

## **General Development Applications**

### **Application No: PAP/2013/0391**

**Outline - erection of hotel north of (and linked to) existing Conference Centre; demolition of existing storage building and its adjuncts; re-organisation of existing parking areas and creation of new north car park and landscaped courtyards; extensions to south and east sides of existing Conference Centre building**

### **Application No: PAP/2013/0367**

**Change of Use of Land to Recreational and Forestry/Recreational**

### **Application No: PAP/2013/0230**

**Creation of reed bed wastewater treatment system, consisting of four reed bed ponds of varying sizes, dosing and distribution chamber, secondary solids collection tank and water control/sampling chamber**

### **Application No: PAP/2014/0068**

**Variation of Conditions 1 and 2 of the planning permission referenced PAP/2010/0269 relating to plastic and timber windows: in respect of the retrospective application for the change of use of Old Hall Farm from a dwelling house (C3) to a mixed use of dwelling house (C3) and guest house (C1)**

**Site Address: Heart of England, Meriden Road, Fillongley, CV7 8DX**

**All for Mr Stephen Hammon, Heart of England Promotions**

## **INTRODUCTION**

The applications are reported to Board in light of the planning history of the site and given that an integral part of the proposal would involve the revocation of existing planning permissions.

## **THE SITE**

The site is known as The Heart of England Conference and Events Centre. It is a former farm which comprises a Grade II listed farmhouse; a range of former agricultural buildings which have been reused in association with a conference centre/restaurant/recreational events business use, land and a lake which benefits from planning permission to be used for the purposes of recreation, as well as further land which is former farm land and an ancient semi-natural woodland. This is all located on the south side of the Meriden Road, (the B4102), and Wall Hill Road just south of the M6 Motorway bridge over the B4102. This is 2.5 kilometres south of Fillongley and about a kilometre west of Corley Moor. The area is designated Green Belt. The entire holding amounts to 160 acres.

The site is accessed off Meriden Road by means of an approval dating from 2004. There is also a second access off Meriden Road. The former access to the farm, off Wall Hill Road, is now primarily used for access by staff.

The land slopes down from the south west to the north east, with the land form of a small valley. There are hedgerows and trees within the remaining field boundaries. A public footpath (the M 292) crosses the site from east to west skirting the present lake, and a second runs along the eastern site boundary (the M293). The two public rights of way run through the applicants land holding and through some of the application sites.

There are three or four residential properties to the north east of the holding on Wall Hill Road. The closest of these is about 70 metres from the main complex of buildings and 170 metres from the lake. Four or five other residential properties lie on the north-west side of the Meriden Road between it and the motorway. These are 100 metres from the main entrance and 350 metres from the lake. There are more residential properties at Corley Moor, being some 700 to 800 metres from the lake to the east.

## **BACKGROUND**

In recent years this site has been the subject of a number of planning applications, enforcement notices, planning and enforcement appeals, prosecutions and High Court Challenges.

### **Planning Appeals**

Following a Public Hearing held in 2010 (Planning Inspector – Mr. Pike), planning appeals were dismissed for:

- Variation of condition number 22 of planning permission PAP/2007/0503 for the importation of material from 10,000 cubic metres to 36,000 cubic metres.
- Retention of pump house and electrical plant room.
- Retention of proposed beach, rockery and first aid building.
- Variation of condition number 21 of planning permission PAP/2007/0503, to permit use for construction traffic and for public access to the land in association with the recreational use of land.
- Improving the existing field access and retention of gates 18 metres from the road and fencing.

High Court challenges were submitted in respect of the beach and field access appeal decisions but were subsequently withdrawn.

### **Enforcement Appeals, High Court Challenge and Compliance with Notices**

The Council has issued Enforcement Notices relating to the following unauthorised development:

- Unauthorised raised platform and balustrade, children's play equipment, volleyball court and the statue in the lake.

- Without planning permission the change of use of the land from a mixed use comprising forestry and agriculture to a mixed use of recreation, forestry, agriculture, paintball activities, and motor driving activities together with engineering works and structures that facilitate the paint ball and motor driving activities.
- Unauthorised sand beach, sandstone rockery and building within the rockery to include its roof, decked area, steps and railing.
- Unauthorised lighting, lighting installations that illuminate the lake, island in the lake and sand beach, and fields including mounting posts, brackets and electricity supply cables.
- Unauthorised engineering works to create an altered access, roadway/track, together with the erection of gates and palisade fencing at the access with Meriden Road.
- Unauthorised tower superstructure located around pump equipment on the island in the lake.

Appeals relating to these enforcement notices were heard at a Public Inquiry (Planning Inspector Mr Fussey). The Enforcement Notices were upheld but with varying periods for compliance.

Two High Court challenges were submitted in respect of these Enforcement Appeal decisions. The first challenge relating to the beach notice, failed, but the second, relating to the woodland notice resulted in the site owner being given leave to appeal one of the five grounds that were claimed. The case was to be heard in the High Court but the appellant withdrew the challenge after the submission of the current planning applications reported here.

Compliance was required in respect of the lighting, pump house and play equipment notices by 17 November 2012. It is the Council's view that there has only been partial compliance this with notice.

Compliance was required in respect of the access and roadways notice by 17 April 2013. It is the Council's view that there has only been partial compliance this with notice.

Compliance was required in respect of the beach and rockery notices by 17 October 2013. It is the Council's view that there has only been partial compliance this with notice.

### Further Planning Appeals

In February 2012 planning permission was refused for the following:

- Outline application for a new three storey hotel and function room building
- Erection of a new 287sq.m. D2 (Assembly and Leisure) building within a new woodland clearing.
- The formation of an off-road adventure trail for use by 4x4 vehicles and quad bikes, importation 20,000 cubic metres of inert material and formation of new internal access roads and the retention of existing internal access roads.
- Change of use of 0.82 Ha of land from recreational use to use as a caravan and camping site

- Variation of condition no: 4 of planning permission FAP/2002/7800
- Variation of condition no: 6 of planning permission PAP/2007/0503
- Variation of condition no: 3 of planning permission PAP/2007/0503
- Variation of Condition no: 2 of planning permission FAP/2002/7800
- Retention of change of use to mixed recreational and forestry use
- Retrospective application for Listed Building Consent for works to facilitate the change of use from private accommodation (C3) to mixed use of private accommodation and part guest house (C1).

Appeals were subsequently submitted. The Listed Building Consent appeal was heard through the written representations procedure and was dismissed.

The Planning Inspectorate concluded that the remaining appeals should be heard at a Public Inquiry. This was held in abeyance pending the outcome of the High Court Challenge but they were subsequently withdrawn by the appellant after the submission of the current set of planning applications.

In several respects the current proposals are very similar to, or are a repeat of, these refused applications (particularly in respect of the proposed hotel, off road track, recreational use of the woodland, the approach to the control of noise and, to a lesser degree, the wish to include camping and caravanning use).

### The Forestry Building

In August 2004 the appellant submitted an Agricultural Determination seeking prior approval for the erection of a building for agricultural and forestry use. The determination was the subject of an allowed appeal. Development commenced in 2009 on the construction of a building at the position of the approved agricultural/forestry building. The building was not constructed in accordance with the approved details, incorporating upper storeys and a balconied terrace, and was used for purposes in association with the appellant's use of the land as 'Heart of England Adventure Park', including a café and toilet facilities. An enforcement notice was served requiring the building to be returned to its approved design. A subsequent appeal upheld the requirements of the enforcement notice. Physical works were undertaken to revert the building to its original form following the Council's successful prosecution in the courts.

The Environment Agency issued an Environmental Permit in respect of the proposed reed beds on 1 April 2014. A copy is attached as Appendix 1

## **THE PROPOSALS**

### **a) General Summary**

The applicant seeks a permission to use the majority of his land holding for recreational purposes. He has indicated that he would propose the revocation of the principal planning permissions to date. The objective being to allow a single set of conditions to apply to the whole of the site, thus making planning controls more simple, comprehensive, relevant, up to date and legible.

The applicant seeks to persuade the Council that rather than the current conditions which set out the permitted activities in a list, the activities should be controlled by impact – i.e. how much noise they create at the site boundary and any visual impact, particularly on the “openness” of the Green Belt. The applicant expresses a desire to “provide flexibility for Heart of England to be able to introduce new activities which may come into fashion, without applying for written consent from the Local Authority, but would not permit any unacceptable impacts”.

A list of suggested revisions to the existing conditions has been put forward by the applicant, followed by subsequent revisions. The suggested conditions are set out in Appendices 2a and 2b.

The change of use application again proposes the planting of new woodland incorporating a new adventure trail. It proposes the change of use of the existing agricultural/forestry building to an educational facility and toilets to cater for school visits. The applicant proposes that both of these elements would be subject to later detailed submissions.

An outline application seeks permission for an extended conference centre and a new 29 bedroom hotel.

The original use of the land and buildings was a farm. Associated foul and surface water disposal requirements were accordingly limited. The growth of the business at the site was not accompanied with adequate upgrades to the drainage arrangements and as a result failures in the system caused pollution incidents. The Environment Agency required that improvements be made. An investigation of the feasibility of discharging to the nearest public sewer concluded that the costs and delay would be prohibitive. The identified solution is to create a series of reed beds which would cater for existing drainage requirements and the future anticipated drainage requirements for the proposed developments.

## **b) The Proposal - Application No: PAP/2013/0391- The Hotel**

This is an outline application for the erection of a hotel north of (and linked to) the existing Conference Centre; the demolition of an existing storage building, the re-organisation of existing parking areas and the creation of new north car park and landscaped courtyards, together with extensions to the south and east sides of existing Conference Centre building.

The applicant indicates that he wishes to reserve only details of landscaping. Details of appearance, scale, layout and access are therefore all sought now.

The development would comprise a new hotel with a single and two storey range, with a basement providing a gym, sauna and beauty salon, and a freestanding two storey building. There would also be a large extension to the conference centre building and an extension to the existing restaurant. The submitted drawings show external works to create outdoor decking and paved patio areas.

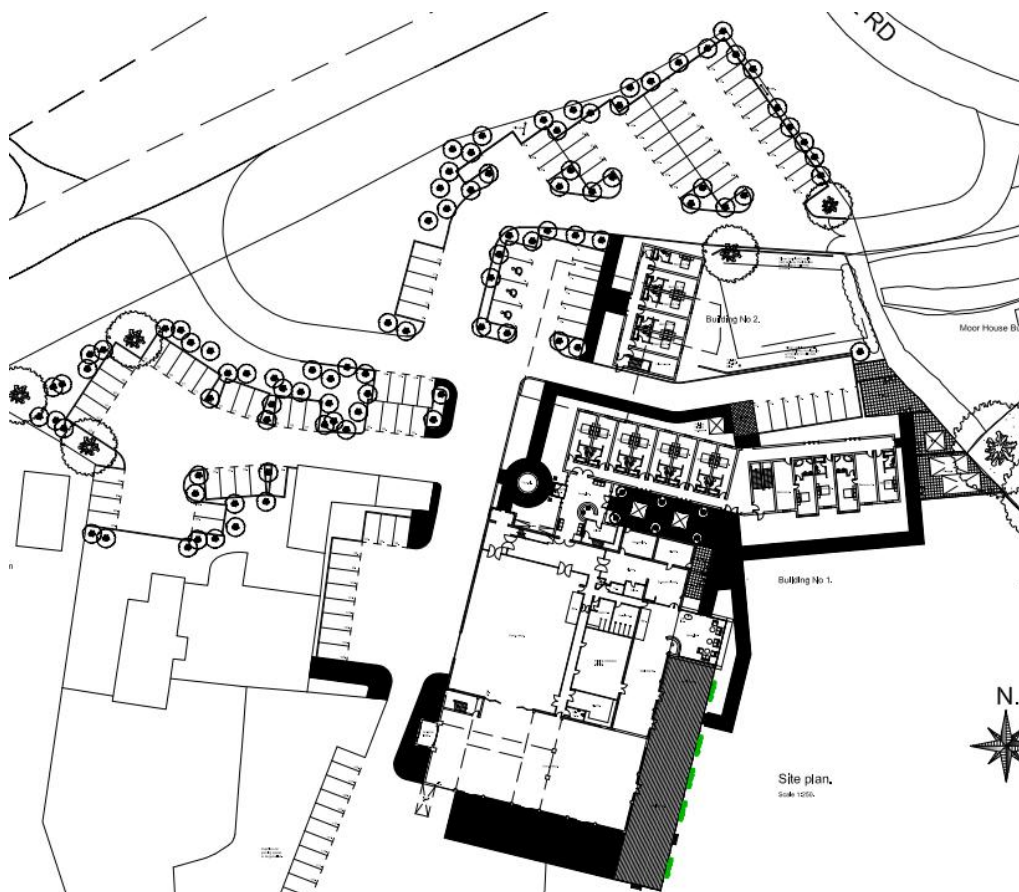
The proposal includes the demolition of an existing storage building.

The hotel extension would be off the northern elevation of the conference centre buildings, extending eastwards onto land which is presently open and laid to grass and in the form of a free standing two storey block at the position of the existing storage building.

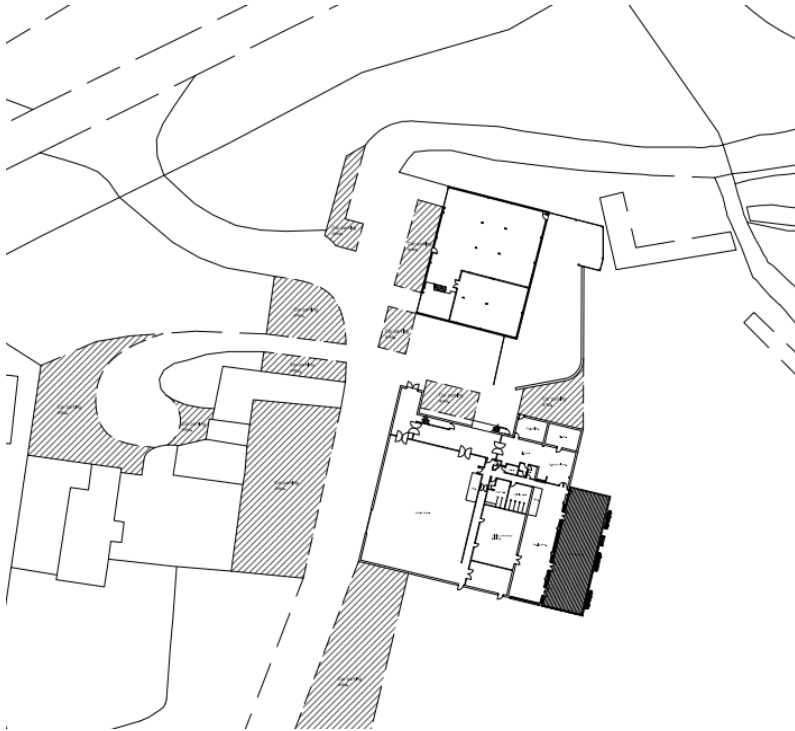
It is proposed to extend the conference centre with a 15 by 33 metre addition to the southern side of the existing former farm building. The applicant advises that the extended conference centre building would be capable of dealing with weddings, but he would still wish to retain the capability of erecting a marquee for 28 days in a calendar year.

It is proposed to extend the restaurant with a 7.3 by 7.7 metre addition to the eastern elevation, to the north of a raised decking area. The decking area is presently in situ (although it is believed to have never been the subject of a planning permission).

The proposed site layout is as shown below.



By contrast the existing site plan is shown below:

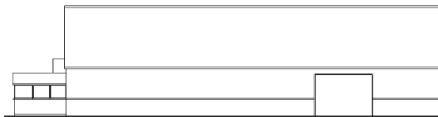


The following are approximations of existing elevations against proposed elevations:

Existing North West Elevation:

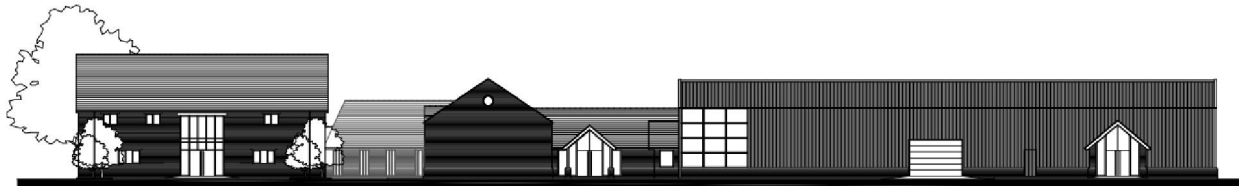


Existing North West elevation.



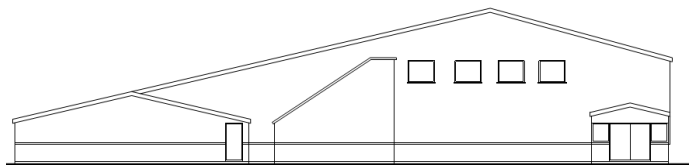
North West elevation.

Proposed North West Elevation:



North West elevation (Buildings 1 and 2).

Existing North East Elevation:



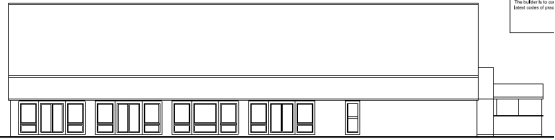
North East elevation.

Proposed North East Elevation:



North East elevation (Building 1).

Existing South East Elevation:

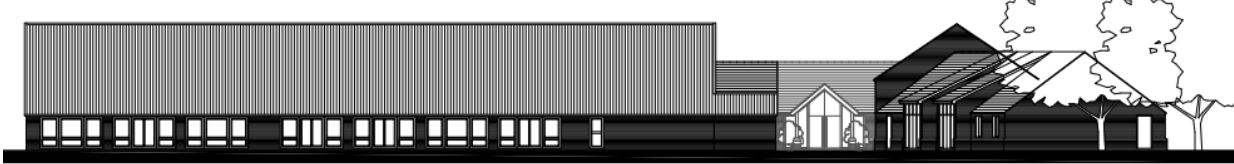


South East elevation.  
Scale 1:100.



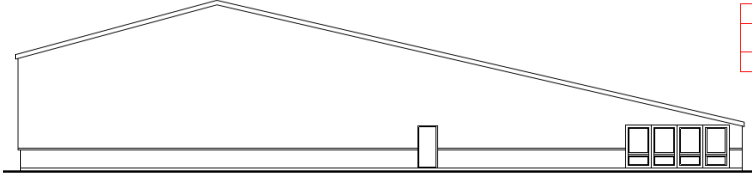
Existing South East elevation.  
Scale 1:100.

Proposed South East Elevation:



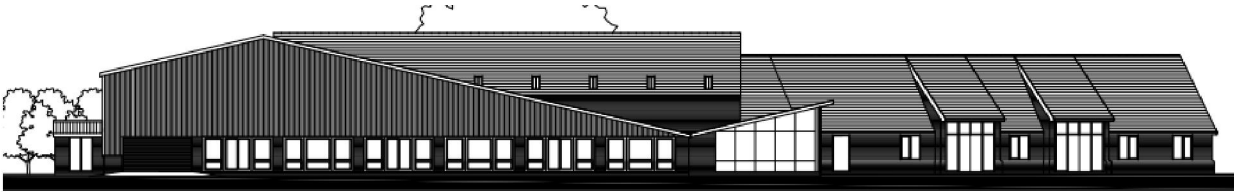
South East elevation (Building 1).

Existing South West Elevation:



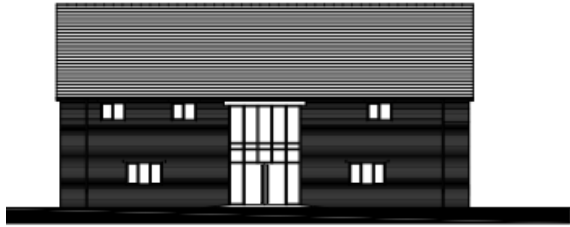
South West elevation.

Proposed South West Elevation:



The proposed free standing building is as shown below:





South West elevation (Building 2).  
Scale 1:200.



South East elevation (Building 2).  
Scale 1:200.

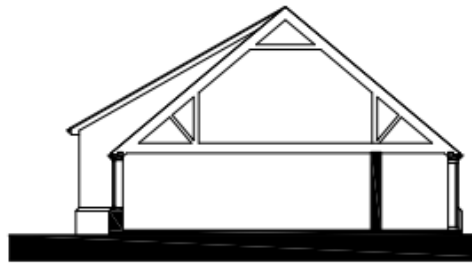
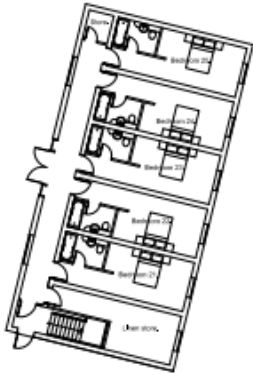


North East elevation (Building 2).

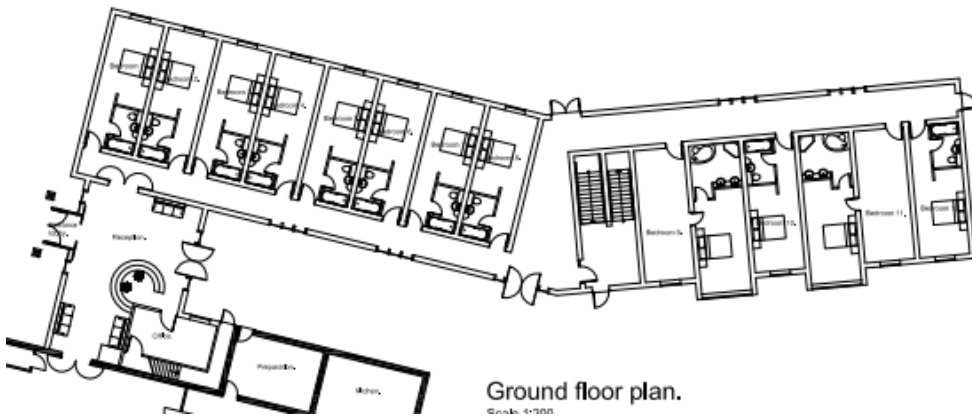


North West elevation (Building 2).

The ground floor accommodation would be as follows:

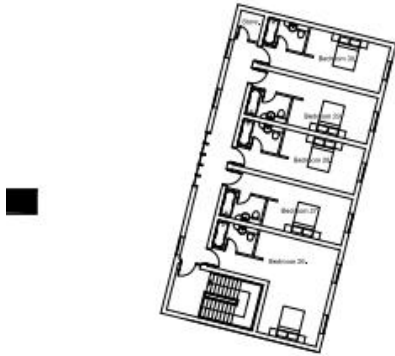


Typical section through  
bedrooms 9-12.  
Scale 1:100.

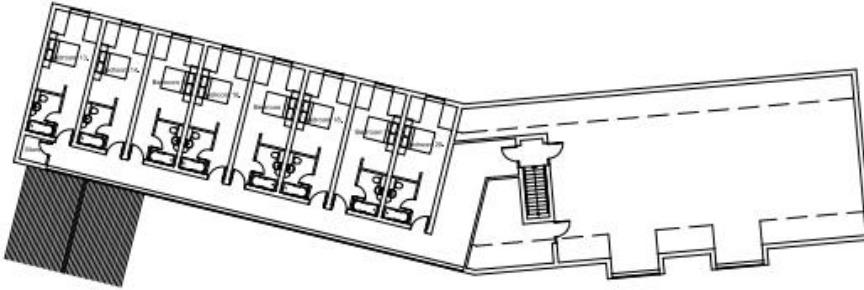


Ground floor plan.  
Scale 1:200

The first floor accommodation would be as follows:

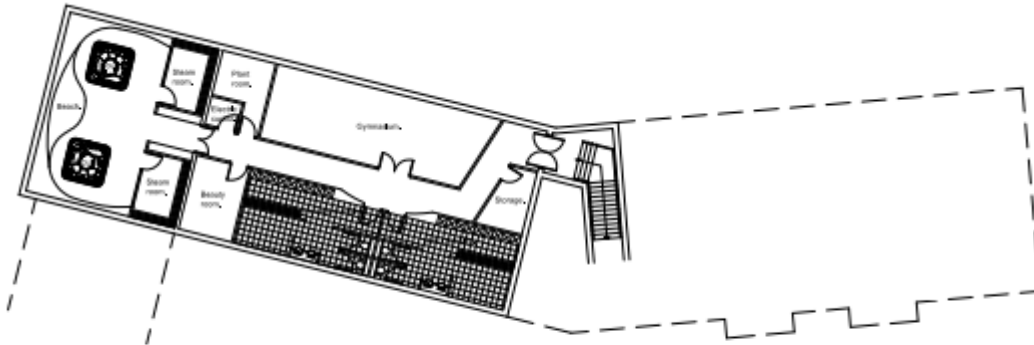


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 14-Feb-14  
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 DIVISION



First floor plan.

The basement accommodation is as follows:



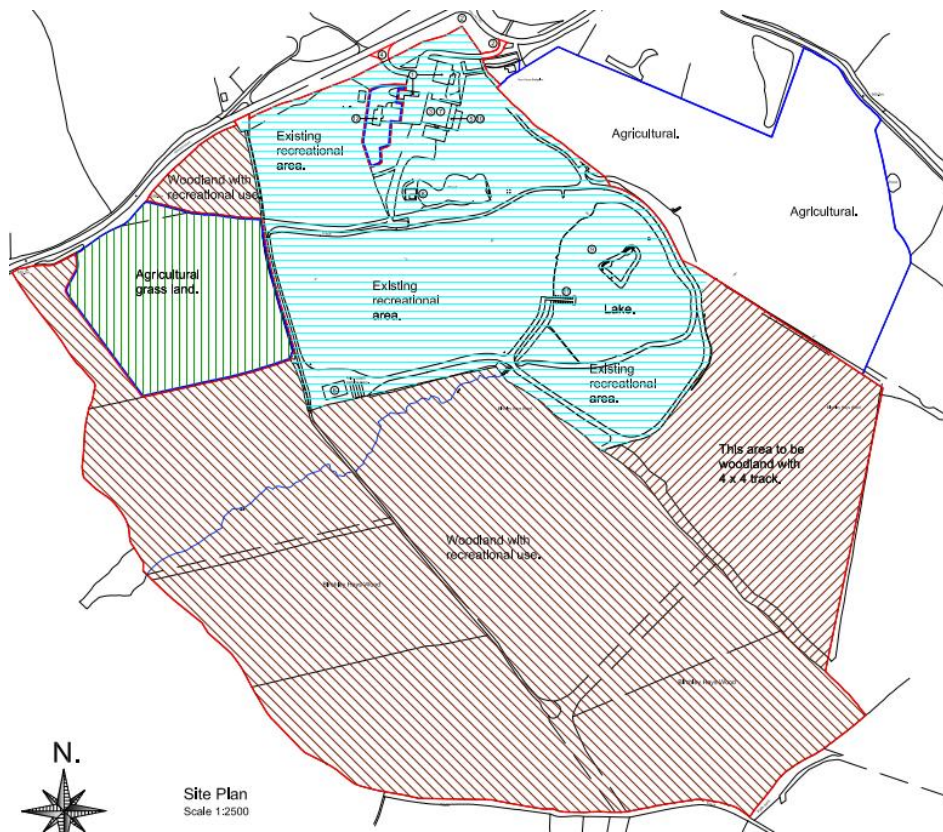
Basement floor plan.

Scale 1:200.

### c) The Proposal - Application No: PAP/2013/0367 – Use of Land

This application relates to the majority of land within the applicant's ownership. The red line of the application site is as shown below. Essentially, two fields are designated as remaining in agricultural use, one at the eastern edge of the holding and the other at the north west edge of the holding, the remainder would be given over to recreational use.

The area hatched blue is the extent of land that currently benefits from planning permission for recreational use. The additional land sought by this application for recreational use is shown hatched brown. Part of the hatched brown area is the existing PAWS and ancient woodland and part is proposed to be a new woodland.



It is indicated that the woodland would be planted in the first year following the grant of planning permission.

The applicant indicates a willingness to close the 'Park' to the general public, but instead to open it for corporate events and for activities for pre-booked participants. It would be open for pre-arranged school visits between 1000 and 1500 hours between 1 March and 30 September.

The use of the site by school children is proposed to be limited as follows:

- The maximum number of schoolchildren permitted to visit on any single weekday would not exceed four standard coach loads (approximately 200 children plus supervising school staff).
- Other children forming part of organized, adult-led groups visiting for educational purposes (e.g. playgroups) may be included within the maximum limits set above and during school term times only.
- Site visits by other children would be limited to pre-booked birthday parties and family participation in appropriate events (e.g. Santa's grotto visits at Christmas).
- All school visits would be supervised by school staff and the Heart of England booking staff and rangers must ensure that numbers visiting fall within the agreed limits and are logged on a daily basis (or as required). Such records (including evidence of prior booking) must be made available for inspection by officers of the Local Planning Authority upon request. All related advertising must clearly stipulate the limitation on numbers and means of transport.

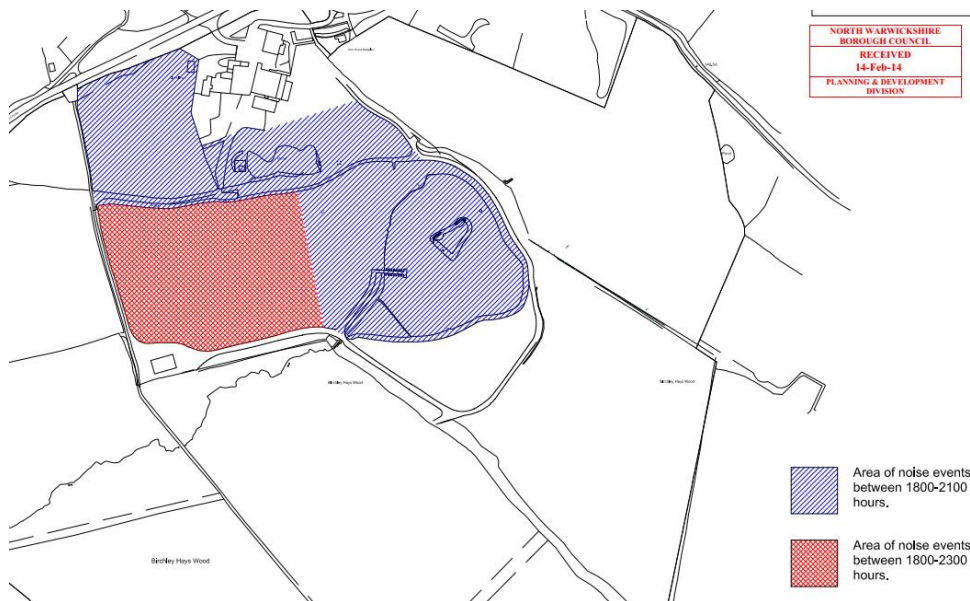
Within the proposed woodland, the applicant seeks permission in principle to establish a new purpose built 4x4 off road driving track. An illustration of how the 4x4 track could be achieved is the same as previously presented with the planning application that was refused in 2010.

The applicant suggests that new tree planting would provide carbon offsetting such that it would offset the vehicular journeys made to the site.

The following limitation is offered:

“The ‘Adventure Trail’ shall only be used as part of pre-booked, organized events led by an approved and suitably qualified instructor. No more than six quad bikes or two 4x4 vehicles will be allowed to use the trail at any one time. Trail staff will be responsible for ensuring that no additional vehicles are brought on to the trail site and that prescribed speed limits and noise limits are observed. Participants’ vehicles must follow the instructor, who will set the appropriate pace”.

The applicant proposes to establish noise restriction zones within the site where he can operate to different hours, as follows:



In the red hatched area he seeks operation between 1800 hours and 2300 hours and in the blue area he seeks operation between 1800 hours and 2100 hours.

In respect of operating hours a variety of different provisions are:

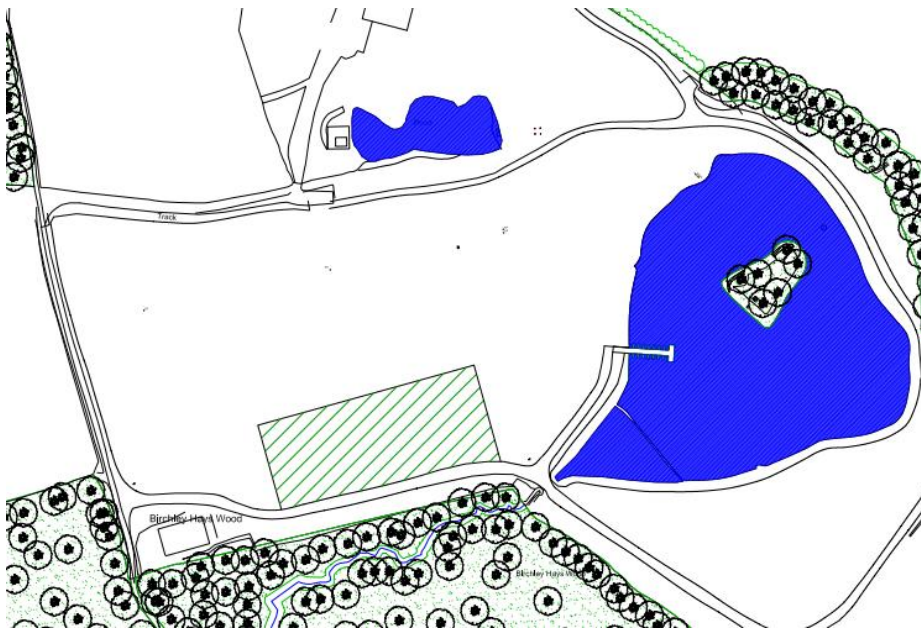
- No activity whatsoever in connection with the approved uses shall take place on recreational land other than between the hours of 0800 and 2100 Mondays to Fridays and 0900 to 1800 at weekends and on Bank Holidays during the months of April to September and between the hours of 0900 and 1800 on any day during the months of October to March, except on a maximum of 12 days in any one calendar year for prearranged special events, when activity shall be permitted during the evening up until 2300 hours.

- No activity whatsoever may take place within that part of the new woodland extension occupied by the 'Adventure Trail' tracks other than between the hours of 0900 and 1800.
- No recreational activity whatsoever may take place within the established Birchley Hays Wood or those parts of the new woodland beyond the 'Adventure Trail' except during the hours of 0900 to 1800 each day, except for up to a maximum of twelve special events
- No group activity whatsoever shall take place within the Conference Centre buildings outside the hours of 0900 and 0000 (midnight), except for the following special events which may continue until 0100 hours: Christmas Eve Special, New Year's Eve Party [and any others as agreed] when the activity may continue until 2300 hours.

The applicant proposes to establish areas where he may and may not site 'equipment'. The red hatched area below is the area where he would propose no siting of equipment

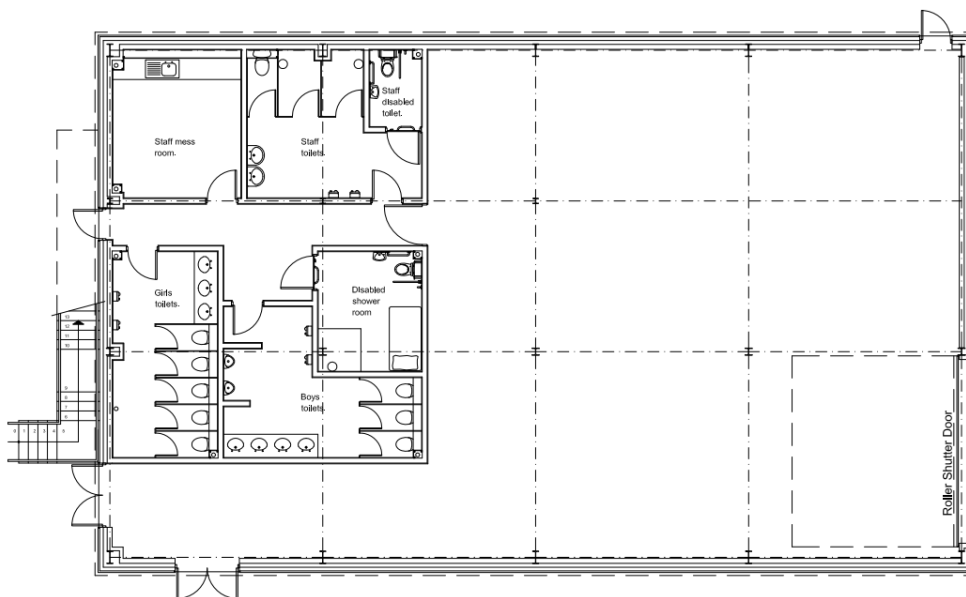


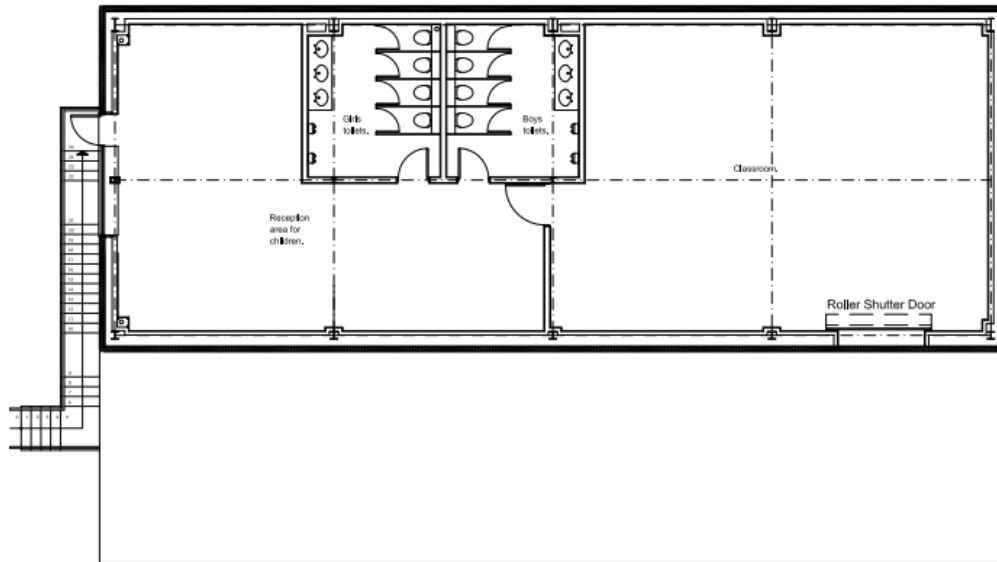
The green hatched area below is the area where he would propose the siting of equipment.



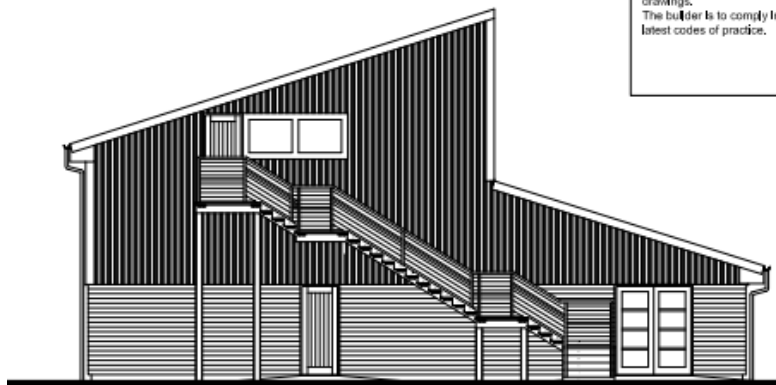
The application is accompanied by ecological survey and appraisal.

An existing forestry building, constructed under permitted development rights in 2009, is proposed to be used partly as a visitor centre and partly for the purposes of forestry. The building would be altered internally to achieve the visitor accommodation. The principle of this change of use is sought but the details of the conversion would be the subject of a separate future application. An illustration of how this accommodation could be achieved, with a classroom, reception and toilets at first floor, toilets at ground floor and a new external staircase, is shown below:





First Floor Plan



Side Elevation

drawings.  
The builder is to comply in  
latest codes of practice.

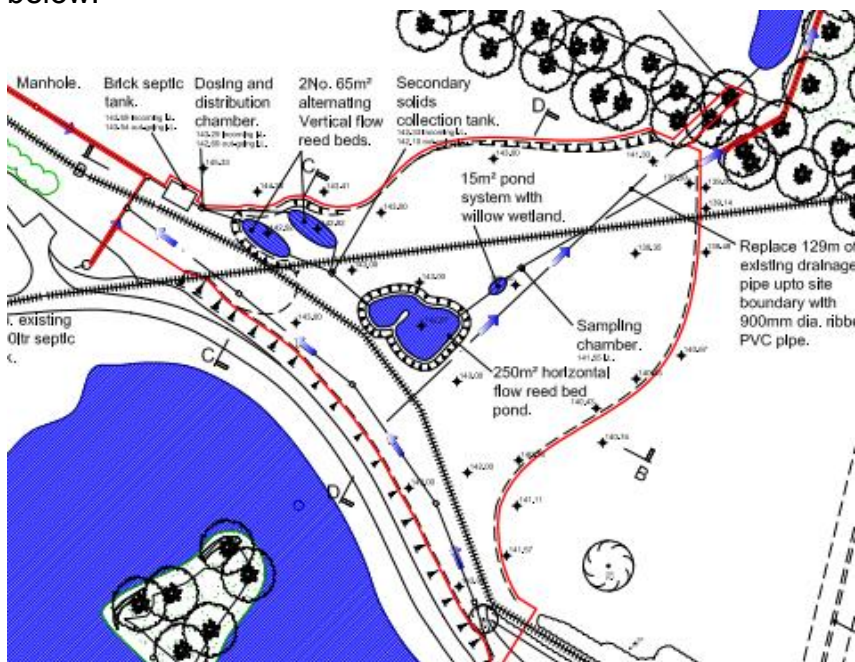
#### d) The Proposal - Application No: PAP/2013/0230 – Reed Beds

The application is for the creation of a reed bed wastewater treatment system, consisting of four reed bed ponds of varying sizes, dosing and distribution chambers, a secondary solids collection tank and a water control/sampling chamber. The reedbeds would be situated in the field to the north east of the large lake on the applicant's land.

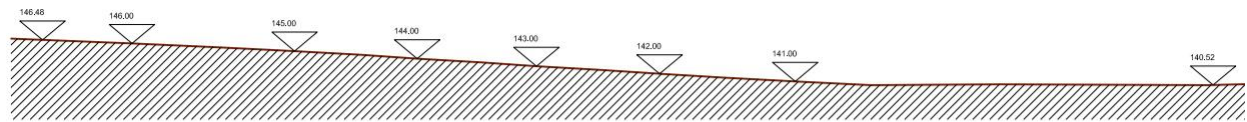
The reedbeds would take drainage connections from the main complex of conference centre buildings, from the forestry building situated at the edge of the existing woodland and from a septic tank situated at the top of the main lake. The septic tank at the top of the lake is at a position where an unauthorised mobile toilet block is currently situated.



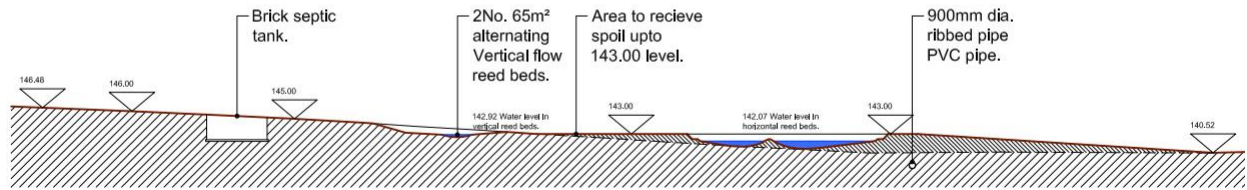
It is proposed to raise the levels of the land across the area where the reed beds are to be situated and beyond onto the east and north east such that the valley of the field would be raised. A raised embankment would be formed along the northern edge of the filled area. The fill would be 4 metres deep at its deepest part and 1.5 metres deep close to its northern edge and it would extend over an area 121 metres long by roughly 90 metres wide. The area to be filled and the existing and proposed sections are shown below.



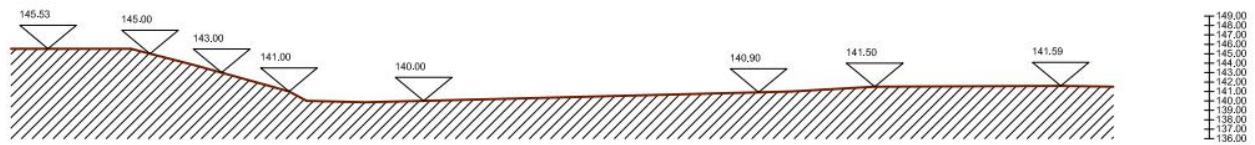




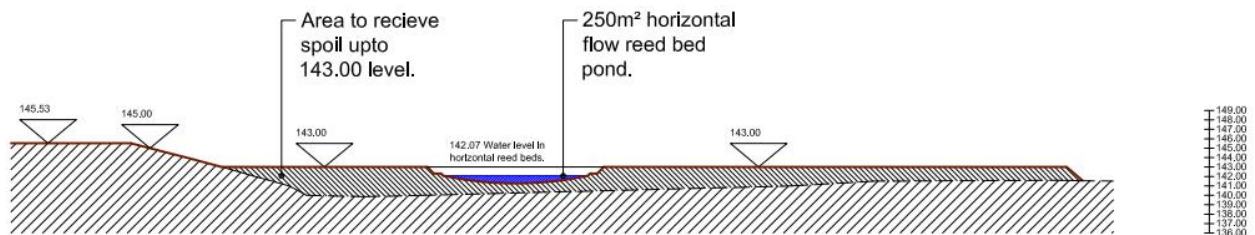
Section B-B (existing).  
Scale 1:500



Section B-B (proposed).

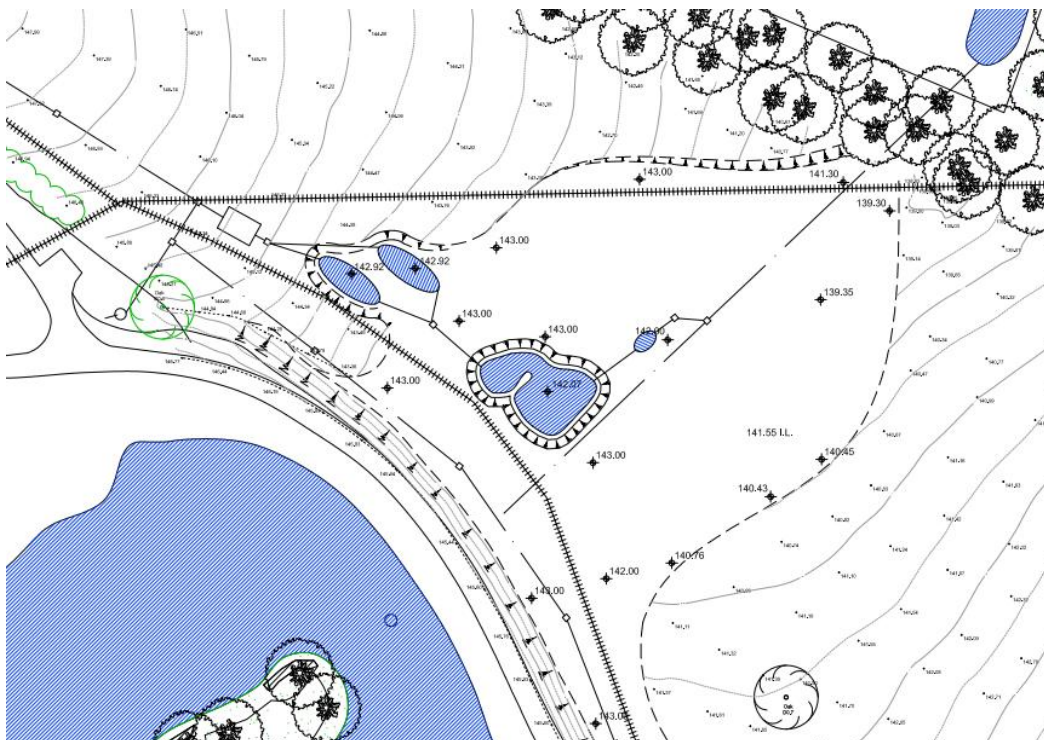


Section D-D (existing).  
Scale 1:500



Section D-D (proposed).

The fill area in the context of existing ground levels is shown below:



The application proposes the importation of 11,000 cubic metres (1,220 loads) of soils, plus an estimated 70 loads of building materials (including bricks, blocks, sand, cement, sand and gravel and pipes, plus lining and gambions). It is said that sourcing the materials from the site itself is not an option. Any materials already on site would be used to fill in an existing borrow pit and the construction of the 4 x 4 course.

The applicant argues that the importation of material is necessary to achieve appropriate levels for an effective drainage solution. He says that the levels of the reed beds have taken account of the existing levels of outflow pipes from the main complex and the agricultural building and that the levels of pipes have been calculated to meet at the junction of the new septic tank. He says that this solution, without the build-up of soils, the pipes from the agricultural building and from the overflow pipe from the lake would protrude out of the ground.

A Flood Risk Assessment accompanies the application.

#### **e) The Proposal – Application No: PAP/2014/0068 – The Guest House**

On 14 February 2012 planning permission was granted for the change of use of Old Hall Farm – a Listed Building - to a guest house. This change of use and the associated alterations to the listed building had previously been carried out in an unauthorised manner. Though many of the alterations were of concern, a lack of evidence relating to the former condition of the building meant that the Local Planning Authority considered that it was unable pursue a prosecution. In order to reach a balanced resolution, a negotiated compromise was reached based on commitments by the applicant to remedy some of the worst breaches and for him to undertake necessary repairs to the main roof. The 2012 planning permission was therefore granted subject to conditions. Condition 1 required the carrying out of works to replace all plastic windows with single glazed painted timber windows by 28 February 2014 and Condition 2 required the repair of existing timber windows in accordance with an approved schedule by 28 February 2014. Condition number 1 required the prior approval of details for the replacement windows prior to the commencement of works.

The requirements of Conditions 1 and 2 have not been met and 28 February 2014 has now passed. The applicant is seeking a six months extension of time to comply with the requirements of these conditions (i.e. by 28 August 2014). He indicates that he has been unable to find the time and financial resources to devote to the window repair/replacement project owing to the pressures of managing the Heart of England Promotions business generally and his involvement in dealing with many planning and enforcement matters related to the site.

#### **f) Supporting Information**

A large number of supporting documents accompany the applications but attention is specifically drawn to the following because they are relevant to the applicant's case that he is putting forward as the very special circumstances necessary to outweigh the presumption of refusal for proposed inappropriate development in the Green Belt, and because they refer to significant issues of contention.

(i) Financial Report.

The Author of the report is not stated but it is believed to be the applicant. The report sets out financial information for 2013 and projects potential performance if consent is given for the development proposals. It sets out that there has been consistent growth over the last 12 years but that recent negative publicity has had a negative impact on revenue growth. The report states that the Heart of England is proposing to improve the conference event facility to ensure that the business continues to be viable. Historically Heart of England has been unsuccessful in attracting large weddings and large conferences due to the lack of accommodation on site. The addition of the proposed 30-bedroom hotel and improved facilities will provide significant opportunity for this area of the business to grow. It predicts that the development could result in up to 30 additional jobs. The Financial Report is attached as Appendix 3.

(ii) A Corporate Social Responsibility, Sustainability Statement is submitted which sets out to detail the applicant's social, economic and environmental sustainability credentials and commitments. A copy is attached as Appendix 4

(iii) A Flood Risk Assessment concludes that the proposed redevelopment is at low risk of flooding. Surface water runoff from the increased impermeable areas arising from the proposed redevelopment will be restricted by use of Hydro-brakes on the outflow from the existing pond. The flow will be restricted to the minimum practicable flow rate of 5l/s which will ensure that there is no significant increase in surface water runoff as a result of the proposed developments

## **DEVELOPMENT PLAN**

### **a) The North Warwickshire Local Plan 2006 (Saved Policies):**

CORE POLICY 1: Social and Economic Regeneration

CORE POLICY 2: Development Distribution

CORE POLICY 3: Natural and Historic Environment

CORE POLICY 11: Quality of Development

CORE POLICY 12: Implementation

ENV1: Protection and Enhancement of Natural Landscape

ENV2: Green Belt

ENV3: Nature Conservation

ENV4: Trees and Hedgerows

ENV8: Water Resources

ENV10: Energy Generation and Energy Conservation

ENV11: Neighbour Amenities

ENV12: Urban Design

ENV13: Building Design

ENV14: Access Design

ENV16: Listed Buildings, Non-Listed Buildings Of Local Historic Value And Sites Of Archaeological Importance (Including Scheduled Ancient Monuments)

ECON5: Facilities Relating to the Settlement Hierarchy

ECON7: Agricultural and Forestry Buildings & Structures

ECON9: Re-Use of Rural Buildings  
ECON10: Tourism & Canal Corridors  
ECON11: Hotels and Guest Houses  
TPT1: Transport Considerations in New Development  
TPT6: Vehicle Parking

**b) The Warwickshire Waste Development Framework Core Strategy 2013**

CS7 (Proposals for Disposal Facilities)  
DM2 (Managing Health and Amenity Impacts)

**OTHER RELEVANT MATERIAL CONSIDERATIONS**

**a) The North Warwickshire Core Strategy (Submission Document February 2013)**

Strategic Objectives:

SO1 To secure a sustainable pattern of development reflecting the rural character of the Borough  
SO3 To develop and grow the local economy for the benefit of local residents  
SO4 To maintain and improve the vitality of the Market Towns  
SO5 To promote rural diversification  
SO6 To deliver high quality developments based on sustainable and inclusive designs  
SO7 To protect and enhance the quality of the natural and historic environment across the borough  
SO8 To establish and maintain a network of accessible good quality green infrastructure, open spaces, sports and recreational facilities

Policies:

NW1 – Settlement Hierarchy  
NW2 - Green Belt  
NW8 – Sustainable Development  
NW9 Renewable Energy and Energy Efficiency  
NW10 – Quality of Development  
NW11 – Natural and Historic Environment  
NW12 - Nature Conservation

**b) The National Planning Policy Framework (“NPPF”)**

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities
9. Protecting Green Belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment

## 12. Conserving and enhancing the historic environment

### **CONSULTATIONS**

#### **a) Consultations - Application No: PAP/2013/0391 – The Hotel**

Warwickshire County Council as Highways Authority – The Council challenges some of the facts and assumptions of the Transport Assessment but concludes that the anticipated trips associated with the hotel and the conference centre extensions together with the change of use of land can be accommodated by the existing access on an average daily basis. Larger events should not take place on more than 12 days in a calendar year because such an intensification of traffic on any greater number of occasions would require improvements to the primary access in order to provide a right hand turning lane. The highway authority advises that the Travel Plan requires further work and that it should form part of a Section 106 Agreement to ensure that targets as agreed are subject to annual monitoring and that this is actually undertaken.

Environment Agency – The Agency initially objected to the application, requiring further flood risk and groundwater risk assessments, but later it has offered no objection subject to conditions. The submission of a Flood Risk Statement and calculations for the management of surface water demonstrated a sound understanding of the pre-developed surface water runoff rates and proposed a sustainable approach to the safe management of surface water. This surface water management scheme will limit the surface water discharge to the existing rate of discharge. Conditions are suggested requiring the management of surface water to be carried out in accordance with the Flood Risk Statement and for the submission of a detailed plan of the drainage network and hydro-brake controls for subsequent approval.

Police Crime Prevention Design Advisor - No objection.

Warwickshire County Museum (Archaeology) - The proposed development lies within an area of significant archaeological potential. Documentary and place name evidence suggest that Chapel Green was the site of a medieval village and associated chapel. The application site lies partly within the probable extent of this settlement (Warwickshire Historic Environment Record MWA 325, MWA 6123). Fillongley Old Hall itself dates to the 16<sup>th</sup> century. There is therefore a potential for some components of the proposed development to have an impact upon archaeological deposits associated with the occupation of this area from at least the medieval period. It does not object to the proposal, but considers that a programme of archaeological work should be required if consent is forthcoming. It is envisaged this archaeological work taking a phased approach, the first element of which would include evaluative fieldwork and would take place in advance of any development on the site.

Council's Heritage Consultant – He initially objected to the development on the grounds that it would harm the setting of the listed building, however, he considers that the amended proposal, as described in this report is more acceptable in this respect. The revised scheme does not compete with the main listed house to the same degree and looks less out of place as part of a former agricultural complex thus respecting the character of the site to a greater degree. However, he identifies several concerns about the design of the proposed building. He considers that with some revision it could become a passable design solution.

Severn Trent Water - No objection subject to conditions.

Warwickshire County Council as Lead Local Flood Authority – Following receipt of the Flood Risk Assessment the Council offers no objection subject to conditions.

Coventry City Council – No comments have been received.

Environmental Health Officer – He has concerns regarding the function/events building. The proposed conference room does replace the existing marquee extension and the noise from this element should therefore be lessened, but the design of the conference building needs to incorporate measures to control noise i.e. sound insulation of the building fabric, acoustic glazing and ventilation etc. Access and egress appears to be via a double door lobby, but these doors may also need to be designed to minimise the breakout of noise from the venue. Similarly adequate ventilation will be needed to prohibit the opening of windows or doors and thus minimising noise emissions. A mains wired noise limiter may also be advisable for all amplification equipment to prevent disturbance to nearby properties from entertainment at the venue. As the hotel/venue is new, it would need to apply for a variation of its premises licence with the licensing section and a condition which would probably be added to this, would be that regulated entertainment would have to be inaudible at or beyond the perimeter of the premises. He suggests that a similar planning condition could be stipulated if permission is granted.

#### **b) Consultations - Application No: PAP/2013/0367 – The Use of Land**

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

Environment Agency – It initially objected but now offers no objection subject to conditions.

Warwickshire County Council as Lead Local Flood Authority – Following receipt of the Flood Risk Assessment it offers no objection subject to conditions.

Environmental Health Officer – He says that the proposal includes a set of noise emission limits for the whole of the site. The report carried out by the noise consultant recommends a daytime noise limit of 60 dB LAeq15min from 0800 to 1900 and 68 dB LA1 during any individual 1min assessment period. It also recommends a night-time limit on Mondays to Fridays from 1900 to 2300 of 55 dB LAeq15min. He recommends that any such limits would need to be stipulated to be at or beyond the boundary of the site as highlighted in red on the map submitted with the application.

However whilst he appreciates that the applicant is trying to control noise emissions from the site he has a number of concerns about an all encompassing limit. Any planning condition relating to a noise limit would have to be easily monitored and be enforceable. This may be difficult across a large site i.e. a relatively loud noise source could potentially cause a breach in some locations and not in others depending upon where the source is or if it has directional qualities. Should permission be granted he recommends that the onus should be on the applicant to monitor, record and provide evidence of compliance with such a condition. This would have to be done with the use

of a regularly serviced and calibrated Type 1 sound level meter. With the considerable amount of different activities held on the site, neighbouring complainants could also allege that the noise limit condition is being breached on each separate occasion.

He continues by saying that although he has had pre-application discussions with the noise consultant and the planning agent about the theory behind a noise limit, he has a further issue about the limit itself. Whilst the limit is not significantly above the background level at properties in close proximity to the M6 motorway, the background level has proven to drop off at properties further south. Monitoring carried out for the premises licence for the Heart of England showed a background level during the evening of 46 dB LA90 on Windmill Lane and he suspects that this would be at a similar level during the day, due to its location away from the roads and greater distance from the motorway. Noise drops roughly 6dB per doubling of distance away from a source. If there was a source of noise towards the centre of the site which gave rise to a level of 60 dB LAeq15min at the boundary then this would not drop off significantly enough at the properties on Windmill Lane because of the distances involved. If a noise source was relatively close to the boundary the level should theoretically drop off with distance to a reasonable level at the properties on Windmill Lane. This is the problem with having one noise limit for such a large site.

The submitted noise report indicates that it would be advisable to state that the bund around the 4x4 track should be no less than three metres in height and that any additional bunding and screening would be beneficial, but he still can not foresee that these activities will not impact on some neighbouring properties. It is mentioned in the initial noise report that vehicle use should not be transferred to the new woodland for six to eight years after planting and he agrees that this should be incorporated into a condition should permission be granted. However, this appears to have been removed from the recently updated noise report and the intention may now be to transfer the vehicle use sooner. Hours of operation would also need to be restricted along with a condition stating that no more than the proposed number of vehicles should use the track at any one time i.e. no more than six quad bikes and no more than two 4 x 4 vehicles to use the track at any one time. It may also be advisable to prohibit races/over-taking on the track and prohibit the use of the track on Sundays and Bank Holidays. He recommends that gradients on the track are also kept to a minimum to prevent "over-revving" of engines. If these recommendations are considered to be unenforceable as planning conditions and permission is granted for the uncontrolled and unrestricted use of the site, then this would have the potential to cause considerable disturbance to local residents. Even with restrictions, the vehicles may still be audible at residential properties.

The Environmental Health Officer has undertaken a site visit to hear and to measure the vehicles in operation. He found that the noise measurements taken show that the noise from the motor vehicles (LAeq of 56dB and LAMax of 70dB) was considerably above the background level (LA90 48dB) just beyond the boundary. Even though this may comply with the proposed boundary noise limit, the noise from motor vehicles on the track site could still clearly be heard at one of the neighbouring residential properties. The noise consultant had previously said that he could not foresee that, even with additional bunding and screening that the motor vehicle activities will not impact on some neighbouring properties and the demonstration witnessed has indicated that this is the case. As a result he does not alter any of his previous comments.

Warwickshire County Council Ecologist – He acknowledges that ecological surveys and reports have been carried out, but he has requested additional information from the applicant to enable a reader to evaluate the findings and understand the methodology as to how the evidence was gathered. He has not received any of the information requested and cannot therefore determine if the surveys have been carried out in accordance with professional good practice guidelines - these standards are accepted by the Planning Inspectorate as acceptable methods to determine applications. Without the requested information he recommends that the application is refused as the Council does not have sufficient ecological information to evaluate the ecological importance of the site and any associated impacts this change of use may have. He suggests that there is the potential to overcome this concern, but it needs to be evidence based in accordance with the NPPF.

He makes the additional comment that the application form suggests that there are no protected and priority species on site or adjacent to the site. This is incorrect as the red line includes areas used by bats and potentially other species still to be determined from his response to the ecological surveys conducted. The application form also suggests that there are no designated sites, important habitats or other biodiversity features. This is incorrect as the service pipe from the agricultural/forestry building is adjacent to ancient woodland and ecological features that have been determined as high or moderate value within the ecological reports associated with the development. For information there is now a British Standard BS42020:2013: Biodiversity - Code of practice for planning and development. It is strongly recommended that all ecological information submitted as part of planning applications conform to this standard. It is suggested that reports which do not follow this standard are open to challenge.

The applicant's agent has responded to the criticisms of the survey work and the response of the Warwickshire County Council Ecologist is awaited.

Council's Heritage Consultant – No objection, there are no specific reasons why the proposals would impact on the setting of the listed building.

### **c) Consultations - Application No: PAP/2013/0230 – Reed Beds**

Warwickshire County Council as Highways Authority – The County initially objected to the use of the field access off Wall Hill Road, adjacent to Moor Farm Bungalow, for the construction of the reed beds and the importation of materials. Following further discussion with the applicant the County Council now accepts that the secondary access onto Meriden Road west of the main access could be used as the temporary access for the construction of the reed beds. It is understood that in an earlier piece of correspondence the agent indicated a 3 month period for the importation of materials associated with the construction period. Any smaller vehicles associated with the construction phase would be required to use the primary access to the site due to the issue of visibility. On this basis no objection is offered subject to conditions.

Environment Agency – The Agency advises that any concerns about surface water flooding are to be directed to Warwickshire County Council as the Lead Local Flood Authority. It offers no objection and refers to the requirement for a bespoke Environmental Permit, which has now been granted. It advises that if any waste is imported and used on site, an appropriate waste exemption or permit will also need to be obtained from the Environment Agency.



Warwickshire County Council as Lead Local Flood Authority – It initially objected on the grounds of flood risk and concerns about water quality, requiring a Flood Risk Assessment and raising questions about water monitoring and water sampling.

Following receipt of the Flood Risk Assessment it offers no objection subject to conditions to the use of reed beds here. However in respect of the drainage solution involving the raising of ground levels, the Lead Local Flood Authority comments as follows:

*Lake* - The discharge rate from the lake under the hotel extension planning application is to be restricted a discharge rate of 5l/s by use of a control device. Therefore the proposed 900mm diameter pipework from the lake to the site boundary is excessively over designed. The applicant's justification to using this size pipe is that it can be laid at a shallower gradient. As a result of using this size pipe, it would be partly laid above existing ground level and hence the reason for placing material on top to protect the pipe from damage. The County advise that a simpler solution to this would be not to pipe this section, but instead to use a ditch. Concrete planks could be used to form vehicular crossings to gain access to land on the east. Additionally, it is noted that there are level discrepancies between drawing 291/213/SK109 B and 180/28/10. It is requested that a longitudinal section be provided showing the adjoining lake to the control device restricting discharge to 5l/s with corrected levels.

*Reed Bed* - Another explanation provided by the applicant for raising the ground levels is due to the reed beds. It is not accepted that the reed beds are a justification for raising ground levels. Instead the invert level upstream of the proposed brick septic tank can be lowered by using another backdrop manhole, resulting in the existing ground levels remaining the same and the footprint of reed beds could be modified to suit.

The County conclude that it is not considered that the proposed drainage solution is a justification for raising the ground levels. This is in the absence of any additional level information being made available by the developer.

Ramblers Association – Expects that the public footpaths M292 and M293 will not be restricted in any way during or after construction.

Warwickshire County Council, Rights of Way Team – In respect of an earlier scheme the County had no objection subject to conditions, including a requirement to obtain a temporary closure and to reinstate the land following works. It is advised now that if the reed beds were across the legal line of the footpath, a legal diversion would be required. A response is awaited in respect of the current further revised proposal.

Birmingham Airport – No objection subject to the implementation of an appropriate Bird Management Plan.

Warwickshire County Council Ecologist – He has the same comments as for the use of land application, but noting additionally that the service pipes that connect to the reed bed will impact on hedgerows and other habitats.

## **REPRESENTATIONS**

### **a) Representations Generic to PAP/2013/0391, PAP/2013/0367 and PAP/2013/0230**

#### **(i) Objections**

- The development should be the subject of Environmental Statement Taken together and even singly (in the case of PAP/2013/0391) the proposals are covered by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Schedule 2 category 12 "Tourism and Leisure".
- The applications should be accompanied by flood risk assessment to ensure that that the risk of flooding to the village is not increased and if possible reduced. The full extent of flood risk can only be assessed by considering the whole of the development, its drainage and sewage as a whole.
- The developments would place a large amount of traffic on unsuitable local roads. There have been accidents in recent years and the proposals will increase the risk of accidents
- Local residents are finding it increasingly difficult to follow the complexities of applications at this site. They urge the Council not to take the 'easier route' in supporting these applications.
- Enforcement Notices have not been fully complied with. Further development should not be considered until there has been full compliance.
- The Fillongley Flood Group acknowledges the receipt of Flood Risk Assessments but maintains an objection until a maintenance and enforcement/inspection regime is identified. It objects until such time as a reduction in flood risk and pollution in the village can be demonstrated.

#### **(ii) Support**

- I support Mr Hammon. Personally, I have found him to be professional, hands on and demanding of himself and his staff to provide for the high standards expected by his clients.
- Expanding businesses should be encouraged

### **b) Representations - Application No: PAP/2013/0391 – The Hotel**

- (i) Corley Parish Council – The development is contrary to Green Belt policy and the Council does not support the erection of large extensions irrespective of the revisions to the design. It considers the current design to be totally inappropriate and to have no place in the Green Belt. It considers that the car parking proposals show disregard for the rural/green belt setting and that the application should be refused.
- (ii) Fillongley Parish Council – Objects for the following reasons:
- The proposal is harmful to the openness of the Greenbelt and contrary to policies ENV 1 and ENV2.
  - It is damaging to the visual amenity contrary to policies ENV 1 and ENV 11.

- It will increase the likelihood of more flooding in the centre of Fillongley contrary to ENV8.
- Surface water and sewage discharge are not dealt with fully on the application.
- Noise levels will lead to loss of amenity to nearby residents, both noise generated by functions inside the building and also guests arriving and leaving at all times during the day and night, contrary to policy ENV11
- The proposal will also lead to neighbours amenity with regard to loss of light and privacy contrary to ENV11.
- The proposal is contrary to Policy ENV11 in that the extension does not integrate into its surroundings as it is too large in the Green Belt.

(iii) Comments -Neither object nor support

- Appears a reasonable rationalisation of existing buildings
- Would prefer to see a smaller hotel

(iv) Comments in Support

- The business is beneficial to the local economy, providing employment opportunities and support for other businesses in the area.
- I work at the site. A lot of business is lost because we don't have enough accommodation.
- Guests who stay use local shops, pubs and restaurants.
- Offering on site accommodation will reduce the need to travel.
- The new hotel will have minimal impact on the area

(v) Comments in Objection

- The development is inappropriate in the Green Belt.
- The development would not preserve openness.
- The development would have a detrimental affect on the countryside.
- The development would encroach beyond the existing buildings footprint and be of a harmful scale.
- The hotel would be far too close to the adjacent bungalow. The occupiers already suffer disturbance from existing activities. They will suffer regular noise and disturbance from the car park and events and would suffer loss of privacy and security.
- The development should be the subject of EIA
- The topography of the site is such that it drains naturally to enter groundwater and the Bourne Brook, which has been the subject of recent and significant flooding and sewage pollution. The simple description that surface water will go to soak-away is insufficient as the slope of the site and hard surfacing will create an added risk of flash flooding.
- Use of the Wall Hill Road access for construction would be dangerous and cause disturbance.
- The development will be out of character with the area and the Grade II listed building.
- Required external lighting would be out of keeping in this location
- Noise disturbance is experienced at 1am from music and from people leaving the conference centre events.

- Associated traffic would cause highway danger
- There has been no archaeological survey. The development could cause harm to archaeology.
- The business case does not outweigh the harm to the Green Belt (as previously found by Planning Inspectors)
- There is no need for another hotel in the area when existing hotels are struggling.
- Car parking areas would harm the Green Belt and would add to the risk of flooding.

### **c) Representations - Application No: PAP/2013/0367 – Use of Land**

(i) Corley Parish Council – The Council regularly receives complaints about noise from local residents about current activities. The extended activities would add to the noise problems in terms of volume and hours of operation. It urges refusal of the application and suggests that there should first be compliance with conditions attached to existing planning permissions.

(ii) Fillongley Parish Council - Objects for the following reasons

- The proposal would create conditions detrimental to the residential amenity of occupiers of nearby properties by virtue of noise disturbance and loss of privacy contrary to ENV 11.
- This would impact on the openness of the Green Belt contrary to Policies ENV 1 and ENV 2.
- The proposal would also create conditions to cause potential disturbance to wildlife against NWBC ENV 3 and PPG 1.6.
- The proposal would cause unacceptable harm to the rural landscape contrary to Policies CP3, CP11 and ENV 1, ENV 2.
- The proposal would reduce the openness of the Greenbelt contrary to NWBC ENV 1, ENV 2 and National policies

(iii) Comments in Support

- The business is beneficial to the local economy, providing employment opportunities and support for other businesses in the area
- This would move the business forward, employ more staff and give work to local suppliers.

(iv) Comments in Objection

- The description of development is erroneous as the red line plan shows the development boundary including all of the existing development. The proper wording should be change of use to Conference and Events Centre, with associated parkland and woodland and recreational land and Forestry Recreational.
- Off road vehicular activity already causes disturbance and the development will create greater disturbance.
- The noise from quad bikes is distinctly different from the continual background hum of the motorway.

- An increase in the extent of land permitted for recreational use will increase disturbance from noise and will not protect the countryside.
- The proposed noise limit is too high.
- Longer operating hours will be unacceptable
- The applicant has a long history of non-compliance with limitations on the use of the site and a lack of consideration for near neighbours. In this context concern is expressed about the applicants desire to have flexibility to introduce new activities.
- The ability to carry out any activity described as 'recreation' is likely to result in ad-hoc events that cause noise nuisance at weekends when it is difficult for the planning authority to monitor or respond.
- The proposed controls would be difficult to monitor and enforce and there is no confidence that the applicant would adhere to any such controls.
- Any benefits from the planting of new woodland would be countered by the negative impacts of using it for off-road activities – noise and air pollution, disturbance to wildlife and to ground flora.
- The proposed limits for vehicle speed and vehicle numbers are both implausible and impossible to monitor. The amount of investment necessary suggests that higher levels of use will be sought.
- The way that vehicles are driven during demonstrations is very different to the way they are driven when no officials are present.
- The use of the ancient woodland should cease now, irrespective of the prospect of a future new woodland.
- The proposed hours of use of the off road track are too extensive.
- Overnight camping and caravanning causes substantial noise nuisance.
- Noise surveys have not been carried out at weekends and at night.
- How would the type of customer be differentiated and monitored?
- The proposed woodland would take years to mature and would afford insufficient protection from noise even at maturity.
- Noise from current off road driving can be heard at neighbouring properties, both indoor and outdoor. Several letters offered records of dates when noise had been a problem.
- The noise would adversely affect the welfare of livestock
- There was previously no objection to the low-key concept of a country park accommodating quiet countryside pursuits but the 'Adventure Park' that has resulted is of a far greater harmful impact.
- When the lake was constructed the importation of materials far exceeded those initially indicated. How would the same thing be prevented here?
- The proposed area for the siting of play equipment will grow and will constitute unsightly paraphernalia.
- Any equipment used should be removed daily.
- How flexibly would the definition of 'corporate' be taken? Would it include clubs or other companies established by the applicant?

#### **d) Representations - Application No: PAP/2013/0230 – Reed Beds**

(i) Corley Parish Council – The Council is concerned at the prospect that waters would be directed into a lake on neighbouring land; that the alternative involves infrastructure on the boundary of neighbouring property, that it could worsen flooding in Fillongley, that the reed beds would not function in harsh winter conditions, that inadequate

maintenance would cause environmental problems and that in dry summers there would be a problem with odours, particularly given the high levels of effluent likely to be produced by the operation of the conference and events centre. It urges refusal of the application.

(ii) Fillongley Parish Council – The Council objects on the grounds that the technology does not have proven effectiveness and discharges to a brook which has a well documented history of flooding in Fillongley. Pollution of the brook would impact on a designated Local Wildlife Site.

(iii) Support - One letter has been received from a resident of Windmill Lane indicating they have no objection. A company employee indicates that it will be fantastic for school children to learn about the wildlife in the reed bed and will give extra capacity for effective sewage treatment.

(v) Comments in Objection

- The reed beds present a potential pollution hazard and should not be allowed to discharge to the watercourse in a manner that would enter the lake on neighbouring land.
- It is accepted that in principle the use of reed beds can be a sustainable solution to drainage but research suggests that it is not a long term solution. They only have a 7 – 10 year lifespan.
- Disposal to mains drainage would be preferable
- The reed beds would be a danger to users of the public footpaths which run close to them.
- The reed beds would not be sufficient to cope with the amount of wastes generated by this site.
- There are health risks associated with the upkeep of reed beds
- There is concern that the reed beds would smell and attract flies and vermin.
- Concern that they would overflow in wet weather and cause pollution in the brook and on neighbouring land.
- There are no guarantees that the maintenance will be kept up
- This is being used as an excuse to import more materials
- When material was imported at the time of construction of the lake residents living near the site entrance were disturbed at all times of the night and day.
- The proposed beds represent a dependence on technologies, which are not proven at this level. The majority of the engineering calculations are based on scaling up of schemes from elsewhere. None of the quoted examples of this technology occur in areas of significant ground level elevation change or where there is a known risk of flooding and sewage pollution. It is unacceptable to propose a sewage treatment solution based on emergent and questionable technologies upstream of a village with a history of flooding and sewage pollution.
- The flood and sewage pollution affected residents of Fillongley will maintain an objection the reed bed application until it can be demonstrated that the known risks of lack of maintenance, variation in peak flows (high and Low) associated with the new hotel and recreational use and ground freezing.
- Access adjacent to Moor Farm Bungalow for construction purposes would be dangerous.

Dan Byles, the North Warwickshire and Bedworth MP, welcomes the application of reed bed techniques but expresses specific concern about the risk to flooding.

### **e) Representations - Application No: PAP/2014/0068 – The Guest House**

Both the Fillongley Parish Council and the Corley Parish Council object to the variation of these conditions indicating that the applicant has had two years to complete this work. The works should be required to be completed as a matter of urgency.

## **OBSERVATIONS**

### **a) Introduction**

By way of general introduction it is appropriate to point out that it has been difficult to define, with precision, what is sought in the planning applications, particularly in respect of the change of use application (2013/0367). The change of use application and the overall approach to the future operation of the site have been presented in somewhat vague terms, often requiring clarification of what is intended. Despite requests for clarifications there remain uncertainties.

In terms of the matter to do with an Environmental Statement the Council has conducted a screening exercise for each of the developments proposed. The conclusion is that a Statement will not be required, but that the matters of environmental significance can be addressed through the determination of the applications. This approach is consistent with the judgements reached in respect of previous planning applications and by the Planning Inspectorate when considering the validation of previous similar planning appeals.

### **b) The Current Planning Status of the Site**

The site was sold to the appellant in 2001. Since that date the appellant has established a business at the site known as The Heart of England Conference and Events Centre. The site now lawfully comprises:

- Land and buildings used for recreational purposes, including a conference centre and restaurant;
- An ancient semi-natural woodland with a building consented for use for forestry purposes;
- Land formerly used for agriculture;
- A Grade II Listed Building, known as Old Hall Farmhouse, formerly a farmhouse and now used as a guest house with private accommodation.

The use of land here for recreational purposes is defined by the planning permissions 1381/2002 (the original consent for the recreational use of land and buildings) and PAP/2007/0503 (consent for a new lake and the use of the land surrounding it for recreational purposes). Each of these permissions is subject to differing conditions defining and controlling the authorised use. There have been a number of difficulties in the application and interpretation of the controls. There would be some merit for all concerned if one set of clearly defined conditions applied across the whole of the site.

As detailed above, in the background section of this report, there have been two key planning appeals recently in respect of planning and enforcement matters at this site. The findings of the Inspectors are material considerations of significant weight in the determination of the current applications.

The Inspectors for both appeals found that there was harm to the Green Belt and to the character and appearance of the countryside as a result of the operation of the site as a beach themed attraction. The Inspectors found that the effect of the recreational use of the land associated with the beach caused harm to the landscape and involved a significant encroachment into the countryside, so conflicting with one of the purposes of the Green Belt. Harm resulted from the scale of use. The retention and use of roadways, the use of land for parking and the clutter of paraphernalia were all found to be matters harmful to the character and appearance of the countryside and the openness of the Green Belt. Cumulatively, the appeal decisions at this site set an effective baseline for the scale and intensity of use at this site. Consistent stances to the maintenance of openness and the rural character of the area were also held in appeal decisions relating to the unauthorised alterations to the forestry building and the unauthorised permanent marquees.

It is necessary to consider each of the three principal planning applications here against the provisions of the Development Plan, emerging policy in the Core Strategy and against the provisions of the NPPF.

For the reasons set out below, and in the recommendations, it is not possible at this stage to make full recommendations on the three principal applications being considered here.

The main issues in the determination of these applications are:

- (a) whether the developments are inappropriate in the Green Belt and, if so, whether the consequent harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify the development
- (b) the impact on the character and appearance of the surrounding countryside
- (c) the impact on ecology and wildlife
- (d) the impact on the living conditions of nearby residents, with particular regard to noise, disturbance and light pollution
- (e) the economic and employment benefits

But additional to these matters it will also be necessary to look at the following questions:

- How do the current proposals differ from the previous proposals considered through planning and enforcement appeals and through previous refused planning applications?
- Where it is found that the proposals propose the same or very similar matters, are there any material changes in the proposals or in circumstances since they



were previously considered which suggest that a different outcome could be appropriate?

- Would the suggested approach to the recreational use of the land provide adequate protections for the landscape character and appearance and would it avoid the harms that the Inspector's have identified about the way in which the land has been used in the recent past and is the suggested approach to the recreational use of the land appropriate in terms of the tests of planning conditions?
- Would the suggested approach to the recreational use of the land provide adequate safeguards for the people who live in the near vicinity?
- Are the specific details of each of the applications acceptable in terms of design, siting, scale, impact on the listed building, noise, effect on public footpaths etc?
- Can practical considerations such as drainage, flood risk, access and car parking be adequately addressed?

**c) Application Specific Observations - Application No: PAP/2013/0391 – The Hotel**

The site is in the Green Belt. This application proposes the erection of a large extension to the former converted farm buildings which are now used as a conference centre, together with the erection of a large extension to form hotel accommodation. The proposal involves the demolition of a former farm building which is now used for storage purposes associated with the events business operating from the site. These proposals therefore include new buildings. Green belt policy in respect of the construction of new buildings is contained in Para 89 of the NPPF. It tells us that the construction of new buildings is inappropriate in the Green Belt and that as such there is a presumption of refusal here. However there are a number of exceptions. These include:

- The provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

It is necessary to examine whether the proposed development fits with any of these identified exceptions.

The conference centre and hotel use may not be regarded as being appropriate facilities for outdoor recreation. Though users of both would, or could, be afforded access to the land for recreational purposes, for the largest part their purpose would not be primarily in association with outdoor recreation. The applicant advises that the

development is proposed in order to attract large weddings and large conferences. They are not uses which by their very nature require a rural location.

Though the development can be considered to be extensions to and/or the replacement of an existing building, the extensions are very substantial and are disproportionate additions over and above the size of the original building(s).

Several of the exceptions for new buildings are conditional to the buildings preserving the openness of the Green Belt and not conflicting with the purposes of including land within it. It is not considered that the extensions here accord with these conditions. The buildings are substantially larger than those that they replace. They will be far more visible from the site entrance and from public footpaths which cross the land. Given the interpretations of harm to openness that have been established through recent appeals at this site it would be perverse to conclude anything other than that this large scale development would not preserve openness and would conflict with the purposes of including land within it.

It can therefore be concluded that the development is inappropriate development in the Green Belt and an assessment will be necessary to establish whether any very special circumstances exist which outweigh the harm to the Green Belt caused by virtue of this inappropriate development.

Planning permission has recently been refused for a hotel at the same approximate position, albeit that the current proposal is a little more integrated with the existing built form and makes greater effort to adopt a design more in keeping with its former farmyard character. The previous application was refused because it would be inappropriate development in the Green Belt, resulting in harm to openness and to the visual amenity of the Green Belt. There were no very special circumstances to outweigh harm to the Green Belt. It was also refused because the siting, design, scale, access arrangements and parking provisions were likely to create conditions detrimental to the amenity of the adjacent dwelling and likely to create development which does not positively integrate into its surroundings.

The current application overcomes a concern about the setting of the listed building that was given as a reason for the refusal of the previous application.

The proposed conference centre extension is of a substantial scale, having a large footprint and being of significant height. Planning permission was refused in 2009 for a smaller extension to the conference centre (being inappropriate development in the Green Belt).

Whilst the highway authority is now satisfied that the development is unlikely to cause harm to highway safety and the effect on the setting of the listed building is improved, the effect on the Green Belt and on the amenity of occupiers of the adjacent property is little different. It is not considered that the refusal reasons given previously have been fully overcome, particularly given that the scale of development has now increased with the addition of extensions to the conference centre and restaurant parts of the building and the creation of extensive external patio and decking areas that are proposed.

The applicant argues that very special circumstances exist because the business requires the development to remain viable and competitive. He argues that the economic benefits to the local economy and for job creation are sufficient to weigh against harm to the Green Belt.

Para 19 of the NPPF does confirm the Government's commitment to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Para 28 indicates that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It indicates that to promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

There are two key considerations here, policy on economic development does not take precedence over Green Belt policy and in order to be supported the development has to be 'sustainable development'.

The site is at an isolated countryside location and is not well served by public transport. It is not a sustainable location for the large scale growth of hotel and conference facilities. Development at this location was approved in the first instance primarily because the use proposed was a low key reuse of existing rural buildings. In light of these matters, notwithstanding the matters detailed in the Sustainability Statement, and in the absence of a meaningful Travel Plan, the scale of development proposed is not considered to be sustainable.

Though the business case is presented without evidence of substance, it is a largely anecdotal account from the applicant, there would undoubtedly be some economic development resulting from such a large scale commercial venture. However, it is considered that the identified harm to Green Belt and the rural character of the area is of such weight that the economic case is insufficient to outweigh the harm resulting from this inappropriate development.

The proposed reed beds, if granted, will provide an appropriate solution to the foul drainage of the development (evidenced by the granting of an Environmental permit by the Environment Agency and assuming that they are operated and maintained in accordance with the requirements of the permit). The Flood Risk Assessment evidences an appropriate solution to the disposal of surface waters.

An objector argues that proposals at this site should seek positive improvement to flood risk because the emerging Fillongley Neighbourhood Plan will contain such a requirement. This Neighbourhood Plan is in the very early stages of development and very little weight can be afforded to it. On the basis that the development will not add to flood risk it is considered that the development could not be resisted.

The conference centre extension was put forward on the basis that it would be, for the largest part, to enable weddings to be accommodated without recourse to the erection of incongruous marquee structures, previously found at appeal to cause acknowledged harm. In these circumstances, it would be appropriate to remove permitted development rights for the erection of temporary buildings, to address the continued use of marquees

Whilst this is an outline application no details other than landscaping are reserved. It is noted that the proposals do not incorporate any measures for the incorporation of renewable energy generation and neither are any energy efficiency measures specified. This is contrary to the requirements of Policy ENV10 of the Local Plan, SO6 and NW9 of the Core Strategy.

The Warwickshire County Museum Archaeology service has identified a requirement for a programme of archaeological work in the event of the grant of planning permission. This has been drawn to the attention of the applicant's agent. He indicates that he would resist such a requirement as it would be expensive with no certainty of findings. He suggests a willingness to allow access and record anything found during construction. This is disappointing and it can be confirmed the permission would only be granted on condition of a programme of archaeological work.

#### **d) Application Specific Observations - Application No: PAP/2013/0367 – Use of Land**

The NPPF, at Para 89 sets out what buildings may be constructed in a Green Belt as an exception to the normal restraint and Para 90 sets out other forms of development that are not inappropriate. The change of use of land to recreational use is not addressed by either paragraph and is therefore by definition inappropriate development. This was the conclusion of Mr Fussey at appeal and the subsequent legal cases referred to by the applicant do not give cause to take a different view.

An assessment will be necessary to establish whether any special circumstances exist which outweigh the harm to the Green Belt caused by virtue of inappropriate development.

The application proposes to more than double the amount of land designated for recreational use. It would incorporate the established woodland. An upheld and extant enforcement notice requires the cessation of use of this woodland for harmful off road driving and paintball games activity. The application seeks to continue to operate off road vehicles within the established woodland until such time as the proposed 'Adventure Trail' is completed. This cannot be supported. The off-road uses in the established woodland have been held to cause harm. The activity should cease now. It may be some considerable time before the new Adventure trail obtains permission and is constructed. The continuing harm to the woodland cannot be endorsed.

The application proposes the use of the woodland (and open land) for any other recreational purpose. The applicant has been unwilling to define what such recreational uses will be limited to. The term 'recreational use' has been found to have a very wide interpretation (findings of the High Court Challenge and Enforcement Appeal decision in respect of the restaurant use). The effect of this application would be to permit any recreational activity whatsoever, providing that it did not result in a measurable noise level at a defined boundary. This gives some cause of concern. Using the term 'Recreation' to describe the authorised use of the majority of the land holding without a more precise definition could be held to be the dictionary definitions of 'activity done for enjoyment when one is not working' or 'refreshment of health or spirits by relaxation and enjoyment and an activity or pastime that promotes this', a 'means of agreeable exercise' or 'a means of enjoyable relaxation'. With such an impossibly loose definition it is difficult to anticipate all scenarios for recreational activities that might be pursued and therefore difficult to assess any harm that might result. It is reasonable to have regard to a worst case scenario. It is not difficult to conclude that other activities could be introduced into the woodland which would cause harm similar, or equal to, the paint balling or off road uses. A broad, undefined permission is inappropriate because it could result in harm to the ecological value of the woodland, contrary to policies CP3, ENV3 and ENV4 of the Local Plan.

As stated above, the amount of land identified for recreational use is extensive. There is potential, with appropriate marketing, perhaps the identification of a new theme, or a combination of several popular themes combined, for the site to again accommodate large volumes of visitors, even on a pre-booked basis. It is common knowledge that the applicant is imaginative and persistent with his marketing endeavours, employing all forms of media (including television, radio, the internet, Groupon discounting promotions etc) to sell and promote his products and services. In the knowledge of this a broad ranging 'recreational' use is inappropriate as impacts cannot be reasonably identified. The sole limiting factor of noise control is insufficient and inappropriate for the reasons set out by the Environmental Health Officer above.

The opportunity to revoke existing permissions and more precisely define the ongoing use of the site is definitely welcomed but it is not considered that the debate to date has reached a stage where the Council and the applicant have reached agreement.

Some progress has been made in advancing a dialogue about the controls on the use of the site that may be attached as conditions, however, there remain significant areas of uncertainty and some of the suggestions would be fraught with monitoring and compliance difficulties.

In respect of the proposed change of use to a 4x4 off road driving track, whilst this is presented in outline form only, the illustrative detail presented to date suggests that the proposal would be an exact match of a development that was refused permission in 2012. The applicant's agent confirms, in correspondence, that there are no differences from the previously refused scheme, with the exception that more information has been provided concerning protected species and noise. The previous scheme proposed the filling of the borrow pit, the formation of perimeter bunds and the inclusion of obstacles on a long track, necessitating the importation of 20,000 cubic metres of material. It is reasonable to conclude that the current scheme proposes the same.

The 2012 application was refused on the basis that it would be inappropriate development in the Green Belt, resulting in harm to openness and to the visual amenity of the Green Belt. There were no very special circumstances to outweigh harm to the Green Belt and the proposal was thus contrary to Policy ENV2 of the North Warwickshire Local Plan 2006 (Saved Policies) and advice contained in PPG2. The importation of 20,000 cubic metres of inert waste material was not justified as essential, it had not been satisfactorily evidenced that this quantity of material would be a necessary requirement of the proposed development and the development would be contrary to the provisions of Policy 3 of the Waste Local Plan (Saved Policies). No significant material considerations existed which overrode the provisions of the Waste Local Plan.

There is no new material that would cause the Council to take a view different to this now.

The 2012 application was also refused because the off road track would create conditions which are detrimental to the amenity of occupiers of nearby dwellings by virtue of disturbance from noise, contrary to the provisions of Policy ENV11 of the North Warwickshire Local Plan 2006 (Saved Policies). The up to date advice from the Council's Environmental Health Officer is that the scheme would still create conditions which are detrimental to the amenity of occupiers of nearby dwellings. Introducing vehicular activity into this land ahead of the establishment of the new woodland would be particularly harmful from both a noise and visual intrusion/landscape character perspective. It is not considered that this reason for refusal has been overcome.

Until the final comments of the County Ecologist are received it is not possible to definitively state whether the application contains adequate information to make an informed assessment of the effects of the development on rare, endangered, or other species of conservation importance. Thus the proposal has the potential to be contrary to advice contained in the NPPF and policy ENV3 of the North Warwickshire Local Plan 2006 (Saved Policies).

The application seeks permission to drive vehicles around the site using existing roadways and tracks. Though the applicant alleges that he has complied with the requirement of the enforcement notice which relates to the alteration/removal of roadways, the Council holds a different view. A suggested condition specifies that 'The use of 4x4 recreational vehicles, quad bikes or similar off-road vehicles shall not be allowed on the remainder of the site beyond the designated 'Adventure Trail'. Vehicles used to transport visitors or staff around the site shall keep to the established internal roads and tracks and will be subject to a maximum speed limit of XX mph.' This proposal does not fit with the extant enforcement notice as the use and retention of unlawful roadways would be required. In upholding the enforcement notice the Inspector concluded that that vehicular activity on the land leads to issues of the use at times exceeding the capacity of the countryside to accommodate it. He considered there to be an impact on the character and appearance of the landscape and its openness – use for overspill parking, vehicular use of roadways crossing the land, use of vehicles for transporting visitors/participants around the land, use and parking of large vehicles for housing and moving attractions (lorry mounted slides, play buses, large trucks, coaches etc).

Whilst it is acknowledged that the setting of a noise limit at boundaries is an approach to noise control that is sometimes used in planning conditions, it does not mean that it will be appropriate in all circumstances. It is agreed that it can be appropriate when used at premises where the noise is generated on a reasonably predictable basis, perhaps a public house or a factory, however, the practicalities of applying such an approach here suggest that this is not an appropriate course, because practically the condition would be very difficult, if not impossible to enforce effectively. Firstly, the land is extensive and the boundary is remote and not readily accessible for a substantial part. Secondly, the noise generation is not predictable. Events are not held on a routine basis, either on any given day or at any given time. Periodic checking for monitoring of compliance would therefore be difficult. Without a reliable and enforceable mechanism for the measurement and monitoring of noise levels it is doubtful if this condition is enforceable as the primary control mechanism for the use of the site. The detailed comments of the Environmental Health Officer concur with this view and highlight that differing prevailing weather conditions and winds could create different noise conditions at different places around the site in respect of the same source on noise.

The identified boundary, in places, is very close to neighbouring dwellings. In the instance of Moor Farm Bungalow, the distance is as little as the length of the domestic garden (approx. 14m). The effect of continuous or repeated noise up to 60dBA, or the effect of any unrestricted recreational use at such a distance would be harmful to residential amenity.

Though the applicant indicates a willingness to agree future controls over the use of illumination across the site, as the hours of operation inherently span hours of dusk or darkness and there is an implicit expectation that illumination will be sought at some point. There is concern that night time illumination of this rural landscape would be out of place and harmful to the rural character. Furthermore, regular use of the site in the evenings would have the potential to impact on wildlife habitats and on the residential amenity of people living near the periphery of the site. The Inspector (2012) stated that he agreed with the previous Inspector that 'the use of outdoor attractions outside normal daytime hours would be disruptive'.

The area identified for outside play equipment is 120m long and 50m wide. It is an area roughly equivalent to the extent of land that has been used in association with the beach in recent years. Though it is alongside the woodland, it is nevertheless an area of land which would still be highly visible from within the site and from the public footpaths crossing the land. The appearance and character of this land has been found to be material. The Inspector who considered the unauthorised appearance of the forestry building (APP/R3705/C/09/2113979, March 2010) found that the building was readily seen from the footpath routes in the vicinity. He saw it had a dominating and intrusive presence despite the backcloth of woodland and the gently sloping landform. Even allowing for the provision of landscaping, he concluded it harmed the visual amenity of the Green Belt. If the siting of permanent play equipment were permitted here the Council would expect to place limits on matters such as the overall height, colour pallet, materials, surfaces, signage, fencing/enclosure and any lighting arrangements. The applicant has indicated a willingness to such controls, to the clearance of the land during winter months and to the landscaping of the enclosure. There may be some scope to agreeing this aspect of the proposal. However, the application is imprecise in the approach to the use and siting of equipment elsewhere across the very large site. It specifies an express exclusion area and an express

inclusion area, leaving the status of the remainder of the site uncertain. This matter would need to be addressed.

The forestry building was erected as permitted development following a prior approval determination. As such there is an expectation that the building will be utilised solely for the intended purpose of forestry/agriculture. From the outset the applicant did not solely use the building for its permitted purpose. It is arguable that the building was never intended for a genuine forestry/agricultural purpose, or that if such purpose existed, it was not of substance. There is an argument to suggest that if the building is not genuinely required it should be removed rather than put to an alternative use. The applicant claims that there is a genuine requirement for the building to remain in mixed use as a visitor centre and a forestry use. It cannot be doubted that the site contains woodland and that there may be some future requirement for wood working but, based on previous experience, the building would primarily be for visitor centre and 'Park' management purposes.

The forestry building is in a countryside setting away from the main complex of buildings. Activity associated with its use as a visitor centre would inevitably result in associated spread of activity in its vicinity. The applicant has suggested that coach parking should be provided adjacent to it for ease of access. It would be far preferable that if this type of visitor accommodation is proposed it should be provided at the main building complex. There is concern that a visitor centre use of the forestry building would be an inappropriate use likely to cause harm to rural character and the openness of the Green Belt.

#### **e) Conclusions in respect of 2013/0391 and 2013/0367 - Hotel and Use of Land**

The application essentially seeks growth over and above the level found to be unacceptable at appeal.

The only significant difference is that the 'unique selling point' of a sand beach on the shore of the lake, no longer forms part of the proposal after it was required to be removed. Without improved controls over the proposed use, then the effects of the development could be largely the same as those identified as harmful at appeal. Furthermore, the applications propose matters previously refused at application stage or dismissed at appeal, and they again propose development previously enforced against and upheld at appeal.

It remains to be shown that controls can be agreed which balance the applicant's aspirations and the Council's need to protect the openness and rural character of the area.

#### **f) Application Specific Observations - Application No: PAP/2013/0230 – Reed Beds**

Paragraph 90 of the NPPF identifies that an engineering operation is development which is capable of being appropriate development in the Green Belt. It is therefore necessary to assess the proposal having regard to the presumption in favour of sustainable development.



There is a genuine need to improve the drainage provisions at the site in respect of the current development. Improvements would also be required to cater for any future growth. Drainage disposal to the mains has been found to be impracticable. In principle, a sustainable septic tank and reed beds solution is appropriate.

Flood risk assessment has shown that the proposal would not adversely affect flooding downstream and the Environment Agency has issued a permit which sets out conditions of operation and monitoring which should ensure that pollution does not result from the operation of the reed beds system.

In principle the proposal may be supported. However, there is an aspect of the proposal which gives cause for concern and there a number of matters unresolved at this stage.

The scheme incorporates a proposal to import a large quantity of soils to raise ground levels over a wide area. The justification for this is questioned by the Lead Local Flood Authority. At this stage it is considered that the raising of ground levels is not reasonably required for the development and that the quantity of material proposed exceeds that reasonably necessary to form the reed beds and associated drainage. There is concern that this will be contrary to the Waste Core Strategy; cause harm to visual amenity from the changed landform and harm to amenity from the operation of HGV traffic. A re-design of the scheme to avoid or minimise the importation of wastes or an improved justification for the need to import of soils to raise ground levels is required.

Though there was initial concern about the use of the second Meriden Road access for the import of materials, the Highway Authority now advise that subject to a limit of three months for the duration of works it would not object to the use of the access by HGV's only for construction traffic.

The revised drainage design seeks to utilise a section of the highway on Wall Hill Road to join the new drainage system with the watercourse. Confirmation is currently awaited from Warwickshire County Highways Authority that there is no objection or obstacle to that aspect of the proposal.

Confirmation is currently awaited from Warwickshire County Council Rights of Way Team that the footpaths do not require diversion and that it has no objection to the proposals.

Subject to the resolution of these outstanding issues it is recommended that the Council indicates that it is minded to support the proposed reed beds system.

#### **g) Other Observations**

Objectors refer to the track record of the applicant and question whether there will be compliance with stated commitments and limitations that he has offered. This is understandable. The Council and the wider community, has an issue of trust to overcome. A dialogue with the applicant's agent has highlighted that any planning permissions would need to be framed in such a way as to give that confidence.

The form of the applications however does little to suggest that such trust should be forthcoming as they are presented in rather vague terms. Recent minimal, partial compliance with the requirements of enforcement notices is suggestive that there is still

a long way to go with constructive engagement. The applicant has been invited to explain why the Council should be persuaded that the applicant will adhere to new 'controls/limits' but he has declined to do so.

#### **h) Application Specific Observations - Application No: PAP/2014/0068 – The Guest House**

At the time of the grant of planning permission for the change of use of Old Hall Farm to a mixed use as a guest house and residential accommodation, the Council had regard to the applicant's commitment to remedy some of the worst alterations that had been made to the building and to remedy several of the problems with the building, including making repairs to the windows and roof in balancing the merits of the proposal. As outlined above, the time period for the first commitment (window replacement and repair) has now passed.

The applicant's reasons for not having completed the works are unsound. It is insufficient justification to simply state that he has been too busy running his business and dealing with other planning matters, and has not had the resources. This can be said of many applicants, they are not appropriate reasons for failing to comply with conditional requirements of planning permissions.

Both of the Parish Council's are correct in pointing out that the applicant has had two years in which to address the requirements of this condition. However, the extended period of time sought for compliance is relatively short - six months. It is considered that, in the spirit of reasonableness, a short extension of time can be permitted. The works are still required in the interests of preserving and enhancing the listed building, and, rather than having to resort to formal action, it is hoped that a short extension of time will enable the applicant to now comply with the requirements of the condition.

In order that the applicant can satisfy the condition within the extended time period he will have to be prompt with the submission of details of the proposed replacement windows.

The applicant should be made aware that the Council is unlikely to allow any further variation of the condition and could pursue action if there is a breach of the condition at a future date.

#### **i) Enforcement Update**

As specified in the background to this report, the Council considers that there has only been partial compliance with enforcement notices that required the removal of the statue in the lake, the reversion of roadways to their condition in 2008, the removal of the pump house and the removal of the sand beach. The Council is in the process of pursuing prosecutions in this respect.

The applicant has submitted photographs which show that several buildings have been dismantled within and adjacent to the woodland, as required by the woodland enforcement notice. The site has not yet been inspected to establish whether the resultant materials have been removed. The Council has received reports that the vehicular use of the woodland is ongoing and this appears to be backed up by the

applicant's current request to continue to use the woodland until the establishment of the Adventure Trail, but as yet no evidence has been collated to show contravention of the notice. This is an ongoing matter and will be the subject of a future report to Board if contravention is proved and prosecution is to be considered.

The applicant's current practice is to use the site, including land within the authorised recreational area and land beyond for off road driving. Records have been submitted which suggest that this activity is in breach of conditions attached to the planning permissions and beyond the levels permitted by the General Permitted Development Order. This is repeatedly the subject of complaint by local residents. This is a matter requiring further consideration following the determination of these applications. Failure to voluntarily cease this unauthorised activity is likely to result in a future report to Board.

## **RECOMMENDATIONS**

### **a) Application No: PAP/2013/0391 – The Hotel**

**Outline - erection of hotel north of (and linked to) existing Conference Centre; demolition of existing storage building and its adjuncts; re-organisation of existing parking areas and creation of new north car park and landscaped courtyards; extensions to south and east sides of existing Conference Centre building**

That the Council is **MINDED TO REFUSE** the application for the following reasons:

- 1) The proposed development would be inappropriate development in the Green Belt, resulting in harm to openness and to the visual amenity of the Green Belt. There are no very special circumstances in this case to outweigh harm to the Green Belt and the proposal is thus contrary to the provisions of Policy ENV2 of the North Warwickshire Local Plan 2006 (Saved Policies) and advice contained in the NPPF.
- 2) The siting, design, scale and parking provisions are likely to create conditions detrimental to the amenity of the adjacent dwelling and likely to create development which does not positively integrate into its surroundings. As such the proposal is contrary to Policies CP11, ENV1, ENV11 and ENV13 of the North Warwickshire Local Plan 2006 (Saved Policies).

In order for the Council to reconsider this position the following would need to be addressed:

- (i) A substantial reduction in the scale of new building, to the degree where it does not represent a disproportionate addition over and above the size of the existing buildings
- (ii) A Travel Plan which is the subject of a Section 106 Agreement
- (iii) Acceptance that planning permission would only be granted on condition of a programme of archaeological work.
- (iv) The deletion of the proposed restaurant extension
- (v) Changes to the design of the proposed hotel extension.
- (vi) Inclusion of energy generation and energy conservation measures
- (vii) The removal of permitted development rights for the erection of temporary buildings, including marquees.

**b) Application No: PAP/2013/0367 – The Use of Land**

That the Council is **MINDED TO REFUSE** the application for the following reasons:

- 1) The proposed development would be inappropriate development in the Green Belt, resulting in harm to openness and to the visual amenity of the Green Belt. There are no very special circumstances in this case to outweigh harm to the Green Belt and the proposal is thus contrary to the provisions of Policy ENV2 of the North Warwickshire Local Plan 2006 (Saved Policies) and advice contained in the NPPF.
- 2) The proposed off road track and the wider recreational use of the land would be likely to create conditions which are detrimental to the amenity of occupiers of nearby dwellings by virtue of disturbance from noise, contrary to the provisions of Policy ENV11 of the North Warwickshire Local Plan 2006 (Saved Policies).
- 3) The importation of 20,000 cubic metres of inert waste material is not justified as being essential and it has not been satisfactorily evidenced that this quantity of material would be a necessary requirement of the proposed development. The proposal is thus contrary to policy CS7 of the Waste Core Strategy and the NPPF.

In order for the Council to reconsider this position the following would need to be addressed:

- (i) Confirmation that compensation will not be sought following revocation of the existing planning permissions.
- (ii) Acceptance that the noise limit method of control is not appropriate for such a large site such that the applicant will need to propose alternative methods of control to ensure that activities at the site do not cause poor standards of amenity for near neighbours.
- (iii) Acceptance that there has to be a reduction in the hours of operation sought so as to exclude operations during the evenings throughout the year and the hours of darkness during Autumn/Winter.
- (iv) Acceptance that the 4x4 off-road track is removed or re-located together with evidence that quantity of materials necessary for its construction is essential.
- (v) Re-consideration of the scope of the activities sought within the overall definition of 'recreational' activity and greater clarity to the definitions and controls in the suggested conditions.
- (vi) Confirmation from the Warwickshire County Council Ecologist that he withdraws his objection.
- (vii) The approach to vehicular use of the land should be reconsidered.
- (viii) Proposals for overspill car parking need to be re-considered.
- (ix) The principle of co-joining the visitor centre accommodation within the forestry building needs to be reconsidered.

**c) Application No: PAP/2013/0230 – Reed Beds**

**Creation of reed bed wastewater treatment system, consisting of four reed bed ponds of varying sizes, dosing and distribution chamber, secondary solids collection tank and water control/sampling chamber**

That in principle the Council is **MINDED TO APPROVE** the application, subject to the resolution of the following matters:

- 1) That the scheme be redesigned to avoid or minimise the importation of materials.
- 2) That confirmation is received from Warwickshire County Highways Authority that there is no objection or obstacle to the drainage system utilising the highway at Wall Hill Road.
- 3) That confirmation is received from Warwickshire County Council Rights of Way Team that the footpaths do not require diversion and that it has no objection to the proposals.
- 4) Confirmation from Warwickshire County Council Ecologist that he withdraws his objection.

**d) Application No: PAP/2014/0068 – The Guest House**

That permission be **GRANTED** to vary the condition.

All of the remaining conditions attached to the original grant of permission will apply to the new permission.

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2013/0391

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	J MacDonald	Representation	16 10 13
3	Fillongley Flood Group	Representation - Objection	22 10 13 22 3 14
4	Mrs Coyle	Representation – Objection	6 11 13
5	F Coyle	Representation – Objection	6 11 13
6	Police Crime Prevention Design Advisor	Representation	24 10 13 4 3 14
7	C Shipley	Representation – Objection	12 11 13
8	Mr & Mrs Mchugh	Representation – Objection	13 11 13 19 3 14
9	M Gibson	Representation – Objection	13 11 13 21 3 14
10	J Hooke	Representation – Objection	13 11 13 20 3 14
11	Mr & Mrs Smith	Representation – Objection	13 11 13 19 3 14
12	Environment Agency	Consultation Reply	15 11 13 20 3 14
13	Warwickshire County Museum (Archaeology)	Consultation Reply	21 11 13
14	Corley Parish Council	Representation – Objection	22 11 13 21 3 14
15	D & J Burrin	Representation – Objection	8 11 13 20 3 14
16	Fillongley Parish Council	Representation - Objection	20 11 13 21 3 14
17	A Goudie	Representation - Support	3 12 13
18	Heritage Consultant	Consultation Reply	4 12 13 3 2 14
19	Environmental Health Officer	Consultation Reply	29 11 13
20	Severn Trent Water	Consultation Reply	28 11 13
21	L Luciani	Representation – Support	2 12 13
22	J Cockerill	Representation – Support	2 12 13
23	A Eyden	Representation – Support	2 12 13
24	D Taylor	Representation – Support	18 12 13
25	M Hunt	Representation – Support	10 1 14
26	Coventry City Council	Consultation Reply	27 11 13

27	Case Officer	Letter to agent	4 10 13
28	Applicant's Agent	Correspondence to Case Officer	2 2 14 10 2 14
29	Home owner 1 Old Hall Farm Cottages	Representation – Support	25 1 14
30	Warwickshire County Highways Authority	Consultation Reply	20 3 14
31	Lead Local Flood Authority	Consultation Reply	6 12 13 21 3 14 26 3 14

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

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

**Planning Application No: PAP/2013/0367**

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	Fillongley Flood Group	Representation - Objection	22 10 13 22 3 14
3	C Shipley	Representation – Objection	12 11 13
4	Mr & Mrs Mchugh	Representation – Objection	13 11 13 19 3 14
5	M Gibson	Representation – Objection	13 11 13 21 3 14
6	J Hooke	Representation – Objection	13 11 13 20 3 14
7	Mr & Mrs Smith	Representation – Objection	13 11 13 19 3 14
8	Corley Parish Council	Representation – Objection	22 11 13 21 3 14
9	D & J Burrin	Representation – Objection	8 11 13 23 2 14 24 2 14 20 3 14
10	Fillongley Parish Council	Representation - Objection	20 11 13 21 3 14
11	Environmental Health Officer	Consultation Reply	29 11 13 28 2 14
12	Lead Local Flood Authority	Consultation Reply	6 12 13 21 3 14 26 3 14
13	J Macdonald	Representation – Objection	16 10 13
14	Warwickshire County Museum (Archaeology)	Consultation Reply	4 12 13
15	Warwickshire County Council Ecologist	Consultation Reply	3 12 14
16	Environmental Health Officer	Consultation Reply	29 11 14
17	Severn Trent Water	Consultation Reply	28 11 13
18	Mrs Coyle	Representation – Objection	6 11 13
19	F Coyle	Representation – Objection	6 11 13
20	J Cockerill	Representation - Support	2 12 13
21	Environment Agency	Consultation Reply	10 12 13 20 3 14
22	D Taylor	Representation – Support	18 12 13
23	M Hunt	Representation – Support	10 1 14
24	Mr & Mrs Coyle	Representation – Objection	19 3 14
25	Warwickshire County Highways Authority	Consultation Reply	20 3 14
26	Applicant's Agent	Email	21 3 14



**Planning Application No: PAP/2013/0230**

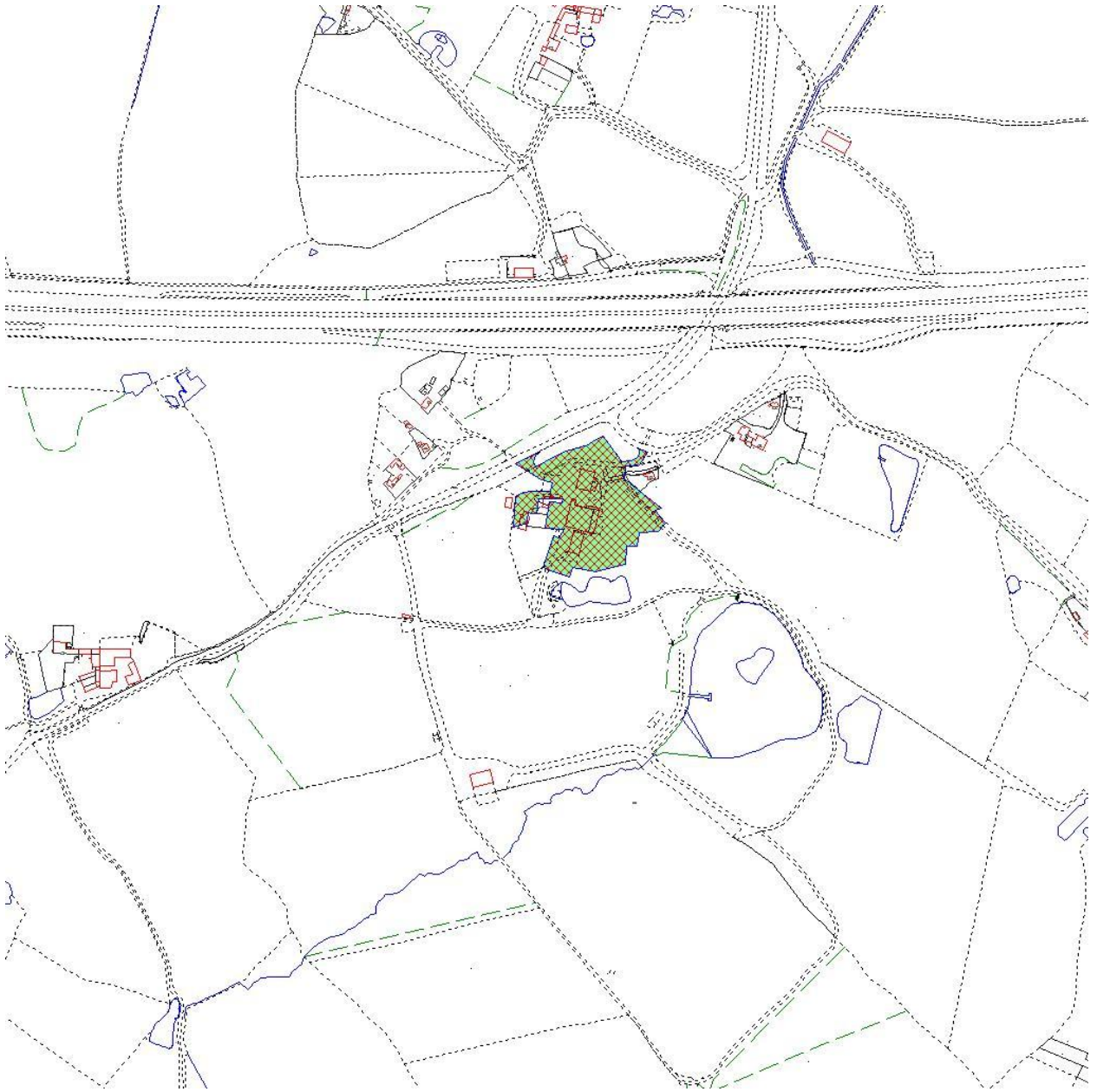
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	Fillongley Flood Group	Representation - Objection	10 9 13 22 10 13 22 3 14
3	Corley Parish Council	Representation – Objection	22 11 13 21 3 14
4	D & J Burrin	Representation – Objection	8 11 13 20 3 14
5	Fillongley Parish Council	Representation - Objection	20 9 13 20 11 13 21 3 14
6	J Hooke	Representation – Objection	9 9 13 31 10 13 13 11 13 20 3 14
7	Mr & Mrs Smith	Representation – Objection	19 3 14
8	Mr & Mrs Mchugh	Representation – Objection	9 9 13 23 9 13 13 11 13 19 3 14
9	M Gibson	Representation – Objection	13 11 13 21 3 14
10	M Hicks	Representation – Support	29 8 13
11	J & M Mayes	Representation – Objection	30 8 13
12	K Hammond	Representation – Objection	2 9 13
13	Ramblers Association	Consultation Reply	3 9 13
14	J MacDonald	Representation – Objection	
15	Birmingham Airport Safeguarding	Consultation Reply	6 9 13 25 9 13
16	F Coyle	Representation – Objection	
17	Warwickshire County Council, Rights of Way Officer	Consultation Reply	9 9 13 1 11 13
18	Occupier Moor House Bungalow	Representation – Objection	9 9 13 8 11 14
19	H Coyle	Representation – Objection	9 9 13
20	Environment Agency	Consultation Reply	11 9 13 15 11 14 14 3 14
21	Dan Byles MP	Representation – Objection	27 11 13
22	Warwickshire County Council Ecologist	Consultation Reply	3 12 14

23	J Cockerill	Representation – Support	2 12 13
24	Lead Local Flood Authority	Consultation Reply	6 12 13 21 3 14 26 3 14
25	Warwickshire County Highways Authority	Consultation Reply	15 12 13 20 3 14
26	I Grace Warwickshire County Council	Consultation Reply	20 12 14
27	Applicant's Agent	Email describing levels & drainage	17 3 14
28	Environment Agency	Environmental Permit	3 4 14

**Planning Application No: PAP/2014/0068**

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13 2 14
2	Corley Parish Council	Representation	21 3 14
3	Fillongley Parish Council	Representation	21 3 14

PAP/2013/0391



PAP/2013/0367





Environment  
Agency

## Permit with introductory note

The Environmental Permitting (England & Wales) Regulations 2010

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Heart of England Promotions Limited

Septic tanks and reed bed serving  
Heart of England Conference and  
Events Centre  
Meriden Road  
Fillongley  
Coventry  
CV7 8DX

Permit number  
EPR/WB3699NL

**Septic tanks and reed bed serving  
Heart Of England Conference and Events  
Centre  
Permit Number EPR/WB3699NL**

**Introductory note**

**This introductory note does not form a part of the permit**

The main features of the permit are as follows.

Heart of England Conference and Events Centre offers meeting, conference and event rooms, along with a guest house and restaurant facilities. The effluent is of a domestic nature only.

Although there is a public foul sewer which serves the area, the closest connection point is 839 m from the effluent treatment system and it is not currently possible to connect to this sewer.

There is currently an existing discharge from a number of septic tanks to ground at the site. The existing septic tanks serve a number of toilet facilities located across the site and the conference and events centre facilities.

The new treatment system is designed to deal with domestic sewage effluent from an intermittent and inconsistent number of users of the site. The treatment system is also designed to accommodate anticipated future expansion of the sites facilities. The treatment system comprises of the existing septic tanks and a new brick septic tank which combine to discharge into a series of vertical and horizontal reed beds and ponds.

The outflow from the proposed treatment system will be to a new dedicated treated effluent pipe which will pass through the applicants own land from the proposed treatment system outflow towards Wall Hill Road, and discharge into a culverted section of the Didgeley Brook located under the Wall Hill Road.

The status log of the permit sets out the permitting history, including any changes to the permit reference number.

**Status log of the permit**

Description	Date	Comments
Application EPR/WB3699NL/A001	Duly made 31/12/2013	Application for discharge of septic tank effluent to water course via Reed bed.
Additional information received	08/01/2014	Confirmation of grid references for: discharge point; sample point; flow monitoring point
Additional information received	03/02/2014	Drawing 291/213/SK100/Q - Proposed Site Plan - Oct 12
Additional information received	04/02/2014	Updated Guidelines for Reed bed And Wetland Treatment Heart of England Conference centre - Grace Crabb - 02.10.13 - Centre for Alternative technology. Provision of drawing 293/213/SK107/B - Existing and proposed sections, Aug 13.
Permit determined	28/03/2014	Permit issued to Heart Of England Promotions Ltd.

End of introductory note

## **Permit**

The Environmental Permitting (England and Wales) Regulations 2010

**Permit number**  
**EPR/WB3699NL**

The Environment Agency hereby authorises, under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2010

**Heart Of England Promotions Limited** ("the operator"),  
whose registered office is

**Heart of England Conference and Events Centre**  
**Meriden Road**  
**Fillongley**  
**Coventry**  
**CV7 8DX**

company registration number **02864970**

to operate a water discharge activity at

**Heart of England Conference and Events Centre**  
**Meriden Road**  
**Fillongley**  
**Coventry**  
**CV7 8DX**

to the extent authorised by and subject to the conditions of this permit.

Name	Date
Lynn Jones	28 March 2014

Authorised on behalf of the Environment Agency



## Conditions

### 1 Management

#### 1.1 General management

1.1.1 The operator shall manage and operate the activities:

- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances and those drawn to the attention of the operator as a result of complaints; and
- (b) using sufficient competent persons and resources.

1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.

1.1.3 Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of it kept at or near the place where those duties are carried out.

### 2 Operations

#### 2.1 Permitted activities

2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities").

#### 2.2 The site

2.2.1 The activities shall not extend beyond the site, being the land shown edged in green and the discharge shall be made at the point marked on the site plan at schedule 7 to this permit and as listed in table S3.2 (discharge points).

#### 2.3 Operating techniques

2.3.1 (a) The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by the Environment Agency.

- (b) If notified by the Environment Agency that the activities are giving rise to pollution, the operator shall submit to the Environment Agency for approval within the period specified, a revision of any plan or other documentation ("plan") specified in schedule 1, table S1.2 or otherwise required under this permit which identifies and minimises the risks of pollution relevant to that plan, and shall implement the approved revised plan in place of the original from the date of approval, unless otherwise agreed in writing by the Environment Agency.

## **3 Emissions and monitoring**

### **3.1 Emissions to water**

- 3.1.1 The limits given in schedule 3 table S3.1 shall not be exceeded.

### **3.2 Emissions of substances not controlled by emission limits**

- 3.2.1 The operator shall take appropriate measures to minimise so far as reasonably practicable the polluting effects of the emissions of substances not controlled by emission limits (excluding odour).

### **3.3 Monitoring**

- 3.3.1 Permanent means of access shall be provided to enable sampling/monitoring to be carried out at the monitoring points specified in schedule 3 table S3.3 unless otherwise agreed in writing by the Environment Agency.

## **4 Information**

### **4.1 Records**

- 4.1.1 All records required to be made by this permit shall:
- (a) be legible;
  - (b) be made as soon as reasonably practicable;
  - (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and
  - (d) be retained, unless otherwise agreed in writing by the Environment Agency, for at least 6 years from the date when the records were made.
- 4.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by the Environment Agency.

## 4.2 Reporting

- 4.2.1 The operator shall send all reports and notifications required by the permit to the Environment Agency using the contact details supplied in writing by the Environment Agency.

## 4.3 Notifications

- 4.3.1 The Environment Agency shall be notified without delay following the detection of:

- (a) any malfunction, breakdown or failure of equipment or techniques or accident, which has caused, is causing or may cause significant pollution; or
- (b) the breach of a limit specified in schedule 3 table S3.1.
- (c) any significant adverse environmental effects.

- 4.3.2 Any information provided under condition 4.3.1 shall be confirmed by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.

- 4.3.3 The Environment Agency shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:

Where the operator is a registered company:

- (a) any change in the operator's trading name, registered name or registered office address; and
- (b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

Where the operator is a corporate body other than a registered company:

- (a) any change in the operator's name or address; and
- (b) any steps taken with a view to the dissolution of the operator.

- 4.3.5 Where the operator proposes to make a change in the nature of the activity by increasing the concentration of, or the addition of, or allowing the introduction of, a pollutant to the activity to an extent that the activity may be liable to cause pollution and the change is not the subject of an application for approval under the EP Regulations or this permit:

- (a) the Environment Agency shall be notified in writing at least 14 days before the increase or addition or allowing the introduction; and
- (b) the notification shall contain a description of the proposed change.

## 4.4 Interpretation

- 4.4.1 In this permit the expressions listed in schedule 6 shall have the meaning given in that schedule.

- 4.4.2 In this permit references to reports and notifications mean written reports and notifications, except where reference is made to notification being made "without delay", in which case it may be provided by telephone.

## Schedule 1 - Operations

Table S1.1 Activities		
Activity reference	Description of activity	Limits of specified activity
A1	Discharge of secondary treated sewage effluent via outlet 1	The effluent is treated using septic tanks and a series of vertical and horizontal reed beds.

Table S1.2 Operating techniques			
Activity reference	Description of documentation	Parts	Date Received
A1	Application – All documents submitted as part of the application.	Excluding: Guidelines for Reed bed And Wetland Treatment Heart of England Conference centre – Grace Crabb - 02.10.13 – Centre for Alternative technology.  Drawing Number 291/213/SK100/P – Oct 2012 – Proposed Site Plan. Drawing Number 291/213/SK101/E – Nov 12 - Reed Pond design layout.	31/12/2013
	HOE04.02.14 Updated Guidelines for Reed bed And Wetland Treatment Heart of England conference centre – Grace Crabb - 02.10.13 – Centre for Alternative technology.	All	04/02/2014
	DWG SK107 Rev B A2 Section - drawing 293/213/SK107/B – Existing and proposed sections, Aug 13.	All	04/02/2014

## Schedule 2 - Waste types, raw materials and fuels

Schedule 2 not in use.

## Schedule 3 – Emissions and monitoring

**Table S3.1 Point Source emissions to water (other than sewer) – emission limits and monitoring requirements**

Discharge source and discharge point ref. & location	Parameter	Limit (including unit)	Reference Period	Limit of effective range	Monitoring frequency	Compliance Statistic
Secondary treated sewage effluent via outlet 1	Maximum daily discharge volume	39 m <sup>3</sup> /day	Total daily volume	N/A	N/A	Maximum
	ATU-BOD as O <sub>2</sub>	20 mg/l	Instantaneous (spot sample)	N/A	N/A	Maximum
	Suspended solids (measured after drying at 105° C)	30 mg/l	Instantaneous (spot sample)	N/A	N/A	Maximum
	Ammoniacal nitrogen (expressed as N)	7 mg/l	Instantaneous (spot sample)	N/A	N/A	Maximum
	Visible oil or grease	No significant trace present	Instantaneous (spot sample)	N/A	N/A	No significant trace

**Table S3.2 Discharge points**

Effluent Name	Discharge Point	Discharge point NGR	Receiving water/Environment
Secondary treated sewage effluent	Outlet 1	SP 27298 85423	Didgeley Brook

**Table S3.3 Monitoring points**

Effluent(s) and discharge point(s)	Monitoring type	Monitoring point NGR	Monitoring point reference
Secondary treated sewage effluent via outlet 1	Effluent sampling	SP 27211 85264	Effluent sample point

## Schedule 4 - Reporting

Schedule 4 not in use.

## Schedule 5 - Notification

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

If any information is considered commercially confidential, it should be separated from non-confidential information, supplied on a separate sheet and accompanied by an application for commercial confidentiality under the provisions of the EP Regulations.

### Part A

Permit Number	
Name of operator	
Location of Facility	
Time and date of the detection	

<b>(a) Notification requirements for any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution</b>	
To be notified within 7 days of detection unless otherwise agreed in writing by the Environment Agency	
Date and time of the event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances(s) potentially released/type or nature of sewage released	
Best estimate of the quantity or rate of release of substances and/or duration of discharge	
Best estimate of the environmental impact of the discharge	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident.	

<b>(b) Notification requirements for the breach of a limit specified in schedule 3 table S3.1</b>	
To be notified as soon as practicable following detection by a reporting system and format specified by the Environment Agency	
Monitoring point reference/ source	
Self monitoring regime (where	



relevant)	
Type of failure	eg upper tier/other
Date of sample/event	
Parameter	
Result and units	
Limit and units	

Part B - to be submitted as soon as practicable unless otherwise agreed in writing by the Environment Agency

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident/breach/exceedance	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission	

Name*	
Post	
Signature	
Date	

\* authorised to sign on behalf of the operator

## Schedule 6 - Interpretation

"accident" means an accident that may result in pollution.

"annually" means once every year.

"application" means the application for this permit, together with any additional information supplied by the operator as part of the application and any response to a notice served under Schedule 5 to the EP Regulations.

"ATU-BOD as O<sub>2</sub>" means the biochemical oxygen demand (measured after 5 days at 20° C with nitrification suppressed by the addition of allylthiourea).

"emissions of substances not controlled by emission limits" means emissions of substances to air, water or land from the activities, which are not controlled by an emission or background concentration limit.

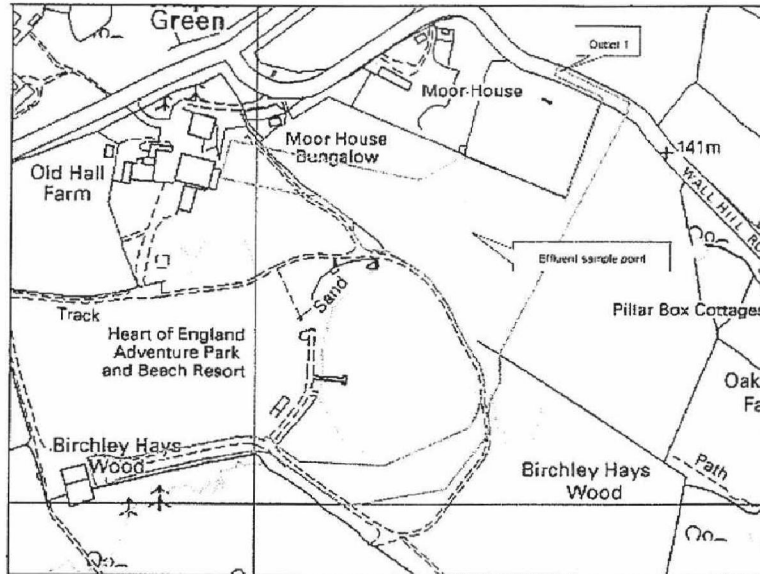
"EP Regulations" means The Environmental Permitting (England and Wales) Regulations SI 2010 No.675 and words and expressions used in this permit which are also used in the Regulations have the same meanings as in those Regulations.

"quarter" means a calendar year quarter commencing on 1 January, 1 April, 1 July or 1 October.

"significant pollution" means a category 1 or category 2 incident indicated by the Common Incident Classification Scheme (CICS).

"year" means calendar year ending 31 December.

## Schedule 7 - Site plan



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END OF PERMIT

**HEART OF ENGLAND PLANNING APPLICATION FOR CHANGE OF USE**

**DRAFT CONDITIONS**

The current use of the Heart of England site is covered by two planning permissions; FAP/2002/7800 and PAP/2007/0503.

We are now applying for a change of use of the whole site. If granted and implemented, the permission would supersede the two existing permissions.

Below, we list the conditions attached to each of the existing permissions and state which, in our view, no longer apply, which should be carried forward and which should be replaced. We also set out our proposed replacement conditions.

**Planning permission FAP/2002/7800**

Continued recreational use of land and buildings without compliance with conditions 1, 5, 7, 8 and 10 of consent 0214/2002 (temporary recreational use of agricultural land and buildings). This permission covers the buildings and the majority of land surrounding them. It was granted in September 2004.

No.	Condition	Carry forward?	Comments
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	Yes	Standard condition
2	For the avoidance of doubt, this approval does not authorise any recreational or leisure use involving motorised vehicles of any character or nature, nor the use of any shooting activity of whatever kind, unless otherwise agreed in writing by the District Planning Authority.	No	Replace with new conditions as below.
New	<i>Within the defined adventure trail area, any activity except shooting guns with gunpowder will be allowed which does not result in a noise level of more than 70dbA at the boundary of the site.</i>		
New	<i>The adventure trail will only be used as part of pre-booked, organized events; it will not be open to the general public or on an 'ad hoc' basis.</i>		
New	<i>Up to six quad bikes or two 4x4 vehicles will be allowed to use the trail at any one time.</i>		
New	<i>On the remainder of the application site, no activity resulting in a noise level of more than 70dbA at the boundary of the site. Uses on the site will specifically exclude:</i> <ul style="list-style-type: none"> <li>• Shooting guns with gunpowder</li> <li>• Quad biking</li> <li>• Karting</li> <li>• Off-road driving</li> </ul>		
New	<i>The site shall be open to school trips on weekdays only, between 10am and 3pm, and no such</i>		

	<i>visits will take place before 1 March or after 30 September (the season).</i>		
New	<i>The number of schoolchildren visiting the site in any calendar year shall not exceed 25,000. This equates to 200 schoolchildren per day (around 4 coach loads).</i>		
New	<i>The company shall keep records of the number of schoolchildren attending and shall make such records available for inspection by the LPA.</i>		
New	<i>All schoolchildren shall arrive by coach.</i>		
New	<i>Recreational camping or caravanning shall only be permitted on a maximum of 28 days in any calendar year and shall only take place in connection with events. The site will not be open to the public for camping or caravanning.</i>		
3	No activity whatsoever in connection with the approved use shall take place on the site other than between the hours of 08.00 and 18.00 on Mondays to Saturdays. No activity shall take place on any Sunday.	No	Replace with new conditions as below.
New	<i>No activity whatsoever in connection with the approved use shall take place on the site other than between the hours of 08.00 and 21.00 Mondays to Fridays and 09.00 and 18.00 Saturdays, Sundays and Bank Holidays, except on a maximum of 12 days in any calendar year for special events, when activity will be permitted in the evenings until 23.00 hours.</i>		
New	<i>No activity whatsoever will take place on the adventure trail other than between the hours of 09.00 and 18.00.</i>		
4	All structures, materials and equipment used in connection with the use hereby approved shall be removed from the fields immediately following any event and shall be stored inside the building included under this permission.	No	Replace with new conditions as below.
New	<i>All temporary structures, materials and equipment used in connection with the use hereby approved shall be removed from the fields immediately following any event and shall be stored [location to be decided].</i>		
New	<i>Recreational equipment used permanently i.e. play equipment for children shall be confined to the area hatched in green on Drawing No. 293/213/02 rev. B. No recreational equipment of any kind shall be placed in the area shown on Drawing Number 293/213/01 rev. C.</i>		
New	<i>The area hatched in green on Drawing No. 293/213/02 rev. B shall be subject to a landscaping scheme [to be agreed] to ensure that the visual impact of the play equipment is minimised.</i>		
5	No lighting shall be implemented whatsoever without details first having been submitted and approved in writing by the District Planning Authority.	Yes	
6	No Tannoy system or form of sound amplification shall be implemented without details first having been submitted	No	Replace with new condition as below.

	to and approved in writing by the District Planning Authority.		
<i>New</i>	<i>No Tannoy system, public address or other sound amplification system shall be installed or used without the prior written approval of the Local Planning Authority. Such a system shall be used in accordance with any approved details.</i>		
7	Within three months of the date of this consent full details of the landscaped belt fronting Meriden Road and as indicated on the approved plan shall be submitted to and approved in writing by the District Planning Authority.	No	Condition was discharged.
8	The approved scheme of planting referred to in condition 7 above shall be implemented within the first planting season following its approval and any plant failures within the next five years following its approval and any plant failures within the next five years following planting shall be replaced within the next available planting season to the satisfaction of the District Planning Authority.	No	Replace with new condition as below.
<i>New</i>	<i>The approved scheme of woodland planting shall be implemented within the first planting season following its approval and any plant failures within the next five years following planting shall be replaced within the next available planting season to the satisfaction of the District Planning Authority.</i>		
9	There shall be no use of fireworks at the site other than within seven days of the 5 November each year unless otherwise agreed in writing by the District Planning Authority.	Yes	

#### Planning permission PAP/2007/0503

Formation of lake and wetland area for use by water and other sports in association with the recreational use of the land. This permission applies to the site of the lake itself and a number of large fields around it. It was granted in March 2008.

No.	Condition	Carry forward?	Comments
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.	No	Duplicate (see Condition 1, p1)
2	The development hereby approved shall not be carried out otherwise than in accordance with the approved plans.	Yes	Standard condition
3	For the avoidance of doubt; the recreational use of the	No	Replace with new

	<p>land shall be limited to the following activities, unless otherwise agreed in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>• Team games</li> <li>• Archery</li> <li>• Electronic shooting</li> <li>• Ball games</li> <li>• School educational visits</li> <li>• Tug of war games</li> <li>• Rambling/walking</li> <li>• Orienteering</li> </ul> <p>The recreational use of the land shall expressly exclude:</p> <ul style="list-style-type: none"> <li>• All motorised activities, including quad biking, karting and off road driving</li> <li>• All shooting type activities, including clay shooting and paint balling (but excluding archery and electronic shooting).</li> </ul>		conditions (see page 1)
4	<p>For the avoidance of doubt; the use of the lake shall be limited to the following activities, unless otherwise agreed in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>• Boating using rowing, electric motor, sailing or pedal boats</li> <li>• Raft building</li> <li>• Canoeing</li> <li>• Fishing</li> <li>• Water challenging events</li> <li>• Swimming/snorkelling</li> </ul> <p>The use of the lake shall expressly exclude:</p> <ul style="list-style-type: none"> <li>• Jet skiing</li> <li>• Water skiing</li> <li>• The use of motorised boats and craft (with the exception of electric motor boats).</li> </ul>	Yes	No change required
5	<p>Prior to the commencement of development a Travel Plan, to indicate the means by which private car travel to the site is to be minimised, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall address the cumulative travel impact of the development at the application site and the existing development at Old Hall Farm (currently the subject of a Travel Plan secured through a Section 106 Agreement dated 27 August 2004). For the avoidance of doubt the requirements of the new Travel Plan shall substantially reflect the requirements of the 27 August 2004 Travel Plan but shall not cease to have effect at any time, such that the Travel Plan is in force for the duration of the approved uses.</p>	Yes	

6	All structures, materials, boats, equipment, craft and apparatus used in connection with the use hereby approved shall be removed from the fields immediately following any event and shall be stored inside the buildings at Old Hall Farm, Wall Hill Road, Fillongley.	No	Replace with new condition (see page 2).
7	No activity whatsoever in connection with the approved use shall take place on the site other than between the hours of 08.00 and 18.00 on Mondays to Saturdays. No activity shall take place on any Sunday.	No	Replace with new conditions (see page 1).
8	No development shall take place on the site until details of any floodlighting, including hours of operation, has been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, operated and maintained in accordance with the approved scheme thereafter.	Yes	
9	No public address or other sound amplification system shall be installed or used without the prior written approval of the Local Planning Authority. Such a system shall be used in accordance with any approved details.	No	Replace with new condition (see page 2).
10	The erection or siting of any temporary buildings or structures such as marquees, tents, caravans, portable buildings or other structures such as towers or apparatus shall not exceed 28 days in any calendar year unless agreed otherwise by the Local Planning Authority in writing.	No	
11	There shall be no use of fireworks at the site other than within seven days of the 5 November each year unless otherwise agreed in writing by the Local Planning Authority.	No	Duplicate (see Condition 9, p3)
12	No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.	No	Condition was discharged
13	No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.	No	Condition was discharged



14	Prior to the commencement of development a scheme for the reinstatement of Public Footpath M292 shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with Warwickshire County Council's Countryside Recreation Team. The scheme shall incorporate a specification for the surface and timing of the reinstatement.	No	Condition was discharged
15	Where the dam intersects with the line of Public Footpath M292 a ramp either side shall be provided with a width of 2 metres and a gradient of no more than 1 in 8 metres to the written satisfaction of the Local Planning Authority, in consultation with the highway authority.	No	Condition was discharged
16	No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. This buffer must be at least 3m from the outer edge of the woodland tree and hedgerow tree and shrub canopies. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 1991, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.	No	Condition was discharged
17	Prior to the commencement of development a water vole survey shall be carried out in order to establish the presence or absence of water voles. The survey shall be undertaken by a suitably qualified person within the appropriate water vole surveying season (March-October). The results of the survey shall be submitted to the Local Planning Authority in writing and the findings shall be used to inform the Landscape Management Plan required in Condition 18 of this permission.	No	Condition was discharged
18	A habitat management plan for the application site and adjoining ancient woodland, including all woodland, hedgerows, proposed newly planted woodland area, proposed lake and wetland area and enhancing whole site for wildlife shall be submitted to an approved in writing by the Local Planning Authority prior to the commencement of the development. The plan shall	Yes	

	include: [DETAILS] The plans shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.		
19	No works shall commence on site, including site clearance, until a detailed planning scheme has been submitted and agreed in writing by the Local Planning Authority, in consultation with Warwickshire Museum Ecology Unit. The scheme shall include details of all new planting including location and species used for aquatic and sub-aquatic vegetation within and around the proposed lake and wetland area, tree planting and supplementary hedgerow planting. The agreed scheme will then be fully implemented. In the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season, to the satisfaction of the Local Planning Authority.	No	Condition was discharged
20	Prior to the commencement of any works the developer shall install, operate and maintain a mechanical wheel or shaker adjacent to the site access for the purpose of ensuring that mud and debris will not be deposited on the highway as a result of construction traffic leaving the site. Prior to installation details of the proposed wheel wash / shaker must be submitted to and approved in writing by the Local Planning Authority, only the approved equipment shall then be installed.	Yes	
21	Access to the site for construction purposes shall only be via the existing main access to Old Hall Farm, Meriden Road, Fillongley. For the avoidance of doubt existing field access shall not be utilised.	No	Legal advice has confirmed that the field access can be used.
22	The development shall be carried out in accordance with the layout and section details indicated on the approved plan number [180/27/1 – to be updated]; no more material shall be imported to the site than is stated to be required in the written statement submitted by the applicant. A survey of the final ground levels on the site shall be undertaken and the results submitted in writing to the Local Planning Authority.	Yes	
23	No materials shall be delivered or tipped on the site other than between 07.30 and 17.30 hours Mondays to Fridays; 07.30 and 13.00 hours on Saturdays and not at all on Sundays and Bank Holidays.	Yes	
24	Prior to the commencement of development a routing	Yes	

	agreement for the construction traffic shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall then be implemented at all times.		
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## **Suggested Wording for Heart of England Change of Use Planning Permission Conditions**

### **Standard Condition**

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

### **Legal Agreement**

- No work shall commence on the creation of the 'Adventure Trail' within the new woodland extension, or on the conversion of parts of the forestry building for the Visitor Centre usage, until full planning permission has been obtained for these elements and all pre-commencement additions attached thereto have been fully discharged to the satisfaction of the Local Planning Authority. The client shall enter upon a Legal Agreement to undertake to commit to this requirement.

### **Maturing of the New Woodland**

- The approved scheme of woodland planting shall be implemented within the first planting season following its approval and any plant failures within the next five years following planting shall be replaced within the next available planting season to the satisfaction of the Local Planning Authority.

### **Archaeology**

- If during works any archaeology interests are discovered, work to stop and Warwickshire County Council to be notified.

### **Directional Signs**

- A scheme for the design and distribution of external directional signs required throughout the site shall be submitted and approved in writing by the local planning authority prior to the commencement of the approved development works on site. The provision should be kept to the minimum level necessary to allow safe and efficient movement of visitors around the site.

### **Opening Times**

- No activity whatsoever in connection with the approved uses shall take place on recreational land other than between the hours of 08:00 and 21:00 Mondays to Fridays and 09:00 to 18:00 at weekends and on Bank Holidays during the months of April to September and between the hours of 09:00 and 18:00 on any day during the months of October to March, except on a maximum of 12 days in any one calendar year for pre-arranged special events, when activity shall be permitted during the evening up until 23:00 hours.
- No activity whatsoever may take place within that part of the new woodland extension occupied by the 'Adventure Trail' tracks other than between the hours of 09:00 and 18:00.

- No recreational activity whatsoever may take place within the established Birchley Hays Wood or those parts of the new woodland beyond the 'Adventure Trail' except during the hours of 09:00 to 18:00 each day, except for up to a maximum of twelve special events per year when the activity may continue until 23:00 hours.
- No group activity whatsoever shall take place within the Conference Centre buildings outside the hours of 09:00 and 00:00 (midnight), except for the following special events which may continue until 01:00 [or 01:30?] hours: Christmas Eve Special, New Year's Eve Party [and any others as agreed].

#### **Illumination**

- No external illumination of the open land beyond the main building complex is allowed under this planning permission. A separate planning application must be submitted for the installation or use of any external lighting (temporary or otherwise) that may be deemed necessary on any part of the open land in the future.

#### **School Visits – Time Limitations**

- The site shall be open for pre-arranged school visits (under the supervision of school staff and/or other authorised adults) on weekdays and during term times only, between 10:00 and 15:00 hours, and no such visits shall take place prior to 1<sup>st</sup> March or after 30<sup>th</sup> September. Other recognized children's and youth organizations (for example, scouts and girl guides) under adult supervision will be allowed to make pre-arranged visits under the same restrictions.

#### **Noise Restriction - Areas**

- During the main season (April to September), any outdoor recreational activity taking place within the site between 18:00 and 21:00 hours shall be restricted to the hatched area shown on drawing XXX. Furthermore, any special events taking place up until 23:00 hours on up to a maximum of twelve days per calendar year shall be restricted to the hatched area indicated on drawing XXX.

#### **Noise Restriction – Levels**

- Within the defined 'Adventure Trail' area, the noise level at the boundary from off-road vehicles or any other related recreational activity shall not exceed 60 dB LAeq 15 min in general or 68 dB LA1 during any individual 1-minute assessment period between the hours of 08:00 and 19:00 and a maximum overall limit of 60 dB at any time between 19:00 and 23:00 hours on Mondays to Fridays (where applicable).
- On the remainder of the application site, no activity may take place that results in a noise level at the site boundaries of more than 60 dB LAeq 15 min in general or 68 dB LA1 during any individual 1-minute assessment period. Uses on the site will specifically exclude:
  - Shooting guns using gunpowder or any other propellant producing a noise exceeding 95 dB at point blank range or 70 dB at a distance of 50 yards (45.7 metres).
  - Quad biking

- Karting
- Off-road/4 x 4 driving.

The use of any air guns, airsoft guns, pistols or rifles of .22-calibre or less, laser guns or any other type of gun producing noise below the cited threshold will be permitted under proper supervision.

- The Heart of England management must allocate a member of staff or engage an outside consultant to monitor noise levels at all events, using appropriate measuring equipment, to ensure compliance with the limits set out above in Conditions X and X. Regular monitoring at agreed points around the entire site boundary must be undertaken during such events.

### **Events – Definition, Duration, Separation**

#### ***Suggested condition as a starting point for discussion:***

- All temporary structures, materials and equipment used in connection with events associated with the land uses hereby approved shall be removed from the fields immediately following each event. An 'event' shall normally be understood to mean a time limited, distinct recreational activity of a total duration not exceeding five days at any one time (incorporating the time necessary to set up and dismantle the associated temporary structures, vehicles and equipment before and after the said event). Events lasting up to a total of six days shall be permitted up to a maximum of six occasions per calendar year. Outdoor events shall not be run concurrently, although indoor and outdoor events may occur simultaneously. A minimum time lapse of two days must be allowed between events to prevent an unbroken, continuous sequence of such activity.

### **Fixed Play Equipment**

- All fixed children's play equipment used permanently during the main summer season shall be confined wholly within the area hatched in green on drawing 293/213/02 rev. B and shall be entirely removed during the months of October to March each year. During any event that may involve the use of large items of moveable play equipment (including those mounted on vehicles), these should also be sited within this defined area (to the maximum extent possible within the available space) for the duration of the event only. No recreational equipment of any kind shall be placed in the area shown hatched on drawing 293/213/01 rev. C.
- Within the zone allocated for the siting of fixed children's play equipment, such equipment shall consist only of traditional, low impact items such as swings, slides, climbing frames, seesaws, swinging (monkey) bars, spring rockers and playground-type roundabouts. These shall be constructed from natural materials wherever practicable and either left with a natural finish or finished in colours that will blend into the natural environment (avoiding light, bright colours or glossy, light reflecting surfaces). No item shall exceed 3.5 metres in height. No external illumination of the enclosure is allowed. The zone shall be demarcated by a low timber post and rail fence no more than 1 metre high.
- The area hatched in green on drawing 293/2134/02 rev. B shall be subject to a landscaping scheme *[details to be agreed]* to ensure that the visual impact of the fixed play equipment is minimised.

#### **Use of fireworks**

- There shall be no use of fireworks at the site other than within seven days of 5<sup>th</sup> November (before and/or after that date) each year, unless otherwise agreed in advance in writing by the Local Planning Authority.

#### **Time Limit on Siting of Temporary Buildings and Structures**

See previous

#### **Adventure Trail Usage Control**

- The 'Adventure Trail' shall only be used as part of pre-booked, organized events led by an approved and suitably qualified instructor. No more than six quad bikes or two 4x4 vehicles will be allowed to use the trail at any one time. Trail staff will be responsible for ensuring that no additional vehicles are brought on to the trail site and that prescribed speed limits and noise limits are observed. Participants' vehicles must follow the instructor, who will set the appropriate pace.

#### **Use of Motorised Vehicles Elsewhere Within the Site**

- The use of 4x4 recreational vehicles, quad bikes or similar off-road vehicles shall not be allowed on the remainder of the site beyond the designated 'Adventure Trail'. Vehicles used to transport visitors or staff around the site shall keep to the established internal roads and tracks and will be subject to a maximum speed limit of XX mph. Warning signs and ground markings must be erected at those points where vehicular tracks cross or coincide with the public footpaths or other pedestrian routes within the site.

#### **Overspill Parking Allocation and Control**

- The area allocated for overspill parking shall be limited to that indicated on drawing no. XX. This area must only be brought into use on those occasions when all spaces in the main car parking areas have been filled. Whenever the overspill parking area is in use, marshals shall be employed to ensure safe use of access routes and efficient positioning of parked vehicles.

#### **Green Travel Plan**

This will be provided once the outline planning is approved.

#### **Cleansing of Construction Vehicles' Wheels**

- Prior to the commencement of any constructional works in connection with the permitted uses of the site, the developer shall install, operate and maintain a mechanical wheel, shaker or other suitable equipment adjacent to the site access, to ensure that mud or debris will not be deposited on the public highway when construction traffic leaves the site. Details of such equipment must be submitted to and approved in writing by the Local Planning Authority prior to its installation. Only the approved equipment shall be installed thereafter.

#### **Use of the Wall Hill Road Access**

- The original access from Wall Hill Road may only be used by staff members and delivery vehicles, or for emergency access/egress (including use by fire engines, ambulances and police vehicles).

#### **Transportation of School Groups**

- All school parties shall arrive by coach or bus. A requirement to this effect shall be included in relevant advertising and in booking arrangements. Smaller groups may arrive by mini-bus where the hiring of a larger vehicle would not be justified.

#### **Use of the New Woodland Area**

- The 'Adventure Trail' shall not be used for any other form of recreational activity at any time when the tracks are being used by off-road vehicles. The western portion of the new woodland extension (including the picnic glade and conservation pools area) may be used for informal recreation of those types permitted in the established woodland (Birchley Hays Wood).

#### **Control of Recreational Activities on the Lake**

- The use of the lake shall expressly exclude:
  - Jet skiing
  - Water skiing
  - The use of motorised boats and craft (with the exception of electric motor boats).

#### **Protection of Birchley Hays Wood**

- Upon completion of the 'Adventure Trail' within the new woodland extension, all off-road driving activity (4x4 vehicles and quad bikes) within the established Birchley Hays Wood shall cease. Vehicles used solely for transporting visitors around the wood (such as the 'road train' and 'supertruck') shall keep to the main (surfaced) rides only. Staff 'buggy' type vehicles may access the dirt tracks for maintenance/supervisory purposes only.

#### **Restriction on the Use of the Existing and Extended Buildings**

##### **Use of the Site by Schoolchildren**

- The maximum number of schoolchildren permitted to visit on any single weekday shall not exceed four standard coach loads (approximately 200 children plus supervising school staff).
- Other children forming part of organized, adult-led groups visiting for educational purposes (e.g. playgroups) may be included within the maximum limits set above and during school term times only.
- Site visits by other children would be limited to pre-booked birthday parties and family participation in appropriate events (e.g. Santa's grotto visits at Christmas).



- All school visits must be supervised by school staff and the Heart of England booking staff and rangers must ensure that numbers visiting fall within the agreed limits and are logged on a daily basis (or as required). Such records (including evidence of prior booking) must be made available for inspection by officers of the Local Planning Authority upon request. All related advertising must clearly stipulate the limitation on numbers and means of transport.

#### **Importation of Materials**

- The development shall be carried out in accordance with the layout and section details indicated on the approved plan numbers [*latest drawing references to be inserted*]; no more material shall be imported to the site than is stated to be required in the written statement submitted by the applicant. A survey of the final ground levels on the site shall be undertaken and the results submitted in writing to the Local Planning Authority.
- No imported materials shall be delivered or tipped on the site other than between 07.30 and 17.30 hours Mondays to Fridays; 07.30 and 13.00 hours on Saturdays and not at all on Sundays and Bank Holidays.
- Prior to the commencement of development a routeing agreement for the construction traffic shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall then be implemented at all times.

#### **Tannoy/Public Address Systems**

- No Tannoy or other public address system or form of sound amplification shall be installed or used on the site. Any such installation or use required in the future shall be subject to the submission and formal approval of a stand-alone planning application.

#### **Landscape and/or Habitat Management Plan**

- A Habitat Management Plan for the whole of the application site, including all existing and proposed woodland, hedgerows, lake and ponds, and including proposals for enhancing the whole site for wildlife, shall be submitted to and approved in writing by the Local Planning Authority prior to determination of the planning application.

#### **Erection of Additional Means of Enclosure or Hardstandings**

- No new areas of hard surfacing or gates, walls, fences or other means of enclosure shall be created or erected anywhere on the site without the prior submission of details and approval in writing from the Local Planning Authority.

#### **Restriction of Goods Delivery Hours/waste Disposal and Recycling Scheme**

- No delivery of goods involving HGV's to occur before 08:00 hours and no later than 17:30 hours.

**This list does not include any requirements of the following:**

- Environment Agency,
- Severn Trent Water,
- Environmental Health,
- County Ecologist,
- County Waste and Minerals Planning Team,
- Borough Council's Heritage Advisor and
- County Land Drainage Team.

*Document dated 9 February 2014*  
*Ref: 293/Alder Mill*

## Heart of England Promotions Ltd

### 1. Statement of Financial Activities

This financial report has been prepared on behalf of Heart of England Promotions Ltd to accompany the planning application for the construction of new hotel and extensions/alterations to the conference centre.

The information in this report covers historical information to the 2013 financial year. This provides an accurate account of the Heart of England financial performance and potential performance with respect to the development plans.

#### 1.1. Key Performance Indicators

Heart of England has a proven track record of consistent financial growth over its 12-year history of providing leisure facilities and community services. However, in recent years, negative publicity and significant reductions to service provision have had a negative impact on revenue growth, as shown below.

Table 1. Heart Park and Beach Revenue Position, March 2014:

Financial Year	Revenue	Growth / Loss	Comments
2010-11	£197,039.66		Heart Park and Beach opened in 2010.
2011-12	£228,305.29	£31,265.63	Positive growth phase.
2012-2013	£220,953.85	£-7,351.44	Negative publicity began to impact on growth.
2013-2014	£104,198.57	£-116,755.28	Negative publicity escalated and removal of the beach, which had significant impact on growth.

It is estimated that the total loss of revenue across the business is £300,000.

### 2. Facilities and Service Development

Heart of England is proposing to improve the conference event facility to ensure that the business continues to be viable. Historically Heart of England has been unsuccessful in attracting large weddings and large conferences due to the lack of accommodation on site. The addition of the proposed 30-bedroom hotel and improved facilities will provide significant opportunity for this area of the business to grow.

## 2.1. Accommodation Revenue Forecast

The accommodation occupancy forecasts are based on the England Occupancy Survey (Jan 2014) average rates with a focus on data analysed for Countryside occupancy rates, which vary between 40% and 60%. It is acknowledged that Heart of England could achieve above average occupancy rates relative to the increase in numbers of conferences and weddings delivered.



Table 2. Revenue from the proposed hotel development, from 2015:

No of Rooms	Annual Availability (days)	Room Occupancy target	Room Rates (Average)	Revenue
30	365	80%	£75	£657,000.00
30	365	60%	£75	£492,750.00
30	365	40%	£75	£328,500.00

## 2.2. Restaurant Revenue Forecast

The dining occupancy forecasts are based on 75% of the room occupants. It is acknowledged that Heart of England could achieve above average dining occupancy rates relative to the increase in numbers of conferences and weddings delivered.



Table 3. Revenue from the proposed increase in restaurant diners, from 2015:

No of Guests	Annual Availability (days)	Room Occupancy target	Dining occupancy target	Average Spend (per person)	Revenue
60	365	80%	75%	£28	£367,920
60	365	60%	75%	£28	£275,940
60	365	40%	75%	£28	£183,960

### 2.3. Wedding Revenue Forecast

Heart of England aims to attract higher value weddings. The current average revenue generated from a wedding is approx. £6000. The additional accommodation and improved facilities would provide the opportunity to increase the average to approx. £9000. With approximately 40 weddings a year this has the potential to increase turnover by another £120,000.

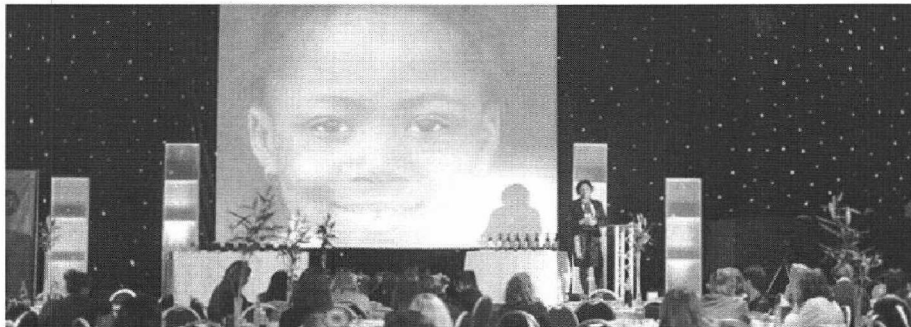


Table 4. Revenue from the proposed increase in wedding bookings, from 2015:

No of weddings	Average spend	Revenue
40	6000	£240,000
40	8000	£320,000
40	9000	£360,000

### 2.4. Conference Revenue Forecast

It is harder to forecast significant increases in revenue from Conferences, as they differ widely in content and are bespoke to individual client requirements. However, the improved facilities and accommodation would increase the likelihood of attracting more significant clients and their subsequent events. The aim is to achieve a 25% increase, resulting in an increase in revenue of £200,000 per annum.



### 3. Employment Forecast

Levels of employment have fluctuated over the last two years due to the negative publicity and significant reductions to service provision. This has resulted in the loss of nine full-time and two temporary jobs.

The proposed developments will provide up to 30 additional jobs, including a range of skilled and unskilled roles, and flexible roles as well as additional graduate placements and apprenticeships.



Table 5. Proposed staff number increases, from 2015:

	<b>Based on 40% occupancy targets, 75% diner occupancy and increased wedding and conference revenues</b>	<b>Based on 60% occupancy targets, 75% diner occupancy and increased wedding and conference revenues</b>	<b>Based on 80% occupancy targets, 75% diner occupancy and increased wedding and conference revenues</b>
<b>Roles</b>	<b>No of full-time staff</b>	<b>No of full-time staff</b>	<b>No of full-time staff</b>
Administration / Management	3	3	5
Receptionist	2	3	4
Night Porters	2	4	5
Cleaners	3	5	7
Maintenance	2	2	4
Waiters/waitresses	3	3	5
<b>Total</b>	<b>15</b>	<b>20</b>	<b>30</b>

### 4. Combined Revenue Forecast

From the 2012-2013 financial position of revenues of £104,198.57, the total increased income would be in the region of £1m. This is a VAT inclusive figure and would therefore generate a VAT liability in excess of £160,000.

There would be the extra PAYE on the additional potential 30 Employees as well as the employers National Insurance.

Finally, the tax on company profits would be a significant source of revenue for the government.

Table 6. Revenue Forecast for the combined increase of services (accommodation, dining, weddings and conferences), from 2015:

Financial Year	Revenue	Growth / Loss	Comments
2014-2015	£105,000.00	Revenue level maintained.	Positive publicity used to generate interest in new planned facilities. Construction period for new facilities (approx. 12-months).
2015-2016	£617,460.00	600% increase	Based on 40% occupancy in the first year of the hotel opening with 75% of occupants dining in the restaurant.
2016-2017	£873,690.00	42% increase	Based on 60% occupancy in the second year of the hotel opening with 75% of occupants dining in the restaurant. As a result of leisure bookings and increases in weddings and conference bookings.
2017-2018	£1,129,920	29% increase	Based on 80% occupancy in the third year of the hotel opening with 75% of occupants dining in the restaurant. As a direct result of sustained increases in weddings and conference bookings.

#### 5. Expenditure Forecast with Local Suppliers



Heart of England is continually striving to improve operations and activities of the business. Sourcing from local suppliers is a priority and with the potential for the increase in events and increased restaurant footfall, expenditure in the local produce could increase significantly. The financial year 2012-2013 delivered an annual spend of £293,817 with the nine largest food suppliers in the area. This could increase by at least 50% to £440,725 per year.

**CORPORATE SOCIAL RESPONSIBILITY:  
SUSTAINABILITY STATEMENT**  
Heart of England Promotions Ltd  
Meriden Road, Fillongley, Coventry, Warks, CV7 8DX

**1. BACKGROUND**

- 1.1. This Sustainability Statement is prepared on behalf of Heart of England, in support of the outline planning application for the construction of new hotel and extensions/alterations to the conference centre.
- 1.2. The information in this report covers historical information to the 2012 financial year. This provides an accurate account of the Heart of England sustainability performance. To determine the issues covered in this report, consideration has been given to current national, regional and local planning guidance regarding sustainability, and those aspects most material to the business.
- 1.3. Within section one of this report, the historical context and business profile will be introduced. Section two will detail how Heart of England meets and exceeds the “*three dimensions to sustainable development*” as set out within the National Planning Policy Framework (2012) with regards to responsible and sustainable business practices. Section three highlights the additional benefits of the proposal.

**SECTION ONE**

**2. Introduction**

- 2.1. Heart of England has a 12-year history of providing leisure facilities and community services in the Green Belt in Fillongley village, North Warwickshire. Established in 2001, the business is a thriving rural enterprise that is adaptive and contributes to rural economic diversity of the area. The business is popular, profitable and provides high quality products and services that are wanted by the public.
- 2.2. Heart of England is experienced in harnessing the natural landscape available to deliver excellent experiences for a wide range of customers of all ages and abilities. The privately gated site provides a safe and secure setting, which has easy accessed and is inclusive for all.



2.3. Heart of England leadership team is aware of the Global Reporting Initiative Event Organizers Sector Supplement (GRI EOSS) and the ISO 20121 Event Sustainability Management Systems accreditation, which is based on the British Standard BS8901 specification for a Sustainability Management System for Events, and are proactive in implementing and driving forward responsible and sustainable event management operations and processes.

2.4. Heart of England provides the following event operations:

- Conferences, Seminars and Exhibitions
- Training Courses
- Team Building and Activity Days
- Recreational use involving business product launches and dealer training
- Corporate Family Fun Days
- Private Lunches and Dinners
- Weddings
- Event Accommodation – 'Old Hall House' (Old Fillongley Hall)
- School Trips and Educational Visits.

2.5. Heart of England also provides equipment to hotels, golf clubs and other leisure venues for events, which is appropriately selected for example to minimise any environmental impact during use.

### **3. Responsible and Sustainable Business Profile Overview**

3.1. Heart of England has a strong track record in delivering responsible and sustainable events, and as a result, attracts businesses with equally strong Corporate Social Responsibility agendas for example, blue chip clients (e.g. Virgin, Lloyds Bank, Sky, Renault, Citroen), local businesses (e.g. DB Schenker, Coventry City Football Club) and charities and educational organisations (e.g. Sense for deaf-blind people, Warwickshire County Council).

3.2. Responsible and sustainable practices are part of the day-to-day business. Heart of England is committed to the long-term view of responsible and sustainable development, which means that present issues are addressed with consideration of the impact on future prosperity/generations.

## SECTION TWO

### 4. Economic Role: Workplace & Marketplace

- 4.1. **Ensuring employees are representative of the local community:** Heart of England has maintained stable levels of economic growth and employment over the last 12 years and now supports 30 full time jobs.
- 4.2. **Extending working lives and quality of life:** Employees are a range of ages and ethnicity undertaking a wide variety of roles.
- 4.3. **Promotion of rural employment to reduce out-commuting:** The majority of employees live within a radius of 10 miles.
- 4.4. **Provides a range of high quality employment:** Employment opportunities range from administration, managerial, hospitality (corporate, restaurant, hotel), to technical and specialist duties. Training and professional development opportunities are offered to ensure the workforce is up to date with current policies and practices.
- 4.5. **Creating added value to the primary products and services:** Customers value the opportunity to support local businesses and to use or consume local produce at Heart of England. This adds value to the unique and bespoke experiences offered to customers.
- 4.6. **Responsible procurement:** Ethical and local suppliers are sort to provide high quality food and supplementary event products.
- 4.7. **Sustainable and local supply chain:** Heart of England is the main account holder at the local garage, which helps to keep this local business viable. The local bus company provides vehicles for parties and events. Similarly, there are a number of taxi firms in the local area who provide transport from railway stations and late evening return journeys. The majority of the food suppliers are local small 2-3 person businesses. These range from direct egg suppliers, vegetables and bread, specialty cakes, costume hire and similar supporting event supplies businesses.
- 4.8. **Diversification and modernization of the local economy:** Within the local area, Heart of England has stimulated the local economy to diversity and sell goods and services that did not exist previously. For example, the number and size of wedding event service providers in the local area has increased due to increases in demand for weddings to be held at Heart of England.
- 4.9. **Improvement of the availability and range of services in the local area:** Heart of England attracts corporate and holiday visitors, who stay on site and who are also likely to spend money within the local economy, for example at local shops, cafés and pubs.

## SECTION TWO

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- 4.1. **Ensuring employees are representative of the local community:** Heart of England has maintained stable levels of economic growth and employment over the last 12 years and now supports 30 full time jobs.
- 4.2. **Extending working lives and quality of life:** Employees are a range of ages and ethnicity undertaking a wide variety of roles.
- 4.3. **Promotion of rural employment to reduce out-commuting:** The majority of employees live within a radius of 10 miles.
- 4.4. **Provides a range of high quality employment:** Employment opportunities range from administration, managerial, hospitality (corporate, restaurant, hotel), to technical and specialist duties. Training and professional development opportunities are offered to ensure the workforce is up to date with current policies and practices.
- 4.5. **Creating added value to the primary products and services:** Customers value the opportunity to support local businesses and to use or consume local produce at Heart of England. This adds value to the unique and bespoke experiences offered to customers.
- 4.6. **Responsible procurement:** Ethical and local suppliers are sort to provide high quality food and supplementary event products.
- 4.7. **Sustainable and local supply chain:** Heart of England is the main account holder at the local garage, which helps to keep this local business viable. The local bus company provides vehicles for parties and events. Similarly, there are a number of taxi firms in the local area who provide transport from railway stations and late evening return journeys. The majority of the food suppliers are local small 2-3 person businesses. These range from direct egg suppliers, vegetables and bread, specialty cakes, costume hire and similar supporting event supplies businesses.
- 4.8. **Diversification and modernization of the local economy:** Within the local area, Heart of England has stimulated the local economy to diversity and sell goods and services that did not exist previously. For example, the number and size of wedding event service providers in the local area has increased due to increases in demand for weddings to be held at Heart of England.
- 4.9. **Improvement of the availability and range of services in the local area:** Heart of England attracts corporate and holiday visitors, who stay on site and who are also likely to spend money within the local economy, for example at local shops, cafés and pubs.

## 5. Social Role: Community & Customers

**5.1. Provides effective community involvement to deliver needs of local people:** Heart of England provides leisure and recreation facilities and services for local people and local school children. When providing educational visits, these are planned through close collaboration with the school staff to ensure that the needs of the children are met.

**5.2. Provides education facilities activities:** Heart of England offers a unique opportunity and environment in which children can safely examine the wonders of nature at first hand. Groups can choose to just visit the park or to add one of the structured National Curriculum led educational hours. Teaching moves from the classroom setting out into the Warwickshire countryside, in the geographical centre of England. Vast woodlands, the lake and wetland areas combine to create the perfect setting in which to stimulate young minds.

5.2.1. Educational Visits include:

5.2.1.1. **Investigating Materials:** An investigation of the qualities of a variety of natural materials, using observations as a basis for designing a natural material picture frame.

5.2.1.2. **Mother Nature Designer:** Exploring and developing ideas to record first hand observation and experience of natural objects to design a natural material postcard.

5.2.1.3. **Ourselves:** A five senses experience allowing the discovery of the natural world including a walk around the site using senses to explore smells and textures.

5.2.1.4. **Growing Plants:** Woodland discovery walk to see all the different trees and plants growing there to teach the different kinds of plants in the local environment and learn how plants use light and water to grow. Children build and make a plant heads to discover how to look after a plant to make the hair grow!

5.2.1.5. **Plants and animals in the local environment:** Woodland mini-beast hunt or pond dipping. Armed with all the equipment they will need children go on a hunt to see what creatures they can find in the pond or woodland.

5.2.1.6. **Habitats:** Woodland mini-beast hunt or pond dipping. Armed with all the equipment they will need children go on a hunt to see what creatures they can find and where they find them. Children use classification keys to identify what's found.

**5.3. Provides other facilities for use by families in the community:** Heart of England offers a range of children's themed parties for groups up to 30, which offer experiences within the woodland and lake, and provide opportunities for physical activity, which assist in keeping the children fit and healthy.

5.4. **Provides access for all (incl. disabled users):** DDA compliance is achieved throughout the site.

5.5. **Mixed and multi use landscape and facilities promoting community vitality:** Heart of England provides opportunities for the community to sustain itself into the future (diversification of local economy and local supply chain), as well as provide opportunities for its residents to experience positive life outcomes for example, through attending events and gaining employment.

5.6. **Promotes recreation in and enjoyment of the countryside:** Heart of England offers abundant recreational activities that make use of the woodland, lake and wetland areas. In most cases, the quality of the experience is due to the stewardship of the natural resources for example, boating is dependent on pristine waters. The integrity of the landscape and natural trails attract recreational walkers and adds to its sense of place.

5.7. **Provides leisure facilities and activities to improve health:** The diversity of recreation options for visitors creates opportunities to improve their physical health through exercise, to experience and appreciate natural and scenic resources.

5.8. **Anticipating culturally diverse customers:** Heart of England has cultural awareness, sensitivity and knowledge to welcome visitors from culturally diverse backgrounds.

## 6. Environmental Role: Landscape and Impact

6.1. **Use of environmentally friendly products:** Heart of England uses environmentally friendly products for example, cleaning products and toiletries.

6.2. **Recycling:** Heart of England promotes recycling practices throughout the business. Any waste materials that are created from the everyday business operations for example, paper and cardboard are recycled. Event waste materials are also recycled for example, glass bottle, plastic bottles, food packaging and food waste.

6.3. **Waste Management:** The proposal to introduce a sustainable (natural) sewage system is an example of how the waste management system intends to be used to bring benefit to waste processing and the local water quality. This ensures the prudent use of natural resources.

6.4. **Energy Consumption:** Heart of England has a 'switch it off policy' and use sensors to manage energy consumption for example, sensors on lights and hand driers, and thermostats and timers on heating appliances.

**6.5. Pollution Control (incl noise):** Heart of England undertakes responsible and sustainable approaches to controlling pollution for example, recycling of waste products and the implementation of noise pollution limits.

**6.6. Maximises practicable opportunities for the use of sustainable means of travel:** Visitors to Heart of England are actively encouraged to pursue responsible and sustainable travel means to access events for example, using trains, car sharing and organised transport (taxi and coach services). The planting of trees is used as a sustainable carbon footprint management system to offset visitor and event staff carbon travel emissions.

**6.7. Enhancement of natural landscape:** Heart of England have facilitated and enhanced the natural landscape by opening access to the woodlands, lake and wetland areas, which have been enhanced by the planting of an additional £20,000 trees and plants.

**6.8. Enhancement to biodiversity and habitats:** The enhancements to the natural landscape for example, the planting of trees and plants, the creation of layered foliage and the strategic positioning of logs, has created new and enhanced existing habitats. This has encouraged new species to the area for example, snakes and mice.

**6.9. Conservation areas identified:** Conservation areas are used particularly for the provision of the educational visits experiences within specified areas that are enhanced for easy of access for school groups.

### **SECTION THREE**

#### **7. The Proposal**

7.1. Heart of England is proposing to improve the event facility and to ensure that the business continues to be viable. Planning permission is sought for two new elements:

- An extension to the main Conference Centre building to provide additional space and improvements to the externals of this building (part of separate outline application).
- Removal of the buildings used for storage and replacement with hotel accommodation and car parking.

7.2. The building quality and design of the improvements will represent responsible and sustainable practices.

## **8. Additional Economic Benefits of the Proposal**

- 8.1. The improvements will provide up to 30 additional jobs, including a range of skilled and unskilled roles, and flexible roles as well as graduate placements and apprenticeships.
- 8.2. The improvements and extension to the facilities and activities will lead visitors to extend their stay, increasing the economic benefits to the local area.

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