amended plan showing eleven spaces – nine for the HMO and two for number 29. This is attached at Appendix A.

Consultations

The Warwickshire County Council as Highway Authority was reconsulted and it now has no objection subject to conditions.

Representations

The amended plan has also been referred to those who submitted representations on the original scheme including the Parish Council.

At the time of preparing this report, one representation had been received maintaining objections based on:

- There is not enough room for the extra spaces and so cars will still park on the road
- The trees here are protected and could be damaged
- There is only the one access
- Noise issues have still not been addressed

Any further comments received will be reported verbally to the Board.

Observations

The amended plan and the withdrawal of the Highway objection is a material change in circumstance.

The conclusion from the published report indicated that the parking issue was the substantive outstanding matter. As such, the recommendation was to invite the applicant to consider additional spaces on site, particularly as there appeared to be space available. This has now been resolved as far as the Highway Authority is concerned.

The Copper Beech tree at the front is protected by an Order confirmed in 1978 , but suitable surfacing can be conditioned.

In light of this, officers are able to change the recommendation to the Board

Updated Recommendation

That, provided no new matters are raised as a consequence of re-consultation on the amended plan that cannot be dealt with by conditions, planning permission be granted subject to the following conditions:

- i) Standard three year condition
- ii) Standard Plan Numbers condition – plan numbers 1745/01 and 02 received on 5/7/22 and plan number 22130/01/A received on 18/10/22
- iii) The development hereby approved shall not be brought into use until details of the surface treatment for the car parking spaces has first been agreed in writing by the Local Planning Authority. Only the approved treatment shall then be implemented on site.
Reason: In the interests of not risking the health of protected trees
- iv) The development hereby approved shall not be brought into use until the whole of the parking and turning facilities as shown on the approved plan have been laid out and made available to the written satisfaction of the Local Planning Authority. These spaces shall be maintained for this purpose at all times.
Reason: In the interests of highway safety
- v) The development hereby approved shall not be brought into use until pedestrian visibility splays measuring 2.4 by 2.4 metres have been provided on either side of the vehicular access to the site. These splays shall be left unobstructed at all times.
Reason: In the interests of highway safety

PAP/2022/0353

NOTES:
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 Based on Block Plan 1745/110 provided by Space M Studio 30th September 2022.

KEY:
 Existing car parking spaces
 Proposed car parking spaces

Parking spaces under tree to be constructed with a permeable type system, grass filled, under an Arborescultural planting tree!

A	Amendations added	FB	18.02.22
A	Updated to show 9 AMPT car spaces	FB	17.02.22
DATE	REASON FOR REVISION	BY	DATE

NORTH WARWICKSHIRE
 BOROUGH COUNCIL
RECEIVED
 19/10/2022
 PLANNING & DEVELOPMENT
 DIVISION



PROJECT:	HEATH HOUSE 27 BIRMINGHAM ROAD		
CLIENT:	SPACE M STUDIO		
PROJECT REF:	DRAWING NUMBER	SCALE (A1)	
22130	01	1:250	
SHEET NUMBER 1 OF 1			
SCALE BAR:	0m 5m 10m		
Highgate/transportation www.highgatetransportation.co.uk First Floor: 41-45 Park Street Bristol BS1 2SN 01274 309044 © Highgate/transportation Limited			
TITLE:	PROPOSED CAR PARKING ARRANGEMENT		
DATE:	DRAWN BY:	CHECKED:	
30.09.2022	FB	DC	

Appendix C



NOTES:
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 Based on Block Plan 1184/110 provided by Space M Studio 30th September 2022.
 KEY:
 Existing car parking spaces: [diagonal hatching]
 Proposed car parking spaces: [orange hatching]

PROJECT		
HEATH HOUSE 27 BIRMINGHAM ROAD		
CLIENT		
SPACE M STUDIO		
PROJECT REF	DRAWING NUMBER	SHEET NO. OF TOTAL
22130	03	1.250
SHEET NUMBER 1 OF 1		
SCALE BAR 0m 5m 10m		
HighgateTransportation www.highgatetransportation.co.uk First Floor, 42-45 Park Street Bristol BS1 2PL 01175 345 521 © Highgate Transportation Limited		
TITLE PROPOSED HEATH HOUSE CAR PARKING ARRANGEMENT - 7		
DATE	DRAWN BY	CHECKED BY
03.11.2022	FB	DC

General Development Applications

(7/e) Application No: PAP/2022/0105

Land South Of The Croft, Hoggrills End Lane, Nether Whitacre,

Erection of stable block and change of use from agriculture to equestrian, for

Mr Andrew Turner

Introduction

This case was referred to the last meeting of the Board, but determination was deferred in order to enable Members to visit the site.

A copy of the previous report is at Appendix A

As the visit took place after the date of publication of this report, a note will be circulated at the meeting.

Additional Information

At the last meeting there was reference to discrepancies between the various plans that had been submitted. The applicant has now confirmed that there are only two plans that illustrate his proposals, and these are attached at Appendices B and C. All other plans have been superseded. For the avoidance of doubt, the dimensions of the building are 24.8 by 4.8 metres and 2.5 metres to its ridge

Secondly, Members were informed that the woodland and marl-pit here have been designated as a Potential Local Wildlife Site. A Local Wildlife Site is a non-designated nature asset akin to a locally-listed building. Potential sites are put forward by local communities and they are then assessed by the Warwickshire Wildlife Trust. This takes a little time to investigate as the biodiversity of the site has to be fully evaluated and that can take time over a number of seasons. This site remains as a Potential Site. This covers an extensive area to the west of the application site, but it also includes the marl-pit and part of the woodland at the southern end of the application site - see Appendix D.

Recognising this, the applicant commissioned an Ecological Appraisal of the application site together with the preparation of an Environmental Management Plan to cover the construction period as well as thereafter, based on the findings of that Appraisal. That Plan was referred to the County Council Ecologist and there was no objection received subject to that Plan being implemented – see Appendix A.

The proposed Environmental Management Plan is Appendix E.

The previous report expressed support in principle for the proposal and that has not altered.

Recommendation

That planning permission be GRANTED subject to the following conditions:

1. Standard three year condition
2. Standard plan numbers condition – HEL/180222/LP/COU/ACCESS dated 1/11/22 and HEL/180222/Plan/Revision B dated 29/6/22 together with the Construction Environment Management Plan (revision) received on 3/11/22.
3. The development hereby approved shall only be occupied and used by the applicant in a personal capacity and at no time shall be used or let for any commercial equestrian use including for livery purposes and for riding instruction.

Reason

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

4. The development hereby approved shall not be brought into use as defined under condition (3) above until the existing vehicular access has been resurfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.

Reason

In the interests of highway safety.

5. No construction of the building hereby approved shall take place until full specifications of the external lighting fittings and the level of illumination have first been submitted to and approved in writing by the Local Planning Authority. Only the approved specifications and details shall then be implemented on site.

Reason

In the interests of the visual amenities of the area and in protecting the habitats of roosting and breeding bat populations.

Notes:

1. The Local Planning Authority has met the requirements of the NPPF in this case through engaging in discussion with the applicant in order to overcome highway and ecological issues thus leading to a positive outcome.

2. Condition number 4 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515.
3. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days' notice will be required. For works lasting longer than 10 days, three months' notice will be required.
4. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
5. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

General Development Applications

(5/f) Application No: PAP/2022/0105

Land South Of The Croft, Hoggrills End Lane, Nether Whitacre,

Erection of stable block and change of use from agriculture to equestrian, for

Mr Andrew Turner

Introduction

This application is referred to the Board at the request of local Ward members concerned about potential adverse impacts

The Site

This is 2.7 hectares of land south of Hoggrills End Lane lying between it and the Birmingham/Nuneaton railway track. It comprises agricultural/pasture land divided by post and rail fencing into paddocks, together with a small mature woodland which contains a marl-pit, towards its south-eastern corner and an overgrown area at its southern end. Access is via a private track leading from the Lane and there are two residential properties either side of the track where it joins the lane. The track is also used by others who own land that adjoins it, as well as by Network Rail to gain access to the line. There are other scattered individual houses to the north of the site.

A public footpath – the M394 - crosses the site from north to south

The land has a noticeable slope towards the railway line.

The site's location is shown at Appendix A

The Proposals

These are as set out in the header to this report.

A single storey stable building is proposed in the south-western boundary to the site alongside the track and the site boundary. It would measure 24.7 by 4.8 metres and have a shallow pitched roof with a ridge height of around 3 metres. It would be constructed in treated timber cladding with a tin roof. There are three stables in the building with the other space being for hay storage, a tack room and for the storage of equipment. The applicant has indicated that the stables are for personal use.

A caravan and shed are presently on site used for storage.

The overall site would be used for equestrian use.

There is a gate across the access track close to its northern end and there is space here on the paddock to turn vehicles as well as in front of the building.

Rainwater would be "harvested" from the building and re-used on site.

The applicant has submitted a Preliminary Environmental Appraisal together with an Environmental Management Plan. The Appraisal is confidential in that it refers to protected species, but its Executive Summary is at Appendix C, with the Plan at Appendix D.

The proposed layout is at Appendix A with the stable illustrated at Appendix B.

Representations

Nether Whitacre Parish Council – It objects referring to the following matters:

- The site is in the Green Belt – no very special circumstances exist
- The building is far too big – equivalent to one and half houses – thus impacting on openness
- The building would encroach into the countryside thus conflicting with Green Belt purposes
- Far smaller shelters could be placed on the land.
- Trees have already been removed and hedgerows taken down to make space for the proposals
- Other actions have disregarded the ecological value of the – bluebells trampled and the spreading of manure
- No proposals for the disposal of foul water

15 representations have been received objecting to the proposals referring to the above matters together with the following matters. Several representors have written more than once.

- There is a badger sett close by.
- This could be a riding school and/or put to another commercial use
- The applicant is submitted by a Company not an individual
- The application form has not been fully or truthfully completed.
- Clearance had already commenced on the site and the equestrian use has commenced with a caravan and shed here.
- The Council has refused stables elsewhere in the Parish
- Planning decisions elsewhere have refused new stables in the Green Belt

Consultations

Warwickshire County Ecologist – No objection subject to conditions

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

Warwickshire Wildlife Trust – It objects because of the potential impacts on wildlife

Warwickshire County Council (Rights of Way) – No objection subject to advice to be given to the applicant.

Warwickshire Forestry Officer – Offers advice on the woodland

Development Plan

The North Warwickshire Local Plan 2021 – LP3 (Green Belt); LP14 (Landscape), LP16 (Natural Environment), LP29 (Development Considerations) and LP30 (Built Form)

Other Material Planning Considerations

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

National Planning Practice Guidance

Observations

a) Green Belt

The site is in the Green Belt. Here the construction of new buildings is defined by the NPPF as being inappropriate development and thus harmful to the Green Belt, carrying a presumption of refusal. However, the NPPF does identify exceptions to this presumption. For instance, one is where the construction is for an agricultural building. This however is not the case here. A second is where the construction is for the “provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, 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.” It is considered that this exception may well apply here as the stables could be seen as providing a facility for outdoor recreation – albeit for the personal enjoyment of the applicant. This has been the general approach taken in respect of the numerous stables that have been constructed in the Green Belt within the Borough and indeed in this particular Parish.

However, the exception is conditioned – to preserve openness and not to conflict with the Green Belt purposes. It is thus necessary to review the proposal against these two matters.

In respect of openness, then there is no definition within the NPPF, but Planning Guidance suggests that there are four elements that should be assessed in any analysis. Firstly, there is a spatial element. Here the building would be erected in an area of land where there are no other buildings and so there would be some loss of openness. However, because of the slope of the land, the presence in the setting of established houses, the degree of woodland and tree cover in the area, the relatively small scale and the low height of the building, that loss would be very limited and local in extent. Secondly, there is the visual element. The site is visible from a public footpath, but that experience would be transitory and agricultural and equestrian buildings can be expected to be seen in the countryside. Moreover, the building is not large in scale. Again, the impact would be very limited and local in extent. The third element is the activity associated with the development. That would increase because of the need to attend to the horses and to maintain the land and building. But this would not be excessive and to be expected in a rural area if there were other livestock on the land. Additionally, the track is used lawfully by other parties. There would be some increase in activity but overall, the impact would be very limited and local in extent. Finally, the development would be permanent rather than temporary although the building could be removed without the use of an unusual amount of resources. Putting all of these matters together, it is considered that the proposal would not preserve the

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openness of the Green Belt hereabouts, but that the degree of actual harm caused would be very limited and local in extent.

In respect of the possible conflict with the purposes of including land within the Green Belt, then the only relevant one to this case of the five identified in the NPPF, is "to safeguard the countryside from encroachment". It is considered that the proposal does not conflict with this purpose – it's a small proposal, it would have limited spatial and visual harm and agricultural buildings and shelters are commonplace throughout the countryside. There is nothing to identify this proposal as being any different.

Drawing together these matters, then although the proposal is for the construction of a new building, it is considered that it does fall in principle within the NPPF's exception of it being an appropriate facility for outdoor recreation, but that it does not accord with one of the conditions attached to this exception, namely that it would not preserve openness. However, the degree of actual harm caused is very limited and local in extent.

b) Other Harms

In considering other harms, then the first to assess is the impact on the local highway network and the access arrangements. Local Plan policy LP29(9) says that development should provide safe and suitable access for all users. The Board will know too that the NPPF says that refusals on highway grounds should only be based on unacceptable impacts on highway safety or on severe residual cumulative impacts to the local highway network. It is of weight here that the access is already lawfully used by other parties and that if an agricultural building were erected on the land then that too would attract some additional traffic. It is also highly significant that there is no objection from the Highway Authority in respect of the access and in respect of the public footpath here. As such it is considered that the proposal would accord with the Planning policy. Under Local Plan policy LP29(6) all proposals should avoid and address unacceptable impacts upon neighbouring amenities. It is not considered that there is a case for refusal under this policy as the land can lawfully be used for agricultural purposes without reference to the Local Planning Authority and as already indicated there is other lawful activity associated with the use of the access track. Moreover, the stable block is some distance from the nearest residential property. The representations received neither focus on this matter. The proposal thus accords with this planning policy.

Local Plan policy LP30 says that all development should respect and reflect the existing character and appearance of its setting. Here the stable block is to be located at the lowest part of the site and be constructed in appropriate materials similar to may other stables within the Parish. As there are no other buildings on the site then it is reasonable to include space for the storage of equipment and also for hay. There are three stables included which is in proportion to the size of the holding. Moreover, an agricultural building could be erected here without the need for a formal planning application. In these circumstances it is considered that the proposal does accord with this planning policy.

Local Plan policy LP 16 says that the quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced as appropriate relevant to the nature of the development proposed. This is the issue that has given rise to the majority of the representations received because of the clearance of the area close to the woodland and in front of where the stables are proposed. It is

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important to stress that this work did not require the consent of the Local Planning Authority – any trees on the land were not protected either by being in a Conservation Area or directly through a Preservation Order and any clearance would not in itself require the submission of an application. There has been reference to the trampling of bluebells and to the deposit of waste. These are not matters for the Local Planning Authority and are for the Police and/or the County Council to investigate and follow through if appropriate. Similarly, the fact that a badger sett may be nearby, does not prevent development. The appropriate approach here is for the applicant to contact Natural England and seek appropriate advice and guidance on mitigation measures through its Licensing procedures.

The woodland and marl-pit here have been designated as a Potential Wildlife Site and are also within the impact zones of two SSSI's – the River Blythe (around 1.2km to the south-west) and Whitacre Heath (1.2km to the northwest). This is why the Wildlife Trust objected upon receipt of the application. The applicant responded through the submission of the Preliminary Environmental Appraisal and the Management Plan (Appendices C and D). The County Ecologist has viewed that Plan. He is satisfied that the Appraisal was undertaken in accordance with the appropriate guidance. He has also considered the Management Plan and is satisfied that it can be conditioned if planning permission is granted for the stable block. Of note the Plan recommends that an ecologist is appointed to supervise and advise on any further clearance work, that mitigation measures are agreed with that ecologist, that the lighting specification is agreed and that additional appropriate buffer planting is agreed to protect the woodland and marl pit. As a consequence, the proposal would accord with the relevant Local Plan policy.

Much of the concern that has been raised results from the immediate and direct action taken by the applicant on site, perhaps without knowledge of the wildlife value of the site or indeed without the relevant advice. There is now an opportunity to properly manage the implementation of the application proposals through the Management Plan which has the support of the County Ecologist.

It would thus be usual for this case to be recommended for approval with the imposition of an appropriate planning condition requiring full compliance with the Management Plan. However, it is unclear as to whether those who have submitted representations were aware of the submission of the Ecological Appraisal and the Management Plan. The Wildlife Trust's comments pre-date their submission too. The recommendation below reflects this situation.

c) The Harm side of the Planning Balance

As a consequence of the matters raised above, it is considered that the harm side of the planning balance amounts to the very limited and local harm to the openness of the Green Belt hereabouts.

d) Other Material Planning Considerations

The applicant has not put forward planning considerations which need to be weighed against the harm identified above. However, the Board should be aware of the following two matters.

Firstly, the NPPF points out that within the Green Belt, Local Planning Authorities should provide opportunities for outdoor sport and recreation. This is reflected in the "exception" referred to above in section (a) and is the reason why stables and the equestrian use of land has been supported throughout the Green Belt in the Borough and indeed, throughout this Parish.

Secondly, this is agricultural land. If it was used for livestock or indeed as arable land, then agricultural buildings would be lawful here and in some cases could be erected without reference to the Planning Authority.

These matters together carry significant weight.

e) Conclusions

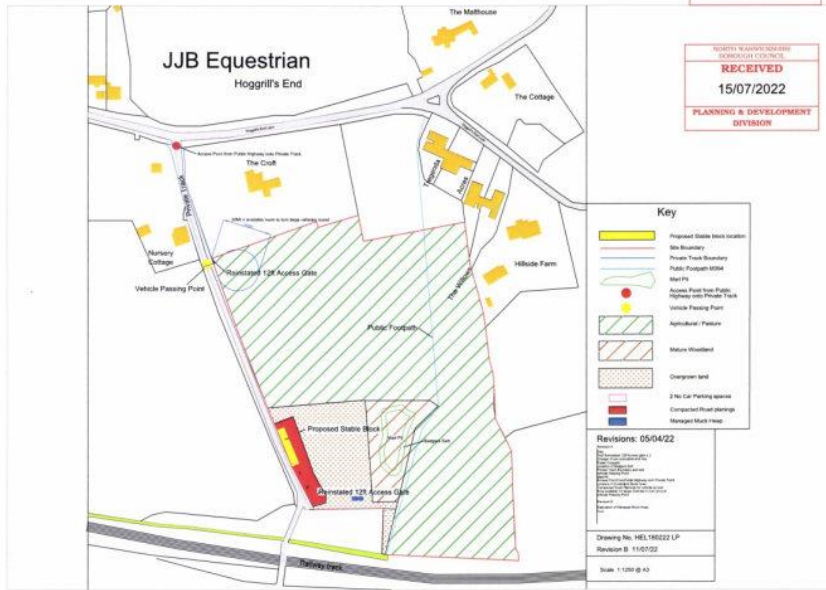
It is considered that the balance here lies with supporting the proposal in principle, given the two matters outlined above which outweigh the very limited and local Green Belt harm. However additional comfort is needed in respect of the content of the Environmental Management Plan before full support can be given.

Recommendation

- a) That the Board is minded to support the grant of planning permission, but that further consultation takes place on the proposed Environmental Management Plan and
- b) The Board takes the opportunity to visit the site

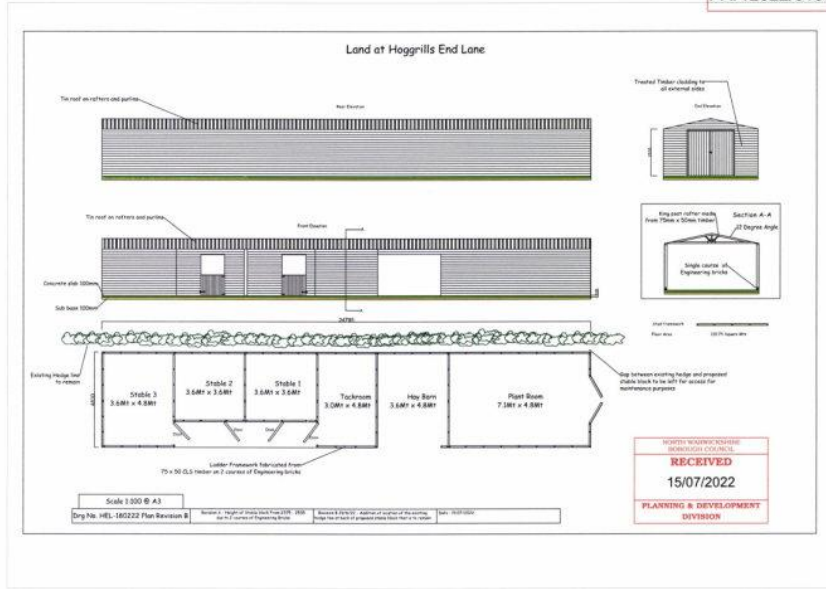
APPENDIX A

PAP/2022/0105



APPENDIX B

PAP/2022/0105



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LAND AT HOGGRILLS END LANE, HOGGRILLS END, BIRMINGHAM

Executive Summary

Midland Ecology Ltd. undertook a Preliminary Ecological Appraisal of a site known as 'Land at Hoggrills End Lane, Hoggrills End, Birmingham, B46 2DB'. This included an extended Phase 1 Habitat Survey (P1HS). Preliminary Ecological Appraisals are used during the site development process to gather data on existing conditions, with the intention of conducting a preliminary assessment of likely impacts of development schemes or establishing the baseline for future monitoring. As a precursor to a proposed project, evaluation can be made within these appraisals of the ecological features present, as well as scoping for notable species or habitats, identification of potential constraints to proposed development schemes, and recommendations for mitigation.

The development proposals briefly comprise construction of a stable building and change of area use to equestrian, and soft landscaping. The development proposals are included in Appendix 2.

Baseline Conditions	
Designated Sites	The survey area is not on or adjacent to any statutory or non-statutory sites designated for nature conservation. The site falls within the Impact Risk Zones (IRZ) of two Sites of Special Scientific Importance (SSSI); River Blythe SSSI approx. 1.2km southwest and Whitacre Heath SSSI approx. 1.2km northwest and the proposals are of a type that do not require further consultation with Natural England. Direct impacts on designated sites are unlikely to arise as the works would be a sufficient distance to avoid dust, noise and visual effects on the reasons for designation. The works are also small-scale, providing no impacts on the nearby local wildlife site, Shustoke Reservoir.
Habitats	The P1HS identified a range of habitats within the survey area, including: improved grassland, scrub, woodland, bare ground, hedgerows and scattered trees. The woodland is defined as 'deciduous woodland' on the Priority Habitat Inventory (Natural England, 2014) and is therefore assessed as being habitat of principal importance: 'Lowland Mixed Deciduous Woodland'.
Species	The survey area was suitable for protected species/assemblages. Notably, the site is known to support badgers and has the potential to support other protected species such as bats, nesting birds, great crested newts, reptiles, small mammals and hedgehogs.
Invasive and non-native species	The schedule 9 invasive plant species variegated yellow archangel was confirmed as present within the survey area.

Discussion of Impacts and Recommendations	
Discussion of Impacts and mitigation	<p>Bats: Based on the proposed site design, no impacts on roosting or foraging/commuting bats are anticipated. Should plans change however, such that the trees with potential roosting features (discussed above) are to be pruned or felled, then there is potential to disturb a bat roost, with potential to harm any bats present.</p> <p>Breeding birds: Loss of trees, scrub and hedgerows may affect birds that use the site for breeding and foraging by causing a decrease in nesting sites and food resources. Loss of these habitats may directly harm nesting birds if carried out during the breeding season (March to August inclusive).</p> <p>Badger: A badger sett and potential badger sett were identified within the site and its boundaries, and so badger activity could therefore be affected. If any works occur within close proximity of the sett entrance(s), tunnels could be affected by ground works and vegetation removal, and badgers could be harmed.</p> <p>Hedgehog: In the event that hedgehogs are present hibernating on site, then there is potential for disturbance and/or direct harm if works are carried out during their hibernation season (September - March). They would also suffer loss of habitat and any hibernation site(s) present.</p> <p>Great Crested Newts: Should any great crested newts be present within the works area, then there is a risk of direct harm during works. The potentially suitable habitat for this species is limited to the areas proposed to not be affected, however.</p> <p>Reptiles: Should reptiles be present on site, then there is a risk of direct harm during works. The potentially suitable habitat for this species is limited to the areas proposed to not be affected, however.</p> <p>Small Mammals: Rabbits or any other small mammals present on site during the works could be at risk of direct harm.</p> <p>Habitats: Deciduous woodland is a habitat listed on the UK BAP, and so the local authority is likely to look for measures to avoid any reduction in this habitat.</p>
Recommendations	<p>There are no proposed works to impact the woodland on site. However, if plans change, any reduction in woodland area would constitute loss of a UK BAP habitat. The total area of woodland that would drop below 50% canopy cover (if not already below this level) should be calculated, and an equal area of new woodland created immediately adjacent.</p>

LAND AT HOGGRILLS END LANE, HOGGRILLS END, BIRMINGHAM

	<p>Contractors must be briefed regarding the presence of an invasive plant directly adjacent to the site, and specialist waste removal services employed.</p> <p>Recommendations are made in section 4.2 regarding appropriate lighting on site, timing of works to avoid impacts on nesting birds, and reasonable avoidance measures to prevent impacts on great crested newts, reptiles, hedgehogs, badgers and other small mammals.</p> <p>Recommendations for enhancement are included in section 4.3. Should some of these recommendations be included in the finished design, then it should be possible to secure a net gain for biodiversity from this development.</p>
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PAP/2022/0105

Construction Environmental Management Plan

For
Stable Block



Site Address:

JJB Equestrian
Hoggrills End Lane
Hoggrills End
Nether Whitacre
B46 2DB.

Prepared By Andrew Turner:

Introduction.

This Construction Environmental Management Plan (CEMP) is for the construction phase of a Block of Stables Including, Tack/Feed Room, Hay Barn and Plant room, it sets out the intended activities and methods of effectively managing potential environmental impacts arising from its construction.

CEMP Overview.

This CEMP identifies the processes which will be involved during the construction phase and their possible impact on the environment.

A Preliminary Environmental Appraisal (PEA) was undertaken during the planning process which identified and assessed the aspects of construction that could have an environmental impact. All proposed mitigation measures described in the PEA will be applied and are specifically described in the following sections of this CEMP.

The overall environmental objectives that will be applied to the project are:

- All practicable steps shall be taken to minimise the environmental effects of the construction works.
- Any Environmental licenses, permits and consents and other statutory requirements will be obtained prior to works commencing.
- Regularly reviewing of the environmental requirements of the project and ensuring that environmental controls remain adequate throughout the duration of the project.

Contact Details.

Owners / Contractors.

Mr A Turner and Miss J Hutton

Description of works

The site is located on land that lies to the South of Hoggrills End Lane, it falls within the Post Code area of B46 2DB.

During the construction phase the following activities will be taking place:

1. Clearing of site area of debris where stables are to be located.
2. Cutting back of branches that overhang the stable block site location.
3. Excavation of ground to a depth of 200mm to receive base layer and concrete slab to the required size for the stable block.
4. Installation of base layer to prepared area to a depth of 100mm.
5. Pouring of ready mix concrete to a depth of 100mm.
6. Laying of 2 courses of engineering bricks to form the stable block plan base.
7. Installation of pre-built partitions onto installed engineering brick to form the stable block walls.
8. Installation of purlins for the roof.
9. Installation of roof covering.
10. Installation of 12v lighting.
11. Installation of stable doors.
12. Levelling off of area in front and around the stable block in preparation to receive planings.
13. Laying of planings.

Site Specific Environmental Issues: for Actions 1.2.3.10 and 12.

All other actions are expected to have either a negligible or zero impact on the environment.

The construction area is not on or adjacent to any statutory or non-statutory sites designated for nature conservation. The site falls within the Impact Risk Zones (IRZ) of two Sites of Special Scientific Importance (SSSI); River Blythe SSSI approx. 1.2km southwest and Whitacre Heath SSSI approx. 1.2km northwest.

Habitats:

The P1HS identified a range of habitats within the area, including: improved grassland, scrub, woodland, bare ground, hedgerows and scattered trees. The woodland is defined as 'deciduous woodland' on the Priority Habitat Inventory (Natural England, 2014) and is therefore assessed as being habitat of principal importance: 'Lowland Mixed Deciduous Woodland'.

Species.

The area is suitable for protected species/assemblages. Notably, the site is known to support badgers and has the potential to support other protected species such as bats, nesting birds, great crested newts, reptiles, small mammals and hedgehogs.

Invasive and non-native species.

The schedule 9 invasive plant species variegated yellow archangel has been confirmed as present within the area.

Classification showing criteria considered when assessing the likelihood of occurrence of protected species. Present Species are confirmed as present or recent confirmed records.

High: The site is of high quality for a given species/species group, due to the presence of e.g. Habitat and features of high quality for species/species assemblage. Species known to be present in wider landscape (desk study records). Good quality surrounding habitat and good connectivity.

Medium: The site is of moderate quality for a given species/species group, due to the presence of e.g., Habitat and features of moderate quality. The site in combination with surrounding land provides all habitat/ecological conditions required by the species/assemblage. Within known national distribution of species and local records in desk study area. Factors limiting the likelihood of occurrence may include small habitat area, habitat isolation, and/or disturbance.

Low: Habitats within the site are of poor to moderate quality for a given species/species group. Few or no records from data search. Despite above, presence cannot be discounted as within national range, all required features/conditions present on site and in surrounding landscape. Limiting factors could include isolation, poor quality landscape, or disturbance.

Negligible: Whilst presence cannot be absolutely discounted, the site includes very limited or poor quality habitat for a particular species or species group. No local records from desk study; site on edge of, or outside, national range. Surrounding habitats considered unlikely to support species/species assemblage.

Impacts and mitigation.

The construction processes are of a type that do not require further consultation with Natural England.

Direct impacts on designated sites are unlikely to arise as the works would be a sufficient distance to avoid dust, noise and visual effects on the reasons for designation. The works are also small-scale, providing no impacts on the nearby local wildlife site, Shustoke Reservoir, River Blythe SSSI or Whitacre Heath SSSI

Habitats:

Woodland Site:

Any reduction in woodland area would constitute loss of a UK BAP habitat. The total area of woodland that would drop below 50% canopy cover (if not already below this level) should be calculated, and an equal area of new woodland created immediately adjacent.

- There are no proposed works to impact the woodland site.

Hedgerows:

Loss of trees, scrub and hedgerows may affect birds that use the site for breeding and foraging by causing a decrease in nesting sites and food resources. Loss of these habitats may directly harm nesting birds if carried out during the breeding season

- The preparation of the construction site will involve removal of overhanging branches only. therefore the presence of any nesting birds is low. It will also not be started until the end of bird nesting season, March – August Inclusive,

Scrub:

- The area where the stable block is to be located is currently scrub, visual inspections for any species will be carried out prior to any clearing or excavation works.

Grassland:

- There are no proposed works to impact the grassland on site.

Bare Ground:

- Visual inspections for any species will be carried out prior to any preparation and subsequent work to bare ground.

Scattered Trees:

- There are no proposed works to impact any of the scattered trees on site.

Species:

Bats:

Should trees with potential roosting features be pruned or felled, then there is potential to disturb a bat roost, with potential to harm any bats present.

- No trees with potential roosting sites will be pruned or felled, impacts on roosting or foraging/commuting bats will be negligible.

Breeding birds:

Loss of trees, scrub and hedgerows may affect birds that use the site for breeding and foraging by causing a decrease in nesting sites and food resources. Loss of these habitats may directly harm nesting birds if carried out during the breeding season.

- The preparation of the construction site will involve removal of overhanging branches only. The chance of the presence of any nesting birds is low. It will also not be started until the end of bird nesting season, March – August Inclusive.

Badger:

A badger sett was identified within the site and its boundaries, and so badger activity could therefore be affected. If any works occur within close proximity of the sett entrance(s), tunnels could be affected by ground works and vegetation removal, and badgers could be harmed.

- The Badger sett that is present on the land is of sufficient distance (Over 60 Mts) away from the construction site, any potential impact on the sett would be negligible.

Great Crested Newts:

Should any great crested newts be present within the works area, then there is a risk of direct harm during works

- The potentially suitable habitat for this species is limited to the areas proposed to not be affected. Impact Negligible.

Reptiles:

Should reptiles be present on site, then there is a risk of direct harm during works.

- The potentially suitable habitat for this species is limited to the areas proposed to not be affected. Impact Negligible.

Small Mammals:

Rabbits or any other small mammals present on site during the works could be at risk of direct harm.

- Visual inspections for small mammals will be carried out prior to any preparation and subsequent work. Impact Negligible.

Invasive and non-native species.

Contractors must be briefed regarding the presence of an invasive plant directly adjacent to the site.

- There are no Invasive and non-native species adjacent to the construction site.

Lighting:

Lighting with potential to spill onto tree-lined boundaries and woodland should follow the protocols outlined in the Institute for Lighting Engineers document "Guidance Note 08/18: Bats and artificial lighting in the UK".

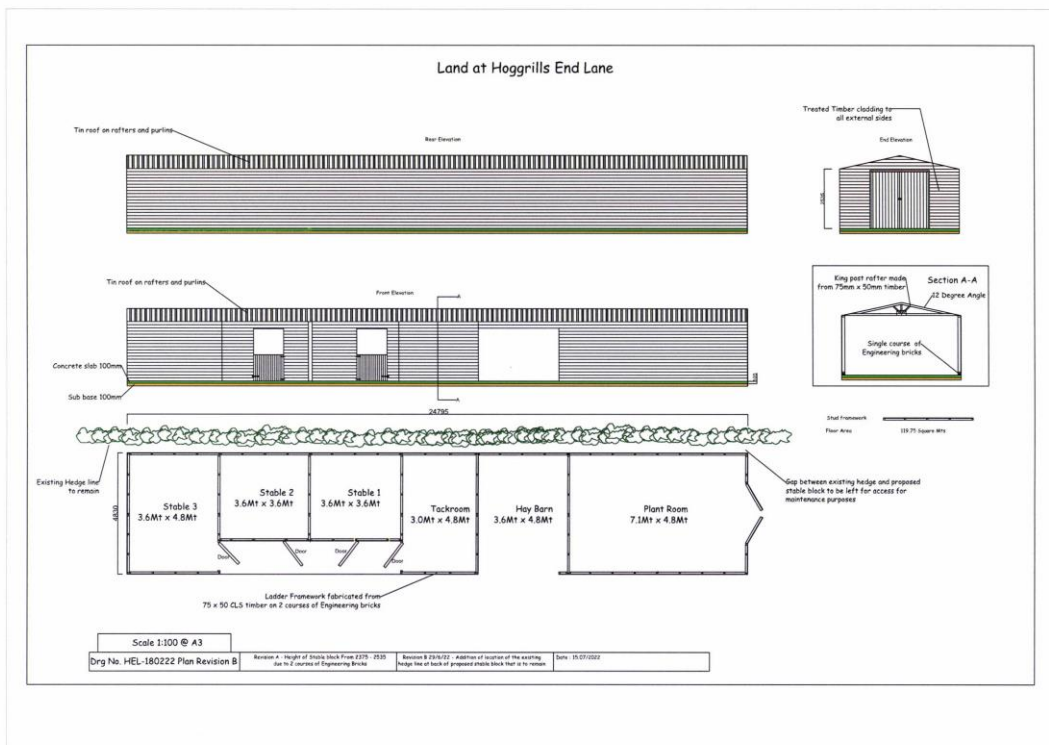
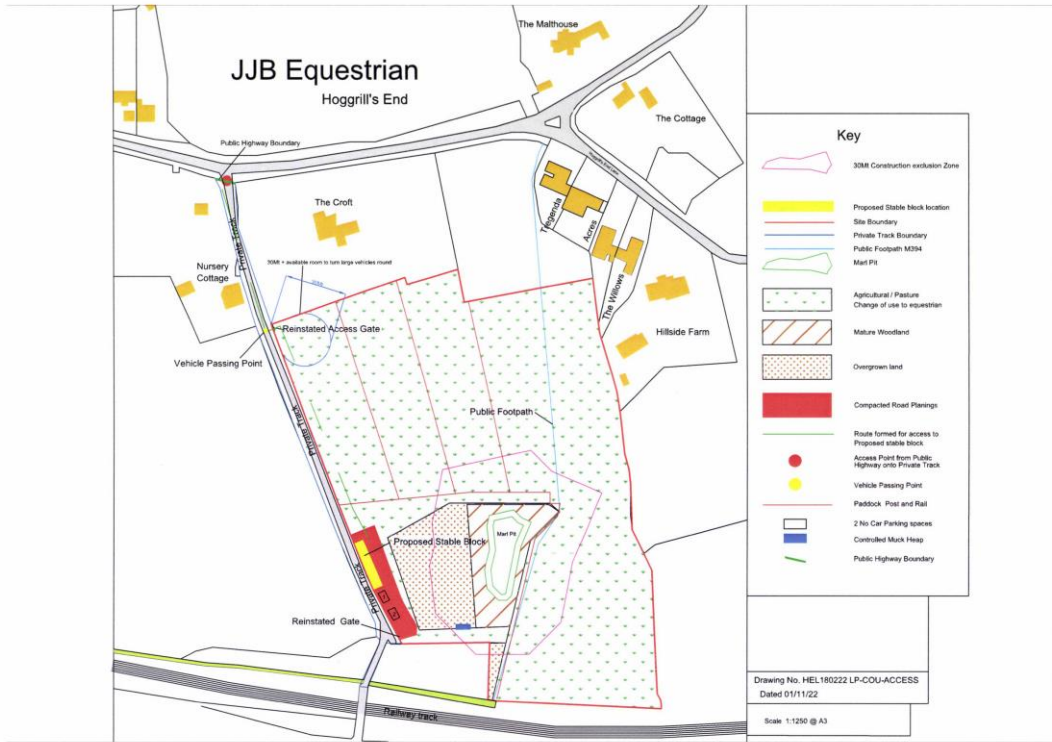
- All construction works will be carried out during daylight hours.
- Stable lighting will 12Volt Led, to be powered by 12v battery. Only localised down lighting will be used. The potential for the Spillage of light onto treelined boundaries will be low.

Biodiversity Net Gain:

In addition to the actions carried out above during the construction phase, the points below are actions that will be carried out by the owners over the whole site including the scrub land, Woodland area, hedgerows, bare ground and grassland, during and after the construction phase of the stables.

- Bat friendly lighting:
- Measures to protect trees from construction activities
- Inclusion of bird and bat boxes.
- Hedgehog houses.
- Inclusion of plant species of known value to present wildlife.
- Design and implementation of measures to improve ecological connectivity; such as strengthening the tree-lined boundaries.

These activities should secure a net gain for biodiversity from this development.





PAP/2022/0105

Construction Environmental Management Plan (Revision)

For
Stable Block

Site Address:

JJB Equestrian
Hoggrills End Lane
Hoggrills End
Nether Whitacre
B46 2DB.

Prepared By Andrew Turner:

Introduction.

This Construction Environmental Management Plan (CEMP) has been produced for the construction phase of a Block of Stables Including, Tack/Feed Room, Hay Barn and Plant room, it sets out the intended activities and methods of effectively managing potential environmental impacts arising from its construction.

CEMP Overview.

This CEMP identifies the processes which will be involved during the construction phase and their possible impact on the environment.
The proposed actions and processes included below will be adopted with the intension of reducing or eliminating where possible all and any adverse environmental impacts, along with ongoing management of the site to enhance the environment for the local wildlife.

The overall environmental objectives that will be applied to the project are:

- All practicable steps shall be taken to minimise the environmental effects of the construction works.
- Any Environmental licenses, permits and consents and other statutory requirements will be obtained where necessary, prior to works commencing.
- Regularly reviewing of the environmental requirements of the project and ensuring that environmental controls remain adequate throughout the duration of the project.

Contact Details.

Owners / Contractors.

Mr A Turner and Miss J Hutton

2nd October 2022

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

03/11/2022

**PLANNING & DEVELOPMENT
DIVISION**

Description of works

The site is located on land that lies to the South of Hoggrills End Lane, it falls within the Post Code area of B46 2DB.

During the construction phase the following activities will be taking place:

1. Clearing of site area of debris where stables are to be located.
2. Cutting back of branches that overhang the stable block site location.
3. Excavation of ground to a depth of 200mm to receive base layer and concrete slab to the required size for the stable block.
4. Installation of base layer to prepared area to a depth of 100mm.
5. Pouring of ready mix concrete to a depth of 100mm.
6. Laying of 2 courses of engineering bricks to form the stable block plan base.
7. Installation of pre-built panels and partitions onto installed engineering brick to form the stable block walls.
8. Installation of purlins for the roof.
9. Installation of roof covering.
10. Installation of 12v lighting.
11. Installation of stable doors.
12. Levelling off of area in front and around the stable block in preparation to receive planings.
13. Laying of planings.

Activities 1.2.3.10 and 12. Will have site specific mitigation measures taken.

All the other activities above are expected to have either a negligible or zero impact on the environment and therefore no mitigation measures are considered necessary.

Direct impacts on designated sites and residents are unlikely to arise as the works would be a sufficient distance to avoid dust, noise and visual effects. The works are also small-scale.

Based on the above, four criteria have been considered:

1. Habitats - Which include:

- Woodland
- Hedgerows
- Scrub
- Grassland
- Bare ground
- Scattered trees

2. Species – Which include:

- Bats
- Breeding birds
- Badgers
- Great crested newts
- Reptiles
- Small mammals

3. Invasive and non-native species – Which includes

- Variegated yellow archangel

4. Lighting.

Mitigation Measures.

1. Habitats:

Woodland:

- No works are being carried out within the Woodland during the construction phase.

Hedgerows:

- The preparation of the construction site will involve removal of overhanging branches only. The possible presence of nesting birds is extremely low. Also these works will be carried out, out of bird nesting season.

Scrub:

- The area where the stable block is to be located is currently scrub, visual inspections for any species will be carried out prior to any clearing or excavation works.

Grassland:

- There are no proposed works to impact the grassland on site.

Bare Ground:

- Visual inspections for any species will be carried out prior to any preparation and subsequent work to bare ground.

Scattered Trees:

- There are no proposed works to impact any of the scattered trees on site.

2. Species:

Bats:

- No trees with potential roosting sites will be pruned or felled, impacts on roosting or foraging/commuting bats will be zero.

Breeding birds:

- The preparation of the construction site will involve removal of overhanging branches only. The possible presence of nesting birds is extremely low. Also these works will be carried out, out of bird nesting season. Impact Negligible.

Badger:

- The Badger sett that is present on the land is of sufficient distance (Over 60 Mts) away from the construction site, any potential impact on the sett would be Zero.

Great Crested Newts:

- The potentially suitable habitat for this species is limited in the area proposed. Impact Zero.

Reptiles:

- The potentially suitable habitat for this species is limited in the area proposed. Impact Zero.

Small Mammals:

- Visual inspections for small mammals will be carried out prior to any preparation and subsequent work. Impact Zero.

3. Invasive and non-native species.

- There are no Invasive and non-native species adjacent to the construction site.

4. Lighting:

- All construction works will be carried out during daylight hours.
- Stable lighting will 12Volt Led, to be powered by 12v battery. Only localised down lighting will be used. The potential for the Spillage of light onto treelined boundaries will be low. Impact Negligible

Biodiversity Net Gain:

In addition to the actions carried out above during the construction phase, the points below are actions that will be carried out by the owners over the whole site including the scrub land, Woodland area, hedgerows, bare ground and grassland, during and after the construction phase of the stables.

- Bat friendly lighting:
- Measures to protect trees from construction activities
- Inclusion of bird and bat boxes.
- Hedgehog houses.
- Inclusion of plant species of known value to present wildlife.
- Design and implementation of measures to improve ecological connectivity, such as strengthening the tree-lined boundaries.

These activities should secure a net gain for biodiversity from this development.

Following is a Net Gain table which shows the actions that will be taken during the Construction Phase of the stable block along with the actions and processes that will be taken and adopted to benefit the Ecology and Wildlife within the immediate area.

Major Adverse	-4	Major Beneficial	+4
Medium Adverse	-3	Medium Beneficial	+3
Minor Adverse	-2	Minor Beneficial	+2
Negligible	-1	Negligible Beneficial	+1
None	0		

Description of possible Impacted areas and species	Action as part of the project	Magnitude of impact	Score	Additional and ongoing measures	Residual Effect	Score
Woodland	None	None	0	Planting of trees	Minor Beneficial	+2
Hedgerows	Pruning of branches	Negligible Adverse	-1	Filling in of bare hedgerows with native plants	Minor Beneficial	+2
Scrub	Removal of bramble, 30ft Bale trailer, bowser	Minor Beneficial	+2	Stable Block base construction	Minor adverse	-2
Other Scrub areas	Control of overgrown Hawthorne and bramble	Negligible Adverse	-1	Planting of Fruit trees and Native Shrubs	Minor Beneficial	+2
Grassland	None	None	0	None	None	0
Bare Ground	Levelling	None	0	Drainable surface	Minor Adverse	-2
Scattered Trees	None	None	0	Planting of trees in surrounding area	Minor Beneficial	+2
Bats - Loss of habitat	None	None	0	Installation of Bat boxes in surrounding area	Minor Beneficial	+2
Breeding Birds - Loss of habitat	Pruning of branches	Negligible Adverse	-1	Bird Boxes in surrounding area and filling in of bare hedgerows with native plants	Minor Beneficial	+2
Badger - Loss of habitat and foraging areas	None	None	0	Planting of Fruit Trees in surrounding area	Minor Beneficial	+2
Great Crested Newt - Loss of habitat	None	None	0	None	None	0
Reptiles	None	None	0	Forming of log piles in surrounding area	Minor Beneficial	+2
Small Mammals - Habitat	None	None	0	Hedgehog houses in surrounding area	Minor Beneficial	+2
Lighting During construction period	Work during daylight hours	None	0	None	None	0
Lighting to stable block	Lighting for stable block	Negligible Adverse	-1	Bat friendly down lighting	Negligible adverse	-1
		Sub Total	-2		Sub Total	+13

In Conclusion:

After taking the total of the impact of the processes involved proceeding and during the building of the stable block, adding that to the residual effects after the additional and ongoing measures intended to be carried out, the total Nett Gain would be +11.

We feel that the benefits to the ecology and wildlife in the immediate area will benefit considerably whilst also improving the visual amenity of the area.