

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

For the information of other Members of the Council

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

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

8 APRIL 2024

The Planning and Development Board will meet on Monday, 8 April 2024 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

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

AGENDA

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

REGISTERING TO SPEAK AT THE MEETING

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

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

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

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

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

- 4 **Minutes of the meeting of the Board held on 4 March 2024** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

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

Summary

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

- 5a **Application No: PAP/2024/0007 - 81, Castle Road, Hartshill, Nuneaton, CV10 0SG**

Retention of raised decking at rear of property

5b Application No: PAP/2024/0090 - Cole End Park and Nature Reserve adjacent to, 2, Old Mill Road, Coleshill, B46 1BG

Notification for tree works in a Conservation Area

5c Application No: CON/2024/0006 - Coleshill Quarry, Gorse Lane, Coleshill, B46 1JU

Variation of Condition 1 of planning permission reference NWB/18CM032 to allow the retention of the materials recycling facility and associated equipment store for a further 10 year period at Coleshill Quarry, Gorse Lane, Coleshill, B46 1JU

5d Application No: PAP/2022/0564 - Heath House, 27, Birmingham Road, Whitacre Heath, Coleshill, B46 2ET

Rear extension and associated alterations to existing roof

5e Application No: CON/2024/0007 - Warton Nethersole C Of E Primary School, Maypole Road, Warton, Tamworth, B79 0HP

Proposed new teaching block of two classrooms and associated spaces, along with limited internal refurbishment of the existing school building. Associated hard and soft landscaping works, along with increased parking provisions

5f Application No: PAP/2023/0252 - Stonebridge Golf Centre, Somers Road, CV7 7PL

Temporary change of use of woodland to a visitor attraction light trail, incorporating the installation of temporary demountable structures, and sound and lighting equipment. The temporary use of land would comprise, the installation of equipment from 13 September 2024 to 15 October 2024, the operation of the visitor event from 16 October 2024 and the removal of event equipment from the site no later than April 30 2025

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

6 Permitted Development Changes - Report of the Head of Development Control

Summary

The report brings Members up to date on confirmation of changes to the Permitted Development Order, the subject of a consultation last year and draws attention to a further round of consultation for more changes to that Order.

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

7 **An Accelerated Planning System** - Report of the Head of Development Control

Summary

The report informs Members of a recent Government consultation paper on measures that it is proposing in order to “accelerate” the planning system by tightening Performance Indicators.

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

8 **Tree Preservation Order Land East of Chase Cottage, Purley Chase Lane, Mancetter** - Report of the Head of Development Control

Summary

A Tree Preservation Order (TPO) has been placed on 20 trees located on Chase Cottage, Purley Chase Lane, Mancetter. It came into force on 15 December 2023 and lasts six months until 15 June 2024. Representations to the TPO were required by the 2 February 2024. This report seeks to make the Order permanent following the consultation exercise.

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

9 **Appeal Update** - - Report of the Head of Development Control

Summary

The report updates Members on recent appeal decisions.

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

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

4 March 2024

Present: Councillor Simpson in the Chair

Councillors Bates, Bell, Chapman, Clews, Dirveiks, Fowler, Hayfield, Hobley, Humphreys, Jarvis, Melia, Parsons, H Phillips and Whapples

Apologies for absence were received from Councillors Gosling (Substitute Whapples), Ridley (Substitute Melia) and Reilly (Substitute Clews) and Ririe

Also in attendance were Councillors Osborne and D Wright. With the permission of the Chairman, Councillor Wright spoke on Minute No 80g - Application No PAP/2023/0071 (Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley)

77 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Whapples declared a non pecuniary interest in Minute No 80h - Application No PAP/2021/0663 (Land on The North East of J10 M42, Dordon/A5, Polesworth).

Councillor Melia declared a non-pecuniary interest in Minute No 80h - Application No PAP/2021/0663 (Land on The North East of J10 M42, Dordon/A5, Polesworth) - by reason of being a Dordon Parish Councillor and involved in the Dordon Neighbourhood Plan Working Group.

Councillor Parson declared a non-pecuniary interest in Minute No 80h - Application No PAP/2021/0663 (Land on The North East of J10 M42, Dordon/A5, Polesworth) - by reason of being a Polesworth Parish Councillor.

78 **Minutes**

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

Note: Due to the number of members of the public who had attended in relation to the Applications at Minute Nos 80g and 80h below the Chairman proposed, and the Board agreed, to consider those items first.

Councillor Simpson vacated his position as Chair for Minute No 80g to speak as the ward Member for Fillongley. Councillor Bell acted as Chair.

79 Consultation on Strengthening Planning Policy for Brownfield Development

The Chief Executive advised Members of a consultation by Government on “Strengthening planning policy for brownfield development”, sought support for comments made in his report, and any further comments on the consultation.

Resolved

- a That the comments in the report of the Chief Executive be supported; and**
- b That the report, along with comments made by Members at the meeting, be sent as the Council’s response on the consultation.**

80 Planning Applications

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

Resolved:

- a That Application No PAP/2022/0606 (22, Church Lane, Middleton, B78 2AW) be granted subject to the conditions set out in the report of the Head of Development Control;**

[Speaker: James Beamish]

- b That Application No PAP/2023/0056 (Land At Junction Lichfield Road, Watton Lane, Water Orton) be granted subject to the substitution of the plan at Appendix B in the plans condition number 2 as set out in Appendix A and the substitution of Condition 14 in that Appendix as per the conditions set out in the report of the Head of Development Control;**

- c That Application No PAP/2023/0439 (Land Between Holmfield And Oakdene, Bennetts Road North, Corley, Warwickshire) be refused for the reasons set out in the report of the Head of Development Control;**

[Speaker: Dereck Beverley]

- d That Application No PAP/2023/0110 (Mill Field Farm, Mill Lane, Fillongley, CV7 8EE) be refused for the reasons set out in the report of the Head of Development Control;**

[Speaker: Helen Lazenby]

- e That Application No PAP/2023/0461 (Land to the rear Of 113 And 115, Victoria Road, Hartshill) be granted subject to the conditions set out in the report of the Head of Development Control;

[Speaker: Sarah Hall Craggs]

- f That Application No PAP/2023/0488 (Woodstock, 19, Cottage Lane, Whitacre Heath, Coleshill, B46 2EJ) be granted subject to the to the receipt of the Unilateral Undertaking and conditions set out in the report of the Head of Development Control;

- g That Application No PAP/2023/0071 (Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley) be deferred to enable further consultation with the Fillongley Flood Group, the Lead Local Flood Authority and the applicant, together with inviting the applicant to consider additional landscape mitigation.

[Speakers: Adrian White, Katherine France and Lee Adams]

- h That in respect of Application No PAP/2021/0663 (Land on The North East of J10 M42, Dordon/A5, Polesworth) Members confirmed that, had they been able to determine the planning application, they would have resolved to refuse planning permission for the reasons set out in the report of the Head of Development Control.

[Speakers: John Winter and Emelia Spilsbury]

81 Appeal Update

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

Resolved:

That the report be noted.

M Simpson
Chairman

**Report of the
Head of Development Control**

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Tuesday 21 May 2024 at 6.30pm in the Council Chamber

6 **Public Speaking**

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

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
5/a	PAP/2024/0007	1	81 Castle Road, Hartshill Retention of raised decking at rear of property	General
5/b	PAP/2024/0090	8	Cole End Park and Nature Reserve adjacent to, 2, Old Mill Road, Coleshill Notification for tree works in a Conservation Area	
5/c	CON/2024/0006	11	Coleshill Quarry, Gorsey Lane, Coleshill Variation of Condition 1 of planning permission reference NWB/18CM032 to allow the retention of the materials recycling facility and associated equipment store for a further 10 year period	
5/d	PAP/2022/0564	14	Heath House, 27 Birmingham Road, Whitacre Heath Rear extension and associated alterations to existing roof	
5/e	CON/2024/0007	26	Warton Nethersole C of E Primary School, Maypole Road, Warton Proposed new teaching block of two classrooms and associated spaces, along with limited internal refurbishment of the existing school building. Associated hard and soft landscaping works, along with increased parking provisions	
5/f	PAP/2023/0252	30	Stonebridge Golf Centre, Somers Road, CV7 7PL Temporary change of use of woodland to a visitor attraction light trail, incorporating the installation of temporary demountable structures, and sound and lighting equipment. The temporary use of land would comprise, the installation of equipment from 13 September 2024 to 15 October 2024, the operation of the visitor event from 16 October 2024 and the removal of event equipment from the site no later than April 30 2025	

General Development Applications

(5/a) Application No: PAP/2024/0007

81, Castle Road, Hartshill, Nuneaton, CV10 0SG

Retention of raised decking at rear of property, for

Ms Kerry Savage

Introduction

This application is reported to Board at the request of Ward Councillors concerned about potential adverse impacts.

Members will have visited the site prior to the meeting and a note of that visit will be circulated at the meeting.

The Site

The application site is a two-storey end of terrace property and lies within the Hartshill Development Boundary, as identified in the adopted North Warwickshire Local Plan 2021. The property is on a significant slope with the rear garden split into 3 sections. The decking is located at the rear door and has replaced steps that were previously there.

The Proposal

The proposed decking has already been recently implemented, as shown on the images in Appendix A. It is raised up to meet the rear door and replaces the existing steps that have been kept underneath. The new decking has implemented a new set of steps to allow for access down into the garden and allow access into the other extension at the rear.

The proposed plans can be found in Appendix B

Representations

An objection has been received from one neighbour raising concerns on the following grounds:

- Impact on privacy
- Blocking light to a habitable room

Development Plan

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

Hartshill Neighbourhood Plan 2017 - H4 (Good Quality Design)

Other Material Considerations

National Planning Policy Framework 2023 - (the "NPPF")

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

Observations

There are two main concerns with the proposal - firstly the visual impact and secondly, the impact on the privacy of neighbouring properties.

Firstly, in terms of the visual impact, Local Plan Policy LP30 requires that all development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. The decking is to the rear of the property and therefore the visual impact is not prominent in the street scene. Although, quite large and obtrusive it is considered that the scale of the decking is much higher than a standard fence. It is a fairly imposing structure on the surrounding area, especially with the additional fencing and trellising. However, it is of substantial weight that the property could extend with a single storey extension under permitted development rights without the need for a planning application. It would be difficult to refuse the proposal on visual amenity grounds.

Secondly, in terms of the impact on the privacy of neighbouring property Policy LP29 (9) states that "*developments should amongst other things, avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution.*" The higher level of the decking, artificially raises the ground level that leads to an impact on the neighbouring property creating a raised balcony. This leads to privacy implications on the attached property. The Guide to the Design of Householder Development gives some guidance on this and states balconies too can cause severe problems of overlooking especially where they are close to other houses and garden areas (para 2.16) and again indicates that balconies should be provided only where there is no loss of privacy to neighbours.

Members will need to be aware that the Local Authority has an obligation under the Public Sector Equality Duty, section 149 of the Equality Act 2010, to ensure that people with disabilities are treated fairly. In this case the objector cites that their child with severe medical issue is affected, and the proposal does harm their living space. As this is a material consideration in this case, officers have attached some weight to this consideration.

In conclusion it is considered that the proposed decking does have an unacceptable impact upon the neighbouring amenities as the decking allows for overlooking into the neighbouring property and thus has a detrimental impact on the level of privacy that the neighbour could reasonably expect. Overall, the proposal does have an adverse impact on neighbouring amenity without sufficient mitigation.

Enforcement Action

As the application is retrospective and seeks to retain the current, unauthorised development, the Board would need to consider the expediency of enforcement action if the recommendation detailed below is agreed upon. From a planning policy perspective there are clear grounds for following up the recommendation with enforcement action as there is a breach of Development Plan policies by fact and by degree (as set out above).

As a consequence, given the identified conflict with the Development Plan and the impact on the neighbour, it is considered that enforcement action is expedient here and that the requirements of any Notice should require the fencing, trellising and decking to be removed with a compliance period of two months.

Recommendation

a) That planning permission be **REFUSED** for the following reason:

1. The proposal by virtue of the raised height, design and position leads to an adverse impact on the amenity of the occupiers of the neighbouring dwelling, by virtue of overlooking, loss of privacy and sense of dominance. It does not therefore accord with Policy LP29(9) of the North Warwickshire Local Plan 2021.

b) That authority be granted to officers to issue an Enforcement Notice under Section 172(1) of the Town and Country Planning Act 1990, to secure the removal of the existing trellis, fencing and decking together with removal, rubble and waste for the reasons given in this report and with a compliance period of two months.

Appendix A



Image taken from applicant's garden.

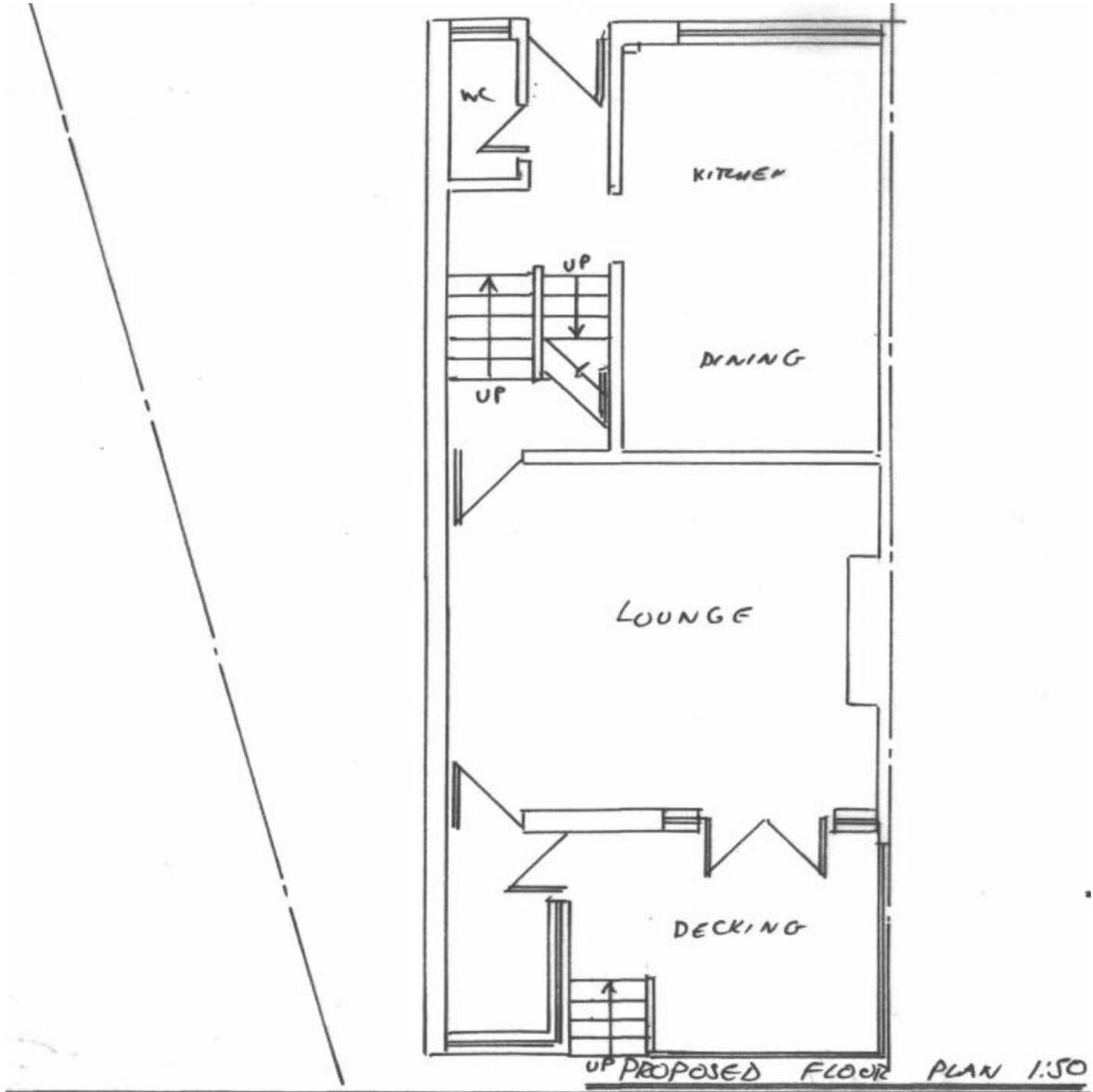


Image taken from on the decking looking towards neighbouring property.



Image taken from the neighbouring lounge.

Appendix B





PROPOSED REAR ELEVATION 1'50

General Development Applications

(5/b) Application No: PAP/2024/0090

Cole End Park and Nature Reserve adjacent to, 2, Old Mill Road, Coleshill, B46 1BG

Notification for tree works in a Conservation Area, for

Warwickshire County Council - Forestry

Introduction

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

The Site

The tree in need of works being carried out is located within Cole End Park and Nature reserve located behind number 2 Old Mill Road as shown on Appendix A.

The Proposal

It is proposed to pollard the cracked willow tree back to its previous size and remove the ivy at 1 metre to aid future inspections.

Representations

Coleshill Town Council - No Objection

Observation

The tree is not protected by virtue of an Order but it is located within a Conservation Area. As such this is not a formal application for Consent to undertake works, but a notification of proposed works. The Council's remit here is either to agree that an Order should be made for the tree, or that it should not. In this case the work will only look to maintain and upkeep the tree which is adjacent to the boundary with 2 Old Mill Road.

The Warwickshire County Council Tree Officer has no objection to the work proposed.

In these circumstances an Order is not considered necessary.

RECOMMENDATION

That the works may proceed subject to the following:

1. For the avoidance of doubt, this permission is only in relation to the tree mentioned within the Notification (PAP/2024/0090) and located upon the site address (Cole End Park and Nature Reserve, adjacent to 2 Old Mill Road) and detailed within your Application form and Cole End Park Tree Plan received 20th January 2024. The works shall be confined to the following:

- T1 - Salix fragilis (04W0) - re-pollard back to previous pollard points and sever ivy at 1m to aid future inspections.

Notes

1. With the exception of the tree/s noted within this notification, no tree shall be lopped, topped or felled without the prior approval of the Local Planning authority, in writing.
2. No works relating to the tree/s hereby approved, including works felling or preparation prior to operations, should take place before the hours of 0700 nor after 1900 Monday to Friday; before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
3. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
4. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

General Development Applications

(5/c) Application No: CON/2024/0006

Coleshill Quarry, Gorse Lane, Coleshill, B46 1JU

Variation of Condition 1 of planning permission reference NWB/18CM032 to allow the retention of the materials recycling facility and associated equipment store for a further 10 year period at Coleshill Quarry, Gorse Lane, Coleshill, B46 1JU, for

CEMEX UK Operations Ltd

Introduction

This application has been submitted to the County Council as the Waste Planning Authority and it has invited the Borough Council to comment on the proposal as part of its determination of the application.

The Site

This is within the former Coleshill Quarry to the east of the Station Road Industrial estate and the River Cole accessed via Gorse Lane. A location plan is at Appendix A.

Background

Sand and gravel extraction has now ceased and the majority of the former quarry has been restored. Planning permission was first granted by the County Council in 2003 to use a small portion of the former quarry as a materials recycling facility. Subsequent permissions have extended this period to February 2024. There is also a wider permission in place for the subsequent restoration of the recycling site.

The Proposal

It is proposed to extend the time period for the recycling facility until 2034.

The applicant says that the extended period is proposed to tie in with the timescale of the HS2 works and as the site is very close to the major engineering works for this line, there are significant benefits in continuing with the established facility. It would minimise the distance waste has to travel as well as divert waste from landfill so as to be recycled. HS2 estimate that there will be a surplus of waste material arising and that that needs to be recycled rather than going straight to landfill. Moreover, the applicant indicates that there are limited alternative active sites and that the road connections here are good, and in this case, access is through the existing industrial estate thus causing less harm.

Development Plan

Warwickshire Waste Core Strategy 2013-2028 - Policies CS1; CS2, CS3, CS4 and CS5

Warwickshire Minerals Plan 2018 - 2021- Policies MCS1 and MCS4

Observations

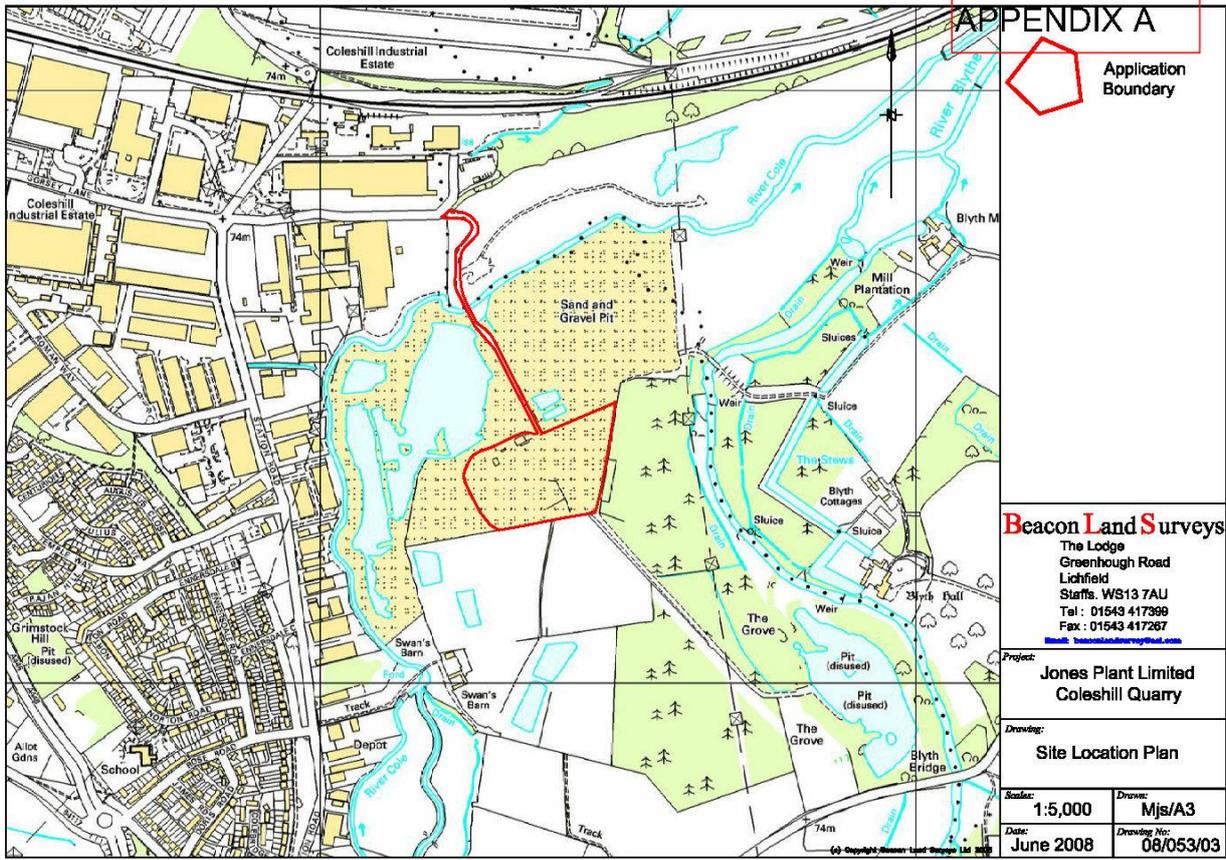
The site is in the Green Belt and the NPPF explains that mineral extraction, engineering operations and material changes in the use of land are not necessarily inappropriate provided that they preserve its openness and do not conflict with the purposes of including land within it. It is considered that the proposal does not accord with these conditions due to the scale of the operations and their visual impact. The harm caused is considered to carry moderate weight, given the industrial setting of much of the surroundings. Other harm is considered to be the impact on the landscape given that the line of built development here is very marked with there being a definite break between that and the open naturally restored and other agricultural land towards the east.

The applicant has put forward a number of planning considerations which he argues cumulatively carry such weight so as to “clearly” outweigh the Green Belt and other harms likely to be caused. These include the fact that the use is lawful; the compliance with the relevant Waste and Minerals Plans in respect of the avoiding landfill and encouraging recycling, the necessity arising from the HS2 works, the lack of suitable alternative sites and the nature of the road connections to and from the site.

It is agreed with the applicant that cumulatively, these considerations are of such weight to continue the very special circumstances first established some time ago, but which are still relevant at the present time.

Recommendation

That the Council does Not Object to the proposal.



APPENDIX A

Application Boundary

Beacon Land Surveys

The Lodge
Greenhough Road
Lichfield
Staffs. WS13 7AU
Tel : 01543 417399
Fax : 01543 417267
beaconlandsurveys@aol.com

Project: Jones Plant Limited
Coleshill Quarry

Drawing: Site Location Plan

Scale:	1:5,000	Drawn:	Mjs/A3
Date:	June 2008	Drawing No.:	08/053/03

General Development Applications

(5/d) Application No: PAP/2022/0564

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

Rear extension and associated alterations to existing roof, for

Mr Ian Watts - Space M Studio

Introduction

This application is referred to the Board because of its involvement in the site's previous history.

The Site

The application site is a 3no. storey, 7no. bedroom detached dwelling located within the development boundary of Whitacre Heath. The surrounding street scene are dwellings which are a mixture of detached and semi-detached houses. To the north and south of the property is open countryside which is classified as Green Belt land. However, the site itself is not within Green Belt. There is a track which runs to the right of the property which is used by horse riders.

The location plan is at Appendix A.

The Proposal

Full planning permission is sought to erect a 2no.storey extension to the rear of the property between the existing utility and shower room and the wash house. The extension will house a kitchen on the ground floor and a bathroom on the second floor.

As a result, the wash house and main dwelling will be linked. There will also be works to the existing roof to allow the existing open void to accommodate a bedroom which will include the installation of 6no. new roof lights. These will be 1.7m to cill level. The existing chimney on the eastern elevation will increase in height from 5.3m to 6.6m.

The extension will measure approximately 2.9m in depth by 5.5m in width. The extension will have a ridge height of approximately 5.7m and eaves height of 4m.

The proposed elevations and floor plans are at Appendix B.

Background

The site was previously granted planning permission on 14 October 2015 for a rear extension and associated alterations to the existing roof (ref: PAP/2015/0593). This permission has now lapsed. The footprint of the previous permission is the same as the new proposal. There are no alterations to this scheme in comparison to the 2015 scheme.

There was an application which was refused on 6 December 2022 for the change of use from C3 dwellinghouse to 'sui generis' (House in Multiple Occupancy) for 9 single occupancy units (Ref: PAP/2022/0353). The applicant appealed against the decision of North Warwickshire Borough Council (Ref: APP/R3705/W/23/3323164). The appeal was allowed, and planning permission was granted for the change of use to an HMO on 2 February 2024. The appeal decision is at Appendix C.

Whilst HMO consent was granted; the applicant has not applied for a licence for Heath House's operation as an HMO. As such, the permission has not been implemented and the site is therefore a C3 Dwellinghouse.

Development Plan

North Warwickshire Local Plan 2021 - Policy LP2 (Settlement Hierarchy); Policy LP29 (Development Considerations) and Policy LP30 (Built Form)

Nether Whitacre Neighbourhood Plan 2024 - Policy HP1 and HP3

Other Relevant Material Considerations

The National Planning Policy Framework 2023 - (the "NPPF").

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

Consultations

Warwickshire County Council Arboriculture- No objection.

Representations

Nether Whitacre Parish Council - No objection, subject to matching materials being used.

Observations

Principle of Development

The site is within the development boundary of Nether Whitacre which is a Category 4 Settlement in the adopted North Warwickshire Local Plan (LP2). LP2 states that development within settlement boundaries will be supported in principle. This is upheld by Nether Whitacre Neighbourhood Plan policy HP1 which states, '*development should predominantly take place within the defined development boundary*'. Whilst consent has been granted in February 2024 via appeal for a sui generis use as a HMO, to date this has not been implemented and no licence has been applied for yet. Consequently, consideration of the application has to be viewed in the context of Heath House's current use class which is a C3 dwellinghouse.

Character and Appearance

Local Plan Policy LP30 (Built Form) states '*All development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Local design detail and characteristics should be reflected within the development.*'. The Alterations, Extensions and Replacements section of LP30 goes on to state that extensions should respect the '*materials, design and overall design and character of the host building, its curtilage and setting*'.

Paragraph 131 of the NPPF states that "*the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*"

The siting of the proposed extension would not be visible from the street frontage. The extension would be visible from the track which runs along the eastern boundary however, this is not frequently used except for the occasional horse rider. It is considered, given the proposed extension's location between the original dwelling house and the detached wash house, that it would not significantly impact on the street scene of Birmingham Road.

The extension will be of a similar appearance of the existing dwellinghouse. It will have bricks and tiles to match the existing. The ridge and eaves height will match the ridge and eaves height of the extension where the current family room and open void is. The Householder Development SPG states that good design development can be achieved by '*not introducing roof patterns or shapes on the extension*' and '*not introducing completely different detailing on the extension*'. As such, the design is in accordance with the Householder Development SPG. The scale and design of the proposed extension is sympathetic to the existing building and relates well to its surroundings.

Impact on Neighbouring Amenities

Local Plan Policy LP29 (Development Consideration) point 9 states that development should '*avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution; and in this respect identification of contaminated and potentially contaminated land will be necessary prior to determination of proposals depending on the history of the site and sensitivity of the end use...*'.

29 Birmingham Road is to the west of the site however it is within the same curtilage and ownership as Heath House. It is not a separate dwelling and therefore as it is part of Heath House, it is not a neighbouring property. The closest neighbouring property is 25 Birmingham Road.

There is a distance of 3m between Heath House and the boundary fence. Whilst the proposed extension would result in additional massing along this boundary, the separation distance with 25 Birmingham Road will still be maintained. Upon reviewing the proposal in relation to the 45-degree rule as set out in the Design of Householder Developments SPG, in which no extension should go beyond a 45-degree line taken from the centre point of a nearest inhabitable room, the extension would slightly breach

the 45-degree rule. However, given the existing built form, it is not considered that there would be an impact on privacy more than would be reasonably acceptable.

Due to the height of the original dwellinghouse and the 2015 extension, it is not considered that the extension would cause any extra overshadowing than the overshadowing that is currently cast on neighbouring properties.

The proposal includes the installation of roof lights. When considering the angle of view from the roof lights, due to their positioning on the roof, it is considered that only the top of the roof at 25 Birmingham Road would be visible. Furthermore, due to their positioning in the roof, it is considered that for the residents at Heath House to have a clear view of the roof top, they would need to stand on something to aid this. Therefore, when passively walking under the roof lights they will not be able to view the neighbouring property. There would be a negligible impact on neighbouring privacy as a result of the roof lights.

It is considered on balance that the proposed extension would not cause an adverse impact on amenity to 25 Birmingham Road beyond what they might reasonably expect to enjoy.

Parking

Local Plan Policy LP29 (Development Consideration) point 6 states that development should '*provide safe and suitable access to the site for all users.*'. Policy LP34 (Parking) requires development proposals to have particular regard to adequate vehicle parking provision and this is upheld by Nether Whitacre Neighbourhood Plan HP3. This requires 2 spaces per residential property over 2 dwellings. There are no concerns with the impact of the proposal on highway safety. The dwelling is set back from the main road with a private drive with ample space to allow for at least 2 vehicles.

Trees

There is a Tree Preservation Order to the front of the property (TPO Ref: 713.083.7) which is a Copper Beach Tree. It is not considered that the works will impact on this protected tree. There is no loss in trees and Warwickshire County Council's Arboriculturalist has no objection to the proposal.

Flood Risk

The site is located in Flood Zone 3. Local Plan Policy LP33 sets out the criteria for development within Flood Zone 3 including mitigation measures. However, there is already hardstanding surface where the proposed extension would be. It is considered on balance, that the proposal would not result in a detrimental increase in the built form so as to cause an adverse increase in surface water flooding. The proposal will not be sited lower than the existing dwelling therefore, on balance the proposal would not result in an unacceptable flood risk.

Conclusion

The proposal is in accordance with Development Plan Policies. It is considered that there is no adverse impact on neighbours more than would be reasonably acceptable, and the design and materials are in keeping with the character of the host dwelling. Therefore, it is recommended that the proposal be supported subject to conditions. These include to ensure that the extension does not form a separate, self-contained unit of accommodation, a condition will be added to ensure that the accommodation remains ancillary to Heath House, 27 Birmingham Road.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans and drawings titled:
Plans as Existing drg no. 1357/PL01
Plans as Proposed drg no. 1357/PL02A
Block Plan 1:200 drg no. 1357/PL03
Location Plan

REASON

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

3. The new works shall be carried out with materials to closely match the existing building in colour, coursing and texture.

REASON

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

4. The accommodation hereby approved shall be occupied solely in connection with, and ancillary to the main dwelling at Heath House, 27 Birmingham Road, Whitacre Heath, B46 2ET, and shall not be sold off or used as a separate unit of accommodation.

REASON

To prevent unauthorised use of the property.

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

REASON

To protect the privacy of the occupiers of the neighbouring property.

Notes

1. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with six other Councils under the Central Building Control Partnership. For further information please see Central Building Control - Come to the experts (centralbc.org.uk), and https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>
2. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
3. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.



PAP/2022/0564

Planning Extract - 1
Site-centred



NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
01/11/2022
PLANNING & DEVELOPMENT
DIVISION

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Part or all of this Superplan is enlarged from mapping produced at one or more of the following scales: 1:1250, 1:2500 & 1:10000

National Grid sheet reference at centre of this Superplan: SP2192
The representation of a road, track or path is no evidence of a right of way.

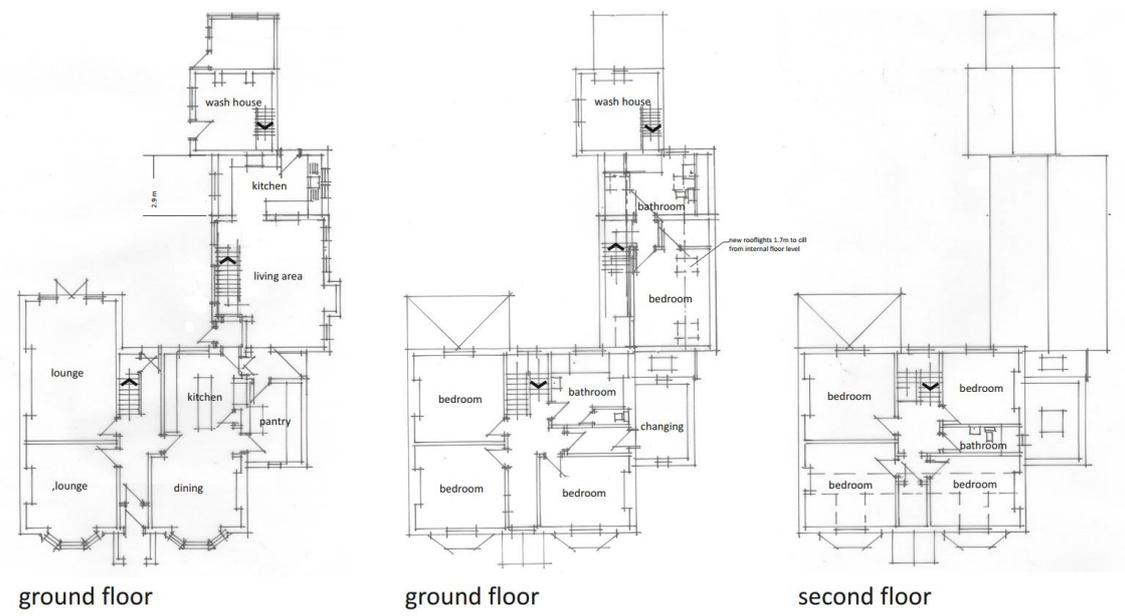
Scale 1:1250

This Superplan product does not contain all recorded map information.

Centre Coordinates: 421790 292668
Supplied by: SO Bookshop, Birmingham
Serial Number: 15797



elevations as proposed



plans as proposed

heath house - whitacre heath
proposed extension to existing dwelling

Scale - 1:100
Drawing No 1357/PL02A

NORTH WARWICKSHIRE
COUNCIL
RECEIVED
01/11/2022
PLANNING & DEVELOPMENT
DIVISION





Appeal Decision

Site visit made on 10 January 2024 by **N Bromley BA Hons DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 February 2024

Appeal Ref: APP/R3705/W/23/3323164 Heath House, 27 Birmingham Road, Whitacre Heath, Warwickshire B46 2ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ian Watts, of Space M Studio, against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2022/0353, dated 5 July 2022, was refused by notice dated 6 December 2022.
- The development proposed is Change of use from C3 Dwellinghouse to 'Sui generis' (Houses in multiple occupation).

Decision

1. The appeal is allowed and planning permission is granted for the change of use from C3 Dwellinghouse to 'Sui generis' (Houses in multiple occupation) at Heath House, 27 Birmingham Road, Whitacre Heath, B46 2ET, in accordance with the terms of the application, Ref PAP/2022/0353, dated 5 July 2022, subject to the conditions set out in the attached schedule to this decision.

Applications for Costs

2. An application for costs was made by Mr Ian Watts, of Space M Studio, against North Warwickshire Borough Council. This application is the subject of a separate decision.

Preliminary Matter

3. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

4. The main issue raised by this appeal is the effect of the proposed development on the living conditions of the occupiers of nearby properties, with regard to noise and disturbance.

Reasons

5. Heath House is a large, detached three-storey building set within a ribbon of development along Birmingham Road in the settlement of Whitacre Heath. The property has an attractive appearance, set within a spacious plot. The proposed

development would change the use of the premises from a residential dwelling to a nine-bedroom house in multiple occupation (HMO).

6. The property shares its vehicle access with 29 Birmingham Road (No 29), which is also in the appellants' ownership. The two properties have car parking areas on the site frontage

for a number of vehicles. A proposed car parking plan has been submitted, which shows seven spaces at the front and two spaces at the rear.

7. The Council considers that, due to the limited number of services and facilities within the village, along with the infrequent bus service, future occupants would be reliant on private transport. On this basis it is suggested that the proposal would lead to increased vehicular activity at the property which would result in associated disturbance and inconvenience to neighbouring occupiers.
8. My attention has been drawn to previous incidents at the property and its occupation as an HMO for eight occupants. In particular, a number of representations, including those by Nether Whitacre Parish Council (Parish Council), have highlighted noise and disturbance from various sources during its occupation, including car doors opening and closing and noise from motorbikes and car engines. There is also concern that nine bedrooms could result in 18 occupants, which would further increase noise and disturbance.
9. The main parties accept that the existing dwelling could be converted and occupied as a small HMO under Use Class C4 of the Town and Country Planning (Use Classes Order) 1987 (as amended), which are defined as small, shared houses occupied by between three and six unrelated individuals sharing basic amenities. This represents a fallback position for which there is a greater than theoretical possibility on the basis that the appellant has indicated that the building has been used for similar purposes previously and works are being carried out to improve the efficiency of the building and provide additional facilities. I afford this fallback position significant weight.
10. The appeal property is detached and there is a good degree of separation between neighbouring properties, including No 29, due to the linear built form of properties along the road, which are all set within spacious plots. Furthermore, the generous size of Heath House, which includes a number of large rooms, occupied as a family home or as a C4 HMO accommodating six unrelated individuals, would also result in a large degree of daily activity throughout the day and at night. Additionally, the road is relatively busy and a reasonable amount of activity during both the day and night can be expected.
11. Therefore, in the context of the site and its surroundings, the increased comings and goings of three additional occupants, particularly from the use of motor vehicles at the property, would not be readily discernible. Nevertheless, a condition which restricts the occupation of the building to no more than nine people is reasonable and necessary in the context of the location of the appeal site and the generous size of the building.
12. Taking all the above into consideration, there is no substantive evidence before me to show that the proposed use of the property as a nine-bedroom HMO would significantly increase the level of activity, noise, or disturbance to the detriment of the living conditions of neighbouring occupiers.
13. For the above reasons, the proposed development would not cause unacceptable harm to the living conditions of the occupiers of nearby properties, with regard to noise and disturbance. As such, the proposed development accords with Policy LP29(9) of the North Warwickshire Local Plan 2021, which seeks the protection of quality of life and development that avoids unacceptable impacts upon neighbouring amenities through noise pollution.

Other Matters

14. The Parish Council and a number of interested parties have objected to the proposal, which in addition to the main issue, includes concerns relating to the adequacy or not of the proposed parking arrangements within the site for the proposal and the adjacent property, No 29. There are also concerns about the suitability of the proposal in terms of its location

near to services, amenities, and public transport opportunities, due to its rural location. Other highway and pedestrian safety matters have also been cited as concerns.

15. A series of other objections have been raised concerning the use of the property and anti-social behaviour, the effect of the car parking on protected trees, unsuitable waste storage bin arrangements, water, drainage and flooding, and whether adequate bathroom and kitchen facilities are proposed, and other matters.
16. These factors are not in dispute between the main parties and were addressed in the Council's Planning Committee Report, with the Council concluding that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view. Given my findings above, and the suggested conditions by the Council, I have found no justification to dismiss the appeal.

Conditions

17. The Council has suggested several conditions, some of which I have amended for the sake of clarity and precision. I have also had regard to the Framework and the Planning Practice Guidance. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty.
18. To ensure that suitable surfacing for the parking spaces is provided, I have included a condition that secures these details prior to the occupation of the building to ensure suitable parking arrangements are provided. Likewise, a condition which ensures that suitable pedestrian visibility splays are provided and retained free from obstruction is necessary in the interests of highway safety. In the interests of sustainable travel, I have also included a condition which secures on-site cycle storage provision.

Conclusion

19. The proposed development would accord with the development plan, and there are no material considerations to lead me to determine the appeal other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal is allowed.

N Bromley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, numbered; 1745/01; 1745/02 and 22130/03.
- 3) The development hereby permitted shall not be brought into use, until details of the surface treatment for the car parking spaces have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 4) The development hereby permitted shall not be brought into use until pedestrian visibility splays measuring 2.4 by 2.4 metres have been provided on either side of the vehicular access to the site. These splays shall be left unobstructed at all times.
- 5) The development hereby permitted shall not be occupied until a secure, covered bicycle storage area has been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved bicycle

storage area shall be retained and made available for the lifetime of the development.

- 6) The development hereby permitted shall not be occupied by more than nine persons at any one time.

General Development Applications

(5/e) Application No: CON/2024/0007

Warton Nethersole C Of E Primary School, Maypole Road, Warton, Tamworth, B79 0HP

Proposed new teaching block of two classrooms and associated spaces, along with limited internal refurbishment of the existing school building. Associated hard and soft landscaping works, along with increased parking provisions, for

Warwickshire County Council

Introduction

This application will be determined by the County Council and as part of that process it has invited comments from the Borough Council.

The Site

The existing Primary School in Warton is centrally located within the village on the north-east side of Maypole Road as illustrated at Appendix A. There is residential development surrounding the site on three sides and at the rear there is open countryside.

The Proposals

As indicated above, the proposal is to add a new two classroom permanent teaching block to the south-east of the existing school building. It would be brick built with a flat roof so as to match the existing school - see Appendix B.

The existing School accommodates ages 5 to 11 as well as Early Years with a capacity of 157 pupils, but 140 on roll. The proposals would raise the capacity to 210 places.

There are also internal alterations proposed to the existing building comprising:

- Enlarging the main hall
- Relocation of the Library
- Extension to the staff room

Overall, there would be 14 staff car parking spaces which is over the parking standard. Additional cycle and scooter spaces are also to be included.

Electric Charging points are to be included and proposed photo-voltaic panels are to be added to the roof behind a small perimeter parapet. It is anticipated that they will provide an estimated 48% of the whole School's annual requirement.

New "active" and "adventure" playgrounds would be added to the rear.

Development Plan

The North Warwickshire Local Plan 2021 - LP2 (Settlement Hierarchy); LP29 (Development Considerations), LP30 (Built Form) and LP34 (Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2023

Observations

These proposals are very welcome given that they are directly related to the recent growth of the village and that the associated Section 106 Agreements which have provided contributions towards the cost of the works.

Also welcome is that the proposed works have been designed to take account of the existing School in design terms, rather than following the “modular” approach that has been seen elsewhere in the Borough.

Recommendation

That the Council fully supports the proposals.

APPENDIX A

Location Plan

Site Address: Warton Nethersole C of E Primary School, Warton Nethersole C of E Primary School, Maypole Road, Warton, B79 8EP

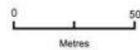


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APPENDIX B



Legend

- Proposed Building
- Existing Building
- Proposed Parking
- Existing Parking
- Proposed Landscaping
- Existing Landscaping
- Proposed Access
- Existing Access
- Proposed Fencing
- Existing Fencing
- Proposed Sports Field
- Existing Sports Field
- Proposed Gym
- Existing Gym
- Proposed Hallway
- Existing Hallway
- Proposed Site Boundary
- Existing Site Boundary
- Proposed North Arrow
- Existing North Arrow

Location Plan

Scale

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

SCALE 1:500 @ A1

Client
Warwickshire County Council

Project Name
Warwick Infants & C of E Primary School

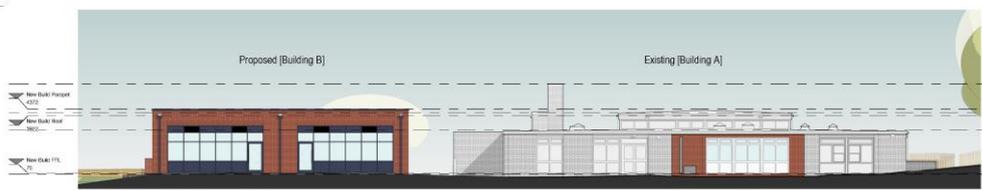
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Warwick, Warwickshire

Project Reference
124263-PEV-XX-XX-DR-A-9004

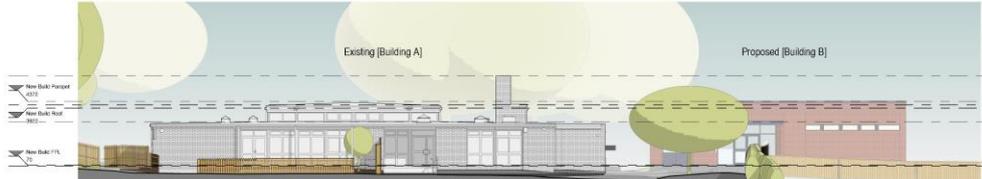
Project Status
As Indicated

Project Date
12/11/2023

Project Author
PICK EVERARD



Proposed - North East Elevation Planning
Scale - 1:100



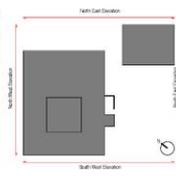
Proposed - South West Elevation Planning
Scale - 1:100



Proposed - North West Elevation Planning
Scale - 1:100



Proposed - South East Elevation Planning
Scale - 1:100



North East Elevation
Scale 1:100

Client
Warwickshire County Council

Project Name
Warwick Infants & C of E Primary School

Project Address
Warwick, Warwickshire

Project Reference
124263-PEV-XX-XX-DR-A-9012

Project Status
As Indicated

Project Date
12/11/2023

Project Author
PICK EVERARD

General Development Applications

(5/f) Application No: PAP/2023/0252

Stonebridge Golf Centre, Somers Road, CV7 7PL

Temporary change of use of woodland to a visitor attraction light trail, incorporating the installation of temporary demountable structures, and sound and lighting equipment. The temporary use of land would comprise, the installation of equipment from 13 September 2024 to 15 October 2024, the operation of the visitor event from 16 October 2024 and the removal of event equipment from the site no later than April 30 2025, for

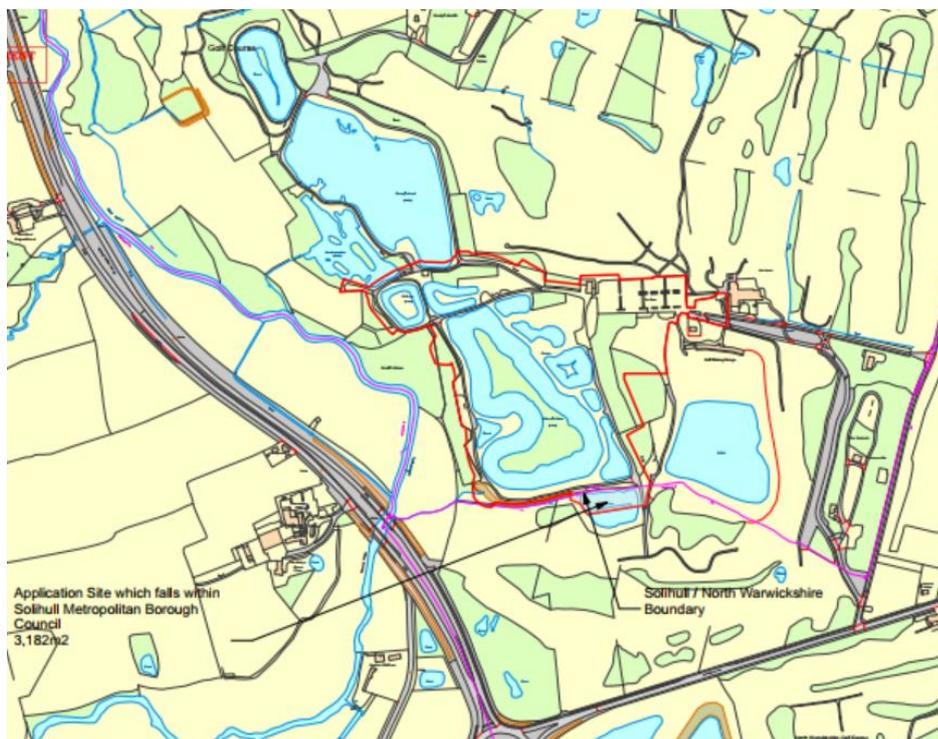
Berryman - Kzemos UK Ltd

Introduction

With the agreement of the Chairman, a site visit was undertaken with the landowner, Packington Estates, on Saturday 16th March 2024. A note detailing the site visit is attached as Appendix 1.

The Site

The application site comprises land surrounding Somers Fishery at Packington, on the Stonebridge Golf Centre site, and utilises access and parking associated with the golf centre. The entrance to the Golf Centre is off the road that runs between Meriden and Solihull - (B4102) Hampton Lane. The site is within the parish of Great Packington. It is outside of a defined development boundary and lies within the Warwickshire Green Belt. The site is shown outlined in red below.





The planning application is adjacent the River Blythe Site of Special Scientific Interest (SSSI) and within its Impact Risk Zone. The SSSI lies to the west of the application site boundary.

The application is a cross-boundary application, with a small element of the south of the site lying within the administrative area of Solihull Metropolitan Borough Council.

Background

Packington Somers Fishery has previously been used for temporary events, including a 'Spooky Swamp' Halloween activity. These were delivered under a Premises Licence NWBC/PML/8951 (planning permission was not required for these events as previously there were under the 28-day threshold).

The Proposal

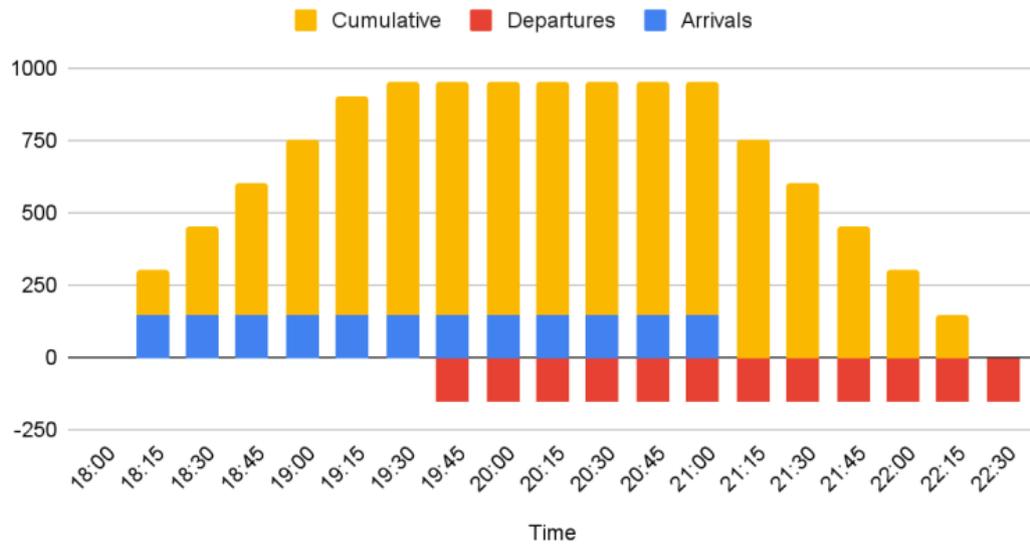
The application seeks a temporary change of use of woodland to a visitor attraction light and sound trail, incorporating the installation of temporary demountable structures, and sound and lighting equipment. The temporary use of land would comprise, the installation of equipment from 13 September 2024 to 15 October 2024; the operation of the visitor event from 16 October 2024 and the removal of event equipment from the site no later than April 30 2025.

The applicant indicates that the site was selected because it is well located, with good access to the wider road network, yet being far enough away from residential properties to mitigate any negative impacts the events may have on the area.

The site has been designed to allow for up to 900 people to attend events at the site at any one time, supported by a crew of up to 25 people who will perform a variety of roles – traffic management and bar staff, caterers, and security.

The event will operate principally on a pre-booked basis, with staggered arrival and departure times, as follows:

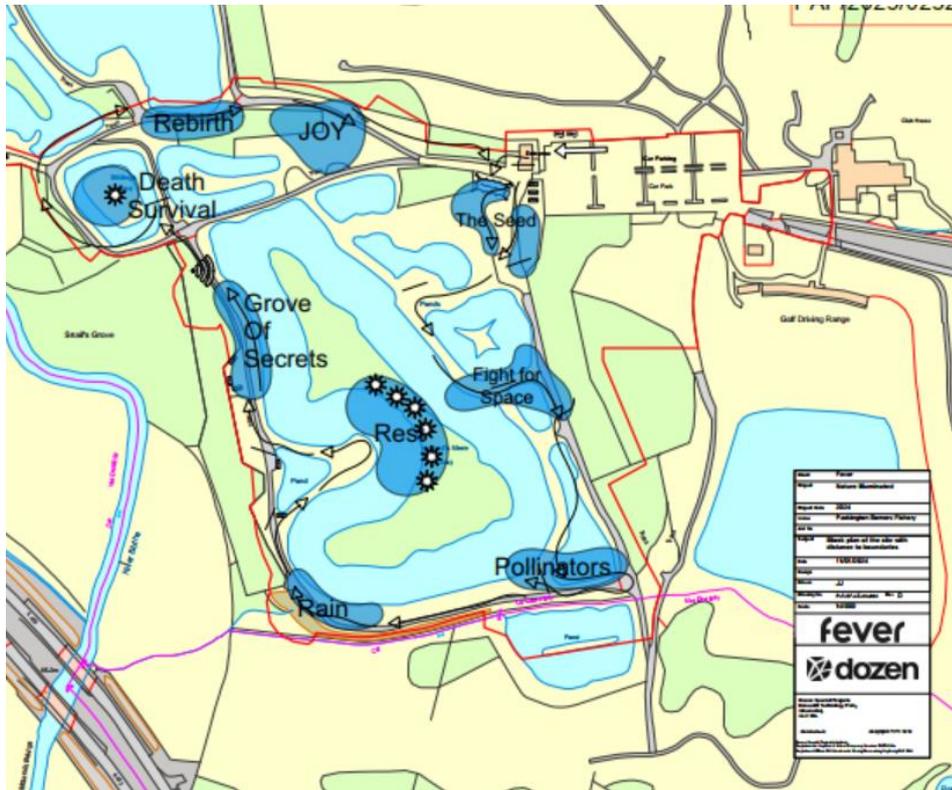
Family Light Trail



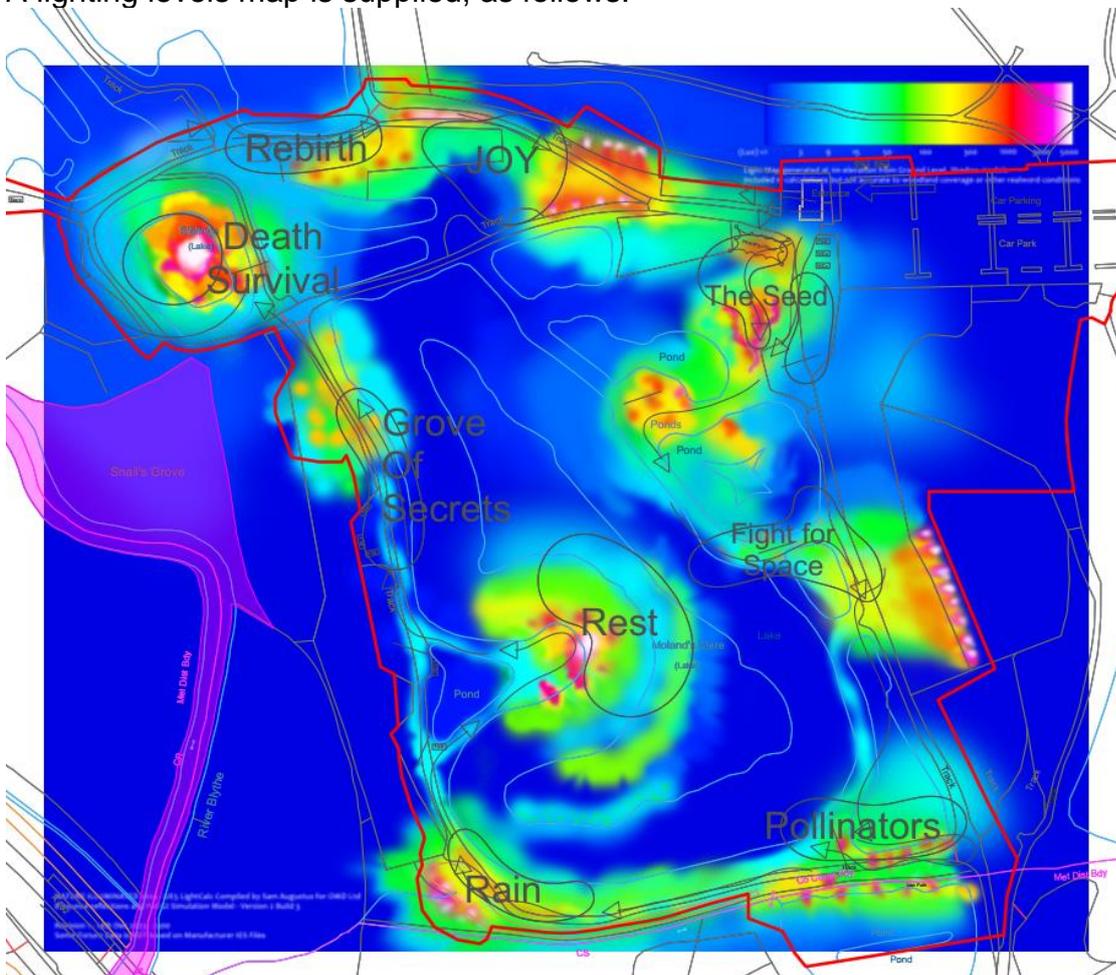
	Pulse 1	Pulse 2	Pulse 3	Pulse 4	Pulse 5	Pulse 6	Pulse 7	Pulse 8	Pulse 9	Pulse 10	Pulse 11	Pulse 12	Total on site
18.00													0
18.15	Arr: 150												150
18.30		Arr: 150											300
18.45			Arr: 150										450
19.00				Arr: 150									600
19.15					Arr: 150								750
19.30						Arr: 150							900
19.45	Dep: 150						Arr: 150						900
20.00		Dep: 150						Arr: 150					900
20.15			Dep: 150						Arr: 150				900
20.30				Dep: 150						Arr: 150			900
20.45					Dep: 150						Arr: 150		900
21.00						Dep: 150						Arr: 150	900
21.15							Dep: 150						750
21.30								Dep: 150					600
21.45									Dep: 150				450
22.00										Dep: 150			300
22:15											Dep: 150		150
22:30												Dep: 150	0

The activity will rely on the existing car parking for the golf centre and fishery (approximately 396 spaces). No spaces will be added, or removed for the use of the project.

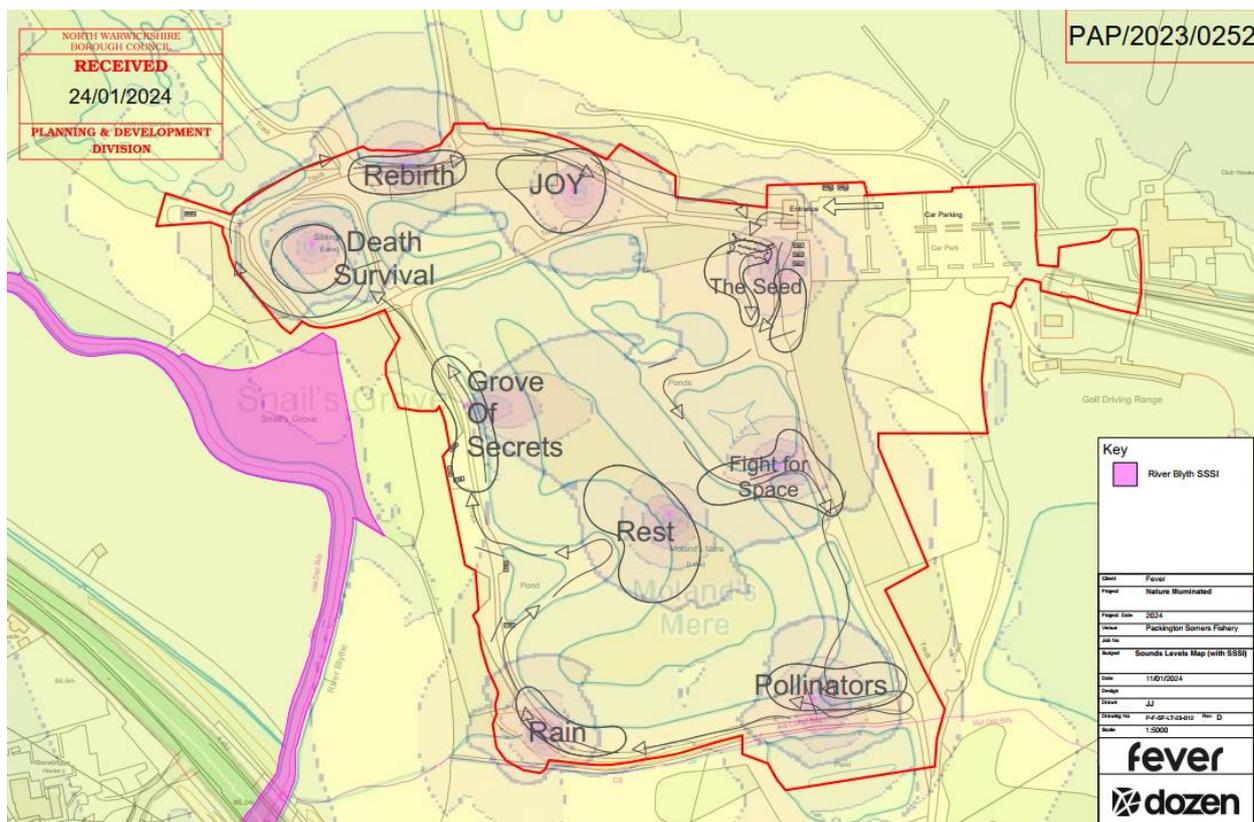
The layout of the attraction will be as shown below:



A lighting levels map is supplied, as follows:



A sound levels map is supplied as follows:



The use will involve the siting of trailer based food and toilet facilities. All units will be self contained and wastes will be removed from the site by tankers. The route will be lit by festoon or low level lighting between the individual installations

The existing fishery will remain open and the footpath running through the site will be unobstructed and open to use by walkers. The applicant advises that stewards will be briefed to accommodate footpath users.

Background

The proposed visitor attraction is to be operated by an established events company with experience of delivering similar events internationally.

Development Plan

North Warwickshire Local Plan 2021 - Policy LP3 (Green Belt); Policy LP16 (Natural Environment), Policy LP29 (Development Considerations), Policy LP30 (Built Form) and Policy LP34 (Parking)

Other Relevant Material Considerations

National Planning Policy Framework 2023 - (the "NPPF")

National Planning Practice Guidance - (the "NPPG")

Environment Act 2021

ODPM circular 06/2005: Biodiversity and Geological Conservation
NERC Act 2006 - Biodiversity Duty (see also Environment Act 2021) Section 41, habitats and species of Principal Importance (previously BAP)

International and national site protection: Ramsar sites (from Ramsar Convention), Habitat and Birds Directives (Natura 2000 sites include SAC's and SPA's), SSSI's, National Nature Reserves, Local Wildlife Sites, Local Nature Reserves.

Habitats and Species protection: Habitat and Species Regulations (protected sites and species). Wildlife and Countryside Act 1981 (as amended including special Schedule 1), Natural England Standing Advice. Badger Act.

Representations

One correspondent from Birmingham writes: I do not object to this but wanted to draw your attention to the Public Footpath that runs through the site of the attraction (Route Code 181/M230/1). I think that this should be kept clear of obstructions and available for use throughout the period of the attraction.

A letter of support is received from Packington Estate Enterprises Limited. It indicates that it is working closely with the production team at Fever to maximise the success of the event, whilst minimising the impact on the wider operation of the golf course and fisheries, as well as local neighbouring residential and commercial properties. It is excited to bring these events to the West Midlands and feels that this temporary venue is an excellent way to make use of the site this autumn and winter.

Consultations

Warwickshire Fire and Rescue Service - No comment from Water Department. Fire Safety Dept – to be advised.

Active Travel England – No comment.

Environmental Health Officer – Lighting Impact - No adverse comments. Noise and Vibration and Noise Management - The Outline Noise Management Plan indicates that the distance between the event site and the closest residential user is sufficient to ensure that amplified sound levels can be managed to protect the amenity of the local residents. However, the Environmental Health Officer seeks an independent noise consultant comprehensive assessment to determine the noise levels on the site prior to determination of this application. He further seeks recognises that the impacts from noise can be dependent on meteorological conditions and recommends that an interpretive noise template is included within the Noise Management Plan so that an assessment can be made on the potential noise impact to the nearest noise sensitive residential premises.

Rights of Way Team, Warwickshire County Council – Identifies that Public footpath M230 crosses the application site. The Team seeks assurance that the public footpath will not be obstructed in any way and will remain open and available for public use at all times. Subject to such assurance, it offers no objection subject to conditions.

Warwickshire County Council Highways Authority – To be advised.

Natural England – No comments. Referred to standing advice and recommended that the Local Planning Authority seek information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Warwickshire County Council Ecologist – The application site is a potential Local Wildlife Site Somers Gravel Pits and Wood pLWS and within the Site of Special Scientific Interest (SSSI) Impact Risk Zone for the River Blythe SSSI. The habitat survey was undertaken in October 2023, which is a sub-optimal time of year to undertake grassland surveys in particular. An Ecological Impact Assessment (EclA) and Local Wildlife Site survey will be required. At present the ecological appraisal does not provide details of mitigation and assessment of ecological effects, because the ecological surveys have not yet been fully completed. Surveys for bats (roosting and foraging/commuting), ground based inspections of trees, water vole, otter, overwintering bird surveys and detailed botanical surveys are ongoing and will be required to complete the EclA prior to determination of the application. The proposed soundscapes (peaking at 90db) and lighting are likely to have some impact on species including birds (including roosting birds), bats, otter, badger and water vole, greater clarity about the grain of impacts is sought. Clarification about the extent of any vegetation is sought. At present the County Ecologist forwards a holding objection, pending the submission of additional survey and Ecological Impact Assessment. It is recommended that once the full details of the EclA have been submitted and the impacts of the proposals on the SSSI are set out, if there are any residual effects to the SSSI it would be recommended to re-consult Natural England.

Solihull Metropolitan Borough Council – No comments received.

Planning Archaeologist, Warwickshire Museum – No comments received.

Warwickshire Wildlife Trust – No comments received.

Force Crime Prevention Design Advisor – No comments received.

Environment Agency - No comments received.

Observations

a) The Green Belt

The site lies within the Green Belt. New development on this site would be considered inappropriate and harmful to the Green Belt unless it can be demonstrated that the proposed development meets the exceptions criteria set out in the NPPF and in policy LP3 (Green Belt) of the North Warwickshire Local Plan 2021.

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this is set out at Paragraph 154(b) of the NPPF. It identifies that the “provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation would not be inappropriate development providing that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.” The site

is currently in use for outdoor sport and recreation and the proposed temporary use, and associated temporary structures, would also be for outdoor recreation. It is therefore considered that the development would satisfy the terms of this exception and would not necessarily be inappropriate provided that the conditions are satisfied.

Considering openness in the context of paragraph 154(b), the term 'preserve' does not mean that the openness of the Green Belt should be entirely unchanged as a result of development. Preservation refers to the need to ensure that the openness remains unharmed. The NPPG sets out what factors can be taken into account when considering the potential harm of development on the openness of the Green Belt. These are spatial aspects; visual aspects, permanence and degree of activity.

There will be a degree of spatial impact by reason of the temporary structures being sited. The proposed installation route will be distributed around the fishing lakes. However, the structures will be small in scale and well screened by existing established vegetation and tree cover. Overall, it is considered that the spatial harm from the proposal to the Green Belt is minimal.

There will be a visual presence as a result of the proposal, particularly from lighting and activity, including car parking. However, the course has been designed to minimise lighting impact to only the close vicinity of the fishery, it is a transient use with transient visual impact. The site is well established for mass car parking. The activity will cause a negligible impact on the harm to the openness of the Green Belt from a visual perspective.

The use is temporary and relies upon the use of temporary structures, it is considered to have a negligible impact on the openness of the Green Belt.

It is thus considered that the proposal will preserve the openness of the Green Belt here with limited actual harm. There is no conflict with the purposes of including land within the Green Belt as being a temporary arrangement and also not involving buildings, it is not considered to give rise to harm arising from encroachment.

Local Plan Policy LP3 (Green Belt) states that in addition to the NPPF, regard should also be given to whether '*proposals are of a scale necessary for the efficient function of the parent use concerned and that they are the minimum size necessary*'. It is considered that the proposal is of a necessary scale to accommodate the visitor attraction. It is not considered that the proposals are excessive in scale, given the characteristics and history of use of the site.

As a consequence of these matters, it is considered that the proposal can be treated as being appropriate development in the Green Belt.

b) Ecology and Biodiversity

Local Plan Policy LP16 (Natural Environment) says that the Council will seek to 'minimise the impacts of and provide net gains for biodiversity, relative to the significance of the site's importance for biodiversity'. In respect of conserving the natural environment, the policy indicates that Sites of Special Scientific Interest (SSSI's) will be subject to a high degree of protection, in view of their national importance. Development adversely affecting a SSSI will only be permitted where the benefits of the

development at these sites clearly outweigh the likely impacts on the site and any broader impacts on the national network of SSSI's. In respect of development that affects Sites of Regional and Local Importance for Nature Conservation, it will only be permitted where the benefits of the development outweigh the nature conservation value of the site and the contribution it makes to the Borough's ecological network.

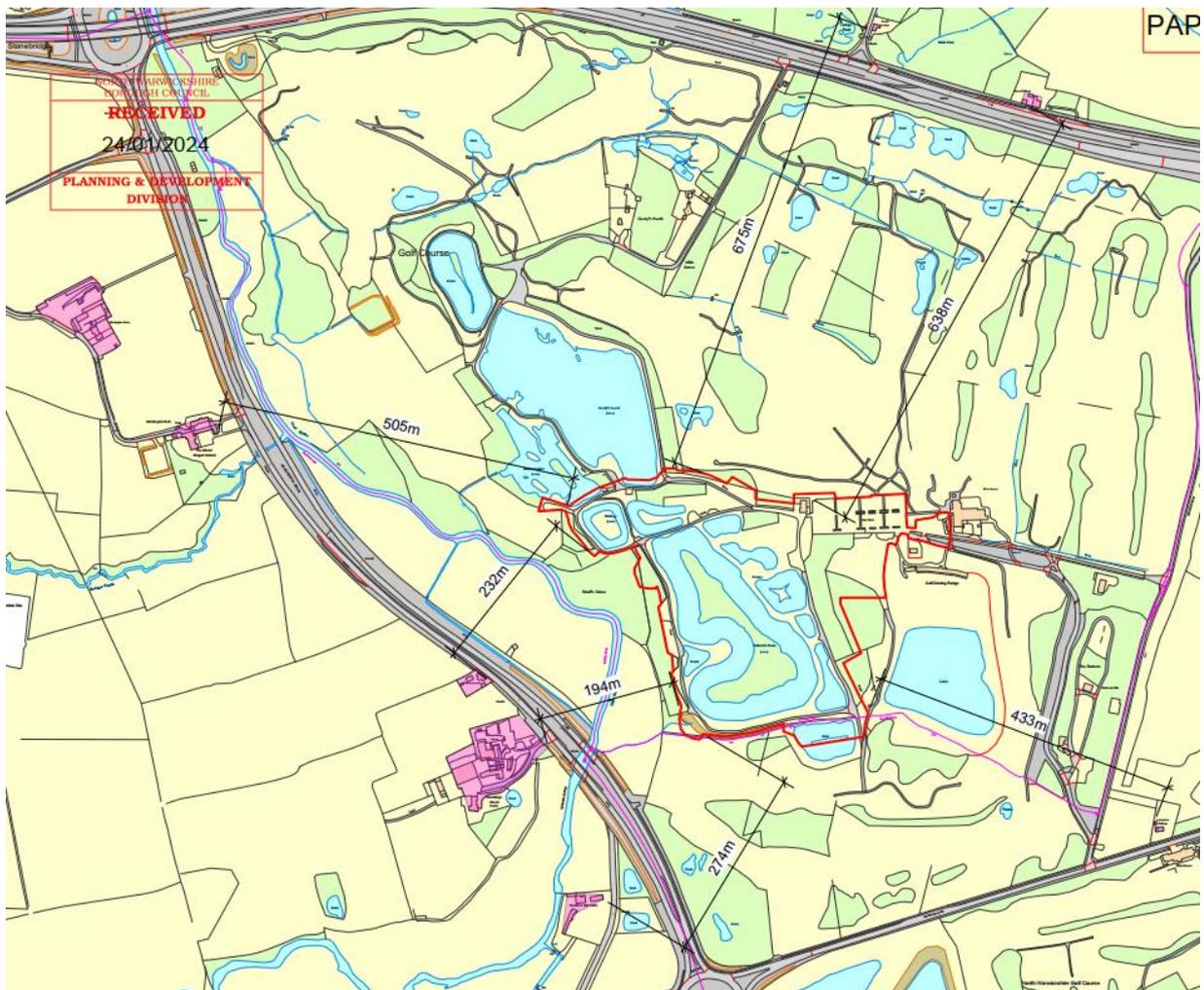
As set out in the observations of the County Ecologist above, this is a site with significant ecological sensitivities that could be adversely affected by light, sound and substantial visitor numbers, including from trampling and disturbance. There are outstanding surveys and assessments still to be undertaken and submitted. Notwithstanding this, it is not anticipated that the results of such survey work would render the proposed development wholly inappropriate in principle, rather it will inform, site design, layout and intensity of use of parts of the site. Though there remains an outside chance that something unanticipated could be encountered, it is felt to be unlikely given the temporary nature of the proposal.

The applicant has expressed an intention to carry out the necessary survey and assessment work and understands that this may lead to scheme revisions, but is eager to establish whether, subject to satisfaction of the County Ecologist, and by extension Natural England, the Local Planning Authority will support the principle of the development. This is sought for contractual and advance business planning reasons. The recommendation below, reflects the request and accommodates the potential for scheme revision to accommodate the findings of outstanding survey and assessment.

c) Character, Appearance and Neighbouring Amenity

Local Plan Policy LP29 (Development Considerations) states that development should avoid and address unacceptable impacts upon neighbouring amenities through, amongst other things, noise, light, or other pollution; and protect and enhance the natural environment. The policy also identifies that development should promote healthier lifestyles for the community to be active outside their homes and places of work.

The temporary use is proposed at a well-established recreational site. The impacts on character and appearance would largely occur as a result of light and sound. These impacts are currently still under assessment to ensure that the equipment and controls will not have an adverse impact on those who live locally. However, it is noted that dwellings are set at significant distances from the proposed use and are commonly on the opposite sides of heavily trafficked main roads (see distances indicated on the plan extract below). The submitted lighting and sound maps suggest that effects be locally contained. Though assessment is ongoing, it appears unlikely that neighbours would be significantly disturbed from the effects of noise and light with the application of conditional limitations on use. Again, the applicant requests a decision in principle, subject to finalisation of noise and lighting details and design.



Conditions limiting the use to the temporary time period set out in the description of development, controlling the hours of opening for visiting members of the public to the sound and light event, and requiring the completion and submission of a pre-commencement survey of the condition and appearance of the land, with an obligation to return the land to its original condition within 4 weeks of the cessation of the use, would all be appropriate to limit the effects of the development on character, appearance and neighbouring amenity.

It is considered that the proposal, with appropriate conditions, will accord with the requirements of Policy LP29.

d) Highway Safety

Local Plan Policy LP29 (Development Consideration) point 6 states that development should '*provide safe and suitable access to the site for all users.*' Policy LP34 (Parking) requires development proposals to have particular regard to adequate vehicle parking provision.

The observations of the Highway Authority have not yet been received. However, officers note that Stonebridge Golf Course and Somers Fishery currently have extensive parking provision. It is considered that this is adequate space to accommodate the traffic associated with the proposed use particularly as it would take place outside of daylight hours. It is considered the use will not significantly conflict with the permanent

golfing and fishing uses which operate dawn to dusk. The controlled staggering of visitor arrivals should ensure that no significant congestion results. The existing access off the public highway is distant from the event site and of a good standard of construction and visibility. It is not considered that the proposal will adversely impact of highway safety.

It is considered that to ensure that the events operate on a sustainable, safe and accessible basis, it would be appropriate to attach conditions requiring the submission of schemes for the improvement and repair of the surface of the car park, the accommodation of mobility impaired visitors, and for staff transport and vehicle sharing.

e) Other Considerations

The applicant gives assurance that there will be no impediment to users of the public footpath that crosses the site. This matter can be secured through the inclusion of appropriate conditions and notes on any consent.

Part of the route lies within the flood plain of the River Blyth (Flood Zone 2). Given that the use is temporary, the operators reassure that they will monitor climatic forecasts and changes and act to evacuate visitors accordingly if any flood risks are forecast. It is considered that site management is an appropriate response to any limited flooding risk at this site.

f) Conclusion

It is considered that, subject to the finalisation of assessment and agreement of appropriate conditions, the proposal is an appropriate temporary use of land within the Green Belt, in accordance with Development Plan Policies set out in the North Warwickshire Local Plan 2021. Therefore, it is recommended that the proposal be supported in principle and subject to conditions.

Conditions

The recommendation below will include the use of pre-commencement conditions (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition. The recommendation does not detail specific conditions at this stage, but the applicant has indicated a willingness to rely upon pre-commencement conditions in principle.

Recommendation

That, subject to the resolution of matters relating to ecological, noise and lighting impacts, to the satisfaction of the County Ecologist and the Borough Environmental Health Officer, the application be supported in principle, and subsequently be granted subject to conditions which be agreed in consultation with Chairman and Opposition Spokesperson.

APPENDIX 1

Packington Site Visits

Stonebridge Golf Centre - Somers Road/Hampton Lane, Meriden

PAP/2023/0252 and PAP/2024/0025

Saturday 16th March 2024 at 1000

Present: Cllr's Chapman, Dirveiks, Parsons, Phillips, Ririe and Simpson together with B Gray and three other representatives of the Estate/ Golf Club and J Brown

1. The site visit was to look at two sites at the golf centre, the subject of two different applications.
2. **PAP/2024/0025** involves the construction of a small "adventure golf" course on land between the established driving range and the club house.
3. Members gathered at the site where the surrounding general features were pointed out - the clubhouse, driving range, car parks and the main golf course. An existing putting green to be retained was also pointed out.
4. Plans were circulated to illustrate the arrangement of the small adventure golf course and Members were able to see its extent within the general location and where new tree planting would take place.
5. **PAP/2023/0252** involves a visitor attraction light trail to be managed from mid-October 2024 to the end of April 2025.
6. This was to be mounted to the west of the clubhouse on land through the Fisheries.
7. Members were shown plans and an explanation was given by the Estate representatives.
8. Members then walked to the beginning of the trail by the entrance to the Fisheries and then continued to the far southern corner of the lakes. They were able to look at the general levels, the extent of the tree and wood cover as well as the extent of the whole trail.
9. Members returned to the club house.

BACKGROUND PAPERS

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

Planning Application No: PAP/2023/0252

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21/01/2024
2	Consultation Responses and representations (as set out in the report)	Various	Various dates

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.

Agenda Item No 6

Planning & Development Board

8 April 2024

Report of the Head of Development Control

Permitted Development Changes

1 Summary

- 1.1 The report brings Members up to date on confirmation of changes to the Permitted Development Order, the subject of a consultation last year and draws attention to a further round of consultation for more changes to that Order.

Recommendation to the Board:

That the report be noted.

2 Background

- 2.1 Members will be aware that the General Permitted Development Order of 2015 as amended, grants planning permission for a wide variety of development - both for operational development and for changes of use - thus negating the need to submit a planning application to a Local Planning Authority.
- 2.2 The Order has been amended several times in recent years in order in the Government's view to "cut red tape"; to increase the number of houses becoming available particularly through conversion, to enable house holders to expand and alter their accommodation to provide more rooms, to promote 5G telecommunications and increasingly for developments involving energy efficient measures.

3 The 2023 Consultation

- 3.1 Members will recall the consultation last year to create a new Use Class for property the subject of short-term lets - Use class C5. The Government has confirmed that this will take effect this summer. Under this Use Class, a short-term let property would be defined as the "use of a dwellinghouse that is not a sole or main residence for temporary sleeping accommodation for the purpose of holiday, leisure, recreation business or other travel". The guidance is that the time period to benefit from use within this Class would be 90 nights. Permitted development rights would enable changes to this new Use Class from a C3 Dwellinghouse and vice versa subject to conditions. Article Four Directions could be used to remove these rights but only "where there is evidence of a local issue" and they should only apply to the "smallest geographical area possible".

3.2 Additionally, Members were informed last February about a proposed change to permitted development rights to provide additional flexibilities to support housing delivery. These have now been confirmed and took effect on 5th March. In short, larger and more premises can now benefit from conversion to residential use.

4 **The 2024 Consultation**

4.1 Further changes are again being promoted through the latest consultation paper.

4.2 In short these are:

- i) Further enlargement and alterations to existing houses
- ii) Further upward extensions of buildings
- iii) The demolition of certain buildings and their replacement with new houses
- iv) The installation of electrical outlets and upstands for recharging electric vehicles and
- v) The installation of air source heat pumps.

4.3 Each will be taken in turn.

4.4 In essence the first set of changes includes larger extensions and loft extensions, alterations to a roof to enable householders to convert as much of their lofts and attics as possible and greater flexibility for bin and bike stores in front gardens. Without going into the exact detail, the changes would enable larger single and two storey extensions to be built as permitted development. For instance, that increase would allow an extra metre in depth for a single or two storey rear extension, for side and rear extensions to “wrap” around a corner and that extensions could cover more than half of the relevant curtilage. At present, incidental buildings are not permitted in front gardens. In order to avoid “bin blight” the proposal is to enable small buildings here to provide storage space.

4.5 The second adds on recent change that enabled extra storeys to be added to bungalows and houses so as to provide new dwellings and extra living space. The proposal includes the potential for older buildings to benefit from this “right” - back to say 1930.

4.6 The third relates to changes for demolition and rebuild. At present, permitted development allows the demolition of certain single detached buildings, including existing flats, offices and industrial premises and their replacement with a block of flats or a single detached house. This right currently only applies when the building was constructed before 1989. It is proposed to extend this time period forwards to enable newer buildings to benefit. The current rights limit the replacement to retaining the existing footprint of the original building. The consultation asks whether that footprint should be enlarged.

- 4.7 The penultimate change relates to electric charging infrastructure - wall-mounted outlets as well as upstands within an area lawfully used for off-street parking. The consultation sets out the Government's objective to support more charging points. At present these facilities are unable to benefit from these rights if they are within two metres of a highway. It is proposed to remove this limitation. The height of upstands is proposed to be increased too - particularly for non-domestic buildings.
- 4.8 The final set of changes relates to the installation of air source heat pumps. Presently they must be at least 1 metre from a property boundary as a "proxy" for potential noise impacts. Due to ongoing research, it is proposed to strengthen the noise assessment document that installations under permitted development must comply with, so as to dispose of the one metre distance.

5 **Observations**

- 5.1 It is considered that the 2024 proposals would be unlikely to substantially increase the supply of new housing units in the Borough. They will enable some households to expand property through the addition of new rooms and there may be some cases where the redevelopment permitted development rights would enable new "windfall" housing to occur. Similarly, it is unlikely to expand the delivery of affordable homes.
- 5.2 There are considered to be some significant dis-benefits caused - despite conditions - that residential amenity for neighbouring properties would be adversely impacted leading to more "neighbour disputes"; that the objective of raising design standards through local Design Codes and the objective of creating beautiful places and buildings will be diluted, and that some of these proposed rights will become available even in Conservation Areas.

6 **Report Implications**

6.1 **Financial and Value for Money Implications**

- 6.1.1 Expanding permitted development rights will lead to the submission of fewer planning applications and thus there could be a reduction in planning fee income received.

6.2 **Legal Implications**

- 6.2.1 The legal implications outlining the changes to the Permitted Development Order 2015 (as amended) are referenced within the body of this report.

6.3 **Environment, Sustainability & Health Implications**

- 6.3.1 There is concern that the proposals will harm residential amenity and thus may affect the well-being of some occupiers as well as neighbours. The redevelopment proposals, depending on location, may well increase housing in unsustainable locations and there will be a likely loss of good design.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

Agenda Item No 7

Planning & Development Board

8 April 2024

Report of the Head of Development Control

An Accelerated Planning System

1 Summary

- 1.1 The report informs Members of a recent Government consultation paper on measures that it is proposing in order to “accelerate” the planning system by tightening Performance Indicators.

Recommendation to the Board:

That the comments in the report be forwarded to the Department of Housing and Local Government along with any other comments the Board may wish to add.

2 Background

- 2.1 Members will be aware of the Government’s intention to accelerate planning decision-making from last year’s Board report on the Levelling Up and Regeneration Act 2023. This consultation paper sets out the detail of how the Government proposes to do so.

3 The Consultation

- 3.1 The paper sets out four measures as set out below. Each will be looked at in turn.

- i) The introduction of a new Accelerated Planning Service offering a new application route with accelerated decision dates for major commercial applications with fee refunds wherever these are not met.
- ii) Initial changes in relation to Extensions of Time Agreements including a new performance measure for speed of decision-making against statutory time limits and a transition to there being no such extensions.
- iii) An expansion of the current simplified householder and minor commercial appeal service, for more written representation appeals.
- iv) Detail on the broadening of the ability to vary a planning permission and on the treatment of overlapping planning permissions.

i) Accelerated Planning Service

- 3.2 The current statutory time limit to decide major applications is 13 weeks or 16 where there is an accompanying Environmental Impact Assessment. In the period July to September 2023 Government statistics show that “only” 21% of

such applications were decided in the 13 weeks. The Government announced an Accelerated Planning Service for major business applications last Autumn. This would enable the payment of a higher planning fee to the Authority which would cover the full cost to the Local Planning Authority to deliver an accelerated service, so as to meet a guaranteed 10-week timescale, not the current 13 weeks. If these are not met, full refunds would be automatic. The Paper describes this as - “a prompt service or your money back”.

- 3.3 The Government is exploring two options for this service.
- 3.4 The first would be a discretionary option whereby an applicant could choose to use the service where the development qualifies and the second would be mandatory as being the only service available. In either option, local communities and statutory consultees would still have at least 21 days in which to make representations. The key aim is to ensure that these applications are prioritised through the Authority’s internal processes faster - from validation, through the consultation period and the drawing up of Section 106 Agreements, to convening Committee meetings. Appeals could be lodged against non-determination after ten weeks.
- 3.5 The Government recognises that applications have to be “good quality with the right information”. Its research has continually highlighted the most common causes for delay are inadequate or missing information being submitted and secondly the time taken to finalise Section 106 Agreements. If the new service is to operate, it proposes that:
- i) There has to be clear and full pre-application advice on key issues and information requirements.
 - ii) Prior to submission, applicants should notify key statutory consultees that they will use this service. Apart from a “warning”, this is also intended to secure the full information that that consultee will need. The Paper does point out that the Government is presently undertaking research on the role of statutory consultees.
 - iii) A mandatory draft Section 106 Agreement to be included in the submission.

ii) Extensions of Time

- 3.6 An Extension of Time Agreement (EOT) is a mechanism by which an applicant can agree an extended time period in which to determine an application, beyond the statutory time limit. Currently if the application is determined within an agreed extended time period, it is deemed to have been determined “in time” and does not count against the overall performance of the Authority.
- 3.7 In the paper the Government says that it “knows” that these agreements are used to “compensate for delays” and “mask poor performance”, thus not “incentivising” the determination of applications within the statutory time periods.
- 3.8 National figures show that such agreements for major applications have increased from 42% to 75% over the period March 2016 to March 2023 and

from 9% to 41% for non-major applications. Only 10% of Authorities determined 70% or more on non-major applications within the statutory 8-week period (the current Indicator) and only 1% determined 60% or more of major applications within the statutory 13 or 16 week period (again the current Indicator). The paper says that this “falls below government expectations”.

- 3.9 New Performance Tables have been published and this data is expected to be shared with Members. North Warwickshire’s figures will be highlighted below.
- 3.10 The Government proposes to address this “under- performance”.
- 3.11 As it is concerned about the “high” use of the agreements, it is proposing to introduce a new measure - to look at performance ONLY against the statutory period without the use of such agreements. In other words, the use of EOT’s is to be phased out. There would be a transitional period whereby the existing measure continues to be published - that is with the EOT’s. The new measure would be introduced in October 2024 and both measures would be published together until early 2026, when from April 2026, only the new measure would apply.
- 3.12 The performance “target” at that time would be 50% of major applications determined within the 13 or 16 weeks and 60% of non-major applications in the statutory eight-week period. Underperformance could result in an Authority being “designated” and thus the subject of Government intervention.
- 3.13 Householder applications are not included in these measures. The proposals would however still remove the ability to use EOT’s in these cases.

iii) Written Representation Appeals

- 3.14 The paper also addresses appeal procedures. There is already an expedited appeal process for householder and some smaller commercial appeals which essentially relies on just the Authority’s case file being submitted aside the appellant’s grounds of appeal. There is thus no allowance for further representations or responses. The figures show that 70% of all appeals submitted are dealt with via written representations, 25% through the system above, 3% by Hearing 2% by full Inquiry. The proposals are to extend the quicker service to other types of case including refusals of Listed Building Consent, works to Protected Trees, Lawful Development Certificates, removal of conditions and cases under the Hedgerow Regulations amongst others.

iv) Variations and Overlapping Permissions

- 3.15 There are currently two routes to vary a planning permission - a Section 73 application enables planning conditions to be varied and Section 96A applications enables proposals for non-material amendments. Section 73 applications are common and have mostly been used to vary approved plan numbers. However recent case-law has led to a change in the legislation. That confirms that Section 73 cannot be used to amend the “descriptor” of the planning permission, thus essentially limiting the section to the variation of other

planning conditions – ie, not the approved plan numbers condition. The new legislation introduced Section 73B, which enables an applicant to make an application for a new planning permission for development which is “not substantially different” to that granted by an existing permission. Both Sections 73 and now 73B, will be available to applicants. The new Section 73B requires secondary legislation, and this is currently being prepared.

- 3.16 The dividing line between a Section 73 application and one under Section 73B is whether the proposed variation would be “substantially different” to that already approved. In general terms therefore a Section 73B application would be needed to alter the number of units already granted, but a Section 73 application for a change in materials. The Government is proposing that the test of what is or what is not substantially different is a matter for each Local Planning Authority.
- 3.17 Recent case-law confirms that full planning permissions are not usually severable. In other words, parts of a permission cannot be selectively implemented and that if a new planning permission, which overlaps an existing permission in a material way, through its implementation, makes it physically impossible to carry out the rest of the existing planning permission, it would be unlawful to continue further development under the existing permission. So, if an applicant wants to change part of development, they should seek to amend the entire existing permission and not just seek a separate new permission on part of it through a “drop-in” application.

4 Observations

- 4.1 These proposals have already been known for a little while, but the detail is now available.
- 4.2 In respect of North Warwickshire’s performance - as at September 2023 - then for major applications, we determined 81% with the “time limits” as EOT’s are included. If EOT’s are excluded, the figure is zero. Nationally the figures are 88% and 19%. In respect of non-major applications, our performance was 90% with EOT’s, but 26% without. Nationally they are 88% and 49%. For householders then the figures were 93% and 57% without - nationally they are 90% and 56%. Matters will have improved now that we have a full complement of planning officers in the service, but as can be seen, under the new Indicators, we would become a “designated” Authority if the new Indicators were already in effect. Looking through the whole statistics for the country, then we certainly would not be alone as the great number of District Planning Authorities would also under-perform.
- 4.3 The proposals in officer’s view fail to understand the environment in which Local Planning Authorities actually work. The proposals look to be a “tick-box” process whereby everything is submitted with an application as a consequence of extensive pre-application engagement and consultation, with all issues addressed before submission, such that decision-making is almost automatic.

4.4 Members are aware of the following issues:

> We are not a Unitary Authority and thus wholly dependent on others as Statutory Consultees. We have no choice but to go to the County Council for highway, flooding and infrastructure advice. Additional fee income will not “buy” that in. We could buy outside consultants to do Warwickshire’s present role in advising on ecology and archaeology. There are other Statutory consultees – notably National Highways who can take several years to come to a final response. Others like the Environment Agency and Natural England offer only a “bespoke” service for individual cases preferring “Standing Advice”. In other words, decision making in North Warwickshire is almost wholly dependent on the technical advice and guidance of third parties.

> Officers, and Members to a degree, know that Statutory Consultee responses are often “holding objections” requiring additional detail and information to be submitted before they formally respond. Most of the major applications submitted to us are by “major” consultants on behalf of major applicants. These have the resources to pay for that pre-application advice; commission the ever increasing complexity of technical information needed and engage with the community at that pre-application stage. The great majority of applicants though are small and medium size enterprises, as well as individuals who do not have the resource or time to do so. The pre-application work can stifle if not prevent submission if it affects the viability of the proposed development.

> Councils are required by the NPPF to work in a positive and constructive way in dealing with applications. It is not considered that “expediency”, “time-keeping”, or “buying an accelerated system” will assist in the NPPF’s objective. It is expected that the number of “refusals” will increase and/or the number of non-determination appeals.

> Members will be aware that constructive working almost certainly ends up with a “better” scheme and one which has had “value added” to it by officers and Members. Pre-application engagement with applicants and also during the course of determining applications has been at the forefront the Board’s approach to decision making and the feedback from applicants and agents – on behalf of major and smaller businesses - has been very positive. That feedback is that if there is a planning permission at the end of a “delay” of a three or four month period, that is preferred to the appeal route. In other words, the “time period” is an artificial construct which impedes adding value. At present North Warwickshire approves 91% of all applications – the national figure is 86%.

> Such a “construct” could also put pressure on the process of neighbour notification and Parish Council representations, particularly if the applicant has undertaken no pre-application discussion themselves.

> The Board would also need to consider how these proposals if agreed in full or indeed in part, might affect its own working – monthly scheduled meetings do not “fit” with statutory time periods as each application would have a different “end” date; deferrals at meetings would invariably not lead to decisions within

the required time frame and the question of delegation would perhaps need review. At present 90% of decisions are delegated decisions – the national figure is 96%.

4.5 Members may wish to add their own comments through the Board.

5 Report Implications

5.1 Financial and Value for Money Implications

5.1.1 The prospect of a further significant increase in fee income is welcome, but in this case that fee income would be spent on outside Agencies and Consultants and not “sit” in the General Revenue Fund. There is also a substantial and increased risk of full fee refunds.

5.2 Environment, Climate Change and Human Health Implications

5.2.1 These matters may carry less weight in the determination of planning applications if inadequate assessment is not included in their submission.

5.3 Human Resource Implications

5.3.1 It is considered that the imposition of statutory performance indicators would increase the pressure on case officers whose professional expertise could be compromised.

5.3.2 Increased fee income for temporary staff to be employed on applications is unlikely to accelerate decision making, as that is still dependent on the speed of response from outside Agencies and Bodies.

5.4 Risk Management Implications

5.4.1 These proposals substantially increase the risk of the Council under-performing and thus becoming a Designated Authority subject to Government intervention.

5.5 Links to Council Priorities

5.5.1 The Council’s priority of protecting its rural character and heritage is put at risk when decisions are taken in the interests of meeting Indicators and not so as to fully accord with its Development Plan.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

Agenda Item No 8

Planning and Development Board

8 April 2024

Report of the
Head of Development Control

Tree Preservation Order
Land East of Chase Cottage,
Purley Chase Lane, Mancetter

1 Summary

- 1.1 A Tree Preservation Order (TPO) has been placed on 20 trees located on Chase Cottage, Purley Chase Lane, Mancetter. It came into force on 15 December 2023 and lasts six months until 15 June 2024. Representations to the TPO were required by the 2 February 2024. This report seeks to make the Order permanent following the consultation exercise.

Recommendation to the Board

That the Board confirms the Tree Preservation Order for the protection of the trees located with minor modifications at Chase Cottage, Purley Chase Lane, Mancetter.

2 Background

- 2.1 A temporary Tree Preservation Order was placed on the trees following a report to Board on the 11 December 2023. The Report is at Appendix A. The list of the 20 trees is shown below and the plan showing their position is attached at Appendix B. This plan and the plan below have been amended to reflect three inaccuracies with 3 of the trees from the original order relating to T1, T4 and T7 in terms of their original allocated species.

Reference	Number of species	Tempo Score	Worthy of TPO
2KJ8	T1 Sessile Oak	17	Yes
2KJ9	T2 Sessile Oak	15	Yes
2KJA	T3 Horse Chestnut	15	Yes
2KJB	T4 London Plane	15	Yes
2KJC	T5 London Plane	17	Yes
2KJD	T6 Sycamore	17	Yes
2KJE	T7 Norway Maple	17	Yes
2KJF	T8 Sycamore	17	Yes
2KHW	T9 Horse chestnut	17	Yes
2KHX	T10 Horse chestnut	17	Yes
2KHY	T11 Horse chestnut	17	Yes
2KHZ	T12 Silver maple	17	Yes
2KJ0	T13 Silver maple	17	Yes

2KJ1	T14 Lime	18	Yes
2KJ2	T15 Silver maple	17	Yes
2KJ3	T16 Silver maple	17	Yes
2KJ4	T17 Sessile oak	21	Yes
2KJ5	T18 London plane	17	Yes
2KJ6	T19 Sycamore	17	Yes
2KJ7	T20 London plane	17	Yes

3 Representations

3.1 Representations from neighbours and Mancetter Parish Council were invited in writing by the 2 February 2024.

3.2 Only comments were received from the owners of the trees objecting to the Order. The objections are précised below:

- T1 and T2. Both decent Oak trees, but some tidying up required as per the grand oak.
- T3. This tree is so close to the old coaching buildings that the roots caused damage to the north wall and the re-build of these buildings is on hold while this tree is obstructing both the wall and roof.
- T7. tree 2KJE is not a sycamore.
- T8 needs epicormic growth removing.
- T9 and T11. Both have the unmistakable Chestnut Canker. These trees will ultimately die. These need removing to allow T11 better growth.
- T10. This tree has no signs of canker but would benefit a li>le bit of management to even up the lowest limbs.
- T12 and T13. Stunning Silver Maples, very tall with high areas of `sail`, to try and prevent premature falling, we propose the sail area is reduced by one third of the current height.
- T14 has lower branches and ground level Epicormic growth which need removing.
- T15 is leaning and needs felling.
- T16. A very large and old willow has been resting or held up by this Maple. The old willow needs felling.
- T17. A stunning Grand Oak of around 170-200 years young, in perfect health with as many more years of growth to follow, works are needed to this tree.
- T20, T19, T18, T4, T5, T6. Cluster of trees are all miss shaped leaning and the roots have caused severe damage to the driveway kerbs, as well as the 180-year-old walled garden wall. All the trees were planted in the 1960's.

- 3.3 The majority of the comments relate to maintenance works required to the trees and good arboriculturist practice. Alterations to the species of T1, T4 and T7 resolve some of the comments raised. Discussions have taken place with the owner of the trees. Confirmation of the order will not stop these works from taking place, however the owner will have to apply for the works prior to carrying these out. Examples of such works include the remedial works including the removal of epicormic growth, removal of dead work, balanced works to the crown and crown thinning.
- 3.4 The owner has concerns over T3, T9, T11 and T15, however the assessment of the trees indicates that these are healthy and have sufficient longevity to be confirmed and worthy of the order. If the owner does intend to remove them in the future a works to a TPO will need to be submitted including robust justification for its removal.
- 3.5 In light of the above comments it is recommended to confirm the Order.

4 Report Implications

4.1 Financial and Value for Money Implications

- 4.1.1 There are no implications in making this Order, but if confirmed, then there may be implications, in that compensation may be payable, if Consent is refused for works to a protected tree.

4.2 Legal and Human Rights Implications

- 4.2.1 The Town and Country Planning Act 1990 only allows a tree preservation order to be made if it is expedient to do so in the interests of amenity. If members are satisfied that this remains the case having considered all the facts, the Order may be confirmed. Once made, the owners of the land would have a legal responsibility to maintain the tree and protect it from harm. Applications will need to be made to the Local Planning Authority in order to carry out works to the tree.

4.3 Environment and Sustainability Implications

- 4.3.1 The tree to be protected exhibit value for both the present and the future public amenities of the area, given its appearance and prominence in the street scene.

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

Agenda Item No 8**Planning and Development Board****11 December 2023****Report of the
Head of Development Control****Tree Preservation Order
Land East of Chase Cottage,
Purley Chase Lane, Mancetter****1 Summary**

- 1.1 A temporary Tree Preservation Order was placed on a group of trees to the East of Chase Cottage which came into force on 22 June 2023 and lasts for six months (until 22 December 2023). Rather than making this Order permanent, it is proposed to allow the Order to lapse, but replace it with a second Order that includes twenty individual trees within the previous Group order. This second Order takes into account the representations received on the initial Order.

Recommendation to the Board

- a That the Board confirms the issue of a Tree Preservation Order for the protection of 20 trees on land to the east side of Chase Cottage Purley Chase Lane Mancetter; and**
- b Decide not to confirm previous Group order at Chase Cottage, Purley Chase Lane, Mancetter**

2 Background

- ... 2.1 The Board report recommending a group TPO is at Appendix A. This was an emergency TPO given the evidence available of potential risk to the trees. It was therefore made so as to protect the whole group of trees. As members are aware, once an Order is made, the Council must make it available for consultation and therefore the information contained in the earlier report was available to the public. As part of this consultation process, discussion and information was exchanged between an objector and also an owner of some of the trees. They supplied a schedule of the individual trees covered by the Group Order, detailing the condition for each individual tree. They also recommended arboricultural works for each. Following the submission of this information, the County Forestry Officer undertook a further EMPO assessment of each of the trees. During that assessment, it was clear that a Group order was not the proportionate way to protect the trees, as only 20 of the trees on the site had sufficient merit worthy of retention. The group contains around 25/26 trees.

3 Statement of Reasons

- 3.1 The TEMPO assessments completed by the County Tree Officer are attached to this report together with their location as Appendix B.
- 3.2 The TEMPO assessments conclude that the trees T1-T20 (London Plane x4, Sessile Oak x3, Horse Chestnut x4, Silver Maple x4, Lime x1 and Sycamore x4) are all worthy of protection. The Board is advised that subject to agreement, an emergency tree preservation order is made. It is important to serve this new Order before the extant Order expires and hence the need to report to this Board. The owner, occupier and neighbours will be served with a notice of the new tree preservation order. There will then be an opportunity for representations to be submitted. A further report will be submitted to the Planning and Development Board following the conclusion of the consultation period for Members to consider whether the new Order should be confirmed and made permanent.
- 3.3 The TEMPO forms consider the value of the trees, based on a number of factors including amenity value, retention span, relative public visibility, others issues and expediency assessment. Based on this the maximum score is 25. If a tree scores more than 16, if it scores between 12-15 then a TPO is defensible. These are all considered worthy of being protected. The scores for the trees are highlighted below.

Reference	Number of species	Tempo Score	Worthy of TPO
2KJ8	T1 London Plane	17	Yes
2KJ9	T2 Sessile Oak	15	Yes
2KJA	T3 Horse Chestnut	15	Yes
2KJB	T4 Sessile Oak	15	Yes
2KJC	T5 London Plane	17	Yes
2KJD	T6 Sycamore	17	Yes
2KJE	T7 Sycamore	17	Yes
2KJF	T8 Sycamore	17	Yes
2KHW	Horse chestnut	17	Yes
2KHX	Horse chestnut	17	Yes
2KHY	Horse chestnut	17	Yes
2KHZ	Silver maple	17	Yes
2KJ0	Silver maple	17	Yes
2KJ1	Lime	18	Yes
2KJ2	Silver maple	17	Yes
2KJ3	Silver maple	17	Yes
2KJ4	Sessile oak	21	Yes
2KJ5	London plane	17	Yes
2KJ6	Sycamore	17	Yes
2KJ7	London plane	17	Yes

3.4 Given that the Council considered that a group order was to be made in the interests of amenity, it follows that the same justification is made for the making of the Order for 20 of those trees within that group Order.

4 Report Implications

4.1 Financial and Value for Money Implications

4.1.1 There are no implications in making this Order, but if confirmed, then there may be implications, in that compensation may be payable, if Consent is refused for works to a protected tree.

4.2 Legal and Human Rights Implications

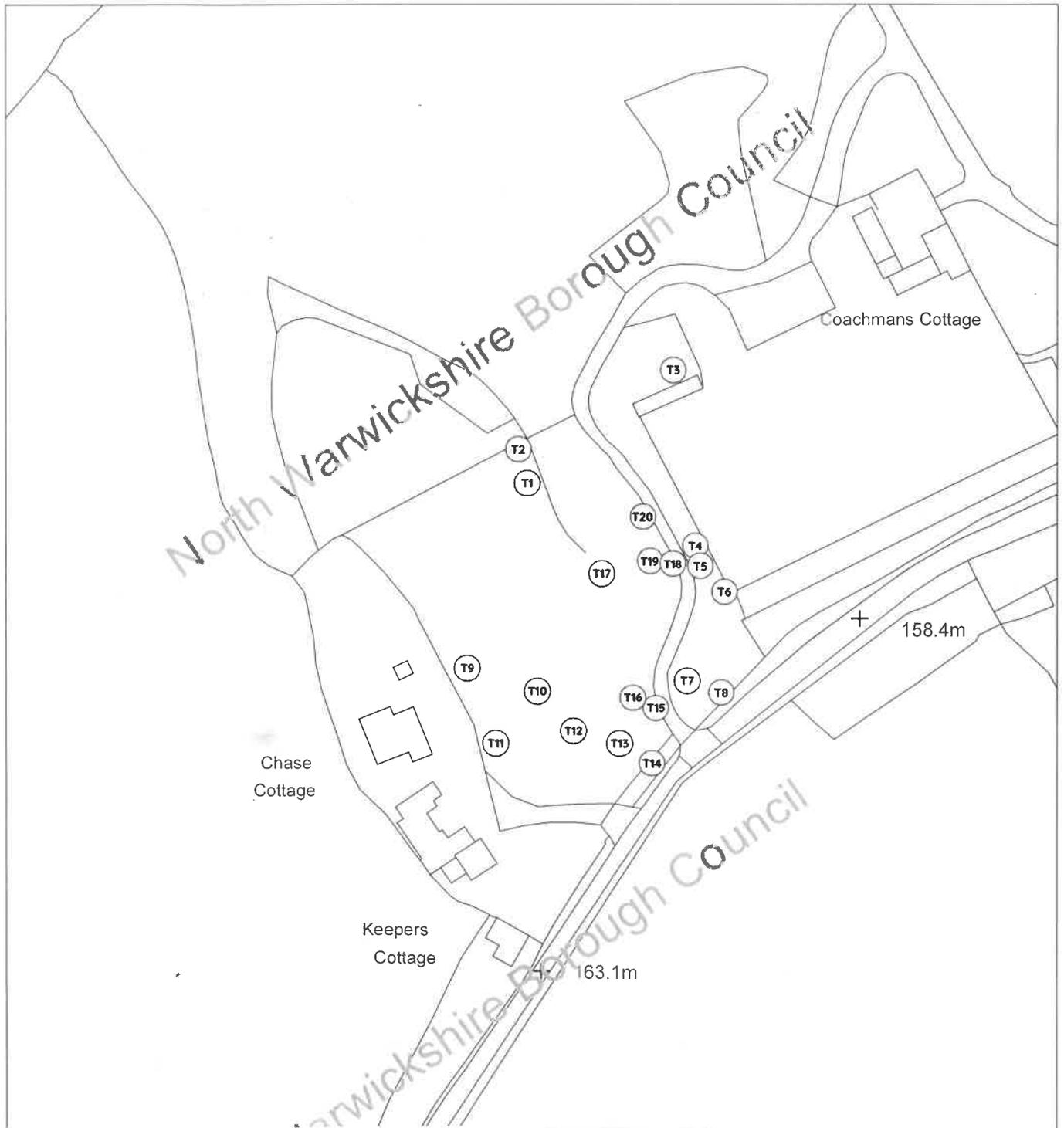
4.2.1 The Town and Country Planning Act 1990 only allows a tree preservation order to be made if it is expedient to do so in the interests of amenity. If Members are satisfied that this is the case, having considered all of the facts, the Order can be made. Once made, the owners of the land and those with an interest in it, will have the opportunity to make representations to the Council before consideration of whether the Order is confirmed.

4.3 Environment and Sustainability Implications

4.3.1 The trees to be protected exhibit value for both the present and the future public amenities of the area, given their appearance and prominence in the street scene.

4.3.2 Preservation of nature and biodiversity is an essential component of achieving net-zero and stopping climate change through the sequestration of carbon emissions.

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



**Tree Preservation Order: Land East of Chase Cottage
Purley Chase Lane
Mancetter**

T4,T5,T18 & T20 – London Plane, T1,T2,T4, & T17 – Sessile Oak,
T3,T9,T10 & T11 - Horse Chestnut, T6,T8 & T19 – Sycamore, T7 – Norway Maple
T12,T13,T15 & T16 – Silver Maple, T14 - Lime

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Development Control

Agenda Item No 9

Planning and Development Board

8 April 2024

**Report of the
Head of Development Control**

Appeal Update

1 Summary

1.1 The report updates Members on a recent appeal decision.

<p>Recommendation to the Board</p> <p>That the report be noted.</p>

2 Appeal Decisions

a) Marsh Lane, Curdworth

2.1 This appeal follows the refusal of planning permission for an overnight HGV truck stop on Marsh Lane in Curdworth. The Inspector concluded that the harm to the openness of the Green Belt outweighed the substantial weight given the need for such a facility. This is an important and very welcome decision which provides very fulsome support for the protection of the Green Belt.

...

2.2 The full decision is at Appendix A.

3 Report Implications

3.1 Links to the Council's Priorities

3.1.1 3.1.1 The decision fully aligns with priority of protecting the rural character of the Borough.

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



Appeal Decision

Hearing held on 17 January 2024

Site visit made on 18 January 2024

by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2024

Appeal Ref: APP/R3705/W/23/3327296

Land west of Hams Hall roundabout and south of Marsh Lane, Curdworth, B76 0AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Caesarea Development Holdings Limited against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2020/0295, dated 12 June 2020, was refused by notice dated 7 February 2023.
- The development proposed is 'outline application for an overnight truck stop comprising 200 HGV spaces and associated facilities including fuel refuelling station, amenities building, electric vehicle charging points, staff and other car parking, and landscaping. Including details of vehicular access from Marsh Lane, all other matters reserved'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. In advance of the hearing, I invited the Council and the appellant to comment on whether the updated Framework has any implications for the appeal. Both parties submitted statements indicating that, other than in relation to minor typographical changes, the revised Framework does not have any implications for the case. I see no reason to disagree with that assessment. The appeal has been determined against the provisions of the updated Framework.
3. The appeal seeks outline planning permission with all matters reserved for later approval, apart from the means of access. A Landscape Masterplan (Drawing No 8843-L-02 Revision A) accompanied the application. This shows the location of the new roundabout access into the site, the re-alignment of Marsh Lane, the general layout of the internal access road and parking areas and the broad location of proposed landscaping. I have treated that plan as an indicative guide to how the site might be developed, were the appeal to succeed.
4. The description of development in the banner heading above is taken from the planning application form. In their appeal statement, and as explained at the hearing, the appellant proposed that the description be amended to insert 'up to' before '200 HGV spaces'. The appellant considers that as the proposal is in outline only, the final number of parking spaces is unlikely to be precisely 200

and that the amendment proposed would enable any variation in numbers to be reflected at the reserved matters stage.

5. At the hearing, I gave the Council and the appellant an opportunity to comment on the proposed change to the description of development. After due consideration of the points made, I made a ruling on this request at the hearing, and the explanation that I gave is confirmed below.
6. My conclusion is that although the scale of Heavy Goods Vehicle (HGV) parking could be potentially less under the revised description, determining the appeal in accordance with that description would lead to procedural unfairness. Firstly, based on the revised description, the Council may have arrived at a different set of considerations in the overall planning balance. Secondly, third parties would be prejudiced by not having had an opportunity to comment on the revised scale of parking provision. The appeal has therefore been determined based on the description of the proposed development set out in the banner heading above.
7. At the hearing, the effect of the proposal on the form and character of the area was dealt with as an 'other consideration'. For clarity, and in response to discussion at the hearing and from what I saw at my site visit, I have identified the effect on form and character having particular regard to the effect on landscape character, as a main issue in this decision.
8. An Environmental Impact Assessment (EIA) Screening Direction dated 11 December 2023 confirms that EIA is not required for the appeal proposal.

Main Issues

9. The main issues in this case are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt and if inappropriate, the effect on openness and on Green Belt purposes;
 - The effect on the form and character of the area, having particular regard to the effect on landscape character;
 - The effect on the living conditions of nearby residents; and
 - Whether or not any harm arising from inappropriateness, and any other harm, would be clearly outweighed by other considerations, including any public benefits, so as to amount to the very special circumstances necessary to justify it.

Reasons

10. The appeal site is in the Green Belt and comprises two fields which are currently in agricultural use, located to the north and south of Marsh Lane and covering approximately 6 hectares and 3 hectares respectively. The proposed truck stop would be located on the northern field, with the southern field proposed as a biodiversity enhancement area.
11. The northern field lies within a larger parcel of land demarcated by the A446 Lichfield Road dual carriageway to the east, the M42 and M6 motorways (the 'M42/M6 corridor') to the west, and Marsh Lane to the south. The M42 Junction 9 (J9) roundabout is located approximately 0.8 kilometres to the north, and the

A446/Marsh Lane/Faraday Avenue roundabout ('the Hams Hall roundabout') adjoining the eastern boundary serves the Hams Hall Distribution Park approximately 0.6 km to the east. The HS2 route lies to the east of the A446, and works are ongoing. The edge of the built-up area of Curdworth village to the west is separated from the northern field by the M42/M6 corridor and small grazing paddocks.

12. Due to the low boundary hedges and small number of hedgerow trees, the northern field is open to view from both Marsh Lane and when approaching in a northerly direction from the A446 to the south of the Hams Hall roundabout. Ground levels rise towards the northern boundary which is demarcated by compound style fencing along part of its length, with the remainder open apart from a few trees.

Whether or not inappropriate development and the effect on openness and purposes

13. Policy LP3 of the North Warwickshire Local Plan 2021 (LP) seeks to protect the Green Belt. In stating that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, Policy LP3 is consistent with Green Belt policy in the Framework.
14. The truck stop site to the north of Marsh Lane would be developed with a new roundabout access, an amenity building, a fuel station kiosk and canopy, gatehouse, hard surfacing, lighting columns, signage and perimeter fencing, together with parked HGVs and cars.
15. The construction of new buildings is inappropriate development in the Green Belt and the proposal would not fall within any of the exceptions listed at paragraph 154 of the Framework. Paragraph 155 lists six further forms of development that would not be inappropriate, provided that they would preserve openness and would not conflict with Green Belt purposes.
16. Within that list is 'local transport infrastructure which can demonstrate a requirement for a Green Belt location'. The Council does not dispute that the proposal would constitute 'transport infrastructure', and I see no reason to disagree with that assessment. I therefore turn next to the matter of whether or not the proposal would be 'local'.
17. The appeal site is in close proximity to the M6 and M42 motorways on the Strategic Road Network, and the A446. The scale of HGV parking proposed is based on traffic growth on those roads over a 10 year period. The National Survey of Lorry Parking¹ identifies seven national 'hotspots' where parking shortages are most pronounced, including Hams Hall to Dordon within which the appeal site is located. The proposal would seek to address this national need for HGV parking whilst also addressing some of the issues caused by roadside HGV parking in the vicinity of Hams Hall Distribution Park.
18. My conclusion, based on the evidence in this case, is that the proposed truck stop would help to meet strategic transport needs. For this reason, it would not be 'local' transport infrastructure and it would be inappropriate development in the Green Belt.

¹ AECOM and Department for Transport National Survey of Lorry Parking 2017 (updated September 2022).

19. Due to the significant and permanent boundaries formed by the highway infrastructure surrounding the appeal site as a whole, the appellant contends that it makes a limited contribution to Green Belt openness. It is argued that the site's context and the nature of existing views would limit the degree of contrast and change that will be experienced, and the appellant's Landscape Statement concludes that the proposal would have no more than a limited and localised effect on Green Belt openness, confined to limited stretches of roads around the site.
20. The biodiversity proposals for the southern field include tree and grassland planting, the parameters for which are shown on the Landscape Masterplan. These natural features would be seen in the context of the surrounding landscape. Since there would be no built development, engineering features or hard surfacing on this part of the appeal site, the proposal would not lead to any reduction in the openness of the Green Belt overall. The biodiversity proposals would also not conflict with any of the five purposes of including land within the Green Belt.
21. The proposed buildings on the northern field would have a small footprint and would be single storey in height and approximately 64% of the truck stop site would comprise open parking areas, landscaping and planting. There would be a robust framework of new native woodland, tree and hedge planting on the site boundaries. Nevertheless, the proposed development would result in buildings, structures, hard surfacing, fencing, lighting and parked HGVs and cars on a site where none existed previously which would result in a significant loss of Green Belt openness.
22. The level of activity, such as traffic generation, can also be a factor in assessing the impact of development on Green Belt openness. The appeal site is set within the context of surrounding road corridors which generate significant traffic movements along the M6, M42, A446 and at the M42/J9 and Hams Hall roundabouts.
23. However, the volume of traffic movements diminishes along Marsh Lane and in particular, the weight restriction in place through Curdworth village prohibits the movement of larger HGVs. This, together with the narrower road width contributes to a quieter and more rural character along Marsh Lane, with the movement and noise from the M42/M6 corridor only becoming apparent at closer distances to the Marsh Lane overbridge.
24. The new roundabout access would open the site up from Marsh Lane, with a noticeable increase in the level of HGV movements between the Hams Hall roundabout and the site access and this increased activity would also reduce the openness of the Green Belt.
25. Turning to Green Belt purposes, since no historic towns would be affected, purpose (d) is not relevant in this case. Whilst the use of brownfield and other urban land would comply with purpose (e), there is nothing in the evidence to indicate that there are alternative brownfield sites in the vicinity of the appeal site that would be available for a truck stop.
26. The truck stop would not physically merge with, nor would it be viewed directly in conjunction with, the built up areas of Curdworth nor Water Orton to the south due to the separation distances between them and the intervening topography. Due to the separation distance and the location of the intervening

Hams Hall roundabout, a degree of visual separation between the proposed development and the Distribution Park would be retained. Overall, I conclude that the proposal would not undermine Green Belt purposes (a) and (b) to check the unrestricted sprawl of large built-up areas and to prevent the merging of neighbouring towns.

27. Notwithstanding the presence of urbanising features in the vicinity of both parts of the appeal site, it is viewed in conjunction with the wider open countryside which extends from the M42/J9 roundabout to the built up edge of Coleshill to the south. From public vantage points to the east of Curdworth, including the Public Right of Way, the Hams Hall Distribution Park buildings, pylons and the HS2 works appear as the background context to the site, but they do not intrude into, nor undermine, the undeveloped and open aspect of the northern field.
28. The truck stop would be a significant incursion into part of the wider area of open countryside between the M42/J9 roundabout to the built-up edge of Coleshill, contrary to the purpose of the Green Belt to safeguard the countryside from encroachment. The site falls within the wider parcel CH9 in the Council's most recent Green Belt Study². The Framework does not make any distinction between Green Belt 'performance' in decision making, and I therefore give very limited weight to the appellant's conclusion that the site would be considered as 'low performing' when assessed against the purposes of the Green Belt.
29. My conclusion is that the proposal would be inappropriate development in the Green Belt which would result in significant harm to openness and would conflict with the purpose to safeguard the countryside from encroachment. There would be conflict with LP Policy LP3 and with the Framework. I give substantial weight to the harm arising from inappropriateness.

Form and character - Landscape

30. The appeal site is not within any national or local landscape designations and it is not a 'valued' landscape within the context of paragraph 180 of the Framework. The biodiversity and planting proposals for the southern field would make a positive contribution to the defining characteristics of the Cole Valley Landscape Character Area (LCA) within which it is located.
31. The northern field lies within the Middleton to Curdworth-Tame Valley Farmlands LCA, which is characterised by large arable fields enclosed by low gappy hedgerows with a few hedgerow trees. Although the landscape is predominantly agricultural, the Landscape Character Assessment³ acknowledges that at the southern end there are busy transport corridors, connecting to nearby industrial areas to the south around Hams Hall.
32. Due to its topography and lack of vegetation cover, when approaching along the A446 from the south, the northern field forms an open and undeveloped backdrop and it is not viewed directly in conjunction with the urbanising features of roads and the large scale buildings at Hams Hall. For this reason, it is characteristic of the landscape features of the Middleton to Curdworth-Tame Valley Farmlands LCA.

² Coventry and Warwickshire Joint Green Belt Study (April 2016)

³ North Warwickshire Landscape Character Assessment

33. Assessed against the factors in the Landscape Institute's Technical Guidance Note 02-21, the appellant's Landscape Statement concludes that the site and its immediate context are of low landscape value. The appellant's LVA concludes that the overall landscape effect would be minor adverse which would reduce to negligible with the maturing and management of existing and new planting, including on the southern field.
34. From more distant viewpoints, the intervening topography and vegetation would limit direct views of the development. However, at closer distances there would be substantial changes arising from the re-alignment of Marsh Lane, changes to landform, the new roundabout, new buildings, lighting, signage, fences and parked HGVs which would be harmful to the defining characteristics of the LCA.
35. The harm to the landscape character of the Middleton to Curdworth-Tame Valley Farmlands would be localised in effect and the proposed landscaping would soften the appearance of the development in the longer term. Overall, I conclude that there would be moderate harm to the landscape character of the LCA, in conflict with LP Policies LP1 and LP14 which together seek to improve the environmental quality of the area, and to conserve, enhance or restore landscape character.

Living conditions

36. At my informal site visit during the hours of darkness, I was able to see that there is a degree of existing illumination in the vicinity of the appeal site from the M42/M6 corridor, along the A446 and around the Hams Hall roundabout.
37. The appellant's Lighting Report strategy would follow best practice to limit light spread, to prevent glare and to avoid upward emission. There would be a minor adverse effect on the occupiers of Spring Farm to the south of Marsh Lane, which is the closest residential receptor.
38. The Council and the appellant have agreed a condition that would secure details of external lighting at the reserved matters stage, following the lighting strategy proposed. This would be necessary and reasonable to ensure that the submitted details would not cause material harm to the living conditions of the occupiers of Spring Farm, nor to the occupiers of the nearest residential properties on the east side of Curdworth.
39. Based on the appellant's Noise Impact Assessment, there would be negligible increases in noise levels from additional HGV movements above existing background noise levels. The Council and appellant have agreed conditions that would secure details of noise mitigation measures during construction and site operation, including for all mechanical plant and ventilation equipment such as fuel pumps and reversing alarms. These would be necessary and reasonable to ensure that there would be no material harm to the living conditions of nearby occupiers arising from noise and disturbance.
40. A Site Management Plan condition is also agreed. This would require details of litter and refuse collection, site security and measures to ensure that the truck stop would be restricted to HGV use and that it would not be used as a general facility for other highway users.
41. Overall, subject to the imposition of the above necessary conditions, I conclude that the proposed development would not lead to unacceptable impacts on the

living conditions of nearby occupiers. As such, there would be no conflict with LP Policy LP29 in so far as it requires new development to avoid and address unacceptable impacts on neighbouring amenities, including through noise and light pollution, nor with LP Policy LP30 in so far as it seeks to reduce sky glow, glare and light trespass from external illumination.

Other Considerations

42. Paragraph 113 of the Framework states that the importance of providing adequate overnight lorry parking facilities should be recognised in planning decisions, to reduce the risk of parking in locations that lack proper facilities, or where it could cause a nuisance. In supporting the safe and efficient operation of the distribution sector, the proposal would contribute to the economic objective of sustainable development.
43. LP Policy LP34 states that in recognition of the Borough's strategic location and demand for lorry parking, the Council will give weight to lorry parking provision and facilities, and opportunities for alternative provision and improved management in decision taking. There are, however, no site allocations for HGV parking or other driver facilities in the adopted LP.
44. The National Survey of Lorry Parking 2022 survey update confirms continuing high levels of demand and utilisation rates within the West Midlands. The provision of new facilities to address the national need for more lorry parking, and better services, has also received Ministerial support⁴.
45. The truck stop would help to address a national shortage of HGV parking. It would be well located for drivers using the Hams Hall Distribution Park, which is a nationally significant distribution facility, whilst also addressing issues caused by roadside HGV parking in the vicinity of Hams Hall.
46. The proposed truck stop would be conveniently located for HGV drivers to take their prescribed break periods within legal driving times. The provision of modern and accessible facilities would also support driver welfare and would make a positive contribution to recruitment and retention in the sector.
47. The proposed development has received representations in support, including from the managing agent for the Hams Hall Distribution Park who states that it would help to address the negative impacts of roadside parking on nearby roads. Warwickshire Police indicate their support as the proposed facility would give HGV drivers a secure place to park as they travel through North Warwickshire.
48. Taking into account traffic growth on the M42/M6 and A446, the Circular 2/2013 methodology indicates a need for 159 HGV spaces, and the appellant's Transport Assessment beat survey found that there were 89 HGVs parked inappropriately on roads in the vicinity of Hams Hall. The scale of the HGV parking provision is sufficiently flexible to accommodate future traffic growth and is justified by the evidence.
49. An assessment of 23 alternative sites, both within and outside the Green Belt, accompanied the planning application. The appeal site was found to be the

⁴ Secretaries of State for Transport, Work and Pensions and Environment, Food and Rural Affairs letter to the UK Logistics Sector July 2021 and Written Statement 'Planning reforms for lorry parking' by the Secretary of State for Transport 8 November 2021

most suitable in relation to the criteria used, which appear to be reasonable and robust. Although the site to the north-east of Junction 10 was not included in the alternative site assessment, at the hearing the appellant confirmed that this was due to the uncertainty about the future of the existing Motorway Service Area at Junction 10 in relation to HS2 works when the alternative site assessment was done.

50. Although other HGV parking and facilities have been developed in the area, and there is an outstanding application for HGV parking to the north east of M42 Junction 10, there is nothing to suggest that there is insufficient demand to support an additional facility in the location of the appeal site. Based on the above considerations, I give significant weight to the benefits of the proposed scheme.
51. The biodiversity measures on the southern field would be secured through a condition requiring details of a Landscape and Ecology Management Plan at the reserved matters stage. This would be based on the submitted Ecology Report which sets out the biodiversity net gain calculation. Overall, the proposal would comply with LP Policy LP16 which requires that development should help ensure a measurable net gain in biodiversity. I afford the biodiversity gains moderate weight in favour in the overall planning balance.

Other matters

52. Subject to conditions which have been agreed, National Highways has no objection to the proposed development and no measures are necessary to mitigate the impact of the proposal on the Strategic Road Network. The appellant's Transport Assessment has modelled the effect of the development on the local highway network and subject to conditions, the Highway Authority has no objection. A 3 metre footway/cycle path would be provided to the north of Marsh Lane, between the new roundabout and the Hams Hall roundabout.

Green Belt Balance and Conclusion

53. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations, which include the Framework, indicate otherwise.
54. Whilst I have found that there would be no material harm to the living conditions of nearby residents, this is a neutral factor in the overall planning balance.
55. The other considerations in this case include the compelling evidence of need for additional HGV parking and driver facilities, the provision of which would help to address a national shortage of HGV parking, improve driver welfare, would support the distribution sector generally and would have wider public benefits in reducing the levels of roadside parking in the vicinity of Hams Hall Distribution Park. I give significant weight in favour of the appeal to these benefits, and moderate weight to the biodiversity proposals for the southern field.
56. Set against this, the proposal would be inappropriate development in the Green Belt and substantial weight attaches to the harm to the Green Belt. This combined with the moderate harm to the landscape character of the Tame

Valley Farmlands LCA carries very substantial weight against the proposal in the Green Belt balance.

57. I find that the other considerations, taken together, do not clearly outweigh the very substantial weight against the proposal arising from the combination of inappropriateness and the harm to landscape character. The very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal would be contrary to the development plan, read as a whole, along with the provisions of the Framework.
58. For the reasons outlined above and having had regard to all other matters raised, the appeal should be dismissed.

Sarah Housden

INSPECTOR

APPEARANCES

FOR THE APPELLANT:	
Mr S Harley BSocSc (Joint Hons) MPhil MRTPI	Director, Oxalis Planning
Ms M Thomson LLB LARTPI	Planning Solicitor
Mr T Jackson BA Hons Dip LA CMLI	Director, FPCR Environment and Design Ltd
FOR THE LOCAL PLANNING AUTHORITY	
Mr J Brown BA DipTP MRTPI	Head of Development Management
Cllr M Watson North Warwickshire Borough and Warwickshire County Council	
INTERESTED PERSONS	
Mr R Habgood	Curdworth Parish Council
Mr Hodgetts	Hodgetts Estates
Mr Bunn	Director, Tetra Tech
Mr D Hann	Director, WSP
Ms S McKenna	
Mr T Tillson	
Mr T Wilcox	
Ms J Tillson	
Ms J Wiseman	
Mr P Smith	
Mr T Wilcox	

DOCUMENTS SUBMITTED AT HEARING

1. Notification letter from the LPA dated 13 December 2023 to third parties notifying that the hearing is scheduled to last for 2 days.