

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

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

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719237 via

e-mail – democraticservices@northwarks.gov.uk

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

7 APRIL 2025

The Planning and Development Board will meet on Monday, 7 April 2025 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

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

AGENDA

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

REGISTERING TO SPEAK AT THE MEETING

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

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

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

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

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. 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 3 March 2025** – 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/2025/0091 - Land between Rush Lane, and Tamworth Road, Cliff, Kingsbury**

Application to remove conditions 25 (8no. HGV movements between 2300 and 0700) and 26 (non-audible HGV warnings between 2300 and 0700) of Planning Application PAP/2023/0188 dated 4/10/2024.

5b **Application No: PAP/2023/0314 - Land North West Of Newton Regis Village Hall, Austrey Lane, Newton Regis**

Outline application for the erection of up to 39no. dwellings (all matters reserved except for access.

5c **Application No: PAP/2024/0113 - Coachmans Cottage, Purley Chase Lane, Mancetter, Atherstone, CV9 2RQ**

The case is referred to the Board under the Council's adopted Scheme of Delegation for the determination of planning and related applications, because the recommendation below is contrary to the response from a consultee – namely the County Council as Highway Authority.

5d **Application No: PAP/2024/0546 - Wood End Recreation Ground, Johnson Street, Wood End**

Works to tree protected by TPO order - T1 Oak (04XS) fell to ground level and treat stump to inhibit regrowth.

5e **Application No's: PAP/2025/0008 - Land East Of And 75 Metres North Of Oaklands, Dordon**

Demolition of three existing agricultural buildings, erection of two replacement agricultural buildings and creation of pond.

5f **Application No's: PAP/2019/0451, 2022/0170 and 2023/0567 - Blackgreaves Farm, Blackgreaves Lane, Lea Marston, Sutton Coldfield, B76 0DA**

- a) Application No: PAP/2019/0451- Extension to existing shooting club house,
- b) Application No: PAP/2022/0170 - Variation of condition numbers 11 and 12 of planning permission reference PAP/2007/0525 to allow storage within the cricket pavilion of sports equipment (including guns and ammunition) for use by Lea Marston Shooting Club and variation of condition number 2 of planning permission reference PAP/2007/0525 to allow the retention of 2 no. disabled access ramps, door canopy, disabled viewing and firing platform (retrospective),
- c) Application No: PAP/2023/0567 - Construction of an earth bund and timber screens for noise mitigation (including footpath diversion of M23)

5g **Application No: PAP/2024/0446 - 64-66, Long Street, Dordon, B78 1SL**

Proposed Change of Use: Conversion into 9 person 9 room HMO (House in Multiple Occupation) including 10 parking spaces.

5h **Application No: PAP/2023/0324 - White Hart Inn, Ridge Lane, Nuneaton, CV10 0RB.**

This application was referred to the Board's meeting on 3 March with a recommendation of approval. Determination was deferred because the Board asked for clarification on a number of matters. This in fact was a second deferral. The first followed the Board's July 2024 meeting, when the reason for that deferral was to seek independent highway advice and to undertake a site visit.

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

6 **Planning and Infrastructure Bill - Report of the Head of Development Control**

Summary

The Government has published its Planning and Infrastructure Bill and the report provides a summary of the main matters that will be introduced if the Bill is enacted.

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

7 **Submission of Fillongley Neighbourhood Plan for Public Consultation**

This report informs Members of the submission of the Fillongley Neighbourhood Plan and seeks approval to go out for a formal consultation in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

The Contact Officer for this report is Sue Wilson (719499).

8 **Exclusion of the Public and Press**

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

9 **Confidential Extract of the Minutes of the Planning and Development Board held on 3 March 2025 – copy herewith to be approved as a correct record and signed by the Chairman.**

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

3 March 2025

Present: Councillor Simpson in the Chair

Councillors Barnett, Bates, Bell, Davey, Fowler, Hayfield, Hobley, Humphreys, Jarvis, Parsons, H Phillips, O Phillips and Ridley

Apologies for absence were received from Dirveiks, Councillor Reilly (Substitute Councillor Davey), Gosling (Substitute O Phillips), Ririe (Substitute Barnett)

75 Disclosable Pecuniary and Non-Pecuniary Interests

Councillor Hobley declared a non-pecuniary interest in Minute No 77a (Abm Precision Engineering Ltd, Coleshill Road, Ansley) by reason of being a sponsor for her son's football team.

76 Minutes

The minutes of the meeting of the Planning and Development Board held on 3 February 2025, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

77 Planning Applications

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

Resolved:

a That Application No's: PAP/2024/0230 and PAP/2024/0291 – Abm Precision Engineering Ltd, Coleshill Road, Ansley -

i PAP/2024/0230 - be granted subject to the conditions set out in the report of the Head of Development Control;

ii PAP/2024/0291 - be granted subject to the conditions set out in the report of the Head of Development Control;

[Speaker: Lee Ward]

b That in respect of Application No: CON/2025/0007- Land south east of East Midlands Airport, east of Diseworth and west of junction 23a of M1 motorway, the proposal be welcomed;

- c That Application No: PAP/2023/0324 - Erection of 3no. dwellings (outline: access only) be deferred so that officers could report back on the implications of Policy H1 of the Mancetter Neighbourhood Plan on the proposal; on the concerns expressed by the MEC Highway report, and on other potential impacts including the loss of hedgerow, refuse collection points, noise impacts from the nearby public house and the potential for there to be a gated access. ;

[Speakers: John Tither, William Brearley and George Bailes]

- d That Application No: PAP/2024/0546 - Wood End Recreation Ground, Johnson Street, Wood End be deferred for a site visit; and
- e That in respect of Application No's: PAP/2024/0513 and PAP2024/0514 - Trent House, 102 Long Street, Atherstone, CV9 1AN Planning and Listed Building Consent be granted subject to the conditions set out in Appendix A of the report of the Head of Development Control, but substituting plan numbers at Condition 2 in both Notices so as to refer to the plans at Appendix C and to add any conditions requested by the Lead Local Flood Authority;

78 Tree Preservation Order - Land at the junction of Birmingham Road and Orton Close, Water Orton

The Head of Development Control sought to make a Tree Preservation Order placed on five individual trees and one group of trees located at the junction of Birmingham Road and Orton Close, Water Orton permanent.

Resolved:

That the Tree Preservation Order for the protection of five individual trees and one group of trees located at the junction of Birmingham Road and Orton Close, Water Orton be confirmed so as to substitute the TPO plan with the corrected version shown in Appendix 2 of the report of the Head of Development Control.

79 Exclusion of the Public and Press

That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by paragraphs 5 and 6 of Schedule 12A to the Act.

80 Tree Preservation Order

The Head of Development Control reported that a Tree Preservation Order was being considered following an enquiry about the status of a tree via the Panning Duty Service.

Resolved:

That a Tree Preservation Order be made with immediate effect.

81 Update to members following discussions at previous Board Meeting (03/02/25)

The Head of development Control provided an update to the members of the Planning and Development Board, following discussions at the previous board meeting on the 3 February 2025.

Resolved:

That current planning enforcement positions be reviewed.

82 Exempt extract of the Minutes of the meeting of the Planning and Development Board held on 3 February 2025.

That the exempt extract of the Minutes of the meeting of the Planning and Development Board held on 3 February 2025, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

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 20 May, 2025 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/2025/0091	1	Land Between Rush Lane and Tamworth Road, Cliff, Kingsbury Application to remove conditions 25 (HGV movements between 2300 and 0700) and 26 (non-audible HGV warnings between 2300 and 0700) of planning application PAP/2023/0188 dated 4/10/24	General
5/b	PAP/2023/0314	22	Land north-west of Newton Regis Village Hall, Austrey Lane, Newton Regis Outline application for the erection of up to 39 dwellings (all matters reserved except for access)	General
5/c	PAP/2024/0113	57	Coachmans Cottage, Purley Chase Lane, Mancetter Proposed dwelling	
5/d	PAP/2024/0546	68	Wood End Recreation Ground, Johnson Street, Wood End Works to tree protected by TPO Order – T1 Oak (04XS) fell to ground level and treat stump to inhibit growth	

5/e	PAP/2025/0008	77	Land East Of And 75 Metres North Of Oaklands, Dordon, Demolition of three existing agricultural buildings, erection of two replacement agricultural buildings and creation of pond	
5/f	PAP/2019/0451 PAP/2022/0170 PAP/2023/0567	92	Blackgreaves Farm, Blackgreaves Lane, Lea Marston a) Application No: PAP/2019/0451- Extension to existing shooting club house, b) Application No: PAP/2022/0170 - Variation of condition numbers 11 and 12 of planning permission reference PAP/2007/0525 to allow storage within the cricket pavilion of sports equipment (including guns and ammunition) for use by Lea Marston Shooting Club and variation of condition number 2 of planning permission reference PAP/2007/0525 to allow the retention of 2 no. disabled access ramps, door canopy, disabled viewing and firing platform (retrospective), c) Application No: PAP/2023/0567 - Construction of an earth bund and timber screens for noise mitigation (including footpath diversion of M23)	
5/g	PAP/2024/0446	120	64-66 Long Street, Dordon Proposed change of use – conversion into 9 person room HMO (House in Multiple Occupation) including 10 parking spaces	
5/h	PAP/2023/0324	129	White Hart Inn, Ridge Lane, Nuneaton Erection of three dwellings (outline: for access only)	

General Development Applications

(5/a) Application No: PAP/2025/0091

Land between Rush Lane, and Tamworth Road, Cliff, Kingsbury,

Application to remove conditions 25 (8no. HGV movements between 2300 and 0700) and 26 (non-audible HGV warnings between 2300 and 0700) of Planning Application PAP/2023/0188 dated 4/10/2024, for

Summix RLT Developments Ltd

1. Introduction

- 1.1 Planning permission was granted for this development of up to 22,000sqm of flexible uses within Use Classes E (g)(ii), E(g)(iii), B2 and B8 on land north of Rush Lane and east of the A51, in October last year. The current application seeks to remove two of the conditions attached to that permission. In light of the Board's previous involvement, the matter is brought to the Board.
- 1.2 The report outlines the background to the permission and describes the proposed changes. It is a report for information only, as a determination report will be brought to the Board following a period of consultation.

2. Background

- 2.1 The site is around 8 hectares in area and located between the Tamworth Road (the A51) to the west and Rush Lane to the east. To the north is an established residential area in Dosthill generally referred to as "Ascot Drive". There are established general industrial premises beyond the southern boundary (the Hunnebeck premises). There are other industrial premises on the other side of Rush Lane and further to the east are the Birmingham to Derby railway line and the Kingsbury Brickworks.
 - 2.2 The site is illustrated at Appendix A.
- 2.3 The site has remained unused since mineral extraction and subsequent landfill ended in the 1990's. The site is now overgrown.
- 2.4 Outline planning permission was originally granted in 1997 for the industrial use of the land, and this was renewed several times. Details were approved in 2008 and in 2010. The recent 2024 permission is the last consent for the site and thus represents the lawful use of the site. The 2010 permission included the construction of the access junction onto the A51 together with the embankments for the spur road extending eastwards. These works are in place and thus the 2010 permission is extant.

3. The 2024 Planning Permission

3.1 The recent 2024 outline permission approved a “parameters plan” setting out the framework for the industrial development of the site using the spur road for access onto the A51 via the existing on-site arrangements. This Plan is at Appendix B.

3.3 The 2024 Notice is at Appendix C.

3.4 Attention is drawn to Conditions 25 and 26 which are highlighted below. These are the conditions the subject of the current application.

a) Condition 25

“No more than 8 HGV movements arising from HGV’s visiting the site shall occur in each hourly period between 2300 and 0700 hours”

Reason: In the interests of avoiding disturbance due to noise.

b) Condition 26

“No audible vehicular reversing or warning alarms fitted to any vehicle shall be operated between 2300 hours and 0700 hours. The use of alternative non-audible warning systems is recommended in this development”

Reason: In the interests of avoiding disturbance due to noise.

4. The Proposal

4.1 The applicant has provided a full explanation of the reasons for the proposed removal of these two conditions. This is copied in full at Appendix D.

5. Observations

5.1 A determination report will be brought to the Board in due course and after the consultation period has expired. Members are advised that the Board’s remit at that time is only to consider the proposed removal of the two conditions. It is not to re-visit the grant of planning permission, or any other planning condition. As such, the response of the Environmental Health Officer will be material to the recommendation that is to be made to the Board.

Recommendation

That the receipt of the application be noted at the present time.



North Warwickshire
Borough Council

Mr Henry Courtier
Pegasus Group
21 Ganton Street
London
W1F 9BN

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

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

Date: 4 October 2024

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

DECISION NOTICE

Major Outline Application

Application Ref: PAP/2023/0188

Site Address

Land At, Tamworth Road, Dosthill,

Grid Ref: Easting 421654.78
Northing 299420.3

Description of Development

Outline planning application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 22,000sqm (GEA) for flexible Use Class E(g)(ii), Eg(iii), B2 and/or B8 with associated car parking and works (Cross boundary application Tamworth BC reference 0163/2023)

Applicant

Summix RLT Developments Ltd

Your planning application was valid on 31 May 2023. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following conditions:

1. Details of the appearance, landscaping, layout and scale (hereinafter called the "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004, and to prevent an accumulation of unimplemented planning permissions.

Authorised Officer: _____

Date: 4 October 2024

2. If the development hereby permitted is to be constructed in more than one phase, details of the proposed phases of construction shall be submitted to the Local Planning Authority for approval prior to, or at the same time as, the first application for approval of the reserved matters. The Phasing Plan shall include details of the separate and severable phases, or sub-phases of the development. Development shall be carried out in accordance with the approved phasing details, or such other phasing details as shall subsequently be submitted to and approved in writing by the Local Planning Authority.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004, and to prevent an accumulation of unimplemented planning permissions.

3. The first application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. All applications for approval of reserved matters shall be made to the Local Planning Authority not later than five years from the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004, and to prevent an accumulation of unimplemented planning permissions.

4. The development hereby permitted shall be begun not later than three years from the date of approval of the last of the reserved matters to be approved

REASON

To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004, and to prevent an accumulation of unimplemented planning permissions.

Defining Conditions

5. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents:
 - a) The Site Location Plan - 23008/SGP/ZZ/ZZ/DR/A/131000 P2 received on 2/5/23.
 - b) The Parameters Plan - 23008/SGP/ZZ/ZZ/DR/A/001001 P7 received on 16/5/24.
 - c) The Green Infrastructure Plan - P23/0345/EN/0007/D/GI received on 16/5/24.
 - d) Existing Site Access - 70102401/SK/002 Rev A received on 20/2/24.
 - e) Existing site access swept path analysis 16.5m artic 701102401/ATR/001Rev B received on 20/2/24.
 - f) The Framework Travel Plan prepared by WSP (JULY 2024) received on 26/7/24 referenced 70102401/001.

REASON

In order to define the extent and scope of the permission.

Authorised Officer: _____

Date: 4 October 2024

6. The development hereby permitted shall provide for no more than a maximum figure of 22,000 square metres of floorspace (GEA) for uses within Use Classes Eg (ii), Eg (iii), B2 and B8 of the Town and Country Planning (Use Classes) Order 2020 (as amended).

REASON

In order to define the scope and extent of the planning permission.

7. The uses approved under Condition 6 above shall be located on the site, as set out in the Parameters Plan approved under Condition 5 above.

REASON

In order to define the scope and extent of the planning permission and in the interests of the amenities of the area.

8. The proposed layout in the reserved matters applications shall be designed in general accordance with the Parameters Plan approved under condition 5. The reserved matters applications shall contain full details of the finished floor levels of all proposed buildings, above ordnance datum, in relation to existing ground levels. In particular, the layout for Zones A and B as defined by the Parameters Plan shall avoid service/loading and unloading areas being located along the northern edge of each of these two Zones.

REASON

In order to define the implementation of the permission so as to reduce the risk of adverse noise impacts.

9. The specific sound from any individual unit arising from internal or external uses, including operational sources of an industrial/commercial nature within the development, the operation of fixed plant, machinery, plant and mobile plant including deliveries, heating, air handling and/or ventilation equipment shall not exceed the levels outlined below:

i) 40dB LAeq,1hr at any residential property on Ascot Drive, Haydock Lane or Epsom Close. The specific sound level shall be measured or predicted at a height of 1.5 metres above ground level at 1 metre from the facade containing a habitable room with an opening window, between 0700 and 2300 on any day. The measurements and/predictions should demonstrate the noise limits for daytime are within gardens of the nearest affected noise sensitive receptors at 1.5m above the adjacent ground level as a free field level as defined by BS 7445:2003 "Description and measurement of environmental noise (parts 1 to 3)" for an area of not less than 75% of any dwelling's garden.

ii) 35dB LAeq,15min at any residential property on Ascot Drive, Haydock Lane or Epsom Close. The specific sound level shall be measured or predicted at a height of 4.5 metres above ground level at 1 metre from the facade containing a habitable room with an opening window of any residential dwelling between 2300 and 0700 on any day.

iii) Where the residential dwelling is a bungalow, all measurement heights for day and night time are 1.5 metres above ground level.

REASON

In order to avoid significant adverse noise impacts on health and quality of life in line with the National Planning Policy Framework (paragraph 185); the Noise Policy Statement for England 2010 and Local Plan policy LP29.

Authorised Officer: _____

Date: 4 October 2024

10. Within six months of the occupation of any of the new industrial/commercial units within the development hereby permitted, noise compliance monitoring shall be undertaken by a suitably qualified professional and the results of the noise measurements and/or predictions shall be submitted to the Local Planning Authority in writing. The submission should provide evidence that the specific sound level from the industrial/ commercial internal and external sources within that unit arising from its operation of the new development meets the levels as described in condition 9.

If the specific sound level from these sources exceeds the limits set out in condition 9, additional mitigation measures are to be recommended and included in that submission. Any such measures that are approved in writing by the Local Planning Authority, shall then be installed or introduced to the written satisfaction of the Local Planning Authority. These measures shall be permanently retained and maintained in proper working order for the duration of the operational life of the development.

REASON

In order to demonstrate compliance with condition 9 and so to avoid significant adverse noise impacts on health and quality of life in line with the National Planning Policy Framework (paragraph 185); the Noise Policy Statement for England 2010 and Local Plan policy LP29.

11. All access arrangements into, through and out of the site together with all off-site highway alterations shall be carried out in accordance with the plans approved under Condition 5.

REASON

In order to define the scope and extent of the planning permission.

12. There shall be no gate, barrier or other structure constructed or placed across the access into the development area from the spur road running east from the junction with the A51, thus allowing unobstructed vehicular access at all times.

REASON

In order to reduce the potential for noise pollution arising from parked vehicles not being allowed to enter the site and to reduce the potential for on-street vehicular parking.

13. There shall be no on-street parking of any vehicle whatsoever on any part along both sides of and the whole of the spur road running east from the junction with the A51.

REASON

In order to reduce the potential for noise pollution arising from parked vehicles and to reduce the potential for on-street vehicular parking thus leading to highway safety concerns.

14. The layout in the reserved matters applications shall include HGV parking spaces at a minimum of 1 HGV space per 375 square metres of B8 floor space.

REASON:

In order to reduce the potential for noise pollution arising from parked vehicles and to reduce the potential for on-street vehicular parking thus leading to highway safety concerns.

Authorised Officer: _____

Date: 4 October 2024

Pre-commencement Conditions

15. No development shall take place, including any works of demolition or site clearance, until a Construction Environmental Management Plan (CEMP) has first been submitted to and approved in writing by the Local Planning Authority for the whole of the development hereby approved. The Plan shall provide information for:
- a) The parking of vehicles for site operatives and visitors.
 - b) The routing for vehicles accessing the site associated with the construction of the development and signage to identify the route.
 - c) The manoeuvring of vehicles within the site.
 - d) Loading and unloading of plant and materials used in the construction of the development, including top-soil.
 - e) The location of the site compounds.
 - f) Storage of plant and materials.
 - g) The erection and maintenance of security hoarding fencing.
 - h) Wheel washing facilities.
 - i) Measures to control the emission of dust and dirt during construction.
 - j) Measures to control and mitigate disturbance from noise.
 - k) A scheme for the recycling/disposal of waste resulting from the construction works.
 - l) Any on-site lighting as required during construction.
 - m) Measures to protect existing trees and hedgerows proposed for retention.
 - n) Delivery, demolition and construction working hours.
 - o) The means by which the terms of the CEMP will be monitored including details of the procedure for reporting and resolving complaints as well as the details of the person or persons to contact in such circumstances.

The approved CEMP shall be adhered to at all times throughout the construction period of each phase of the development as approved under Condition 2.

REASON

In the interests of reducing potential harm to residential amenity and in the interests of highway safety.

16. No development shall take place including any works of demolition or site clearance, until a Landscape and Ecological Management Plan ("LEMP") for the whole site, including the triangular area of land that lies between the railway line to the east, the residential properties to the west and the development area to the south, has first been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be in general accordance with the approved Parameters Plan approved under condition 5. The LEMP shall include:
- a) a description and evaluation of the features to be managed;
 - b) ecological trends and constraints on site that might influence management,
 - c) the aims, objectives and targets for the management,
 - d) descriptions of the management operations for achieving the aims and objectives,
 - e) prescriptions for management actions,
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period),
 - g) Details of the monitoring needed to measure the effectiveness of management,
 - h) Details of each element of the monitoring programme,
 - i) Details of the persons or organisations(s) responsible for implementation and monitoring,

Authorised Officer: _____

Date: 4 October 2024

- j) Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives and targets,
- k) Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,
- l) The legal and funding mechanisms by which the long-term implementation of the LEMP will be secured by the developer and the management body(ies) responsible for its delivery,
- m) How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above shows that the conservation aims and objectives set out in (c) above are not being met so that the development still delivers the full functioning bio-diversity objectives of the originally approved scheme.

The details in that Plan shall then be implemented on each phase of the development of the site and it shall be adhered to at all times during the lifetime of the development.

REASON

In the interests of enhancing and protecting bio-diversity.

17. No development shall commence on site including any works of demolition or site clearance, until a detailed surface water drainage scheme for the whole site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) Evidence to show that the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm is limited to the Qbar greenfield run off rate of 4.32 l/s/ha for the site in line with the Outline Flood Risk Assessment and SUDS Strategy prepared by HWA (v3) dated August 2023.

- b) A detailed assessment demonstrating the on-site water courses suitability as a receptor for surface water run-off from the development. This assessment shall include:

A condition survey of the watercourse and evidence of any remedial measures identified as necessary;

A review of flood risk impacts from the watercourse demonstrating consideration for downstream receptors off site in the context of the proposals,
Evidence demonstrating that all development and surface water infrastructure is outside the anticipated fluvial flood extent.

- c) Drawings/plans illustrating the proposed sustainable surface water drainage scheme. The Outline Flood Risk Assessment and SUDS Strategy prepared by HWA (v3) dated August 2023 may be treated as a minimum and further source control SUDS should be considered during the detailed design stages as part of a "SUDS management train" approach to provide additional benefits and resilience within the design.

- d) Detailed drawings including cross sections, of proposed features such as infiltration structures, attenuation features and outfall structures. These should be feature-specific demonstrating that such surface water drainage systems are designed in accordance with the SUDS Manual CIRIA Report C753 and cross sections should demonstrate that all SUDS features will be accessible for maintenance whilst also providing an adequate easement from the on-site watercourse.

Authorised Officer: _____

Date: 4 October 2024

e) Provision of detailed network level calculations demonstrating the performance of the proposed system to include:

- i) suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall) with justification of such criteria,
- ii) simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events, together with results demonstrating the performance of the drainage scheme including attenuation storage, potential flood volumes and network status for each return period,

and evidence to allow suitable cross-checking of calculations and the proposals.

f) The provision of plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. This overland flow routing should:

- i) demonstrate how run-off will be directed through the development without exposing properties to flood risk;
- ii) consider property finished floor levels and thresholds in relating to exceedance flows, and
- iii) recognition that exceedance can occur due to a number of factors such that exceedance management should not rely on calculations demonstrating no flooding.

Only the scheme that has been approved in writing shall then be implemented in full on site.

REASON

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

18. No phase of the development hereby permitted shall commence until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire-fighting purposes relevant to each phase, has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented within the relevant phase.

REASON

In the interests of public safety.

19. No development within any phase of the development hereby approved shall take place until details of all external lighting specifications for that phase have been submitted to and approved in writing by the Local Planning Authority. The details shall be accompanied by an Impact Assessment in order to show that there are no adverse impacts arising from any proposed light source or from the glow of light arising from each phase. The Assessment shall also include an analysis of the cumulative impact of lighting arising from the whole site. In particular the details shall avoid external lighting being installed on the northern-most elevations of the buildings to be erected in Zones A and B as defined by the Parameters Plan approved under Condition 5 above. The lighting shall be installed, operated and maintained at all times in accordance with the approved details.

REASON

In the interests of reducing the risk of adverse harm to the residential amenity of the local community.

Authorised Officer: _____

Date: 4 October 2024

Pre-Occupation Conditions

20. There shall be no occupation of any building hereby approved for business purposes within any phase of the development, until a Drainage Verification Report for the installed surface water drainage system as approved under Condition 17 within that phase, has been submitted to and approved in writing by the Local Planning Authority. It should include:
- a) Demonstration that any departures from the approved design are in keeping with the approved principles.
 - b) As built photographs and drawings
 - c) The results of any performance testing undertaken as part of the application process,
 - d) Copies of all statutory approvals such as Land Drainage Consent for Discharge,
 - e) Confirmation that the system is free from defects, damage and foreign objects.

The report should be prepared by a suitably qualified independent drainage engineer.

REASON

To ensure that the development is implemented as approved and thereby reducing the risk of flooding

21. There shall be no occupation of any building hereby approved for business purposes within any phase of the development until a site-specific maintenance plan for the approved surface water drainage system including the pond as identified on the Green Infrastructure Plan approved under Condition 5, has first been submitted to and approved in writing by the Local Planning Authority. It shall include:
- a) The name of the party responsible, including contact names, address, email address and phone numbers.
 - b) Plans showing the locations of features requiring maintenance and how these should be accessed and assessed.
 - c) Details of how each feature is to be maintained and managed throughout the lifetime of the development,
 - d) Provide details of how site vegetation will be maintained for the lifetime of the development.
 - e) The procedures for reporting the monitoring undertaken on an annual basis or other period as may be agreed.
 - f) Details of the any remedial measures to be undertaken in order to retain the functioning of the system and the pond, together with its outfall, in accordance with the details approved under Condition 14.
 - g) Evidence through the submission of Verification reports that any measures undertaken under (f) above have been completed and that they have achieved the appropriate outcome.

REASON

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

Authorised Officer: _____

Date: 4 October 2024

22. No phase of the development hereby permitted shall be occupied for business purposes until the roads serving that phase, including footways, means of accessing plots, car parking and manoeuvring areas have been laid out and substantially constructed in accordance with details first submitted to and approved in writing by the Local Planning Authority. Areas for the parking and manoeuvring of vehicles shall be retained for these purposes at all times thereafter.

REASON

In the interests of highway safety

Other Conditions

23. No works involving the disturbance of any surfacing of public footpath 200/T24/1 or proposals to resurface it shall commence until details of such works are first submitted to and approved in writing by the Local Planning Authority. Only the approved works shall then be implemented on site.

REASON

In the interests of maintaining unobstructed public access

24. Any contamination that is found during the course of construction within any phase of the development hereby approved, that was not previously identified shall be reported immediately to the Local Planning Authority. Development within that phase shall be suspended and a risk assessment carried out and submitted to the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to the Local Planning Authority. Work shall then only resume or continue on the development in that phase, in accordance with the schemes that have been approved in writing by the Local Planning Authority.

REASON

In the interests of reducing the risk of future pollution.

25. No more than 8 HGV movements arising from HGV's visiting the site shall occur in each hourly period between 2300 and 0700 hours.

REASON

In the interests of avoiding disturbance due to noise.

26. No audible vehicular reversing or warning alarms fitted to any vehicle shall be operated between 2300 hours and 0700 hours. The use of alternative non-audible warning systems is recommended in this development.

REASON

In the interests of avoiding disturbance due to noise.

Authorised Officer: _____

Date: 4 October 2024

INFORMATIVES

1. The Local Planning Authority has met the requirements of the NPPF in the issue of a positive decision following full engagement with the applicant on a number of technical matters together with securing amendments and planning conditions so as to mitigate potentially adverse impacts.
2. In respect of Condition 9 above - the term ""specific sound"" relates to the sound source being assessed. For the avoidance of doubt, the ""specific sound£ source relating to this condition is from any individual unit within the proposed development including all sources of external and internal plant and equipment. The Laeq values represent the ""specific sound level"". For the purposes of this planning condition, the ""specific sound level"" LAeq Tr is the equivalent continuous A-weighted sound pressure level produced by the specific sound source at the assessment location over a given reference time interval i.e. Tr = 1 hr for daytime and Tr = 15 minutes for night-time.
3. Attention is drawn to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The Local Planning Authority will pay particular attention to the potential impact of any proposed advertisement, particularly if illuminated, on the northern facing elevations of any building to be erected in any of the three Zones identified on the Parameters Plan. This is in order to protect the amenities of nearby residential property.
4. Attention is drawn to the Borough Council's Air Quality Planning Supplementary Planning Document and the applications for reserved matters should evidence how their proposals have addressed the matters raised therein.

APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pes.
4. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Authorised Officer: _____

Date: 4 October 2024

PURCHASE NOTICES

1. If either the Local Planning Authority or the Department for Communities and Local Government grants permission to develop land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

Authorised Officer: _____

Date: 4 October 2024

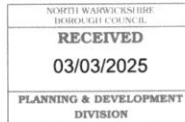
PAP/2025/0091

APPENDIX D
**PEGASUS
GROUP**

HC/ET/P23-2307

26 February 2025

North Warwickshire Borough Council
Planning Control
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE



Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended) – Section 73
Application for Removal of Conditions Following Grant of Planning Permission ref. PAP/2023/0188
Land at Tamworth Road, Dosthill, B77 1QL
Planning Portal Ref. PP-13803844

On behalf of our client, Summix RLT Developments Ltd (the 'Applicant'), please find enclosed an application for the removal of Conditions 25 and 26 following the grant of outline planning permission ref. PAP/2023/0188 relating to Land at Tamworth Road, Dosthill, B77 1QL (the 'Application Site'). This application is submitted under Section 73 (S73) of the Town and Country Planning Act 1990 (as amended) (hereafter referred to as 'the Act') and it seeks:

"Removal of Conditions 25 and 26 of planning permission ref. PAP/2023/0188."

Conditions 25 and 26 relate to noise control measures, and as outlined in this letter, their removal is justified primarily on the basis that remaining conditions attached to the outline permission sufficiently control noise, thereby negating the need for their inclusion.

We are aware that an application granted under S73 of the Act is a re-granting of a previous planning permission. In the case of planning permission ref. PAP/2023/0188, the associated Section 106 Agreement (S106) at Clause 9.4 explicitly states that the obligations of the Agreement remain in effect in the event of any subsequent applications made under S73 of the Act. As such, it is not envisaged that a Section 106 Deed of Variation is necessary as part of this S73.

Outline planning permission ref. PAP/2023/0188 comprised land within both North Warwickshire Borough Council (NWBC) and Tamworth Borough Council (TBC), as such a separate approval for the development was issued by TBC under application ref. 0163/2023 on 8 August 2024. The TBC Decision Notice does not include the conditions that this S73 application is seeking to remove and therefore is not applicable.

Application Documents

In addition to this Covering Letter, the following documentation has been submitted via the Planning Portal (ref. PP-13803844) to support this application:

- Planning Application Form, including relevant Ownership Certificate;
- Site Location Plan (drawing no. 23-008-SGP-ZZ- ZZ-DR-A- 131000, rev. P2), prepared by SGP;
- and

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- Noise Assessment Note, prepared by In Acoustic.

The application fee of £293 (excluding £70 Planning Portal administration fee) will be paid under separate cover.

Development and Planning Permission Context

The development site measures 7.88ha and is located between Tamworth Road (A51) to the west and Rush Lane to the east. To the north lies the existing residential area of Dosthill and there is an existing industrial site beyond the southern boundary, known as 'the Hunnebeck premises' as well as a builder's merchants and open storage yard. A small part of the site along the northeastern edge is bound by the Birmingham to Derby Railway line and Kingsbury Brickworks. The site is approximately 1.7km southwest of Tamworth Town Centre.

The location of the application site within the surrounding area is identified in Figure 1 below.



Figure 1: Approved Site Location Plan (drawing no. 23-008-SGP-ZZ- ZZ-DR-A- 131000, rev. P2)

The site has remained unused since mineral extraction and landfill ceased to operate and has been vacant since these activities ended in the 1990s. The site is now overgrown with shrubs and vegetation.

It is important to note that outline planning permission was originally granted at the site in 1997 (ref. OAP/1994/0232) for the industrial use of the land, with a subsequent reserved matters application

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approved in 2008 (ref. PAP/2008/0088) to secure the access, siting, design, external appearance and landscaping details. This permission was extended under PAP/2010/0292. NWBC have confirmed the position that the permission remains extant as a result of the construction of the junction onto the A51, together with the embankments for the spur road extending eastwards.

Application Proposals

Outline planning permission ref. ref PAP/2023/0188 was granted on site on 4th October 2024 for the following development, which is subject of this S73 application.

“Outline planning application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 22,000sqm (GEA) for flexible Use Class E(g)(ii), E(g)(iii), B2 and/or B8 with associated car parking and works (Cross boundary application Tamworth BC reference 0163/2023).”

The purpose of this Section 73 application is to seek the removal of Conditions 25 and 26 from operative planning permission ref. PAP/2023/0188. These conditions, which relate to noise control measures, are not considered necessary due to the inclusion of further conditions within the permission that already secure the required noise mitigation. For reference, the wording of the conditions that this application seeks to remove are extracted from the Decision Notice below.

Condition 25

‘No more than 8 HGV movements arising from HGV’s visiting the site shall occur in each hourly period between 2300 and 0700 hours.

Reason: In the interests of avoiding disturbance due to noise.’

Condition 26

‘No audible vehicular reversing or warning alarms fitted to any vehicle shall be operated between 2300 hours and 0700 hours. The use of alternative non-audible warning systems is recommended in this development.

Reason: In the interests of avoiding disturbance due to noise.’

The below justification for removal of these conditions should be read alongside the Technical Note prepared by InAcoustic (dated 20th February 2025).

Conditions Test

In accordance with relevant legislation and national policy, planning conditions should only be imposed where they meet the six tests set out in Paragraph 57 of the National Planning Policy Framework (NPPF) (2024) which states, ‘Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other aspects.’ Furthermore, Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (TCPO) requires local planning authorities to provide clear justification for any conditions imposed.

As per paragraph 57 of the NPPF, the six tests that are required of planning conditions are as follows:

- Test 1 – Necessary;
- Test 2 – Relevant to planning;
- Test 3 – Relevant to the development permitted;

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- Test 4 – Enforceable;
- Test 5 – Precise; and
- Test 6 – Reasonable in all other respects.

This S73 application seeks the removal of Conditions 25 and 26 on the basis that they are not necessary, given that the remaining conditions within the permission already secure the required noise mitigation measures. The removal of these conditions aligns with national policy guidance, which seeks to ensure that conditions are kept to a minimum and do not unnecessarily duplicate other conditions.

Background and Context

During the determination period of the outline planning application PAP/2023/0188, Condition 25 and 26 were voluntarily offered by the Applicant prior to Planning Committee in an attempt to appease concerns raised by local residents. The wording of both conditions was taken from conditions attached to planning permission PAP/2010/0292 (Condition 19 and 20). The inclusion of these conditions was not discussed with the Council's Environmental Health Officer and purely offered on the basis of trying to appease the concerns of local residents. Despite these efforts, local residents continued to object to the proposals at Planning Committee.

Noise Impact Assessment Considerations

Condition 25 relates to trip generation levels that are lower than those modelled in the Noise Assessment Report (10th August 2023), which was submitted and approved under the operational outline permission. According to the trip generation profile outlined in Paragraph 6.1.2 of the report, the predicted change in ambient sound levels at the closest receptors is 0 dB during each corresponding time period. This calculation accounts for the following:

- Residual sound levels;
- Intervening topography; and
- Screening provided by the existing embankment and boundary structures.

It has therefore been demonstrated that even with increased road traffic on the access road, there would be no change in ambient sound levels experienced by the closest residential receptors, and consequently, no quantifiable noise level impact. This is further discussed within the Noise Assessment Note, prepared by In Acoustic, submitted to support this S73 application.

Noise Related Planning Conditions Imposed

The noise impacts of the proposed development upon nearby residential receptors (particularly those of Ascot Drive) were given significant consideration in the determination of Outline application PAP/2023/0188. A number of planning conditions were sought by the Council's Environmental Health Officer and agreed with the Applicant to mitigate the proposed development and ensure an acceptable noise environment for the nearest residential properties. This includes the following conditions:

Condition 8 (Parameters Plan):

'The proposed layout in the reserved matters applications shall be designed in general accordance with the Parameters Plan approved under condition 5. The reserved matters applications shall contain full details of the finished floor levels of all proposed buildings, above ordnance datum, in relation to existing ground levels. In particular, the layout for

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Zones A and B as defined by the Parameters Plan shall avoid service/loading and unloading areas being located along the northern edge of each of these two Zones.

Reason: In order to define the implementation of the permission so as to reduce the risk of adverse noise impacts.'

Condition 9 (Sound Levels):

'The specific sound from any individual unit arising from internal or external uses, including operational sources of an industrial/commercial nature within the development, the operation of fixed plant, machinery, plant and mobile plant including deliveries, heating, air handling and/or ventilation equipment shall not exceed the levels outlined below:

- i. 40dBLAeq,1hr at any residential property on Ascot Drive, Haydock Lane or Epsom Close. The specific sound level shall be measured or predicted at a height of 1.5 metres above ground level at 1 metre from the facade containing a habitable room with an opening window, between 0700 and 2300 on any day. The measurements and/predictions should demonstrate the noise limits for daytime are within gardens of the nearest affected noise sensitive receptors at 1.5m above the adjacent ground level as a free field"" level as defined by BS 7445:2003 ""Description and measurement of environmental noise (parts 1 to 3)"" for an area of not less than 75% of any dwelling's garden.
- ii. 35dBLAeq15min at any residential property on Ascot Drive, Haydock Lane or Epsom Close. The specific sound level shall be measured or predicted at a height of 4.5 metres above ground level at 1 metre from the facade containing a habitable room with an opening window of any residential dwelling between 2300 and 0700 on any day.
- iii. Where the residential dwelling is a bungalow, all measurement heights for day and night time are 1.5 metres above ground level.

Reason: In order to avoid significant adverse noise impacts on health and quality of life in line with the National Planning Policy Framework (paragraph 185); the Noise Policy Statement for England 2010 and Local Plan policy LP29.'

Condition 10 (Noise Compliance Monitoring):

'Within six months of the occupation of any of the new industrial/commercial units within the development hereby permitted, noise compliance monitoring shall be undertaken by a suitably qualified professional and the results of the noise measurements and/or predictions shall be submitted to the Local Planning Authority in writing. The submission should provide evidence that the specific sound level from the industrial/ commercial internal and external sources within that unit arising from its operation of the new development meets the levels as described in condition 9.

If the specific sound level from these sources exceeds the limits set out in condition 9, additional mitigation measures are to be recommended and included in that submission. Any such measures that are approved in writing by the Local Planning Authority, shall then be installed or introduced to the written satisfaction of the Local Planning Authority. These measures shall be permanently retained and maintained in proper working order for the duration of the operational life of the development.

Reason: In order to demonstrate compliance with condition 9 and so to avoid significant adverse noise impacts on health and quality of life in line with the National Planning Policy Framework (paragraph 185); the Noise Policy Statement for England 2010 and Local Plan policy LP29.'

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Condition 12 (Vehicular Access):

'There shall be no gate, barrier or other structure constructed or placed across the access into the development area from the spur road running east from the junction with the A51, thus allowing unobstructed vehicular access at all times.

Reason: In order to reduce the potential for noise pollution arising from parked vehicles not being allowed to enter the site and to reduce the potential for on-street vehicular parking.'

Condition 13 (On-Street Parking):

'There shall be no on-street parking of any vehicle whatsoever on any part along both sides of and the whole of the spur road running east from the junction with the A51.

Reason: In order to reduce the potential for noise pollution arising from parked vehicles and to reduce the potential for on-street vehicular parking thus leading to highway safety concerns.'

The removal of Conditions 25 and 26 is justified on the basis that the abovementioned existing conditions listed on the Decision Notice already regulate, manage and mitigate noise impacts. To summarise, Condition 9 (Sound Levels) was recommended by the Environmental Health Officer and explicitly limits the rating noise level from within the site, which includes for peak anticipated HGV manoeuvres. Notwithstanding the number of HGV deliveries, their noise impact remains negligible within the already regulated development.

Conditions 8, 10, 12, and 13 were agreed as result of cooperative discussions between the Applicant and the Council and provide reasonable and enforceable noise control measures, that ensure appropriate environmental controls without requiring the additional restrictions imposed by Conditions 25 and 26.

In this instance, Conditions 25 and 26 fail the necessity test, as their objectives are already met through other conditions. Furthermore, Condition 26 lacks precision and enforceability as it merely recommends rather than enforces the use of alternative, non-audible warning systems (as discussed below). To avoid unnecessary duplication and to ensure the permission remains reasonable and enforceable, we respectfully request that Conditions 25 and 26 be removed through this S73 application.

Health and Safety

Condition 26 seeks to prohibit the use of audible reverse alarms throughout the periods of 23:00-07:00. In addition to the above justification that the condition does not meet the 'conditions test' contained within national planning policy, the removal of Condition 26 is necessary to ensure the safety of operational staff during night-time hours. Audible vehicular reversing and warning alarms are a critical safety measure designed to prevent accidents, particularly in environments where there may be limited visibility and potential interaction between vehicles, built structures and pedestrians. Restricting their use between 23:00 and 07:00 hours could compromise safety by reducing awareness of vehicle movements, increasing the risk of accidents and injury.

Whilst Condition 26 recommends the use of alternative non-audible warning systems, which include flashing lights, these do not always provide sufficient warning. Health and Safety Executive (HSE) guidance (HSG136 (3rd edition), published 2014) emphasises the importance of effective warning signals in mitigating collision risks.

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Furthermore, it is noted that other operational developments in proximity to the site are not subject to the same restriction. It would not be practical or reasonable to expect third-party operators or future occupiers of the development to disable their reversing alarms, as these are required for health and safety reasons.

Notwithstanding the above, Condition 26 recommends the use of alternative non-audible warning systems across the development. As per paragraph 57 of the NPPF, the implementation of planning conditions must be enforceable and precise, and the recommendation of alternative warning systems does not meet the condition test in this regard.

In light of the above, the removal of Condition 26 is justified to maintain a safe working environment and ensure consistency with operational standards applied to comparable sites in the area.

Conclusion

Section 73 of the Act allows for the re-granting of an original planning permission without complete compliance with conditions originally attached, meaning conditions can be varied or removed entirely. The National Planning Practice Guidance (Paragraph: 017 Reference ID: 013 Reference ID: 17a-013-20230726) states:

“There is no statutory limit on the degree of change permissible to conditions under S73, but the change must only relate to conditions and not to the operative part of the permission.”

It is considered that the proposed design amendments constitute a ‘minor-material’ amendment to the full permission, and hence the submission of this Section 73 application.

Critically, through the minor material amendment proposed to remove Conditions 25 and 26, the scheme will continue to deliver the necessary noise mitigation measures and environmental controls, ensuring that any potential impacts are adequately managed without the need for the unnecessary duplication of conditions.

I trust the above and enclosed provides you with sufficient information to validate this application and look forward to receiving confirmation of this in due course. If you require any additional information then please do not hesitate to contact me.

Yours faithfully,

Pegasus Group

Henry Courtier

Director - Planning

Henry.Courtier@pegasusgroup.co.uk

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General Development Applications

(5/b) Application No: PAP/2023/0314

Land North West Of Newton Regis Village Hall, Austrey Lane, Newton Regis,

Outline application for the erection of up to 39no. dwellings (all matters reserved except for access), for

Walton Homes Ltd C/O CT Planning

1. Introduction

- 1.1 The receipt of this application was first referred to the Board in September 2023. That report is attached at Appendix A. The Board resolved to visit the site, and a note of that visit is at Appendix B. Both of these Appendices should be treated as an integral part of this current report.
- 1.2 As described in the header, access arrangements are included in this application and a revised access plan has been received following consultation between the applicant and the Highway Authority. This is at Appendix C.
- 1.3 In respect of other matters then there has been no change to the Development Plan since the last report.
- 1.4 However there have been changes in respect of other material considerations affecting this proposal:
 - a) The National Planning Policy Framework (the “NPPF”) was updated in late December 2024 and any references in this current report will be to that edition.
 - b) The mandatory 10% nett biodiversity gain requirements do not apply in this case, as the application was submitted before the Regulations took effect in mid-February 2024.
 - c) The Council has recently published its 2024 Annual Monitoring Report so replacing the version referred to in Appendix A. The five-year housing supply figure is 5.1 years.
- 1.5 The appeal decision referred to in Appendix A is attached in full at Appendix D.
- 1.6 Additionally, the report below refers to an updated Settlement Sustainability Assessment of December 2023. This reviews the 2018 Assessment which was used to evidence the Settlement Hierarchy as set out in the 2021 Local Plan. It was updated following adoption of the Local Plan in 2021 so as to ensure that that hierarchy is still “robust” given that the NPPF was updated in 2023. It is attached at Appendix E.

2. Consultations

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

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

Warwickshire Ecologist –No objection.

Warwickshire Archaeologist – No objection subject to conditions.

Warwickshire Fire and Rescue Services – No objection subject to conditions.

3. Section 106 Matters

- 3.1 Warwickshire County Council has requested contributions of £97k for additional secondary education provision; £12k for provision of a hardstanding at the bus stop on Austrey Lane and £1950 to support “road safety initiatives within the community within the development including road safety education in schools”.
- 3.2 North Warwickshire’s Leisure and Community Development Officer has asked for £299,251 for both indoor and outdoor improvements and enhancements to existing facilities.
- 3.3 The George Eliot NHS Trust has asked for £43,643 towards additional health care services to meet patient demand.

4. Representations

- 4.1 The Parish Council has objected on the following grounds:
 - The development is not proportionate to the size of the village as set out in the Local Plan’s Settlement Hierarchy.
 - It will cause substantial harm to the character and appearance of the village.
 - There are potential highway safety concerns.
 - There is no evidence submitted to show that there is a local need for extra housing.
 - There are questions about the drainage strategy as there is no guarantee that Severn Trent Water Ltd would agree to use of its combined sewer.
 - It’s not clear if there can be a bio-diversity net gain.
- 4.2 Twenty-two letters of objection have been received which refer to the following matters:
 - The site is outside of the settlement boundary.
 - The access would be dangerous.
 - There would be loss of valuable agricultural land.
 - It’s not needed locally.
 - A recent appeal was dismissed.

- It will have a negative impact on the character of the village.
- There will loss of wildlife.
- The village has limited services.
- There will be an impact on the School.
- There will be loss of privacy through overlooking.
- There are concerns about flooding.

4.3 The Council for the Protection of Rural England has lodged an objection.

5. Observations

a) The Principle of the Development

- 5.1 Development in the Borough is to be proportionately distributed and be of a scale that is in accordance with a settlement hierarchy identified within Local Plan Policy LP2. Newton Regis is defined a Category 4 settlement in that Hierarchy. In such settlements, development will be supported within identified settlement boundaries. However, development directly adjacent to these boundaries may also be acceptable. The policy continues by saying that all development will be considered on its merits having regard to other policies in the Plan provided that such development is proportionate in scale to the relevant settlement. As such it could cater for windfall housing, but in the case of Category 4 settlements, usually on sites of no more than 10 units at any one time depending on viability, services and infrastructure deliverability.
- 5.2 Here the site is outside of the settlement boundary and thus the representations received saying that as this is a matter of fact, this becomes a reason for refusal is understandable. However, this is not what the policy actually says. One side of the site – the western boundary - is directly adjacent to the settlement boundary. As a consequence, the proposal might be acceptable in principle subject to the matters raised above under Policy LP2.
- 5.3 These matters will now be looked at – i.e. firstly the other Plan policies and secondly, whether the development is proportionate.

b) Other Policies in the Plan

- 5.4 There are several that are relevant to this assessment, and each will now be take in turn.

i) Character and Appearance

- 5.5 Policy LP14 of the Local Plan says that new development should look to conserve, enhance and where appropriate restore landscape character so as to reflect that as described on the North Warwickshire Landscape Character Assessment of 2010. This aligns with policy LP1 which says that development must “integrate appropriately with the natural and historic environment”, and also with Policy LP30 which says that proposals should ensure that they are “well related to each other and harmonise with both the immediate and wider surroundings”. This is all reflected in the NPPF at paragraph 135 (c) which says that developments, amongst other things, should be “sympathetic to local

character and history including the surrounding built environment and landscape setting”.

- 5.6 In this case the site is in the “No Mans Heath to Warton – Lowlands” Landscape Character Area. This is described as “visually open mixed farmland located within a distinctive bowl landform.” It has “a well-ordered agricultural landscape with scattered farmsteads and nucleated hill-top villages each with prominent church spires” including Newton Regis. The villages “include both vernacular buildings and more recent development, connected by a network of minor roads and lanes typically bordered by wide grass verges, with some hedges”. In terms of landscape management strategies, the Assessment says that “any new development should reinforce the existing settlement pattern of rural villages”.
- 5.7 The applicant concluded that there would be limited impact on the wider landscape because of the topography of the area. This is agreed, as the landscape impact here would be local in extent and not affect the overall character of the Landscape Area. However, the Assessment also refers to nucleated settlements and for the need to reinforce the existing settlement pattern of rural villages. The proposal does not achieve this objective.
- 5.8 The proposal represents a substantial expansion of the village well beyond its existing defined settlement boundary. Its only connection to the village is via a single access such that proposed housing becomes isolated and divorced from the main community. This extension is not in character with the organic development of the distinctive existing village characteristic of a nucleated settlement. Members are referred to the appeal decision referred to at Section 6 of Appendix A which related to a proposal for 9 houses running alongside the rear of properties in Townsend Close. The Inspector concluded that, “The suggested layout of the houses bears little relationship to the spatial arrangement and density of the houses in Townsend Close which reinforces the sense of separation and would result in a development that would appear as an “add-on” to the existing settlement rather than as an integral part of it”. Additionally, “the development would not appear as a continuation of the existing houses but as an appendage that encroaches into the countryside”. The current proposal is for up to 39 dwellings - over a 400% increase - and cover a site just under 400% larger than that appeal site. It is considered that the Inspector’s conclusions equally apply to the current very much larger scheme. The full appeal decision letter is at Appendix D.
- 5.9 The proposal does not conserve or enhance the distinctive landscape setting of the village and does not integrate with its surroundings. It thus does not accord with policies LP1, LP14 and LP30 of the Local Plan.

ii) Heritage

- 5.10 Local Plan policy LP15 says that the quality, character, diversity and local distinctiveness of the Borough's historic environment will be conserved and enhanced. In order to do so, an assessment has to be made of the potential impact of the proposals on the significance of heritage assets that might be affected by the proposal, as set out in Section 16 of the NPPF. Whilst there are no assets on the site, the boundary of the Newton Regis Conservation Area is some 180 metres to the west.
- 5.11 The Council is under a Statutory Duty to pay special attention to the desirability of preserving or enhancing the character or appearance of its Conservation Areas. To do so the impact of the proposal on the significance of the Area needs to be assessed. The significance of the Conservation Area lies in its retention of a traditional rural settlement. The historic core is clustered around historic farms and the dominant St Mary's Church. It has a strong architectural merit, characteristic of the local North Warwickshire vernacular. The linear street form and the relationship between the buildings and adjoining open spaces means that the village maintains its rural nature.
- 5.12 The Inspector dealing with the smaller proposal referred to above, concluded that that proposal would cause less than substantial harm on the significance of the Conservation Area because of its separation by existing modern development which would screen the site such that there was no inter-visibility. The wider setting of the Area would thus not be harmed. There may well be glimpsed views of the church spire, but these were said to be incidental, and the proposed development would not cause harm to the heritage significance of the church's setting. The current application site is much larger in area and in the scale of the development. Notwithstanding the lack of inter-visibility, it will have a greater impact on the wider setting of the Area because of its size, as the Area's characteristic is its distinctive rural nature largely arising from the village's nuclear built-form. There will remain glimpsed views of the church spire, but the development would not harm its prominence locally or from further afield. Taken together it is concluded that the current proposal would have less than substantial harm on the significance of the Conservation Area. Nevertheless, this harm has to be assessed within the overall final planning balance against the public benefits of the proposal.
- 5.13 In respect of the underground heritage interest, the County Archaeologist is satisfied that this aspect can be covered by pre-commencement conditions.

iii) Highways

- 5.14 Local Plan policy LP29 (6) says that all developments should provide safe and suitable access for all users. The NPPF says that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be "severe" – paragraph 116.

- 5.15 It is of substantial weight that the Highway Authority has not objected to the proposal. Its initial response was to request more information from the applicant. This included the submission of a Road Safety Audit given the use of access by pedestrians using the public footpath and to access the Village Hall. Additionally, engineering drawings were submitted because of the additional purpose of the access in providing access to the Hall; the location of its junction onto Austrey Lane and in order to accommodate access by larger vehicles into the site. These access arrangements are illustrated at Appendix C.
- 5.16 Given the policy background outlined in paragraph 5.14 and the consultation response from the County Council based on its technical engineering assessment, it is considered that the proposals do accord with the relevant Development Plan highway policies.

iv) Flooding and Drainage

- 5.17 Local Plan policy LP33 requires water runoff from new development to be no more than the natural greenfield runoff rates and developments should hold this water back on the development site through high quality sustainable drainage arrangements which should also reduce pollution and flood risk to nearby watercourses. The NPPF at para 175 says that major developments should incorporate sustainable drainage systems and that these should take account of the advice from the lead local flood authority.
- 5.18 The applicant's drainage strategy is set out in para 3.5 of Appendix A. In short it is based on underground attenuation and pumping to the combined STW sewer running along the site's boundary with the recreation ground to the south. The Lead Local Flood Authority reviewed this approach and asked for clarification. As a result of receipt of this, it no longer has an objection subject to standard conditions. As such it is considered that the proposals do accord with the relevant Development Plan flooding and drainage policies.

v) Bio-Diversity

- 5.19 Local Plan policy LP16 says that the quality, character, diversity and local distinctiveness of the natural environment is to be protected and enhanced as appropriate, relative to the nature of the development proposed and net gains for bio-diversity should be sought where possible. The Board is also aware of the new Regulations introduced in February 2024. As this proposal was submitted prior to their introduction, there is no mandatory 10% nett gain required. The proposal nevertheless still has to show a net bio-diversity gain, in order to accord with Policy LP16.
- 5.20 The applicant's bio-diversity appraisal is set out a paragraph 3.6 of Appendix A. It concludes that without mitigation, there would overall be a 45% net loss of bio-diversity. As a consequence, on-site mitigation includes a central community orchard, new tree planting along the eastern and northern boundaries and a new dry ditch along the entrance drive. These are said to result in a 10% gain, a hedgerow gain of 40% and a watercourse gain of 12%. The County Ecologist is satisfied with these measures provided that a maintenance plan is conditioned. In these circumstances, the proposal would accord with Local Plan policy LP16.

vi) Residential Amenity

- 5.21 Local Plan Policy LP29 (9) says that new development should “avoid and address unacceptable impacts upon neighbouring amenities through overlooking, noise, light, air quality or other pollution”.
- 5.22 Whilst this proposal is in outline, there is an indicative layout submitted. This shows that there would be likely to be new houses at the rear of established residential development in Townsend Close. This is similar to the proposal that was refused at appeal – albeit with fewer houses. At that time, it was not considered that this would give rise to an unacceptable level of over-looking because of the separation distances and intervening hedgerows. It was neither an issue in the appeal that followed the refusal, with the Inspector not including it within his reasons for dismissing the appeal. If planning permission is granted for this current outline application, then this particular matter would be dealt with at the detailed stage, when the reserved matters application is submitted and considered. At this stage therefore the proposal would accord with the Local Plan policy in principle.

vii) Affordable Housing

- 5.22 Local Plan Policy LP9 requires 40% provision of on-site affordable housing. In this case, that is being proposed and the implementation of this would need to be conditioned through a Section 106 Agreement.

c) Proportionately

- 5.23 The other aspect of policy LP2, other than assessing the proposal against all of the relevant policies in the Local Plan as undertaken above, is to come to a view on whether it can be treated as being “proportionate in scale to the relevant settlement” and thus be deemed to be “windfall” housing. Clearly, the proposal is much larger than the scale referred to in LP2, but because of the wording of the policy, a larger site should not be rejected.
- 5.24 The main issue here is one of scale. Policy LP2 deliberately refers to development being distributed in proportion to a settlement’s status in the defined settlement hierarchy. This hierarchy was established, with evidence supplied in the Settlement Sustainability Assessment of 2018. That resulted in Newton Regis being designated as a Category 4 settlement. As recorded above, this Assessment has now been reviewed and the conclusion is that the status of Newton Regis should not be changed. Since the adoption of the Local Plan, new residential development has been permitted on a site allocated in that Plan - the site known as H14. The allocation was for 21 units and has almost been “built-out”. Other residential conversions and new development have been permitted within the village, amounting to 8 units since the adoption of the Plan in 2021. It is this figure that is the current “windfall” figure for the village – i.e. the additional housing over the H14 allocation. If the proposed 39 units are added, it can be seen that this would be a substantial increase over the guide figure of 10 in the policy - indeed, even greater than the site deliberately allocated in the Plan.

- 5.25 It is thus considered that the proposal is not proportionate to the status of the village within the settlement hierarchy in quantitative terms. Added weight is given to this through qualitative concerns. The first is that the village has no local shop or related services and as such daily living requirements are not provided. Additionally, a contribution is sought by the County Council as Education Authority, as it considers that the proposal has an adverse impact that needs to be mitigated as the local Secondary school does not have the capacity to accommodate the growth. Access to all local services and facilities is thus dependant on private transport. The second is that whilst the proposal does include a policy compliant 40% affordable housing provision, such housing should ideally be located in settlements which do have ready and easy access to local services, facilities and employment. Again, this is not the case here as such access is dependent on private transport.
- 5.26 In all of these circumstances, it is concluded that the proposal is not proportionate to the status of the village in the adopted settlement hierarchy and thus constitutes unsustainable development.

d) Conclusion on Policy LP2

- 5.27 Having reviewed the most relevant policies in the Local Plan in the determination of this application, it is concluded that the proposal would not accord with Policies LP1, LP14, and LP30 whilst causing less than substantial harm under policy LP15.
- 5.26 In view of this, it is considered that the proposal would not accord with Local Plan policy LP2, because, although the site is directly adjacent to the settlement boundary, on its merits it does not accord with other policies in the Plan as identified above.

6. The Applicant's Case

- 6.1 The applicant has put forward a number of matters which he argues support the proposal. The first of these is that it "provides the opportunity to develop a high-quality residential scheme with a coherent landscape structure which conserves and enhances the natural assets providing character and a sense of place which is coherent within the immediate area". The second is that the proposal would provide a wide range of houses and that a significant benefit is the on-site provision of policy compliant affordable housing. The third is that there would be a material bio-diversity net gain over and above that required under the new Regulations. Finally, it is argued that the proposal has responded to the appeal decision in that the layout is now of a character which appears as a continuation of the existing settlement pattern by replicating the established built development at Townsend Close – a cul-de-sac with a central area of open space.

7. The Planning Balance

- 7.1 The applicant's considerations do carry weight, but they are considered to be of limited weight. This is because they do not address the fundamental spatial planning policy concern – the non-compliance with Local Plan Policy LP2 being a dis-proportionate development to the standing of Newton Regis in the settlement hierarchy. In other words, an unsustainable development. This is not just a matter to do with numbers or size. There are very real harms caused on the character and appearance of the area and the village and that the proposal does not enhance or contribute to the settlement's sense of place or community.
- 7.2 It is acknowledged that the current housing land supply figure for the Borough is 5.1 years – as at 31/3/24 - and that the current NPPF supports the delivery of new housing, but that should not be at the expense of a fundamental breach of adopted spatial planning policy.
- 7.3 The less than substantial heritage harm caused would thus not be outweighed by the public benefit of additional housing to meet the Borough's overall needs.
- 7.4 As a consequence the recommendation below is one of refusal.
- 7.5 Notwithstanding this, should the Board resolve to grant planning permission, it will need to assess the inclusion of matters to be covered by a Section 106 Agreement. This is outlined below.

8. Infrastructure

a) Introduction

- 8.1 Members will be familiar with requests from a number of Agencies and Bodies towards infrastructure delivery. These are of interest also to the applicant as they can, in total, have an impact of the overall viability of the proposal. This is why each of these requests has to be justified as meeting the statutory tests for such contributions. The report will now review each of the individual requests to establish statutory compliance.
- 8.2 The statutory tests are that any obligation must be necessary to make the development acceptable in planning terms; they must be directly related to the development and finally they must be fairly and reasonably related in scale and kind. From these and from experience with other cases, Members will know that contributions and requests that might be suggested to rectify existing issues or matters that are outside of the control of the applicant, would not pass these tests.

b) Education

- 8.3 Warwickshire County Council as Education Authority is requesting a sum of £97k based on the number of dwellings proposed. This contribution would go towards expansion of existing secondary accommodation at Polesworth.

- 8.4 The contribution is considered to meet all of the statutory tests identified above. It is necessary to make the development acceptable in planning terms, because education provision was identified in the Infrastructure Delivery Plan 2020 (IDP) which accompanied the Local Plan. This identified projects that are necessary with particular residential allocations in the Local Plan to ensure sustainable development. Here that Delivery Plan refers to additional places being needed throughout the Borough. Additionally, the contribution would satisfy Local Plan Policies LP1 on sustainable development and LP21 on the provision of services and facilities. It would also comply with the NPPF at para 98 in general and para 100 in particular. It is also considered that the contribution is directly related to the development in that it has been calculated with reference to the up-to-date local evidence and the nature of the proposal. It also satisfies the final and third test as it has been calculated on the up-to-date Government Guidance on calculating pupil numbers in each Local Education Authority area. As such the contribution is supported in principle.

c) Recreation and Leisure

- 8.5 A request in total of £299,251 has been made for recreation and leisure provision. This is made up of £27,871 towards indoor provision; £145,674 for play and youth provision and for outdoor sports provision. The figure for indoor provision would go towards the proposed provision at Polesworth, with the balance coming to the Borough Council with its purpose being focussed on outdoor provision at Polesworth and locally enhanced play and youth provision in and around Newton Regis.
- 8.6 The overall contribution is considered to satisfy the relevant tests. There is reference in the IDP to the need for the provision of play areas throughout the Borough, for the replacement/refurbishment of leisure facilities and in the Council's Playing Pitch Strategy of 2023 for additional outdoor sports facilities. It would also accord with Local Plan policies LP1, LP21 and LP29 (4). Of note amongst these, is LP29 (4), which seeks to promote healthier lifestyles for activity outside of homes and places of work. This is reflected in the NPPF at paragraphs 96 (c) and 97. It is also soundly based on the evidence available in the Council's adopted documents and strategies and it has been calculated in line with the appropriate up-to-date 2023 "Planning Obligations for Sport, Recreation and Open Space". It thus satisfies the third test concerning being fairly and reasonably related in scale and kind. Members will also be aware that the Council is committed to the commencement of feasibility studies for new leisure provision at Polesworth. Additionally, it is anticipated that the Parish Council and the applicant will welcome the play/youth contribution, so as to enhance the existing recreation ground just to the south of the application site.
- 8.7 For all of these reasons it is considered that the request does satisfy the statutory tests.

d) Other Contributions

- 8.8 The County Council has asked for £12k towards a bus stop enhancement and this is also considered to be compliant in order to promote ready access to public transport facilities set out in the NPPF and the Local Plan.

- 8.9 The County Council as Highway Authority has requested a contribution towards sustainable travel packs to be given to new occupiers. It is suggested that this can be dealt with by a planning condition.
- 8.10 Members should be aware that at the time of the initial consultation period, the George Eliot NHS Trust requested a financial contribution of £49,238 to assist the provision of its services. Since that time, there is now case-law which has established that contributions sought to close a funding gap that an Infrastructure provider may be experiencing, do not satisfy the Section 106 “tests” referred to in paragraph 8. 2 above. Hence it should not be included in the Heads of Terms in this case.
- 8.11 As a consequence, any 106 Agreement to be concluded in the event of support for the planning application here, should include the education contribution, the recreation and leisure contributions, the footpath contribution and matters to do with affordable housing.

Recommendation

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

“Because of the size of this proposal, it is not considered to be sustainable development, as it is not in proportion to the status of Newton Regis within the settlement hierarchy for the Borough as defined by Policy LP2 of the North Warwickshire Local Plan 2021. Moreover, the proposal does not conserve or enhance the distinctive landscape setting of the village and neither does it integrate with its surroundings. It thus also does not accord with policies LP1, LP14 and LP30 of that Local Plan and Section 12 of the National Planning Policy Framework 2024.”

General Development Applications

(5/c) Application No: PAP/2023/0314

Land North West Of Newton Regis Village Hall, Austrey Lane, Newton Regis,

Outline application for the erection of up to 39 dwellings (all matters reserved except for access) for

Walton Homes Ltd

1.Introduction

1.1 This application has recently been submitted and its receipt is reported to the meeting in advance of its determination so that Members are aware of the proposals.

2. The Site

2.1 This is a rectangular parcel of land of 2.5 hectares in area, immediately to the east of Newton Regis at the rear of properties that front onto Townsend Close and being part of a much larger open arable field. The rear boundary of the houses is marked by a hedgerow together with some trees. The northern boundary is also a hedge line, being the limit of the field here, but the eastern boundary is unmarked. The land slopes from the north-east towards this boundary with a drop of around 4.5 metres.

2.2 Access to the site is off an unmade track which has access onto the outside of a bend in Austrey Lane. This also serves a couple of other houses on its northern side together with the Village Hall to the south. The Hall has associated sports pitches, tennis courts and play areas. The track also hosts a public footpath that runs alongside the hedgerow that runs eastwards from the road and forms the southern limit of the site.

2.3 A location plan is at Appendix A.

3.The Proposals

3.1 Although this is an outline application for 39 dwellings, the applicant has provided a potential layout by way of illustration as to how these might be accommodated. This shows the dwellings set around a large communal "green". It is anticipated that there would be a range of house types ranging from 2-bedroom to five-bedroom dwellings. These would include 16 affordable houses, comprising 8 two-bedroom and 8 three-bedroom dwellings. These amount to 40% of the proposed development. A new landscaped buffer would be proposed for the eastern boundary of the development. The proposed access is from Austrey Lane extending along the southern boundary of the site and then into the development.

3.2 The application is also supported by several documents.

3.3 A Transport Assessment describes the site and the nature of the local highway network. This concludes that there are existing pedestrian and cycle infrastructure which affords access to numerous local services including those likely to be utilised by future residents and that the site is situated close to an existing bus service. The Assessment finds that the traffic generation from the site will not have a severe or

detrimental impact on the local road network and that a vehicular access can be provided in line with appropriate standards accommodating the necessary visibility splays.

3.4 An Arboricultural Report concludes that the perimeter trees and hedges place limited constraints on the development of the site and that a layout can be designed so as to retain them.

3.5 A Flood Risk Assessment states that the site is within a groundwater Source Protection Zone. The site thus has a high vulnerability to groundwater and therefore an infiltration drainage solution may not be suitable for this site. It is thus proposed to discharge the surface water from the site to an existing STW public combined sewer located inside the site along its boundary with the recreation ground at a greenfield runoff rate. The drainage strategy for the site is thus to propose that run-off from the roads, other hard surfaces and the houses will drain to an underground attenuation tank in the centre of the site. A pump chamber is to be added in order to pump this water into a rising main up to the site entrance where it would discharge into the combined sewer. Foul water drainage will flow via gravity into the pump chamber in the centre of the site and then be pumped up to the STW combined sewer.

3.6 A Preliminary Ecological Appraisal describes the site as being an arable field with species poor hedgerows. It has no statutory or non-statutory designation, but it does lie within the impact zone of two SSSI's – the River Mease around 3.4 km to the north and Alvecote Pools 4 km to the south – but there is not considered to be any impact on these site due to the separation distances and the lack of water course connections. There are no designations within a kilometre of the site, but three non-designated areas are close by – Newton Gorse within 10 metres of the eastern site boundary; Newton Regis churchyard 0.4 km to the southwest and Sandy Lane Spinney located 1 kilometre to the northwest. The site is also within a Nitrate Vulnerable Zone which is an area being at risk from agricultural nitrate pollution. Survey work shows several bat roosts within a kilometre of the site, but no records of notifiable mammals, birds, amphibians or reptiles. The Appraisal concludes that due to the open nature of the field, the lack of sheltering opportunities and the regular agricultural disturbance, the field itself has negligible ecological potential. The hedgerows around its edge contain limited species and are ecologically significant only in terms of connectivity. There is a dry ditch along the western hedgerow boundary and this has moderate value due to the connectivity it provides. In view of this assessment, the appraisal recommends that the development would not have a material impact, but that a Bio-Diversity Assessment is needed in order to advise on mitigation measures to ensure that there is nett gain rather than no nett loss. That assessment has been undertaken. It shows that without mitigation there would be a 45% loss overall. On-site mitigation measures would provide 10% gain, a hedgerow gain of 40% and a watercourse gain of 12%. These measures include new fruit tree planting within the central open space to create a community orchard, new trees within both shared and private spaces and the creation of a new dry ditch along the entrance drive and open space boundaries.

3.7 A Built Heritage Appraisal identifies no designated or non-designated built heritage assets at the site or within its immediate vicinity. The nearest one is the Conservation Area which is around 160 metres to the southwest. The Appraisal says that the site is separated from this by existing modern development which would screen the site such that there would be no inter-visibility. The setting of the Area is thus not likely to be

5c/18

harmful. The appraisal does say that there may be glimpsed views of the spire of the church, but these are incidental and the proposed development because, for the same reason above would be unlikely to cause harm to the heritage significance of the church.

3.8 A Landscape Appraisal concludes that there would be limited impact on the wider landscape because of the topography of the area. However, there would be a visual impact because of the extension of the built-up area of the village as seen from the Road and the adjoining footpath.

3.9 A plan illustrating a potential layout is at Appendix B.

4. Background

4.1 Planning permission for 9 dwellings on that part of the current application site running along the rear of the Townsend properties was refused in 2020 and an appeal dismissed in 2021. The reasons for refusal referred to the impact of the proposal on the character of the village and also in respect of highway safety concerns. The Inspector did not support the Council in its highway reason for refusal.

5. Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Amount of Development), LP9 (Affordable Housing), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP27 (Walking and Cycling), LP39 (Built Form) and LP34 (Parking)

6. Other Material Planning Considerations

The National Planning Policy Framework

The Designation Report for the Newton Regis Conservation Area

The North Warwickshire Landscape Character Appraisal 2010

The Annual Monitoring Report --- 31 March 2022

Appeal Decision APP/R3705/W/21/327381

7. Observations

7.1 Notwithstanding the previous refusal here, the Board will need to consider this application afresh against the Development Plan and against any new material planning considerations that might now be relevant to that assessment. Given the change in the scope of the proposal it is considered that a site visit should be arranged such that Members new to the Board after the recent decision can see the site and also so that Members can see the new proposal.

Recommendation

That receipt of the application be noted and a site visit be arranged prior to determination of the application.

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5b/36

APPENDIX B

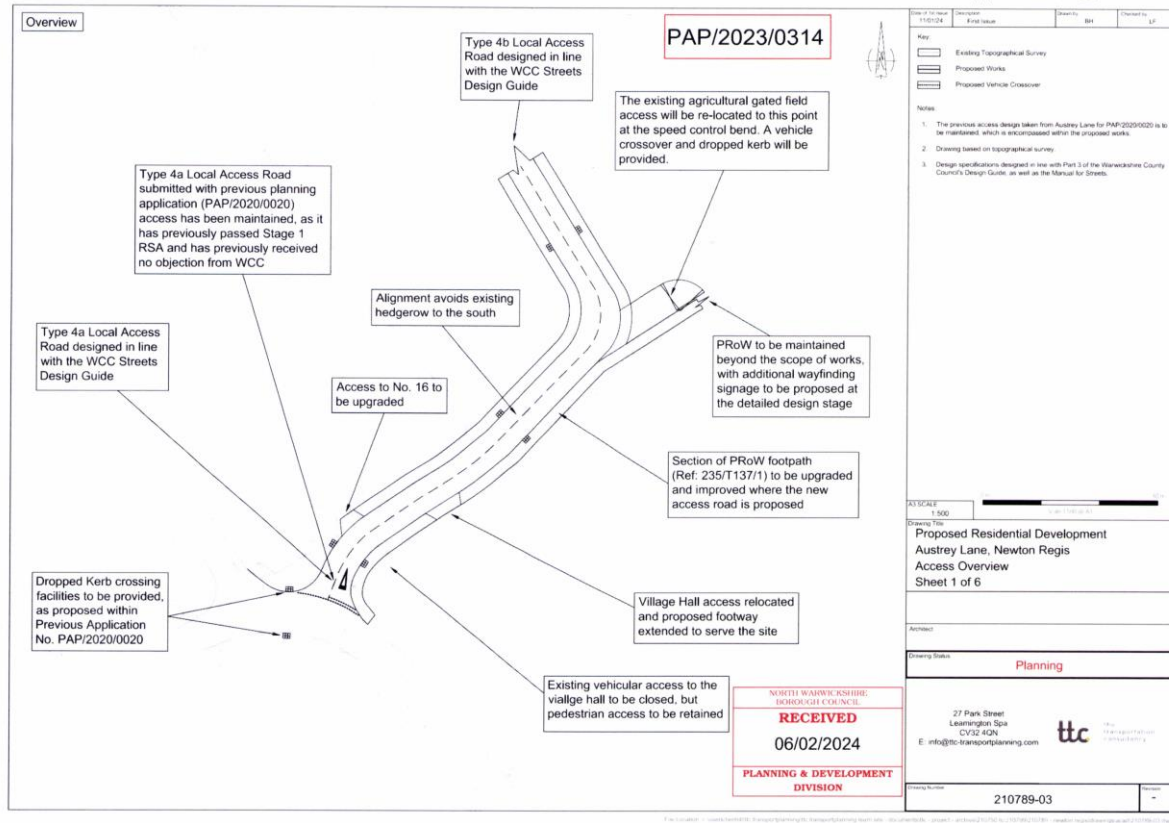
PAP/2023/0314

Land off Austrey Lane, Newton Regis

Site Visit -- 7 March 2025 at 1500

Present: Cllrs Bell, Fowler, Humphries, Jarvis, Parsons, H Philips, Ridley and Simpson together with J Brown

1. Members met at the access off Austrey Road into the Village Hall.
2. Here they were able to see the proposed site access and to look at the visibility either side as well as the bend of the road and the access into Townsend Close.
3. The group then walked up the footpath that adjoins the site and the Village Hall.
4. A copy of the illustrative layout was studied.
5. The rear of the houses in Townsend Close was noted together with the boundary hedgerows.
6. The extent of the site was noted
7. Members also saw the nature and character of the site, the levels and sloping ground to the north-east and its setting in the wider landscape picking out the buildings in No Mans Heath.
8. Before leaving the site, Members were able to see the School Bus turning in the Village Hall entrance, parking and leaving.
9. The visit ended at around 1515.





Appeal Decision

Site Visit made on 16 September 2021

by **R Walmsley BSc, MSc, MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/R3705/W/21/3272381

**Land north west of Newton Regis Village Hall, Austrey Lane,
Newton Regis, B79 0NL**

- 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 Mr H Lillingston, Manor Farm Discretionary Settlement against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2020/0020, dated 15 January 2020, was refused by notice dated 6 October 2020.
 - The development proposed is outline application for the erection of 9 no. dwellings, re-surfacing, line marking and replacement lighting of village hall car park, access alterations to the village hall car park and associated works (all matters reserved except for access).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with only access to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters. I have consequently treated the submitted drawings as being for illustrative purposes only, insofar as they imply matters other than access arrangements.
3. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been given the opportunity to make any comments on the implications of the revised Framework to this appeal and I have taken the comments into account in my considerations.
4. On the evidence available to me I am content that the emerging Local Plan has reached an advanced stage in its preparation and therefore substantial weight can be attached to it for the purposes of the determination of this appeal.

Main Issues

5. These are:
 - i) the effect of the proposal on the character and appearance of the area, and;
 - ii) on highway safety.

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

Reasons

Character and appearance

6. Notwithstanding any future changes to settlement boundaries in policy terms, Townsend Close exhibits a formal layout in which the houses face inwards and as a result, creates a well-defined edge to Newton Regis village. The hedge along the north-east boundary of this development reinforces the point at which the settlement stops and the open countryside begins. The appeal site, being an open field, is in a relatively open and exposed position relative to the open countryside. The hedge mentioned closes off the appeal site from the existing built form, in both physical and visual terms.
7. Despite the appeal site being behind the line of the existing village hall, the new boundary created by the development would project awkwardly into an open field. The site would be sandwiched between the existing hedge and a new line of landscaping which would isolate the housing from its surroundings. The suggested layout of the houses bears little relationship to the spatial arrangement and density of the houses in Townsend Close which reinforces the sense of separation and would result in a development that would appear as an 'add-on' to the existing settlement rather than as an integral part of it.
8. I acknowledge that, in certain views, including from the existing public right of way, the proposed dwellings would be seen against a backdrop of existing housing. Furthermore, given the distance of separation, the development would not be harmful to the significance of the Newton Regis Conservation Area. Nonetheless, for the reasons given, the development would not appear as a continuation of the existing houses but as an appendage that encroaches into the countryside.
9. I therefore conclude that the development would be harmful to the character and appearance of the area and contrary to Policies NW12 and NW13 of the North Warwickshire Local Plan, Core Strategy (2014), Policies LP14 and LP31 of the emerging draft Local Plan (2018) including modifications (July 2021) and the advice in the Framework which seek to secure high quality design which respects the character of the countryside and the character and appearance of the area.

Highway safety

10. The development would improve the quality and accessibility of the existing access that leads from Austrey Lane and the access to the village hall would be improved, away from the comings and goings along Austrey Lane. The County Council, as Highway Authority, has raised no objection to the access arrangements proposed.
11. The Council raises concern that the development would result in conflicting traffic movements but the evidence before me suggests that the layout proposed could safely accommodate the increase in traffic. The Council suggests that the proximity of the primary school and increased pedestrian movements would be harmful to highway safety but there is no evidence to suggest why this would be the case. The Highway Authority has confirmed that there would be adequate visibility and there are no safety concerns in light of the Road Safety Audit.

12. It appears that the school bus uses the existing access. It is not clear if this arrangement would remain with the development in situ. However, the evidence before me shows that there would be adequate space for a bus to manoeuvre in the access if this was to be the case.
13. Overall, therefore, I find that the development would not be harmful to highway safety and therefore would not be contrary to Policy NW10 of the North Warwickshire Local Plan, Core Strategy (2014) and the advice in the Framework which together, seek development that provides for proper vehicular access and does not have an unacceptable impact on highway safety.

Conclusion

14. The proposal would result in some benefits, including improvements to the village hall car park, access and lighting. However, these benefits would not overcome the harm found to the character and appearance of the area. There are no material considerations, including those of the Framework, which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

R Walmsley

INSPECTOR

SETTLEMENT SUSTAINABILITY ASSESSMENT

December 2023



North Warwickshire Borough Council

Settlement Sustainability Assessment 2023

Contents		Page
1	Introduction	3
2	Sustainable Settlements: What is a sustainable settlement?	3
3	Assessing the Sustainability of Settlements in North Warwickshire	4
4	Scoring	5
5	Ranking Outcome: Summary	7
6	Conclusions	9
7	Appendices	11
	A Complete list of Settlements with scores and rankings	13
	B1 2006 Local Plan Settlement Hierarchy	15
	B2 2014 Core Strategy Settlement Hierarchy	16
	B3 2021 Local Plan Settlement Hierarchy	17
	C Settlement Analysis	18 – 104
8	List of Sources	105

Settlement Sustainability Assessment 2023

1 Introduction

- 1.1 The first North Warwickshire Settlement Sustainability Appraisal was written in 2010 using the Settlement Hierarchy from the Local Plan 2006 and formed part of the evidence for the 2014 Core Strategy. This version updates the 2018 study that was updated as part of the evidence for the Local Plan submitted in March 2018 and adopted in October 2021. Both the 2018 and 2023 Study use the adopted Local Plan 2021 Settlement Hierarchy.
- 1.2 North Warwickshire Borough Council adopted a new Local Plan, which distributes development in accordance with an updated Settlement Hierarchy (see Appendix B3). The National Planning Policy Framework (NPPF) was publicised in March 2012 and was further updated in 2023. The Settlement Sustainability Appraisal has been updated to reflect the new NPPF and to ensure the Settlement Hierarchy of the Local Plan is robust.

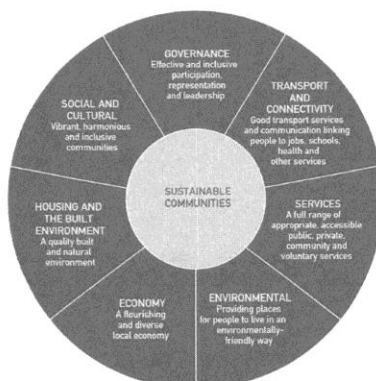
2 Sustainable Settlements

What is a Sustainable Settlement?

- 2.1 A sustainable settlement is one that is economically, environmentally, and socially healthy and resilient and is referred to in the NPPF, Chapter 2, Paragraph 8.
- 2.2 The achievement of sustainable settlements and the sustainable distribution of development are core principles of planning policy in North Warwickshire.
- 2.3 The Egan Review 2004 (Skills for Sustainable Communities) provides a helpful definition of what constitutes a Sustainable Community:
Sustainable communities meet the diverse needs of existing and future residents, their children and other users, contribute to a high quality of life and provide opportunity and choice. They achieve this in ways that make effective use of natural resources, enhance the environment, promote social cohesion and inclusion and strengthen economic prosperity.
- 2.4 It also usefully sets out the key components of sustainable communities, illustrated in the following diagram:

Settlement Sustainability Assessment 2023

DIAGRAM ONE: COMPONENTS OF SUSTAINABLE COMMUNITIES



- 2.5 Sustainable communities enable people to live such that they have access to a wide range of jobs, good educational and training opportunities, a range of accessible, public, community, voluntary and private sector services, and such that they have opportunities for cultural, leisure, community, sport and other activities. Sustainable communities achieve this in ways which minimise the negative environmental impact and which enhances the positive impact (eg. recycling, walking, cycling, use of public transport).
- 2.6 For the purpose of this study a settlement has been defined as a discrete, relatively permanent group of households, most often with services, that together form a built-up environment. Settlements have an identity based on place (a spatial unit with definable, though dynamic, geographic boundaries and a locational name), time (old and newly-settled places with some degree of permanency, meaning they will probably remain settled for at least the medium-term future), services (most often have at least a basic level of services or amenity, such as shops, a community hall or sports ground) and culture (having distinctive social or cultural elements and heritage values).

3 Assessing the sustainability of settlements in North Warwickshire

- 3.1 To achieve sustainable communities, and to make informed decisions about the most sustainable locations for the distribution of new development, this study seeks to use the same scoring method used in the previous studies to enable a comparison between the studies.
- 3.2 The establishment of a settlement hierarchy follows the approach to development distribution taken in the North Warwickshire Local Plan 2006. In that instance, the hierarchy was based more on value judgements of their perceived sustainability, following rudimentary assessment of size and functionality. The settlement hierarchy approach continues to be a fundamentally sound way in which to approach the achievement of sustainable settlements and it is considered appropriate to take the same approach forward.

Settlement Sustainability Assessment 2023

- 3.3 The specification of services and facilities enjoyed by each settlement and the subsequent 'scoring' exercise provide a factual basis upon which to make decisions about the most sustainable locations for the distribution of new development and to enable recommendations to be made about the settlement hierarchy.
- 3.4 For thoroughness all settlements, including hamlets are assessed and ranked in the study, which is the same as the 2010 and 2018 Study.
- 3.5 It is important to note that the focus of this study has been on settlements inside North Warwickshire. Those outside of the Borough have not been part of this study. It is considered that the settlements adjoining the Borough are part of much bigger settlements well beyond the scope of any settlement in North Warwickshire. For example: Tamworth has a population of over 78,600 whilst Nuneaton and Bedworth has a combined population of over 134,200. These are much larger than the largest settlement in North Warwickshire. Atherstone and Mancetter together have a population of around 11,700 with a total borough population of just over 65,000.

4 Scoring

- 4.1 Given that a sustainable settlement is one benefiting from access to a wide range of economic, travel, housing, health and educational opportunities, the proposed scoring criteria for this exercise are based around rewarding points for facilities lying within the settlements (or in close proximity to the settlements which closely contribute to the functioning of the settlement) which are essential 'building blocks' of a sustainable settlement. Value judgements have been used in establishing the scores attributable to each of these 'building blocks' based on the degree to which each facilitates 'sustainable living'.
- 4.2 Grouped collectively each of these 'building blocks' add to the functionality of a settlement. It logically follows that the greater the opportunities, the higher the settlement will rank in terms of how sustainable it is.
- 4.3 The services/facilities assessed seek to cover the whole range of functions that society requires to create a sustainable community, including, for completeness, services/facilities that presently do not exist in the Borough such as universities, hospitals, theatres, cinemas and airports.

Scoring Rationale

- 4.4 In an exercise designed to rank the sustainable credentials of settlements across the Borough in relative terms, it is necessary to attribute higher values to some of the elements which make up a settlement than others.
- 4.5 The approach taken is to attribute basic values to basic services common to most settlements (such as a single shop, post office, pub, community hall or primary school), then to attribute higher values where those services exist in greater numbers or on a larger scale.

Settlement Sustainability Assessment 2023

- 4.6 It also attributes higher values to elements that normally require a large catchment population to justify, or enable, their existence, for example, high values are given to the existence of a railway station, higher education establishment, airport or hospital.
- 4.7 The scoring system seeks to reflect the size of the population likely to be reliant on the services, i.e. Council services and health services.
- 4.8 In terms of access to employment the size of the score seeks to differentiate in terms of scale. Employment sites which benefit from access to sustainable travel (i.e. rail served sites) are afforded higher scores.
- 4.9 The scoring system seeks to reflect the importance of the role that sustainable transport plays in determining access to services. Public transport is important to provide access to services which are not available locally, particularly given that there are a number of services which will be concentrated in the market towns and other urban centres. Where bus services serve a settlement but are infrequent lower scores are attributed, but where bus services are regular and often higher scores apply. It is important to recognise, however, that the provision of public transport can alter quickly with routes changing often based on changes in funding. Higher scores based solely on this aspect therefore need to be treated with caution.
- 4.10 Higher values are placed on access to services which are critical services for the wellbeing of people – i.e. health services, social services and emergency services.
- 4.11 Other facilities which contribute to the sustainable functioning of a community (such as recycling centres) and services which facilitate the health and wellbeing of the community (such as swimming pools and sports centres) are recognised in the scoring criteria.
- 4.12 The scoring of the various services and facilities is set out in the table below:

Table 1: Settlement Sustainability Assessment – Scoring Scheme

Main Category	Sub Category	Points
Education	Primary/Junior School	2
	Secondary School	3
	Special School only	2
	FE College	2
	University	3
Health	Clinic Doctors	3
	Residential/Nursing Home (including private care homes)	1
	Hospital	4
Social / Cultural Infrastructure	Church	1
	Hall/club	1
	Public House	1
	Theatre/Cinema	1
Shops and	Shops/take away/restaurant (excluding PO):	

Settlement Sustainability Assessment 2023

Services	1 only	2
	2 or 3	3
	4 to 10	4
	More than 10	5
	Shop with Post Office	3
	Bank	1
	Library	1
	Council Offices	2
	Citizen's Advice Services	1
	Job Centre	1
Transport and Connectivity	Bus Routes (per route) Frequent	2
	Bus Routes (per route) Infrequent	1
	Bus station	2
	Car Park (per car park - both public car parks and notable other car parks used by the general public on a permissive basis)	1
	Railway Station	3
	Airport	3
Economy / Employment	Industrial Estate:	
	Small (1 to 4 units)	3
	Medium (5 to 9 units)	4
	Large (10 units or more)	5
	Rail Served Site (additional points)	2
Emergency Services	Other Substantial Business Premises	1
	Police Station	2
	Fire Station	2
	Ambulance Station	2
Other	Sports Centre	2
	Swimming Pool	2
	Recycling/waste disposal facility	2

5 Ranking Outcome

- 5.1 The following table shows a comparison between the scores in 2010, 2018. The full set of scores can be found in Appendix C. The assessments were carried out in July and August 2023.
- 5.2 There are 10 settlements where the scoring has decreased since the 2018 Study. 8 settlements saw a slight increase in their score (these are shown in bold in the 2023 column). The ones that have had an increase, in some cases have had additional bus services added, whereas a lot of the ones that have decreased in score have lost bus services.

Table 2: Scoring outcome for each settlement

SETTLEMENT	2010	2018	2023
Atherstone	144	120	117
Coleshill	93	93	78
Polesworth	56	62	62
Kingsbury	53	48	42
Hartshill	52	50	50
Water Orton	42	40	40

Settlement Sustainability Assessment 2023

Dordon	42	46	46
Hurley	34	33	26
Arley (New Arley)	32	24	24
Ansley	32	27	18
Mancetter	30	27	30
Fillongley	26	19	19
Curdworth	26	20	20
Baddesley Ensor	25	27	25
Warton	25	17	17
Grendon	23	17	20
Whitacre Heath	23	19	20
Arley (Old Arley)	18	19	15
Austrey	17	14	13
Wood End	17	16	16
Newton Regis	17	11	13
Piccadilly	15	12	12
Ansley Common	13	13	13
Corley	13	12	12
Middleton	12	13	12
Corley Moor	12	7	7
Furnace End	11	10	10
Ridge Lane and Birchley Heath	11	8	8
Shustoke	11	11	13
Shuttington	10	9	9
Wishaw	10	11	11
Bassetts Pole	10	7	7
Nether Whitacre	10	11	13
Corley Ash	9	5	5
Baxterley	9	8	8
Lea Marston	8	5	6
No Mans Heath	8	6	6
Alvecote	6	6	6
Birchmoor	6	6	6
Maxstoke	4	4	3
Seckington	4	3	3
Caldecote	3	1	1
Freasley	0	0	0
Ranking of Settlements which read together as a single network of villages			
Atherstone & Mancetter	174	147	147
Polesworth and Dordon	98	108	108
Hartshill and Ansley Common	65	63	63
Old Arley and New Arley	50	43	39
Baddesley Ensor and Grendon	48	44	45

NOTE: Settlements considered too dispersed or too small to justify assessment:
 Bodymoor Heath, Little Packington, Great Packington, Gilson, Over Whitacre, Merevale

- 5.3 Table 3 below provides an indication of the various thresholds between the ranks of settlements. It shows these against the different hierarchies in the 2006 Local Plan, Core Strategy 2014 and the Local Plan 2021.

Settlement Sustainability Assessment 2023

Table 3: Scoring Thresholds

Ranking Settlements	2006 LP	2014 CS	2018 LP	2021 LP
1	85 or more (Main Town Equivalent)	85 or more (Category 1/2)	85 or more (Main Town)	75 or more (Main Town)
2	40 – 74 (Local Service Centres)	40 – 84 (Local Service Centres)	40 – 84 (Local Service Centres)	39 – 74 (Local Service Centres)
3	15 – 39 (Settlements with Development Boundary)	11 – 39 (Settlements with Development Boundary)	11 – 39 (Settlements with Development Boundary)	12 – 38 (Settlements with Development Boundary)
4	14 or less (Unplaced in the Hierarchy)	10 or below (Category 5)	10 or below (Category 5)	11 or below (Category 5)

- 5.4 The settlements were ranked according to the scores they achieved in the Settlement Analysis (See Appendix C for 2023 Settlement Analysis). The scoring is comparable to the 2010 and 2018 Assessments, although some settlements now have a slightly lower scoring threshold. Looking at the settlements this change seems logical to keep the similar settlements together. Although in essence this change makes very little difference to the overall hierarchy. The ranking scoring was based on what seemed a natural division of the Settlement Rankings, with an allowance that they could go up or down due to additional/loss of services.
- 5.5 Appendix A provides the complete picture of the score of each settlement against the category it fell within in each of the 2006 Local Plan, 2014 Core Strategy and the 2021 Local Plan.
- 5.6 The Settlement Hierarchy for the Local Plan 2021 arising from the scoring and ranking analysis is as follows:

Main / Market Towns – Ranking 1 (Category 1)

Atherstone / Mancetter	147
Polesworth / Dordon	108
Coleshill	78

Local Service Centres – Ranking 2 (Category 3)

Hartshill with Ansley Common	63
Kingsbury	42
Grendon/Baddesley Ensor (together, as a single network of villages)	45
Old and New Arley (together, as a single network of villages)	39
Water Orton	40

Other Settlements with a Development Boundary – Ranking 3 (Category 4)

Hurley	26
Ansley	18
Curdworth	20

Settlement Sustainability Assessment 2023

Fillongley	19
Whitacre Heath	20
Warton	17
Wood End	16
Austrey	13
Piccadilly	12
Newton Regis	13
Shustoke	13
Shuttrington	9
Ridge Lane and Birchley Heath	8

All other Settlements/ hamlets – Ranking 4(Category 5)

6 Conclusions

- 6.1 The level of new development that is to be accommodated in the Borough is higher than ever before and the Local Plan's approach is still to steer most development to the Main / Market Towns and Local Service Centres within North Warwickshire, where a wide range of services and facilities already exist and these facilities could be built upon to create more robust sustainable settlements. A limited amount of development is targeted to the smaller settlements which follow the recommendations of the Matthew Taylor Report which advocated more development in the rural areas, to assist in maintaining the vitality of the rural settlements. However, development takes a cascade approach in the other settlements with very little development towards the wide countryside. This is also influenced by over 60% of the Borough being within the Green Belt. The existence of services could be set as a prerequisite for defining locations for new development in order to have a realistic prospect of achieving more effective balanced and sustainable communities.

Resultant Changes

- 6.2 This analysis of the up to date composition of the Borough's settlements supports the settlement hierarchy set out in the North Warwickshire Local Plan 2006, Core Strategy 2014 and Local Plan 2021 should remain broadly unchanged.
- 6.3 Some of the settlements have scored fewer points than they did in the 2018 study but this decline is not as evident as it was in the 2018 study which seen a loss of public houses, libraries and bus routes. It is fairly stable and the loss is mainly down to settlements having fewer bus routes. If the existing ones run more frequently offering a better service, it equates to a higher point score. Unfortunately, if these improved bus routes are not used then they are at risk of being lost so cannot be ranked as a high factor.
- 6.4 There are a few exceptions to this. One of these is Ridge Lane with Birchley Heath. The adopted Mancetter Neighbourhood Plan designates a Development Boundary to the settlement. The Borough Council were happy to support this designation as it was proposed by the local community although the results of this study would rank the settlement as within the fourth ranking settlements.

Settlement Sustainability Assessment 2023

- 6.5 Other exceptions are Corley, Nether Whitacre, Middleton and Wishaw which, scored in the Study as Category 4 North Warwickshire settlements. These settlements are however washed over by the Green Belt and have no development boundary. They are therefore classed as Category 5 settlements (fourth North Warwickshire ranking settlement) in the Settlement Hierarchy of the Core Strategy 2014 and the Local Plan 2021. Corley, Nether Whitacre and Wishaw are dispersed settlements. Middleton has however a nucleus of a settlement and it now has an infill boundary in the Local Plan 2021.
- 6.6 The final exception is Shuttington and this remains the same as the 2018 Settlement Appraisal which noted that it no longer has sufficient services and facilities to justify inclusion within the 3rd ranking group (Category 4) of settlements. Shuttington has a development boundary and the question arises as to whether it should have one. There are opposing approaches that could be taken to this issue.
- 6.7 On the one hand it could be said that it is important to assist this settlement in regaining the services and facilities that appear to have been lost to ensure regeneration and a sustainable future for this settlement. The settlement is outside of the Green Belt and a site for housing is allocated in the Local Plan. This approach would accord with the NPPF.
- 6.8 The results of the Study do not therefore accord directly to the implementation of planning policy. Settlements will be treated differently depending on whether they are located within the Green Belt. It is not considered appropriate at the present time to place settlement higher in the ranking category in the Settlement Hierarchy if they are washed over by Green Belt as this would mean they would require being taken out of the Green Belt and a development boundary drawn around them. There is not the evidence at present to show that this is required or possible due to many being dispersed in nature.

Settlement Sustainability Assessment 2023

NEWTON REGIS

Use	Number	Notes	Score
Education			
Primary/Junior School	1	Newton Regis C of E Primary	2
Secondary School	0		0
FE College	0		0
University	0		0
Health			
Doctors	0		0
Residential/Nursing Home	0		0
Hospital	0		0
Social Infrastructure			
Church	1	St Mary's Church	1
Hall/club	2	Village Hall & Recreation Ground/Bowls Club St Mary's Hall (Old School House)	2
Theatre/cinema	0		0
Public House (with and without restaurant)	1	Queen's Head	1
Shops & Services			
Shops (excluding PO), Hot food takeaway	0		
Shop with Post Office	0		
Bank	0		
Library	0		
Council Offices	0		
Citizen's Advice Services	0		
Job Centre	0		
Recycling/Waste Disposal Site	0		
Rail served Recycling/Waste Disposal Site	0		
Sports Centre	0		
Swimming Pool	0		
Transport			
Bus Routes (frequent)	1	785/786	2
(infrequent)	1	Flexibus 224	1
Bus station			
Car Park (per car park with permissive use by general public)	3	In front of Church Queens Head PH Village Hall	3
Railway Station	0		0
Airport	0		0
Employment			
Industrial Estate: Small	0		0
Industrial Estate: Medium	0		0
Industrial Estate: Large	0		0
Rail Served Employment Site	0		0
Other Substantial Business Premises	0		0
Emergency Services			
Police Station	0		0

Settlement Sustainability Assessment 2023

Fire Station	0		0
Ambulance Station	0		0
Other			
Other	0		0
Outside Settlement but close association	1	Newton Regis Garden Centre	1
SUMMARY			
OVERALL SCORE			13
Category in Local Plan 2006			4
Category in Core Strategy 2014			4A
Category in Local Plan 2021			4

General Development Applications

(5/c) Application No: PAP/2024/0113

Coachmans Cottage, Purley Chase Lane, Mancetter, Atherstone, CV9 2RQ

Proposed dwelling, for

Mr Alan Gilligan

Introduction

The case is referred to the Board under the Council's adopted Scheme of Delegation for the determination of planning and related applications, because the recommendation below is contrary to the response from a consultee – namely the County Council as Highway Authority

The Site

The site is located on the northern side of Purley Chase Lane, on land adjacent to the property known as Coachman's Cottage, west of the Purley Chase Centre and approximately 1.5km south-west of Mancetter.

It is located outside of a defined settlement boundary. To the north of the site is an area of ancient woodland identified as Upper Coal Spinney. The site falls within the Landscape Character Area 4 – "Baddesley to Hartshill Uplands".

The site is accessed from Purley Chase Lane via a private driveway which was constructed as part of a planning permission established for the erection of a new dwelling during the late 1960s. The approved access drive curves through the site leading to an established area of hardstanding (which was previously approved as car parking and turning areas). A concrete floor-slab, engineered retaining walls and partially constructed external walls of the previously approved dwelling remain intact and are all visible on site.

Surrounding the access to the west of the site there are a number of trees which have preservation orders on them. Public footpath route AE108/1 is located beyond the eastern site boundary providing access from Purley Chase Lane and through the ancient woodland at Upper Coal Spinney.

The site is illustrated at Appendix A.

The Proposal

The proposal is a full planning application for the erection of one new dwelling on the site of a previously approved dwellinghouse (Appendix B). The new dwelling is a self-build project for the applicant and his son. The new property is located over the footprint of the partially constructed property. The existing access point, driveway, car parking and turning areas are each to be re-purposed to serve the new replacement dwelling.

The new dwelling is a split-level construction (Appendix C), set within the tiered levels of the site with a hipped roof design such that the main entrance and garaging are set at lower ground floor level. Because of the natural topography and split-level design, the lower ground floor level is only viewed from the front (north) and west side elevations. When viewed from the rear (i.e. Purley Chase Lane side) the property will appear as two storeys. The property is orientated to face northwards with full height glazing incorporated into feature gables to maximise views over the neighbouring ancient woodland and to capture reflections of the sky and landscape.

The dwelling has been designed to reflect the design elements of the Purley Chase Centre adjacent to the site, incorporating brickwork, chimneys, oak framed window features, and clay effect roof tiles and gable features. The access to the site is proposed in the same location as that as previously approved. The access road sweeps round the western side of the application site and provide access to the rear and garaging proposed at the northern end of the site.

Background

As indicated above planning permissions have been granted for a dwelling here before – in 1966 and renewed in 1970.

Development Plan

The North Warwickshire Local Plan 2021 - LP1(Sustainable Development): LP2 (Settlement Hierarchy), LP13(Rural Employment), LP14(Landscape), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form) and LP34 (Parking)

Mancetter Neighbourhood Plan - DP1(Sustainable Development Principles); SB2(Residential Development outside of Settlement Boundaries), H1 (Smaller Infill Sites), BE2 (Protecting and enhancing local character) and NE & L 1 (Protecting the Countryside and Landscape)

Other Relevant Material Considerations

National Planning Policy Framework 2024 (NPPF).

Supplementary Planning Guidance: Air Quality Supplementary Planning Document 2019.

Householder Design Guide 2003

Consultations

Warwickshire County Council as Highway Authority – It objects as it considers that there are insufficient visibility splays, and a road safety audit is needed.

Warwickshire County Council Forestry - No objection

Representations

Mancetter Parish Council comments:

- 1) The Council is keen to protect the rural landscape
- 2) An existing vehicle access is in place.
- 3) Replacement planting of mature trees is required.

One comment has been received indicating that the existing footpath should remain open during construction.

Observations

a) Principle of development

This application will be determined in accordance with the aforementioned development plan policies, unless material considerations indicate otherwise, pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

The application site falls outside of the existing development boundary for Ridge Lane or Mancetter. However, a material consideration of substantial weight is the extant planning permission for the dwelling which was granted in 1966 (Appendix B). It is evident that a material start has been made on the implementation of this permission and therefore from a planning perspective, the permission is extant. The proposal is thus for a replacement of a permitted dwelling. As such, there is no objection to the proposal for a dwelling on the site.

b) Design

The NPPF identifies that good design is a vital component of sustainable development, adding that proposals which are poorly designed and fail to reflect local design policies and government guidance should be refused (para139). At the local level, several local plan policies demonstrate the Council's aim of securing high quality developments within the borough.

North Warwickshire Local Plan policy LP1 declares that all development must demonstrate a high quality of sustainable design that positively improves an individual settlement's character, appearance and environmental quality. Policy LP30 requires all elements of a proposal to harmonise with the immediate and wider setting with new development expected to reflect characteristic local architecture materials, whilst ensuring that buildings and spaces connect to the surrounding environment.

A significant consideration in terms of the new dwelling is that the proposal recognises its position within open countryside and also reflects a similar size and scale as the original approval. This provides a "fall-back" position. The original approval was designed as a single storey flat roofed modern design (Appendix B), however the

amended proposal now has a much reduced floor plan. The design of the property is much more conventional as a two- storey property with a pitched roof, echoing design elements from the surrounding area including the provision of a large chimney, brickwork, oak framed windows and a traditional design. The new dwelling appropriates the general form, scale and detailing of the neighbouring dwellings within this area, much more than the extant permission which was much more modern by design. This approach is considered more appropriate and suitable, enabling the building to harmonise with the adjacent built form and integrate effectively into the street scene. Materials and detailing are sympathetic and add character. The end chimney stack punctuates the roofline and adds visual interest. There are limited alterations to the boundary treatments which are already in place. Considered holistically, the proposals are well designed and accord to policies LP1 and LP30 of the 2021 Local Plan.

c) Highway safety

Local Plan policy LP29(6) requires safe, secure access to and from the site for all users. Paragraph 116 of the NPPF makes clear that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or if the residual, cumulative impacts of the scheme are severe. Following receipt of amended plans, the plans indicate visibility splays of 74m in both directions, however Warwickshire County Council has raised an objection in that a splay of 120m to the east of the access is required. They also indicate that a Road Safety Audit is required. The applicant has submitted additional information in support of the proposal indicating improvements to the access. These include increasing the width of the access road from the previously constructed access road to 3.7 metres and to widen it to 5 metres for the first 7.5 metres.

The Board will be aware that the County Council does not have the power of direction and thus the issue here is what weight should be given to its concern in the planning balance. The relevant Development Plan policy is LP29(6) which says that development should provide “safe and suitable access”. The NPPF at para 116 says that “development should only be refused on highway grounds if there would be an unacceptable impact on highway safety”. However, the County Council has not provided any evidence in the form of accident records to suggest that the visibility does not meet its specifications, or that the addition of traffic generated by the proposal would be materially greater than that which could be expected under the extant permission. This point is important because the highway authority is providing limited weight to the fact that there is an extant planning permission for a dwelling on the site. However, it is not considered that there would be any additional movements associated with a new replacement dwelling. This would not have any material effect on network capacity and, subject to adherence with visibility-splay related conditions, safe access will be provided from the site using the already approved access.

The Board is advised to take a proportional approach to this situation and given the content above, officers could not advise Members to support refusal of the access details here. Furthermore, two off-road parking spaces are to be made available for the dwelling, according to NWBC’s published parking standards. The development accords to policies LP29 and LP34 as well as paragraph 116 of the NPPF.

d) Amenity

Policy LP29(9) states that development should avoid and address unacceptable impacts upon neighbouring amenities, reflecting guidance set out within paragraph 135(f) of the NPPF. The property is not considered to suffer unacceptable amenity implications to neighbours due to existing boundary treatment should the proposals be approved.

e) Trees

There are a number of Protected around the western edge of the site, as part of the application the existing access is proposed to be increased to allow for easier access. The Warwickshire Tree officer has asked that an arboricultural method statement is submitted (condition 3 below) to ensure that these trees are protected. This would include a cellular confinement system (geo-web design) for the driveway improvements. Also, as part of the application the applicant is proposing to plant a number of trees in place of any removed as part of the construction (condition 6). There are no objections in principle to this, the landscaping will provide a mitigation to the soften the development in countryside which already has a significant amount of landscaping to soften its appearance.

Conclusion

Overall, it is considered that the existing extant consent provides a significant material consideration in respect of the proposal. The design, scale and massing of the dwelling is more traditional to reflect the surrounding area and adjacent properties. From a highway perspective despite objections from Warwickshire highway the existing extant consent is a significant material considered, the proposed access has not altered nor has the scale of the development. A proportional approach is required, and officers consider that a highway reason for refusal could not be substantiated. Generally, the scheme is acceptable in all other issues. The recommendation is therefore approval subject to conditions.

RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:

Standard Conditions

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered - proposed elevations and floor plans 1295-20G received on the 7th February 2025, site layout plan 1295-10B received on the 7th February 2025, survey drawings 1295-01D received 24th April 2024, visibility splays 0-300 P2 received 24th October 2024 and curtilage plans received 19th March 2025

REASON

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

Pre-Commencement Conditions

3. No development shall commence until an Arboricultural Method Statement including details of a cellular confinement system (geo-web) design) for the proposed driveway improvements and necessary remedial works plan has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include detail of works required to the trees and hedgerows in and adjacent to the site prior to construction due to the position of the development and how they are to be carried out. The construction shall be carried out in accordance with the approved details.

REASON: To ensure the protection of the existing trees and hedgerows in the vicinity of the development.

Pre-Occupation Conditions

4. The dwelling hereby approved shall not be occupied until the access has been laid out and constructed in accordance 1295-10B received on the 7th February 2025.

REASON

In the interests of Highway Safety and for avoidance of doubt.

5. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 74 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway carriageway.

REASON

In the interests of Highway Safety

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

REASON

In the interests of the visual amenities of the area.

7. Prior to occupation of the dwelling hereby approved, a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of each dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter.

REASON

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

8. Prior to first occupation of the dwelling hereby approved, details of an electric vehicle charging bays, each with an electric vehicle charging point, to be provided in accordance with the Council's standard (Parking Standards SPD) shall be submitted and approved in writing by the local planning authority.

REASON

In the interests of facilitating sustainable travel and reducing air pollution.

Other Conditions

9. Prior to their incorporation into the building(s) hereby approved, details and/or samples of the facing materials to be used (such as but not limited to facing bricks, roof tiles, windows including recess, doors, eave and verge detailing, chimney detailing), as well as the hard surfacing materials, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials and details.

REASON

In the interests of the visual amenity of the area and the building concerned.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, no further boundary treatments shall be erected without the permission of the Local Planning Authority pursuant to an application made in that regard.

REASON

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

11. Notwithstanding the provisions of Classes A, B and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no extensions or roof alterations or outbuildings shall be erected, except as authorised under the submitted application, without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

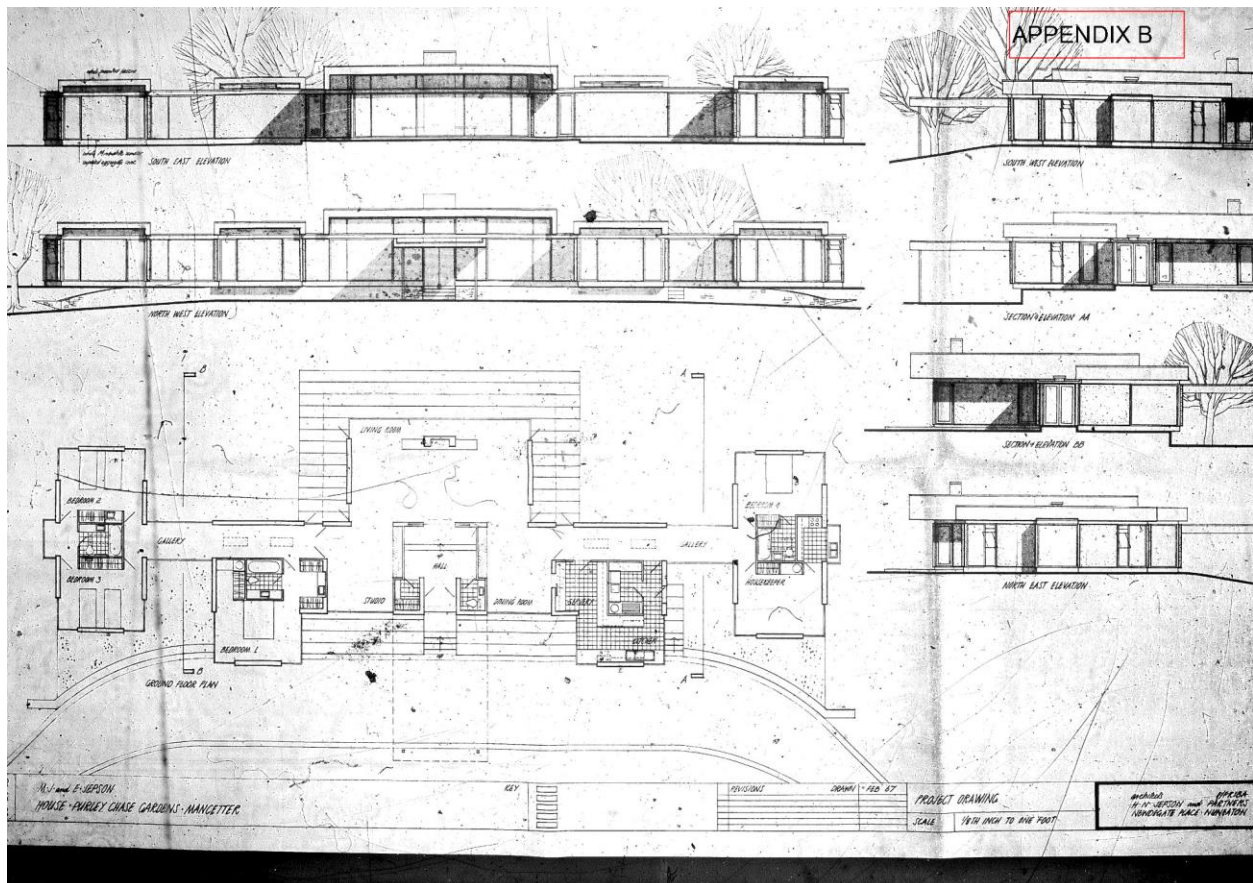
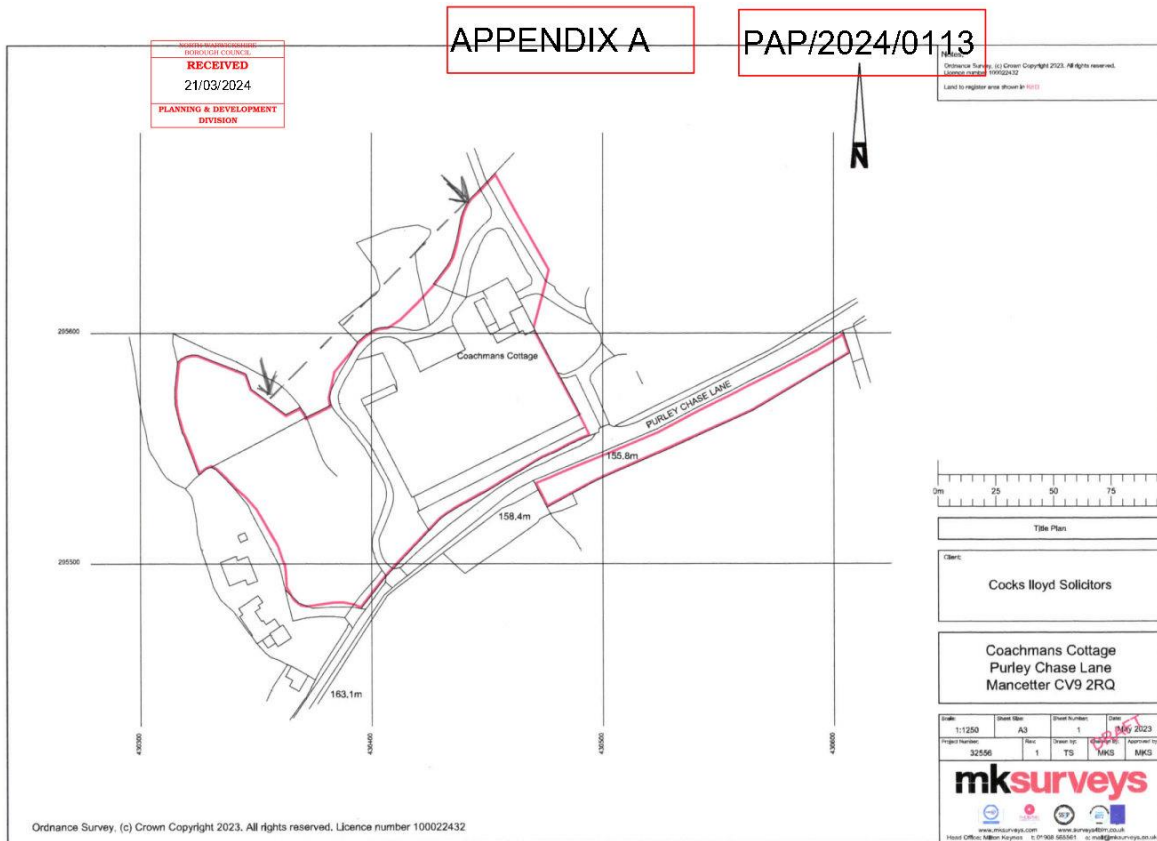
REASON:

In order to maintain and protect the countryside in accordance with policy LP14, LP29 and LP30 of the adopted North Warwickshire Local Plan.

12. Any gas boilers installed must meet a dry NO_x emission concentration rate of <40mg/kWh.

REASON

To achieve sustainable development by reducing emissions in line with Local and National Policy and as set out in the adopted 2019 Air Quality Planning Guidance.



General Development Applications

(5/d) Application No: PAP/2024/0546

Wood End Recreation Ground, Johnson Street, Wood End,

Works to tree protected by TPO order - T1 Oak (04XS) fell to ground level and treat stump to inhibit regrowth., for

Warwickshire County Council (Forestry)

1. Introduction

1.1 This application was referred to the Board's March meeting at which time a deferral was agreed in order that Members could visit the site. A previous report was tabled at the February meeting and that too resulted in a deferral for further information.

1.2 The March report is attached at Appendix A and this includes the further information as requested as well as the original February report.

1.3 The site visit has now taken place, and a note is attached at Appendix B

2. Additional Information

2.1 Following the March meeting further information has been submitted. This updates readings undertaken at the affected property – 49 Pinewood Avenue – right up to mid-Feb 2025. These show continued cracking above windows in the rear elevation. The Forestry Officer has seen this updated information and maintains his position.

Recommendation

That Consent be GRANTED and three replacement trees are planted as set out in the plan at Appendix A.

General Development Applications

(5/d) Application No: PAP/2024/0546

Wood End Recreation Ground, Johnson Street, Wood End,

Works to tree protected by TPO order - T1 Oak (04XS) fell to ground level and treat stump to inhibit regrowth., for

Warwickshire County Council (Forestry)

Introduction

This application was referred to the February Board meeting, but determination was deferred as more information was requested. The previous report is attached at Appendix A.

Background

As indicated at the meeting, Consents have been granted to fell four trees along the rear boundary of these houses in Wood End due to them causing subsidence issues at private residential property. All of these Consents had conditions attached requiring replacement trees.

In this case, the County Council Arboriculturalist was consulted on a further tree. The information passed to the County is attached at Appendix B. It can be seen here that the damage to the house relates to the house itself as a rear conservatory has already been removed.

As previously reported the County Forester had no objection upon receipt of this information and following a site inspection.

It is now proposed that three replacement trees would be planted – see Appendix C. The Assistant Director (Leisure and Community Development) has confirmed that their location is appropriate.

Recommendation

As set out in Appendix A but with reference to the replacement of three trees in the location shown on Appendix C.

General Development Applications

(6/h) Application No: PAP/2024/0546

Wood End Recreation Ground, Johnson Street, Wood End,

Works to tree protected by TPO order - T1 Oak (04XS) fell to ground level and treat stump to inhibit regrowth., for

Warwickshire County Council (Forestry)

Introduction

This item is referred to the Board as the land on which the tree is situated is owned by the Borough Council.

The Site

The tree is at the rear of property in Pinewood Avenue within a Recreation Ground. It is illustrated at Appendix A.

The Proposal

It is proposed to fell an oak tree, as referenced T1 Oak (04XS) on Appendix A, to ground level and to then treat the stump so as to inhibit regrowth. The reasoning for the proposed works is due to the tree causing subsidence to a nearby property. A replacement tree is shown to be planted as at Appendix B.

Consultations

Kingsbury Parish Council- No comments received.

WCC Forestry – No objection, subject to condition that a replacement tree be planted.

Observations

The tree is protected by a TPO and the proposal would see a loss of the tree. However, the works are needed as the tree is currently causing subsidence damage to a nearby property. The County Council Forester is satisfied that this is the case. The proposed removal of the tree will see a loss of habitat, but a replacement tree would be provided to mitigate for the loss.

6h/176

5d/90

5d/70

Recommendation

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

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

REASON

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

2. For the avoidance of doubt, this permission is only in relation to the tree within the application.

The works shall be confined to the following:

- T1 Oak (04XS) fell to ground level and treat stump to inhibit regrowth.

REASON

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

3. The replacement tree(s) shall be planted in the next available planting season (November-March) following felling, as shown on:

- Tree Mitigation Plan

Received by the Local Planning Authority 07/01/2025.

REASON

To ensure the amenity afforded by trees is continued into the future.

6h/177

5d/91

5d/71

Arboricultural Consultancy for Lloyds Bank

Is vegetation likely to be a contributory factor in the current damage?	Yes
Is vegetation management likely to contribute to the future stability of the property?	Yes
Is replacement planting considered appropriate?	Yes
Would DNA profiling be of assistance in this case?	No

6.0 Recommendations

6.1 Current Claim Requirements

These recommendations may be subject to review following additional site investigations.

Tree No.	Species	Age Cat	Approx. Height (m)	Distance to Building (m) *	Ownership	Action	Requirement
T1	Oak	3	10.5	8.1	E - Boundary Veg (ownership to be confirmed)	Remove	Remove close to ground level and treat stump to inhibit regrowth.

Age Cat: 1 = Younger than property; 2 = Similar age to the property; 3 = Significantly older than property

* Estimated

6.2 Future Risk Recommendations

These recommendations may be subject to review following additional site investigations.

Tree No.	Species	Age Cat	Approx. Height (m)	Distance to Building (m) *	Ownership	Action	Requirement
H1	Mixed Species Hedge: including honeysuckle, pyracantha and ivy.	1	1.9	8.1	E - Boundary Veg (ownership to be confirmed)	No action	No works.
H2	Mixed Species Hedge: dominated by hawthorn.	1	5	8.1	E - Boundary Veg (ownership to be confirmed)	Action to avoid future risk	Maintain at broadly current dimensions by way of regular pruning.
H3	Mixed Species Hedge: dominated by hawthorn.	1	2.1	8.5	E - Boundary Veg (ownership to be confirmed)	Action to avoid future risk	Maintain hedge below 5m max height by way of regular pruning.

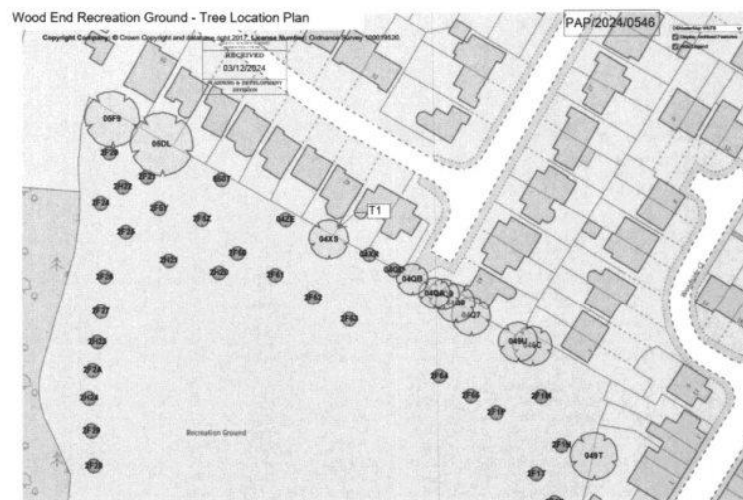
Age Cat: 1 = Younger than property; 2 = Similar age to the property; 3 = Significantly older than property

* Estimated

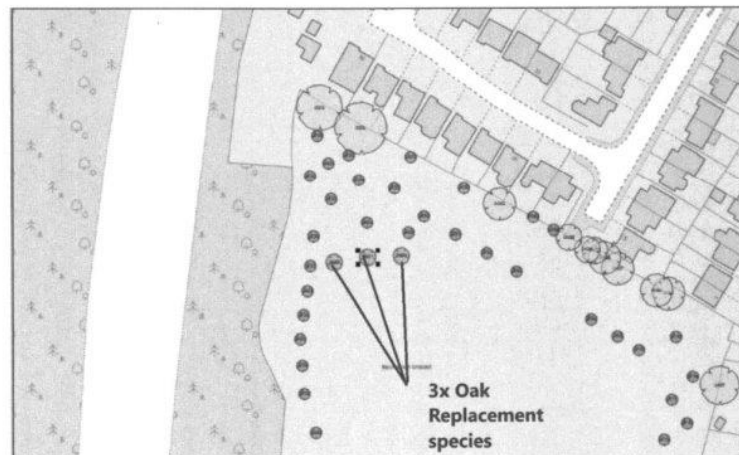
Third party property addresses should be treated as indicative only, should precise detail be required then Environmental Services can undertake Land Registry Searches

Appendix C.

Appendix A



Appendix B:



Appendix C

Arboricultural Consultancy for Lloyds Bank

5. Technical Synopsis

This report is based upon our understanding at the time of visiting the property that Subsidence Management Services have concluded, on a preliminary basis, that the current damage is due to differential foundation movement exacerbated by moisture abstraction from vegetation growing adjacent to the property's foundations.

We have therefore been instructed to assess the potential for vegetation to be influencing soil moisture levels beneath the foundations of the property and, if deemed appropriate provide management proposals which will return long-term stability and allow effective repairs to be undertaken.

The potential drying influence of the vegetation on site, has been considered based on an assessment of overall size, species profile and the proximity of vegetation relative to the advised area of damage.

Based on our observations on site, it is our opinion that the footings of the subject property are within the normally accepted influencing distance of vegetation on site, thereby indicating the potential for the advised damage to be the result of clay shrinkage subsidence exacerbated by the moisture abstracting influence of vegetation.

With due regards to species profile, size and proximity, the Oak (T1) is considered the dominant feature proximate to the focal area(s) of movement and accordingly, where vegetation is confirmed as being causal, we have identified it as the primary cause of the current subsidence damage.

The size and proximity of the above vegetation is consistent with the advised location(s) of damage and it is our opinion, on balance of probability, that roots from the above vegetation will be in proximity to the footings of the insured property.

Note: additional minor vegetation has been noted on site and, depending on trial-pit location may be identified within future site investigations; however, unless specifically identified within this report, these plants are not deemed material to the current claim nor pose a significant future risk.

Given the above and considering the suspected mechanism of movement, in order to mitigate the current damage thereby allowing soils beneath the property to recover to a position such that an effective engineering repair solution can be implemented, we recommend a program of vegetation management as detailed by this report.

Please refer to Section 6 for management prescriptions.

Preliminary recommendations contained within this report are prescribed on the basis that site investigations confirm vegetation to be causal, management advice is designed to offer the most reliable arboricultural solution likely to restore long-term stability and also facilitate liaison with third-party owners and/or Local Authorities where necessary.

Consequently, we have advocated the complete removal of the Oak (T1) as it will offer the most certain arboricultural solution likely to restore long-term stability.

Replacement planting is considered appropriate with regards mitigating the impact of the works suggested; however, species selection should be appropriate for the chosen site and consideration must be given to the ultimate size of the replacement species and any future management requirements.

We recommend the role of vegetation and the efficacy of management recommendations be qualified by means of monitoring.

Please note that the footing of the insured property fall within the anticipated rooting distance of additional vegetation which we believe presents a foreseeable risk of future damage and accordingly we have made recommendations in respect of this.

The extent / impact of vegetation management required to restore and maintain long-term stability at this property is acknowledged. However, we consider the impact on the wider public amenity from the proposed tree works is mitigated by the presence of further trees and the scope for replacement planting.

5d/95

5d/75

APPENDIX B

PAP/2024/0546

Wood End Recreation Ground - Friday 21 March 2025 at 1530

Present: Councillors Fowler, Ridley, H Phillips and Simpson together with J Brown

1. Members walked onto the Recreation Ground and to the rear of the houses in Pinewood Close.
2. Here they were able to see the oak tree as well as the sites of the others had already been removed.
3. The site for the replacement trees was also noted and other recently planted trees were also seen.
4. The general setting of the Recreation ground was noted together with remaining individual trees and the woodland to the western boundary
5. The visit ended at around 1545.

General Development Applications

(5/e) Application No: PAP/2025/0008

Land East Of And 75 Metres North Of Oaklands, Dordon,

Demolition of three existing agricultural buildings, erection of two replacement agricultural buildings and creation of pond, for

Mr Mark Fletcher - C/O Agent

1. Introduction

- 1.1. The case is referred to the Planning and Development Board under the Council's adopted Scheme of Delegation because the officer's recommendation for approval is contrary to the response from Warwickshire County Council as Highway Authority.

2. The Site

- 2.1. The application site is an agricultural field located within the parish of Dordon which currently has three agricultural buildings on it. The site is outside of the Dordon settlement boundary as identified in the North Warwickshire Local Plan 2021. The edge of the settlement boundary is approximately 25m to the southwest. To the north and east, is open countryside which is designated within the housing allocation H4 in the Local Plan. To the south and west are residential properties in an array of types and architectural styles. The site sits to the north of Dunns Lane (a "D" Class Road).
- 2.2. A site location plan is at Appendix A.

3. The Proposal

- 3.1. Full planning permission is sought to demolish the three existing agricultural buildings on the site and to build two new agricultural buildings.
- 3.2. The first building is located in the southwest corner and will house hay, feed, wash facilities along with tractors and other agricultural associated equipment. It will be a rectangular shaped building measuring 20.5m in length and 7m in depth. It will have an overall ridge height of 5.4m.
- 3.3. The second building is located along the western edge and will be a cattle shed. It will also be a rectangular building, measuring 20.5m in length and 7m in depth, with an overall ridge height of 5.2m. The western elevation will be open sided. There will be four individual pens.
- 3.4. As part of the plans, the applicant is proposing to create a pond in the northeastern section of the site, due to how the land dips in this section of the site. This will measure approximately 30m by 25m.

- 3.5. Finally, there will be upgrades to the existing access through the laying of permeable block paving for a length of approximately 10.5m and the provision of a 1.8m high sliding fence set back from Dunns Lane.
- 3.6. Proposed plans are at Appendix B.

4. Background

- 4.1. There is no known history on the Local Planning Authority's cross-system check. A review of Google Earth indicates the site has long been used for agricultural purposes.

5. Development Plan

The North Warwickshire Local Plan 2021- LP2 (Settlement Hierarchy); LP13 (Rural Employment); LP14 (Landscape); LP16 (Natural Environment); LP29 (Development Considerations); LP30 (Built Form); LP32 (New Agricultural, Forestry and Equestrian Buildings), and LP33 (Water and Flood Risk Management).

Dordon Neighbourhood Plan- DNP1 (Sustainable Development); DNP7 (Reducing the Risk of Flooding) and DNP8 (Achieving High Quality Design).

6. Other Relevant Material Considerations

National Planning Policy Framework December 2024 (NPPF).

7. Consultations

Mining Remediation Authority - no objection subject to conditions.

Warwickshire County Council Ecology- no objection subject to conditions.

Environmental Health Officer - no objection subject to conditions.

Warwickshire County Council Highways Authority - It objects on the following grounds:

- The Highway Authority requires an amended, scaled and annotated access design plan clearly showing that the proposed access surface is designed in such a way that meets the highway specifications.
- The visibility splays measured to the east are unclear. It is unclear from the drawing where the near edge of the public highway carriageway is. Therefore, it is unclear where the visibility splay is measured to, particularly to the east, as it appears that the end of the visibility splay stops in a field. If the 43m visibility splay is not achievable within land under the control of the applicant or the Highway Authority, the Highway Authority would then require the submission of ATC speed survey data to confirm traffic speeds in the vicinity of the vehicular access.

8. Representations

None received.

9. Observations

a) Principle of Development

- 9.1. Local Plan Policy LP2 sets out the settlement hierarchy for North Warwickshire Borough Council. The site is situated outside of the defined Dordon Settlement Boundary. The site does not adjoin the settlement boundary on any side either therefore, it cannot be considered to be directly adjacent. The site is however considered to be in close proximity, being 25m from the boundary. Outside of a settlement boundary, development is not generally acceptable. However, LP2 does recognise that each development has to be viewed on a case-by-case basis and that there are instances where development would enhance the vitality of rural communities and where the development would be supported. In this instance, there are three existing agricultural buildings on the site meaning that the principle of development is accepted in this location. In accordance with LP2, development on the site would maintain the vitality of rural communities under this category.
- 9.2. The key policy considerations are Local Plan policies LP13 and LP32. LP13 seeks to support and encourage small scale businesses to maintain and develop their businesses, where this does not impact detrimentally on the countryside character. LP32 states that new agricultural buildings will be supported if it can be demonstrated that:
1. They are reasonably necessary both in scale, construction and design for the efficient and viable long-term operation of that holding.
 2. There are no other existing buildings or structures that can be used (other than where it would be demonstrably impractical).
 3. They are located within or adjacent to a group of existing buildings.
 4. The site selected and materials used would not cause a visual intrusion.
- 9.3. In regard to bullet point one, the existing combined footprint area of the three agricultural units is approximately 225m². The footprint area of the proposed two agricultural units will be 287m². This is an increase of 27.5%. There is no guide as to what a 'reasonable' scale would be for new agricultural buildings. However, in considering that the Local Plan has a 30% guide for new and altered buildings within the Green Belt, the fact the site is not within the Green Belt and the percentage increase is below this figure, the scale can be deemed reasonable. The plans indicate that within the agricultural store there will be the storage of hay, animal feeds, supplements, tractors and other farm related equipment along with a wash facility. The size of the building is considered necessary for its use in accordance with bullet point 1 of LP32. The cattle shed will have 4 individual bays. When considering that the shed will house live animals and the need to ensure that there are adequate living

conditions for the animals, it is also considered that the size of the building is considered necessary for its use in accordance with bullet point 1 of LP32.

- 9.4. With regard to bullet point 2, the existing three buildings have been on the site for a number of years, and they are starting to show decline. They are not in the best condition for continued use. Therefore, it is accepted they are in need of modernisation. Given this, it is not considered that there are any other buildings which could be used and therefore, the proposal accords with bullet point 2 of LP32.
- 9.5. Moving onto bullet point 3, the buildings are to be located within a similar position as the existing therefore, the built form will be contained to the same areas. As such, bullet point 3 of LP32 is accorded with.
- 9.6. Finally, in relation to bullet point 4, the buildings will be constructed of metal sheeting on the walls and roof which will be finished in green power coating. Dordon Neighbourhood Plan Policy DNP8 says that development should be of a '*scale, density and mass that is sympathetic to the character of the immediate locality, including the rural setting*'. Agricultural buildings are not out of place in a more rural setting therefore, they will not look at odds with the surrounding area. The use of green reflects the surrounding countryside well. The building will not cause a visual intrusion when considering they will reflect existing and therefore will be in accordance with bullet point 4 of LP32.
- 9.7. Through a planning balance, it can be concluded that the proposals accord with all the bullet points of LP32 and as such, are supported.

b) Highways

- 9.8. Local Plan policy LP29 (Development Considerations) at point 6 requires '*safe and secure access to from the site for all users*'. This is echoed by Paragraph 115 of the NPPF which states that in assessing sites, safe and suitable access should be achieved. Paragraph 116 goes on to say, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, taking into account all reasonable future scenarios.
- 9.9. There will be the laying of permeable block paving to the site access which will be carried out within the curtilage of the applicant's land (approximately 10.5m in length) which extends to the edge of the highway. Visibility splays of 2.4m by 43m have been drawn onto the plans. The edges or other boundary treatment are to be trimmed back and maintained in perpetuity so that visibility splays are kept clear of any obstruction and at all times. The boundary is seemingly defined by the adjacent hedgerow, given that the trees are likely to be growing out from this location.
- 9.10. Access improvements are at Appendix C.
- 9.11. The Highways Authority has objected to the scheme. The Board will be aware that the County Council does not have the power of direction and thus the

issue here is to assess what weight should be given to its concern in the planning balance.

- 9.12. The key consideration is the fact there is an existing access which is already used for the lawful agricultural use of the field with its three agricultural buildings. The proposal seeks to better the existing access arrangements by situating the access gate 10.5m from the carriageway. This is betterment as it prevents an agricultural vehicle from having to wait in the highway whilst waiting for the gates to be opened. Agricultural vehicles can wait off the highway which is considered to be a safe and suitable arrangement. Furthermore, the proposal will not result in any increase in traffic movements given that there will not be an intensification of the use. There will be a reduction in the number of animals on the site. Previously, the sheds were used for up to 12 cattle. There used to be around 10 sheep and goats on rotation and, 6 alpacas for 6 months of the year. However, the intention moving forward is for no more than 16 of a mix of the above due the limitation on grazing. This would include around 8 cattle. On that basis, even if there were no access improvements being offered as part of the scheme, there would be no highway impact to mitigate against. There would be betterment from a reduction in vehicle movements to and from the sites, the set back of the gates and re-surfacing works which would reduce the amount of extraneous materials which could be transported onto the highway.
- 9.13. In this instance, the existing access has been used for a number of years. The same access arrangements will continue given that the use of the site will continue, but the only change being the modernisation of the agricultural sheds. The agent in the submitted Planning Statement has said that investigations into the accident record for Dunns Lane shows that there has been no recorded personal injury road traffic accident at the existing site access or in close proximity within the last 24 years. This helps to demonstrate that the existing agricultural access point onto Dunns Lane is not resulting in highway safety issues. As the proposal relates to replacement agricultural buildings of a similar footprint (less than 30% increase) there would be no material intensification of transport movements to and from the site to materially affect the current context.
- 9.14. Subject to the imposition of visibility-splay related conditions, safe access will be provided from the site using the already lawful access. Given this, Officers could not advise Members to support refusal of the access details here. The development accords with policies Local Plan LP29 and LP34, as well as paragraph 116 of the NPPF.

c) Neighbouring Amenity

- 9.15. Local Plan Policy LP29 (Development Considerations) states that development should *'avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution'*.

- 9.16. The closest neighbouring properties are Oaklands located to the west (which is owned by the applicant), Cinderhill Cottage to the east and a row of properties to the south of Dunns Lane.
- 9.17. Given the existing agricultural use on the site, it is not considered that the proposals would give rise to adverse impacts on neighbouring amenity. Due to the nature of the buildings, and the distance to the neighbouring properties, there will not be any overlooking nor overshadowing.
- 9.18. As previously stated, there will be a reduction in the number of animals. As such, this is a less intense use of the site hence there will not be an adverse impact on neighbour amenity, above that which currently and reasonably exists. The orientation of the cattle shed is such that the openings will face to the west, so that the open side faces away from neighbouring residential premises. As such, the proposal is considered to accord with LP29.

d) Ecology

- 9.19. Local Plan policy LP16 seeks to minimise impacts on, and provide net gains for biodiversity, relative to the ecological significance of locally designed sites of importance for biodiversity.
- 9.20. A Preliminary Ecological Appraisal, a Biodiversity Net Gain Assessment, a Statutory Biodiversity Metric and Great Crested Newt Survey has been submitted with the application.
- 9.21. There is a Local Wildlife Site adjacent to the development to the north. Neighbourhood Plan Policy DNP1 seeks for development '*to respect the identified Local Wildlife Sites and areas designated for their nature conservation or priority habitat*'. Due to the scale and nature of the proposed works, and the distance of the proposed new buildings from the woodland, Warwickshire County Council's Ecologist is satisfied that the proposed development is highly unlikely to harm the Local Wildlife Site.
- 9.22. Within the red line boundary there are the following habitats; modified grassland in moderate condition, bramble scrub, buildings, sparsely vegetated urban land, and four native hedgerows with trees. The proposed development will result in the loss of a small area of modified grassland, and the loss of one hedgerow. However, the BNG Assessment states that the proposed development will result in a 31.08% net gain in habitat units and 71.33% net gain in hedgerow units. Warwickshire County Council Ecology are satisfied that the proposals to create a pond, enhance existing hedgerows, and create new hedgerows are all feasible and appropriate measures to enhance the proposed development site. They have requested a Habitat Management and Monitoring Plan to support the application demonstrating how the development will achieve the statutory 10% net gain over a 30-year period.
- 9.23. The Preliminary Ecological Appraisal (PEA) identified some minor potential impacts of the proposed works including risk of harm to nesting birds and potential harm to any protected species that may commute across the site. The buildings within the development site boundary were assessed as being

unsuitable to support roosting bats, though some boundary trees had potential roost features. The PEA has provided mitigation measures which are considered to be appropriate to avoid harm to protected species. The PEA recommended additional ecological enhancements such as the provision of bat and bird boxes. The proposed location and specification of can be included within the Habitat Management and Monitoring Plan.

- 9.24. Overall, the natural environment has been taken into account and in accordance with LP16 and BNG requirements, there will be ecological enhancements and gains.

e) Land Stability

- 9.25. The application site falls within the defined Development High Risk Area. The Mining Remediation Authority's (previously the Coal Authority) records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings and a thick coal seam outcrop, which may have been worked from the surface. Paragraph 196 of the NPPF is clear that planning decisions should ensure that a site is suitable for the proposed development '*taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining*'.
- 9.26. The Mining Remediation Authority previously objected to this planning application in the absence of a Coal Mining Risk Assessment to satisfy these requirements. However, a Risk Assessment has now been provided. This recommends the undertaking of intrusive investigations to establish any necessary remedial measures. On this basis, the Mining Remediation Authority has no objection, subject to the imposition of conditions. In this case, it is satisfied that probable risks have been taken into account in accordance with the NPPF.

f) Drainage

- 9.27. Local Plan policy LP33 seeks for development proposals to not detrimentally affect the ecological status of a waterbody and where appropriate, incorporate measures to improve its ecological value. Development should not increase would increase flood risk elsewhere.
- 9.28. Neighbourhood Plan Policy DNP7 says that '*appropriate to the scale, nature and location, development proposals should restore watercourses to a more natural state*'.
- 9.29. The site is within Flood Zone 1. It has low probability of flooding, and it is not located within an area of surface water flooding. However, due to the topography of the site which dips down to the northeastern corner, there is some localised pooling of water. As such, the applicant is proposing the provision of a pond to improve the drainage of the land which can, during winter months and periods of bad weather, become saturated and led to the

ground being churned up by agricultural vehicles. The rationale behind the pond is therefore accepted and it is located in the most logical place given the localised issues of the site. To improve drainage further, the agricultural buildings will include rainwater harvesting to collect rainwater from the roofs of the proposed buildings thus to hold back the runoff onto the land. In this case, the proposal accords with LP33.

g) Construction Management Plan

- 9.30. North Warwickshire Borough Council's Environment Health Officer suggested that a condition should be added which states no development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. In this instance, it is not deemed necessary for the inclusion of this condition. Given the scheme is to replace the existing buildings and there is ample space within the curtilage of the site to accommodate materials being dropped off and stored away from the highway, this condition is not necessary. The applicant is reminded of their duty under the Control of Pollution Act 1974 which is different legislation to planning.

h) Conclusion

- 9.31. The principle of development for two replacement agricultural buildings is acceptable. The design and scale are acceptable in this location and reflect the surrounding open countryside well. From a highways perspective, despite the objection from the Highways Authority, the proposal is providing betterment by setting back the gates so that a vehicle waiting to get into the site does not have to wait on the highway and by re-surfacing the access point to reduce the amount of extraneous materials which could be transported onto the highway. The amount of animals on the site is decreasing therefore, there would not be an intensification of the use of the access.
- 9.32. A proportional approach is required, and Officers consider that a highway reason for refusal could not be substantiated. The scheme does not cause an adverse impact on neighbouring amenity and ecology and sustainable drainage has been considered when assessing the proposal. The recommendation is therefore to support the recommendation, subject to conditions.

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 numbered: 4959/01A, dated December 2024, received by the Local Planning Authority on 13/02/2025, 4959/02A, dated December 2024, received by the Local Planning Authority on 13/02/2025, 4959/03A, dated December 2024, received by the Local Planning Authority on 13/02/2025, 4959/04A, dated December 2024, received by the Local Planning Authority on 13/02/2025, OS with Marked Hardstanding, received by the Local Planning Authority on 23/01/2025 and 4959/05c, dated January 2025, received by the Local Planning Authority on 05/03/2025.

REASON

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

3. The development hereby permitted is to proceed in accordance with the mitigation and enhancement measures provided in the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment report (JBA Consulting, December 2024).

REASON

To ensure protected species and habitats are not harmed, having regard to the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 and Policy CS.6 of the Local Plan Policy LP16 Natural Environment. To ensure a mandatory Biodiversity Net Gain in accordance with the Environment Act, the NPPF and to safeguard biodiversity in accordance with the Local Plan Policy LP16 Natural Environment.

Pre-Commencement Conditions

4. A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year timeframe shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the HMMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objective.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including annual work plan capable of rolling forward over a five-year period).
 - g) Details of the body or organisation responsible for implantation of the plan.
 - h) Ongoing monitoring and remedial measures.
 - i) The completed statutory metric applied to the application site to demonstrate that a biodiversity net gain will be achieved.
 - j) Locations and specification of any ecological enhancement features e.g. bat and birdboxes.
 - k) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

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

REASON

To ensure a mandatory Biodiversity Net Gain in accordance with the Environment Act, the NPPF and to safeguard biodiversity in accordance with the Local Plan Policy LP16 Natural Environment.

5. No development shall commence (excluding demolition) until;
 - a. a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b. any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

REASON

In the interests of ground stability and land contamination.

Pre-Use Conditions

6. Prior to the use of the two agricultural sheds, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON

In the interests of ground stability and land contamination.

7. The two agricultural buildings hereby approved shall not be occupied until the access has been laid out and constructed in accordance with '4959/05c, dated January 2025, received by the Local Planning Authority on 05/03/2025' and 'OS with Marked Hardstanding, received by the Local Planning Authority on 23/01/2025'.

REASON

In the interests of Highway Safety and for avoidance of doubt.

8. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of Highway Safety.

Ongoing Condition

9. No external lighting shall be erected to the building unless a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition, the Local Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows and trees and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
 - Lighting should be directed away from any bat roost features e.g. bat boxes and/or trees with bat roost features

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible
- Lighting should be timed to provide some dark periods
- Connections to areas important for foraging should contain unlit stretches

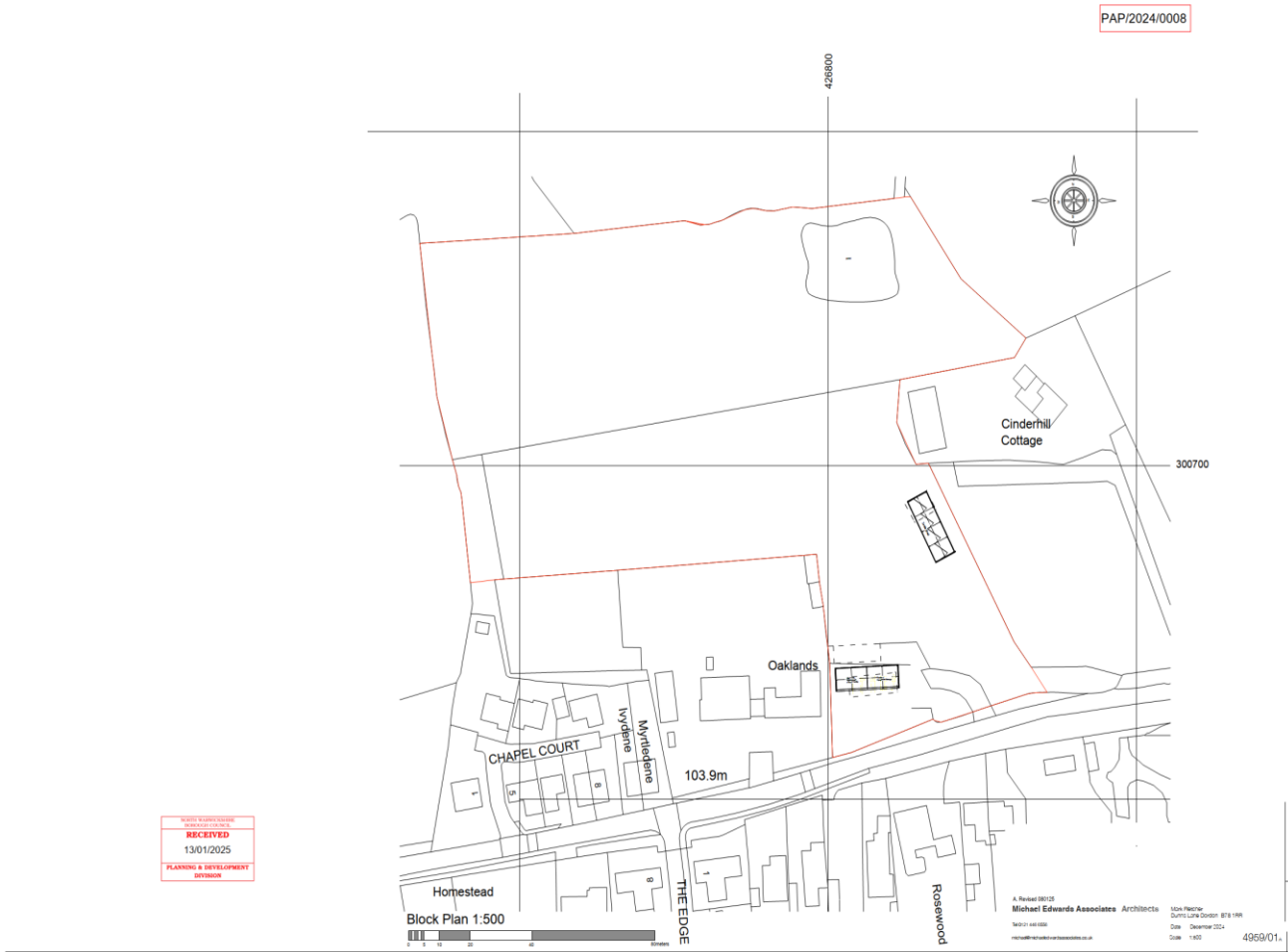
REASON

To ensure appropriate measures are taken in relation to protected species.

Notes

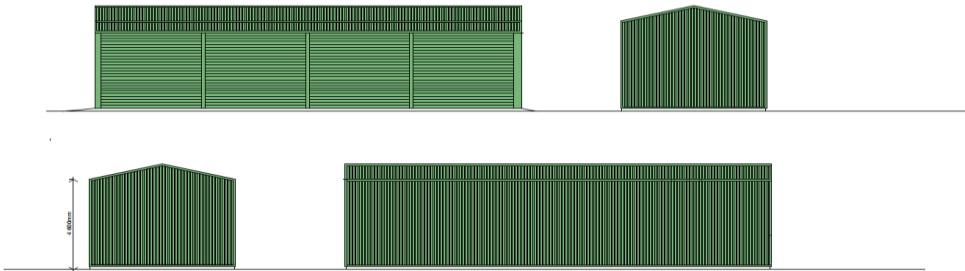
1. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property What is a permit and how to get one? – GOV.UK (www.gov.uk)
2. In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check your site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the area.
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraph 39 of the National Planning Policy Framework.
4. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property What is a permit and how to get one? – GOV.UK (www.gov.uk)
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Appendix A

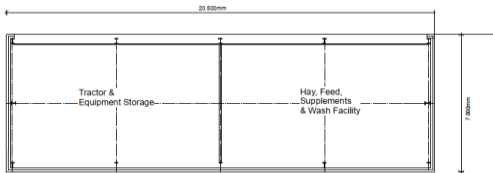


Appendix B

PAP/2024/0008



Elevations 1:100



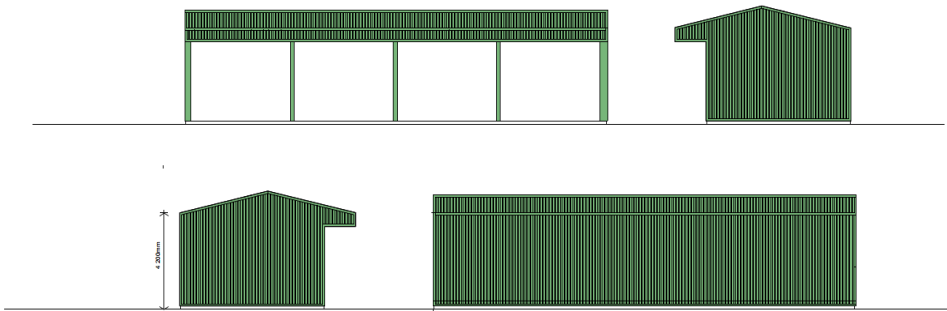
Plan 1:100
Building 1 (agricultural storage)



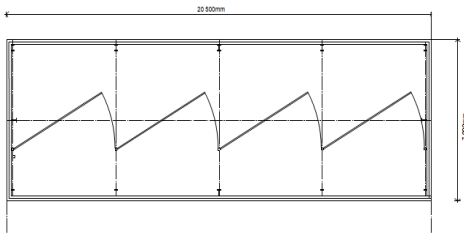
A. Revised 08/12/25
Michael Edwards Associates Architects
Mark Fletcher
Dunelm Lane Dorset DT9 1RR
Tel 0121 440 6556
Date December 2024
Scale 1:100
4959/03.

NORTH WARRICKSHIRE
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DIVISION

PAP/2024/0008



Elevations 1:100



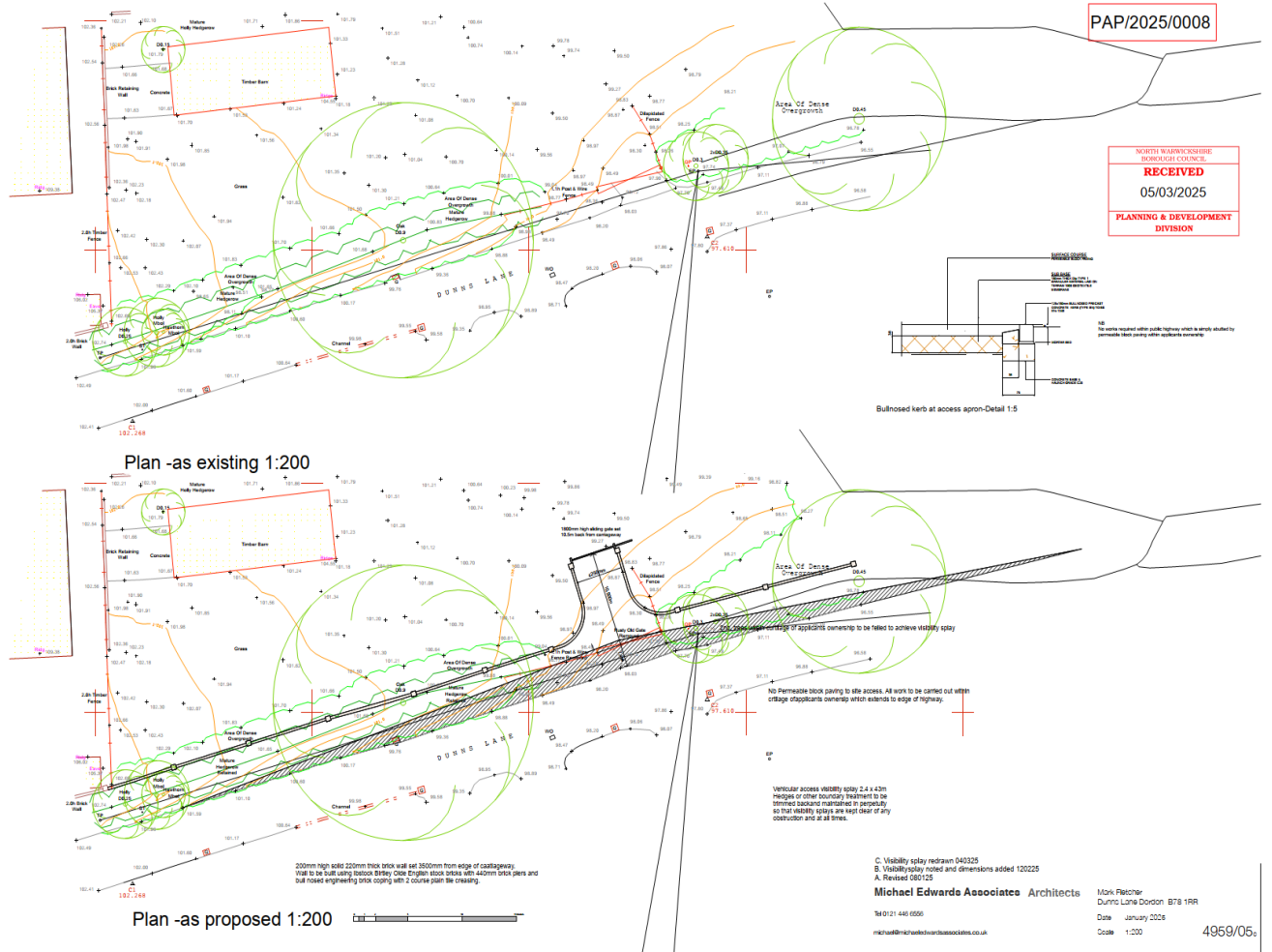
Plan 1:100
Building 2 (Cattle Shed)



A. Revised 08/12/25
Michael Edwards Associates Architects
Mark Fletcher
Dunelm Lane Dorset DT9 1RR
Tel 0121 440 6556
Date December 2024
Scale 1:100
4959/04.

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Appendix C



General Development Applications

(5/f) Application No's: PAP/2019/0451, 2022/0170 and 2023/0567

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

- a) Application No: PAP/2019/0451- Extension to existing shooting club house,**
- b) Application No: PAP/2022/0170 - Variation of condition numbers 11 and 12 of planning permission reference PAP/2007/0525 to allow storage within the cricket pavilion of sports equipment (including guns and ammunition) for use by Lea Marston Shooting Club and variation of condition number 2 of planning permission reference PAP/2007/0525 to allow the retention of 2 no. disabled access ramps, door canopy, disabled viewing and firing platform (retrospective),**
- c) Application No: PAP/2023/0567 - Construction of an earth bund and timber screens for noise mitigation (including footpath diversion of M23)**

All for Slowley Hall Properties Mr G Breeden

1. Introduction

1.1 All of these applications have already been referred to the Board and resolutions made for each. They are defined below as “clubhouse”, “pavilion” and “bund” application to avoid confusion. The respective resolutions for each were:

- a) The “clubhouse” application (PAP/2019/0451) was considered at the Board meeting on 7th October 2024. It resolved to defer determination in order that the applicant provides further information in respect of his business plan relating to any expected increase in membership as a consequence of the proposal. A further planning addendum has been submitted by the applicant which is attached to this report (Appendix A), along with the Member Briefing Note (Appendix B).
- b) The “pavilion” application (PAP/2022/0170) was considered at the Board on the 6th November 2023 when it was resolved to approve the application subject to the removal of containers on the adjacent land at the shooting club. This removal is similar to a requirement in the clubhouse application.
- c) The “bund” application (PAP/2023/0567) was considered at the Board on the 21st May 2024, when it was resolved that it was minded to approve the application, subject to the completion of a legal agreement in respect of the delivery of the noise bund and landscape mitigation.

1.2 Since these resolutions the applicant has been working on the preparation of the legal Agreement which is nearing completion. It would bind on all three applications above. This Agreement will include the following Heads of Terms.

- a) It would set out a regime for the phasing of the completion of the bund.

- b) It would allow Council Officers to access and to inspect progress of the implementation of the bund's construction.
- c) It would enable applications to be made to the Environment Agency for Environmental Permit, and to the Borough Council for a footpath diversion to progress
- d) It would require the acoustic fencing next to Blackgreaves Lane to be installed within 6 months of the grant of planning permission for the bund
- e) It would require the earthworks to begin for the bund's construction to start as a first phase next to Haunch Lane in order give an early visual screening from that Lane
- f) It would enable stabilisation works to be undertaken so as to remove "running sand" from the site of the bund
- g) It would require a minimum of 35,000m³ of inert material to be brought to the site for the construction of the bund within the first 12 months of the grant of planning permission for the bund, and a minimum 25,000m³ in each of the subsequent 12 month periods until completion.
- h) The clubhouse extension could not be opened and available for public use until both the stabilisation works under (f) are complete and the first 35,000m³ is of inert material has been imported and used to construct the bund under (g)
- i) It would require all of the storage containers to be removed from the site together with all of the Winebegos and that they not be returned.

1.3 The previous report and agendas are not attached to this report as there are three separate applications. Members may need to refer to these previous reports in the consideration of the applications.

2. Observations

2.1 There has been a significant amount of discussion with the applicant's representatives on the applications. The main issues are highlighted as follows:

- a) The relationship of the "clubhouse" and the "bund" application.
- b) Timescales for the construction of the bund
- c) Traffic and highways
- d) Drainage
- e) The use of shooting lodge extension condition
- f) Section 106 agreement – single agreement

a) The relationship of the "clubhouse" and the "bund" application

2.2 The applicants within their initial planning addendum indicated that the construction of the landscaped noise bund was not required to make the clubhouse application acceptable. Officers have strongly disagreed with this assertion. The clubhouse Board report in October 2024 in the section on Green Belt, indicates that substantial weight should be attributed to the resolution to approve the application for the noise bund (paras 9.9., 9.12, 9.13, 9.46, 9.54, 9.55) because this a material planning consideration of substantial weight in lessening and mitigating adverse impacts on the openness of the Green Belt arising from the proposal to develop a much larger clubhouse than exists at present. The provision of the bund would thus mitigate the visual and spatial harm

of the scheme. In this respect, it was considered that not only should the bund have commenced, but substantial progress should have been made on its construction, if it was to have such a required level of mitigation.

2.3 Notwithstanding this, the applicants argue that the works for the noise bund and the shooting lodge extension need to be undertaken in parallel, for two main reasons:

a) Digging out of the foundations for the shooting lodge extensions will contribute towards the materials (spoil) used for the bund construction; and

b) The bund construction works must be funded and therefore the income from a modern, well-functioning lodge would be required to assist in covering costs for the construction of the bund.

2.4 In response, officers would not give significant weight to (a) above. The position of the shooting lodge is such that construction of the bund would not be prejudiced if work does not start on the club-house – the clubhouse is not in the way of the bund. Additionally, overall, the clubhouse extensions measure around 325m² and officers consider that a “best case” scenario is that around 1000m³ of material would be excavated from the footings. The material arising from the clubhouse’s construction would be immaterial when the overall volume of material needed for the bund is taken into account. There is neither no significant urgency to provide this material from the excavation in terms of timings, nor in the type of material so excavated. It is however agreed to be of benefit if some of the bund material from the site can be used, rather than having to import significant amounts of material.

2.5 In respect of (b) officers consider that there is insufficient evidence provided to indicate the costings involved within the construction of either the bund or the clubhouse, to clearly demonstrate that this statement is correct. Overall, officers consider that insufficient information has been submitted that adequately demonstrates that the clubhouse and bund should be built at the same time from a construction and financial point of view. Indeed, it is considered the applicants have indirectly agreed that within the draft legal agreement as set out above, that the clubhouse would not be open until at least 35,000m³ of material is brought onto site for the bunds’ construction. The applicants have also indicated that a bund height of at least 6 metres in height will mitigate the openness argument and lead to significant in mitigation. This is illustrated in the plan attached at Appendix C. The provision of 35,000m³ of material in the first year will however not provide a bund height to mitigate the visual harm. At present therefore officers would again give little weight to this factor as there is no agreement at present as to when the trigger point for the clubhouse being open to members of the public would be, or the point at which the bund provides sufficient mitigation in terms of its impact on the openness of the Green Belt.

b) Timescales of construction of clubhouse and bund

2.6 The bund is a significant construction, being 10-metres high and around 500m long. This equates to around a volume of 145,000m³ of inert material being required for its construction. The applicants have indicated within the draft legal agreement, that the clubhouse would not be opened to members of the public

until the completion of a number of elements of work on site, including ground stabilisation, the storage of topsoil, excavation of the foundations for the clubhouse and the first 35,000m³ of material imported and implemented on site. The legal agreement therefore indicates that the clubhouse cannot be open within 12 months from date of the start of construction works of the bund. The table below shows the “worst-case” scenario in terms of the construction timetable. Allied to this is the construction management plan which is covered by a condition which will need to protect residential amenity.

- 2.7 Members will be aware that there is balance required here in terms of the speedy provision of the bund and safeguarding environmental and residential amenity. As it stands the construction management plan will have to be discharged following the issue of the decision notice for the bund.

Table 1: Bund construction timetable

Construction year	Material used on site to bund	Total bund amount
Year one	Min 35,000m ³	Min 35,000m ³
Year two	Min 25,000m ³	Min 60,000m ³
Year three	Min 25,000m ³	Min 85,000m ³
Year four	Min 25,000m ³	Min 110,000m ³
Year five	Min 25,000m ³	Min 135,000m ³
Year six	Min 25,000m ³	145,000m ³

- 2.7 It can be seen therefore, that based on the figures above, and given all of the practical operational issues involved such as inclement weather, construction limitations, sourcing material and on-site limitations with the existing business operation, the applicants consider that a worst-case time period of up to six years may be necessary. Even if the applicant started the bund construction at its eastern end, parallel to Haunch Lane, so as to ensure that it provides early visual screening of the new clubhouse from this area, as well as early noise mitigation to some residents, it would still not be likely to be of noticeable benefit until year three. It would be of greater weight however if the bund was substantially complete.
- 2.8 Officers consider that the substantial completion of the whole bund as soon as possible is necessary in order to materially mitigate noise emissions from the site. It too has the added benefit of securing visual mitigation in respect of lessening the adverse impact on the openness of the Green Belt arising from the new clubhouse. The resolution of the bund application from May 2024 was to support the grant of planning permission subject to the completion of a Section 106 Agreement. Since this resolution, some 10 months ago, the legal agreement is only now near completion. The provision of the bund is a significant requirement for the area and it requires starting and completing quickly. Officers have therefore reviewed the position in order to establish whether the matters to be referred to in the Agreement could equally be dealt with through planning conditions. As such a decision notice could be issued without further delay. The planning conditions as originally set out should be reviewed also to ensure that these do not lead to further delays. An additional condition requiring the applicant

to provide details of a timetable as well as monitoring details would need to be added.

- 2.9 Members are aware that the normal standard condition for planning permissions is that development should commence within three years. A lesser period may well be appropriate here, but not so short a time that means that the permission lapses – as this would certainly not be in the interests of reducing noise impacts. Officers consider that a material start should be made of the permission within 12 months. This ought to ensure that the development is started without delay.
- 2.10 The landscape and flooding attenuation elements that were to be within the Agreement are already covered by conditions as set out in the previous agenda and amended slightly to incorporate the removal of hard standings.

c) Traffic and highways

- 2.11 It must be remembered that front loading the delivery of the bund will have implications in terms of safeguarding environmental and residential amenity (as outlined paragraph 2.6 and 2.7) and the early implementation of the permission for the bund the larger number of HGVs. In terms of routing of the construction HGVs for the bund and clubhouse this would via the A4097 (Kingsbury Road) adjacent to the HS2 plant owned by Mr Dillon at Dunton Hall Farm over which the applicant has a right of way and then onto Blackgreaves Farm away from Dunton Wood. If all the material was to be imported onto the site, this would equate to 11,666 8-wheel lorry loads. There may be surplus material to HS2 requirements and from the adjacent Battery Energy Storage Site, but at present these cannot be secured. If the applicant was to import 100,000m³ (with the remainder coming from on-site), depending on availability, there would need to be 8,333 lorry loads. Over 1 year would equate to nearly 32 HGV deliveries per day (5-day week). However, this does not take into account the inclement weather and working around the operation of the shooting club on site which may restrict movements. It may mean that HGV movements may need to take place earlier in the morning and later into the evening to ensure the delivery of the bund.
- 2.12 The applicants have summarised that there will be no increase in the traffic with the shooting club extension. They indicate that membership numbers will not increase. Within the draft legal agreement, the applicant has indicated that the membership number will not exceed 2800 for the period of construction until the bund is completed. They have also indicated that shooting hours which have been reduced by Noise Abatement Notice (NAN) will not be increased unless agreed by the courts for the duration of the construction period too. There is no indication of the membership number and hours of operation following the completion of the development.
- 2.13 In terms of the clubhouse the applicant indicates that they are prepared to maintain 6 passing places within their ownership along Blackgreaves Lane, but cannot provide any additional passing places outside of their control.

d) Drainage

- 2.14 The applicant proposes works to improve drainage on Blackgreaves and Haunch Lane through digging a new ditch alongside the shooting ground and extensions along Haunch Lane. This would alleviate some local flooding issues in the area. The applicant has offered these improvements, however, he does not consider that they are necessary to make the development acceptable and does not consider that these should be part of the overall planning balance. This is a minor point with the clubhouse application, but officers did consider that improvements were part of the benefits of the proposal.

e) Use of shooting lodge extension condition

- 2.15 The applicants indicate that the existing shooting lodge has hosted corporate events, social events and community events in the past. The applicant has concerns that any planning condition would restrict these events, which are important to the club from a financial point of view. Condition 13 of the October agenda indicates the following wording:

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

REASON

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

- 2.16 This wording of the condition was to ensure that the clubhouse was used for shooting club events only, to accord to the “appropriate facilities” definition within the NPPF and Local Plan policy LP3. It could be that the applicant and officers in consultation with members agree to alternative wording of the condition, or allow the submission of an event management plan that ensures compliance with the local plan policy and ensures that the applicant can use the facilities for events related to the shooting club.

f) Section 106 agreement – single agreement

- 2.17 The applicant indicates that a single 106 agreement would be better linking the bund application (PAP/2023/0567), the clubhouse application (PAP/20219/0451) and the pavilion application (PAP/2022/0170). The application for the bund is entirely separate to this application for the clubhouse, although there may be common elements. It is clear from sections (a) and (b) of this report that the start of the clubhouse is very much dependent on the substantial completion of the noise bund.

- 2.18 As members will have seen from the report, it is to be recommended that the noise bund is approved without the requirement of a legal agreement, in order to help expedite the bunds implementation on site. It is also recommended that the planning conditions are reviewed to ensure that they do not require pre-commencement submission details that may prejudice the early delivery of the bund.

RECOMMENDATION

The following recommendations are made in respect of each application:

a) PAP/2019/0451 - Clubhouse application

That the application be approved subject to the completion of a legal agreement requiring the substantial completion of the bund and acoustic fencing, together with the removal of temporary structures and vehicles, as well as a review of the conditions to be agreed in consultation with members

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

REASON

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

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

Site survey and location plan 9493.10 received 31st July 2019

Proposed site layout 9493.11 revision E received 3rd September 2024

Proposed plans and elevations 9493.12 revision H received 3rd September 2024

Existing site layout 9493.13 revision B received 25th March 2022

REASON

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

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

REASON

To prevent unauthorised use of the building.

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

REASON

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

Pre-commencement

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

REASON

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

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

REASON

In the interests of the amenities of the area.

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

REASON

In the interests of the amenities of the area.

8. No development above the finished floor level shall commence until details of the design and location of external security lighting and CCTV installation have been submitted to and approved in writing by the Local Planning Authority. The clubhouse extension hereby approved shall not be brought into use until the approved details have been carried out in accordance with the approved details.

REASON

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

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

REASON

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

Pre-occupation

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

REASON

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

11. Notwithstanding the plans submitted the development shall not be occupied until the existing vehicular access to the site has been widened to a width of 6.5 metres for a distance of 15.0 metres, as measured from the near edge of the public highway carriageway. The access to the site shall be surfaced with a bound material for a distance of 20.0 metres, so as to reduce material transfer on to the public highway. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway. No gates shall be hung within the vehicular access to the site so as to open within 7.0 metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

On-going

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

REASON

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

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

REASON

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

14. Notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), other than that, no other development including buildings or uses falling within Schedule 2, Part 4 shall be carried out on the site unless express planning permission for such development has been granted by the Local Planning Authority.

REASON

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

b) PAP/2022/0170 - Pavilion

That the application be approved subject to the requirement for a legal agreement requiring the removal of containers on the adjacent land at the shooting club

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

REASON

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

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

REASON

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

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

REASON

In the interests of fire safety

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

REASON

In the interests of safety on the public highway.

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

REASON

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

6. The approved landscaping scheme reference DOC/2010/0056 shall be implemented within six calendar months of the date of the use of the pavillion being brought into use, and in the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season to the satisfaction of the Local Planning Authority.

REASON

In the interests of the amenities of the area.

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

REASON

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

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

REASON

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

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

REASON

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

c) PAP/2023/0567 - Bund application

That the application be approved subject to the provision of the conditions below:

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

REASON

To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered: 418-1-1 Location 2.1, 418-1-2 Site Plan 2.1, 418-1-3 Footpaths 2.1, Proposed Site Layout - Produced by Tim Bailey and Proposed Site Sections - Produced by Tim Bailey

REASON

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

Pre-commencement conditions

3. No development shall commence until details of the timetable for the implementation, delivery and completion of the bund, acoustic fencing and associated development has been submitted and approved in writing by the local planning authority. The submitted details shall include the following:
- A full detailed timetable of key milestones, including construction periods and storage areas of material deposits;
 - A timetable for the construction of the bund including discharge of conditions, and a timetable of works including flood attenuation improvements and footpath diversion,
 - A monitoring and inspection regime including the applicant and the Local Planning Authority,
 - An indication of the phasing of the development to ensure most effective noise attenuation is carried out.

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

REASON

To ensure that the development is implemented in a timely manner.

4. Notwithstanding the submitted details, no development shall commence until a Construction Management Plan has been submitted in writing to, and approved by, the Local Planning Authority. This shall include details relating to:
- Noise control during construction in accordance with BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites;
 - The routing of vehicles and access to the site
 - Parking areas
 - Staff facilities
 - Best practice mitigation measures for control of construction dust
 - Hours of construction;
 - Details of the contact for any local concerns with the construction activities on the site; and
 - Measures to reduce mud deposition offsite from vehicles leaving the site.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority

REASON

In the interests of residential amenity, to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts.

5. The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks and working practices for badger, amphibians, reptiles, bats, breeding birds and otter and water vole and appropriate working practices and safeguards for wildlife and habitats that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

REASON

To ensure that protected species are not harmed by the development and to ensure the protection of important habitats during development.

6. No development shall take place until:
 - a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the Local Planning Authority.
 - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork has been submitted to the planning authority.
 - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation. The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON

To ensure the recording of items of archaeological interest and their preservation in situ where appropriate.

Development above 2 metres

7. No development above 2 metres in height shall commence until full details of the construction of the noise bund (which shall be 10 metres in height) and acoustic screening proposed including foundations, fixings and colour of fencing (green) has been submitted and approved in writing to the Local Planning Authority. The approved construction details shall be implemented in accordance with these details.

REASON

To ensure that the bund and fencing is robust and to ensure that its visual appearance is acceptable.

8. No development above 2 metres in height shall commence until a detailed maintenance plan of the noise bund and acoustic screening has been submitted giving details on how the structures will be maintained to ensure their acoustic integrity in the future and in the event of degradation, damage or settlement which may reduce the path difference between the shooting noise source and noise sensitive receptors. The approved maintenance plan shall be implemented in accordance with the approved details.

REASON

To ensure the future maintenance of the acoustic structures.

9. No development above 2 metres in height shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development including consideration of the localised flooding of Blackgreaves Lane and Haunch Lane, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON

To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity

10. No development above 2 metres shall commence until a bio-diversity and ecological management plan (BEMP) has been submitted to, and be approved in writing by, the Local Planning Authority. The content of the BEMP shall generally include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures. The BEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where results from monitoring show that conservation aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved BEMP plan will be implemented full and maintained in accordance with the approved

plan prior to the development being completed in accordance with the approved details.

REASON

To ensure a net biodiversity gain in accordance with NPPF

Development above 5 metres

11. Notwithstanding the submitted landscape scheme the bund shall not be constructed to more than 5 metres high until a scheme of landscaping, including the removal of unauthorised hardstanding to the west of the site and consolidation of hardstanding on the site with improvements, phased in relation to any phasing of the development, which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of the bund. Any trees, shrubs or plants that die within a period of five years from the completion of the development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

REASON

To help mitigate the landscape harm of the proposal and in the interests of the visual appearance of the area.

12. The bund shall not be constructed to more than 5 metres high until a detailed maintenance plan is submitted giving details on how surface water systems shall be maintained and managed for the life time of the development and shall include the name of the party responsible, including contact name and details within the maintenance plan. The approved maintenance plan shall be implemented in accordance with the details submitted and approved.

REASON

To ensure the future maintenance of the sustainable drainage structures.

Heaton s

Planning Environment Design

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

Our Ref: GBR-001-C
Your Ref: PAP/2019/0451
Date: 17th January 2025

Dear Andrew

RE: PAP/2019/0451: Extension to Existing Shooting Clubhouse, Lea Marston Shooting Club, Blackgreaves Lane, Lea Marston, B76 0DA

I refer to the above planning application which was presented to the Council's Planning and Development Board on 7th October 2024 with an Officer recommendation for approval subject to the signing of a S106 Agreement. The Committee resolved to defer the application and ask the applicant to provide further information.

Following that deferral, on behalf of the Borough Council, Jeff Brown, Head of Development Control, wrote to Heaton Planning (as agent) on 8th October 2024 advising that such further information should be provided in a written format, following a meeting with Board Members so that Members could fully understand the additional information that was to be submitted.

Subsequently a meeting with Member was arranged for Friday 29th November at the Borough Council's Officers and was attended by the following:

- Guy Breeden: Applicant (Lea Marston Shooting Club);
- Louise Thorne: Agent (Heaton Planning);
- Stuart Tyn: Applicant's Planning Lawyer (Knights Plc);
- Jeff Brown: Head of Development Control;
- Andrew Collinson: Planning Case Officer;
- Councillor Simpson: Chair of the Planning and Development Board;
- Councillor Dirveiks;
- Councillor Humphreys;
- Councillor Smith; and
- Councillor Watson (Ward Councillor).

Apologies were received from Councillor Phillips and Councillor Ridley. **A copy of the Meeting Agenda is attached.**

A briefing note was prepared by Heaton Planning and issued to all attendees ahead of the meeting and Louise Thome talked through the content of that note at the meeting before a detailed discussion ensued. **A copy of that briefing note is attached.**

It was agreed at the meeting that a further planning addendum would be prepared to detail the matters discussed at the meeting and provided to the Case Officer ahead of the application being reported back to Planning and Development Board. This letter therefore comprises that addendum.

Some of the matters set out within this addendum refer to the construction of a landscape noise bund which already has a resolution to grant permission subject to the signing of a Section 106 agreement from the Planning and Development Board (July 2024) (PAP/2023/0567). Whilst the construction of the landscaped noise bund is not required to make this application acceptable, the works for the landscaped noise bund and the shooting lodge extension need to be undertaken in parallel for two main reasons:

1. The digging out of the foundations for the shooting lodge extension will contribute towards the materials (spoil) used for the bund construction; and
2. The bund construction works must be funded and therefore the income from a modern, well-functioning lodge will be required to assist the delivery of the bund and the sooner it is operational, the more additional funds the club will have to divert towards the bund construction.

Furthermore, both proposals relate to Lea Marston Shooting Club and it is proposed that a single S106 agreement is entered into to cover works relating to both applications in the interests of expediency and clarity.

At the meeting held 29th November, Members asked questions about the construction of the bund and so some information has been provided below to assist.

Importation of Materials Required

A maximum of 145,000m³ of material will be required to construct the landscaped noise bund (PAP/2023/0567) which the Planning Board resolved to grant consent for in May 2024. The bund will be approximately 500m long by 10m high. It is a condition of a condition on the landscaped noise bund resolution that full details of the bund will need to be provided to the Council for agreement prior to works on the bund commencing.

Approximately 30,000m³ of this material will come from on-site arisings; material excavated for the construction of the proposed shooting lodge extension and material from the initial topsoil strip and site preparations for the landscape bund. The balance of the material required to construct the bund, circa 115,000m³ will need to be imported onto site.

Timescales

It is anticipated that the landscaped noise bund will take approximately 5 years to construct. The bund can only be constructed during the dry season and timescales need to consider that force majeure could come into play if storms, flooding etc are experienced. It is therefore expected that construction will take place for around 6 months per year. This will be weather dependant. Works will also need to take place when the site is closed to shooting activities.

The construction timescales for the proposed landscaped noise bund are as follows:

Preliminaries

Planning permission granted, S106 signed and pre-commencement conditions discharged. The applicant is happy to accept a condition requiring the discharge of pre-commencement applications to be submitted within a specified period of the planning permission being issued and S106 signed.

There will be a requirement for the LPA to consider and determine applications for the discharge of pre-commencement conditions within a timely manner (statutory 8-week determination period) to ensure that there is no delay to the works commencing on site during the 2025 dry season. Works will only be able to commence on site once the planning authority have discharged all of the pre-commencement conditions.

The S106 must also be signed in a timely manner to enable the discharge of pre-commencement condition to take place quickly.

Year 1 (first 12 months)

Site stripping works will take place with the removal and storage of topsoil, the excavation of unsuitable sub strata and the excavation of foundations for the shooting lodge extension. The relevant licences will also need to be obtained from the Environment Agency for the works.

Year 2 (months 12-18)

Ground stabilisation works will need to take place with the removal of a belt of running sand approximately 3m deep below the site of the proposed bund. This will be taken off site.

Year 2 (months 18-24)

Bund construction to commence. This will commence with the use of the circa 30,000m³ material won from site and this will be the latest point at which the import of material will commence.

Years 3-5 (months 24-60)

The remainder of the bund will be completed. On each 12-month anniversary, there will be a minimum of 20,000m³ of material imported onto site for the bund with the balance being imported as necessary (whether that be a higher or lower figure) within the final year of construction.

It is not possible at this stage to determine exactly where the imported material will come from and the amounts that will be available at any given time. At present it is expected that material will be readily available, but this could change over the construction timetable. In addition, dependant upon the material that is available, the bund maybe constructed sooner than the 5-year time frame as some types of material will be faster to construct with than others. An annual report can be provided to the LPA which sets out the importation levels and bund construction heights and lengths annually to enable the LPA to monitor progress.

Questions have been raised about the accelerated speed with which HS2 are able to construct similar such bunds? Quite simply, HS2 is a National Infrastructure Project backed by £billions in Government funding and with infinite resources and working within much less stringent planning restrictions. Lea Marston Shooting Club is a small concern with limited funds and resources. If works can be completed earlier, then the applicant is committed to doing so.

Traffic and Highways – Proposed Shooting Lodge Extension

There will be no increase in traffic associated with the shooting lodge extension other than temporarily during construction. Evidence has been provided by the applicant's Transport Consultant to support this.

Membership numbers will not increase, shooting hours have been reduced by the court issued Noise Abatement Notice (NAN) which means that there is a limit to the number of shooting hours available and therefore the number of people that can shoot each day. The extension is simply required to provide modern, fit for purpose facility with appropriate welfare, storage and briefing space.

As set out in the 7th October report to the Planning and Development Board, Warwickshire County Council as Highway Authority only objects to the proposal on the basis that the extension '*has the potential to increase patronage thus leading to further highway damage in the locality*'.

As set out above, shooting hours at the site have been reduced by approximately 55% due to the implications of the NAN and such limits means that shooting hours are decreased and therefore it is not possible for patronage to increase, it can only decrease.

Notwithstanding the above, the applicant is prepared to voluntarily maintain the 6 passing points in their ownership along Blackgreaves Lane. It should be noted that these are not 'new' passing points as stated in the 7th October report to Board. The plan which was referred to in the 7th October report should not have been referred to the Planning and Development Board. This was an early draft of a plan for discussion and has since been updated and is attached. The 6 passing points referred to are on land owned by the applicant and the 'passing' can take place within the bell mouths of the existing accesses as fences and gates are set back. The applicant would be agreeable to a condition not to move the fence line or gates in front of the line shown on the enclosed Passing Point Plan (Drawing 9493.75A) such that vehicles can use the land shown on the plan for passing. Such a condition would bind the land in perpetuity.

Drainage – Proposed Shooting Lodge Extension

The club is prepared to undertake works to improve drainage on Blackgreaves Lane/Haunch Lane through the digging of a new ditch alongside the shooting ground and the extension of the irrigation/attenuation pond along Haunch Lane. This would alleviate some local flooding. This has been offered by the applicant but is not necessary to make the development acceptable. This offer is therefore not part of the planning balance and it doesn't need to be secured.

Use of the Shooting Lodge Extension

The club has facilitated events for club members and the local community at the site for the last 15 years without concern, this has included corporate events, social events and community events etc. These uses will be important to the club moving forwards to

ensure that the club remains financially viable now that there is a significant reduction in the number of shooting hours (55% reduction) available and thus the number of people who can participate on one day and to assist in building the landscaped noise bund.

The proposed extension to the building would not change the nature of these events or create any increase in traffic, noise or amenity impacts above the current situation. Proposed Condition 4 controls the layout of the premises and use of each space (storage, machinery, toilets, kitchen etc) to ensure that no other uses or layouts can be used. This limits quite stringently, what events can be held within the building and would restrict this to the same as the current use, small corporate days, community events and hire etc. It is therefore not considered necessary to attach proposed condition 13 (as set out in the 7th October report to Board) to any planning permission. We would therefore request that this be removed.

Single Section 106 Agreement

The resolutions for each of the following planning applications currently require 3 separate S106 Agreements:

- PAP/2022/0170: Variation of condition numbers 11 and 12 of planning permission reference PAP/2007/0525 to allow storage within the cricket pavilion of sports equipment (including guns and ammunition) for use by Lea Marston Shooting Club and variation of condition number 2 of planning permission reference PAP/2007/0525 to allow the retention of 2no. disabled access ramps, door canopy and disabled viewing and shooting platform (retrospective);
- PAP/2019/0451: this application – extension to existing shooting clubhouse; and
- PAP/2023/0567: Construction of an earth bund and timber screen for noise mitigation (including footpath diversion of M23).

The applications all have the same applicant, and all the land is within the applicant's control. There is no need for 3 separate S106 agreement and all matters for the 3 interlinked applications can be dealt with under one S106 agreement predominantly securing a single Construction Management Plan. The full reasoning and justification for this is set out in Knight's letter which accompanies a solo draft S106 agreement and is attached.

Based on the content of that letter and the S106 as drafted, we would request the following:

- PAP/2023/0567 – resolution amended to *'approved subject to the completion of the S106 agreement'*

- PAP/2019/0451 - resolution amended to 'planning permission be granted subject to the completion of a S106 agreement requiring the completion of the bund and acoustic fencing, removal of temporary structures and vehicles (Winnebago) and retention of existing passing bays, together with the following conditions...'
- PAP/2007/0525 – no action required as the requirement to remove the temporary storage containers and vehicles will be covered by the overarching S106.

In addition, proposed Condition 10 (as set out in the 7th October report to Board) should be removed as this will be addressed by the S106.

Conclusion and Recommendations

When read in conjunction with the Member Briefing Note dated 29th November 2024, the Draft S106 Agreement and the accompanying explanatory letter from Knights, it is considered that the information provided above sufficiently addressed the outstanding queries raised by Members at the Planning and Development Board on 7th October 2024 and the subsequent meeting held 29th November 2024.

We would re-iterate that the application is for an extension to the shooting lodge only and not for the use of the site and premises as a shooting ground. Officers and Members must therefore make their decision by separating the noise issues that have arisen and been addressed at the site separately through the courts. There is also evidence before Officers and Members to enable them to make a judgement that there would be no adverse impacts on the highway as a result of the proposed shooting lodge extension.

Recommendations have been made as to how the resolutions to each of the three linked planning applications should be amended to enable an overarching, single S106 agreement, the draft of which is attached. The S106 agreement would necessitate the need for suggested condition 10, which we request be removed. Given that the application is for an extension to the lodge to improve facilities and on the whole, provide improved storage and welfare facilities, ancillary use of the lodge building for corporate and community events etc would be no different to the current situation and would not bring about any increased visual, highways, amenity or noise issues. It is therefore requested that Condition 13 (as set out in the 7th October report to Board) is removed from the recommended list of conditions.

We look forward to the application being returned to the next meeting of the Planning and Development Board on 3rd February 2025 with a positive recommendation to approve subject to the signing of the single S106 agreement.

If you have any questions or require any further information, please do not hesitate to contact me. Louise@heatonplanning.co.uk.

Yours sincerely,

Louise Thorne
Planning Director
Heaton Planning Limited

Encs.

- Meeting Agenda: 29th November 2024
- Member's Briefing Note: 29th November 2024 issued 26th November 2024
- Drawing 9493.75A: Passing Point Plan
- Letter from Stuart Tym, Partner at Knights setting out draft S106 Agreement

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Planning Environment Design

PAP/2019/0451: Extension to Existing Shooting Clubhouse, Lea Marston Shooting Club, Blackgreaves Lane, Lea Marston, B76 0DA

Member Briefing Note: Friday 29th November 2024

- Shooting activities have been taking place at the site for circa 45 years. Lea Marston Shooting Club has been operating from the site for the last 20+ years. The use is therefore long established and the application concerns itself with the proposed extension only and not the use.
- Noise from shooting activities at the site is controlled via a Noise Abatement Notice (NAN) which restricts the times and number of continuous hours of shooting each day at the site. This in turn restricts numbers of shooters/members.
- The current facilities at the site are not adequate to accommodate the modern-day needs of the use:
 - Do not meet disabled access needs;
 - Do not provide indoor, secure storage for all guns, ammunition and equipment;
 - Storage of equipment is quite space heavy, traps cannot be stored on racks or stacked;
 - Buying clays etc in bulk is essential to maintain cost efficiencies and to reduce the need to continuously bring them onto site from other locations increasing vehicle use;
 - No space for safety briefings inside at all times;
 - Need facilities to allow users to stay on site, have refreshments and spend monies with the club during the shooting downtimes.

A couple of photos are attached to the end of this note showing how little space there is in the building at present for a modest number of guests.

- Membership numbers will not increase, shooting hours have been reduced by around 55% due to the implications of the noise abatement notice, this means that there is a limit to the number of shooting hours available and thus, the number of people who can participate on any one day.
- There will be no increase in traffic at the site with the exception of a temporary increase during construction for construction vehicles. Evidence has been submitted by the applicant's transport consultant to support this.
- The club has facilitated events for club members and the local community at the site for the last 15 years without concern, this has included corporate events, social events, community events etc. These uses are even more important going forwards to ensure that the club remains financially viable as a not-for-profit organisation with reduced shooting hours.
- Should the applicant wish, they could utilise their permitted development rights to use the land for temporary uses (e.g. marques for weddings, events etc) without the need for planning permission up to 28 days a year which would not be controlled in terms of hours and vehicle movements. It is not however their intention to do so.
- The extension would allow for the removal of the existing storage containers and temporary buildings on site which are currently used for storage, toilets, changing etc. These are all lawful due to the length of time that they have been on site. The removal of these structures will significantly improve the appearance of the site and its impact on the character and appearance of the Green Belt and their removal will far outweigh the impact of the extension.
- The extension has been reduced in scale during the determination of the planning application by approximately 20%. Provision has been made to utilise the cricket pavilion on the opposite side of Blackgreaves Lane for some storage so as to minimise the size of the proposed extension by approximately 110m².
- The club is prepared to undertake works to improve drainage to Blackgreaves Lane/Haunch Lane through the digging of a new ditch alongside the shooting ground and an extension of the irrigation/attenuation pond along Haunch Lane. This would alleviate some local flooding. This has been offered by the applicant but is not necessary to make the development acceptable.
- The applicant is prepared to maintain the existing passing points on Blackgreaves Lane. These were first installed for the construction of the M6 toll and were re-installed by WCC highways circa 2 years ago to facilitate the construction of HS2.

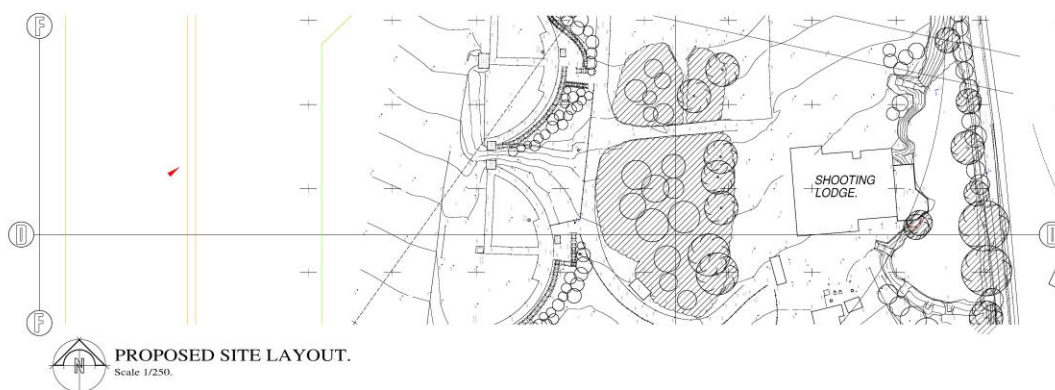
- The application has been under consideration now for over 5-years with the applicant meeting all requests to provide further information. The club would like to move forward with assurances from Members that the proposal will now be supported.



Scale 1/250.



Scale 1/250.



replication	date
for observation	time

BAILEY DESIGN LIMITE
ARCHITECTURAL, PLANNING & ENVIRONMENTAL CONSULTING
c/o METROPOLITAN COURTY LONDON SQUARE TOWER
METROPOLITAN BAY FILL 34 KENT RD
Email: baileydesign@bt.com

**LEA MARSHON SHOOTING CLUB,
BLACKGRAVES FARM, BLACKGRAVES LAKE,
SITE LAYOUT AND SECTIONS**

NO.	DATE	REVISION	BY
1	10/01/02		

9799.25

General Development Applications

(5/g) Application No: PAP/2024/0446

64-66, Long Street, Dordon, B78 1SL

Proposed Change of Use: Conversion into 9 person 9 room HMO (House in Multiple Occupation) including 10 parking spaces, for

Ms Jessica Kong - C/O Anjum Design Ltd

Introduction

This application is referred to the Board under the adopted Scheme of Delegation as local Members are concerned about the potential highway and parking impacts.

The Site

The site proposal is located on the eastern side of Long Street a little way north of the junction with Watling Street within a row of terraced property and opposite a similar frontage. There are a number of commercial premises within close proximity of the site at Browns Lane.

A location plan can be seen in Appendix A.

The Proposal

The proposal is for the conversion of an existing 5-bedroom care home (a C2 use) into a 9-bedroom House in Multiple Occupation (HMO) which would be a "Sui Generis" use. The nine bedrooms would be spread across two floors and include a kitchen area as well as a dining area. The proposal would provide ten parking spaces at various locations at the rear of the frontage properties to Long Street with one EV Charging Point, as well as cycle storage.

The proposed plans can be seen in Appendix B

Background

The site previously had approval in 1985 for a change of use from a residential dwelling to a care home for four people with mental disabilities. Since then, the site has become a five-bed care home for the elderly. This application is now looking to convert this into an HMO from a care home.

Development Plan

North Warwickshire Local Plan 2021 - LP1(Sustainable Development); LP2 (Settlement Hierarchy), LP29(Development Considerations), LP30(Built Form) and LP34(Parking)

Dordon Neighbourhood Plan 2024 - DNP9 (Mix of Housing Types and Tenures) and DNP13 (Car Parking along Long Street and New Street)

Other Relevant Material Considerations

National Planning Policy Framework 2024 – (the NPPF”)

Town and Country Planning (Use Classes) Order 1987 (as amended)

Consultations

Environmental Health Officer - No objection, subject to conditions

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

Representations

Dordon Parish Council - No comments received.

Seven objections have been received from local residents referring to:

- Drainage
- Parking and highways concerns
- Anti-social behaviour / concern for who will occupying the HMO
- Issues with ongoing works
- Value of properties in the area decreasing
- Already multiple other HMO properties on this road, is another necessary.
- Noise
- Community character lost

Observations

a) Introduction

The site is located within the Dordon settlement boundary as defined under Local Plan policy LP2 and as such the principle of supporting this proposal is supported, it being located within the built-up area in a sustainable location. The settlement also has a wide range of local services and facilities as well as public transport provision. Employment opportunities are also close-by at the commercial developments along the A5.

It is also important to provide the potential “fall back” positions in respect of this proposal bearing in mind the above conclusion. These carry substantial weight as material planning considerations. Firstly, substantial weight should be given to the fact that the provisions of the General Permitted Development Order enable the use of a dwelling as an HMO for up to six residents. Indeed, the use of the premises as a “dwelling house” under Use Class C3 could also lead to it being occupied by up to six unrelated residents, or as a single household of more than six persons.

Secondly, the previous planning history also carries substantial weight. The site has previously been a separate residential dwellinghouse which had five bedrooms and historically it was used as two residential properties. Its most recent lawful use is as a residential institution as a care home.

The care home was used by four residents. However, they would have required a number of visiting staff and the number of residential occupiers overnight would have been greater. The premises could revert back to a dwelling house, or a small HMO without the need for a planning application as indicated above. Such uses would enable occupation by six unrelated people. It is thus considered that the main issue here is whether there would be any unacceptable adverse impacts arising from the increase to an HMO occupied by 9 persons, as opposed to the lawful use as a care home, or to either of the two fall-back positions. For these impacts to give rise to a possible refusal reason, Members should be satisfied that there is demonstrable evidence to show that the impacts would give rise to significant harm.

b) Impact on surroundings area

Concerns have been raised on the potential impacts these have on the surrounding area.

One of these relates to potential for anti-social behavior. Whilst the Local Planning Authority understand the concerns of the members of the public, a planning decision cannot be based on speculation. Anti-social behavior could arise from the lawful residential use of a property, or indeed from any of the surrounding neighboring properties. There is no evidence submitted by the objectors to evidence that this use would give rise to such behavior or indeed to a pattern of such behavior at other similar addresses in Dordon. Members are advised that this application should be determined on the proposed land use and not by who might occupy the premises.

The second point raised was the prospect of devaluation of the surrounding housing due to an HMO. Members are fully aware that the potential loss of value to a property is not a material planning consideration.

A further point raised was the character of the community would be lost. Whilst the officers understand the concern for the loss of community, it is once again an opinion that this is might be the case. The public consultation has highlighted the number of HMOs in the area. There are 6 licensed HMOs along Long Street and a further 3 in the Dordon Ward. However, there is no evidence either way that the potential occupants of the HMO would cause loss of community character, that there is a such a proliferation of them, or that it would contribute to the loss community character.

Finally, bearing in mind the lawful use of the site and the fall-back positions, there is no evidence to suggest that the proposal would lead to a material drainage concern.

c) Residential Amenity

Local Plan Policy LP29(6) says that developments should “avoid and address unacceptable impacts upon neighbouring amenities through overlooking and noise” amongst others. Overlooking and loss of privacy are not considered to be an issue here given that this a large property which could be fully occupied by a large or extended family, or as a care home. There is little material difference between this lawful use and that proposed.

There has been reference to noise. It is noticeable that there has been no direct evidence submitted from the Environmental Health Officer, the Police or other Agency to support a refusal on this basis. Environmental Health Officers were consulted regarding noise, but they provided no that noise from the proposed use would be any different than that emitted from any of the fall-back positions. Members too will be aware that noise can arise from the lawful use of any of the residential properties in this location. There is no justification here for a refusal based on unacceptable impacts to residential amenity.

d) Highways and Parking

Perhaps understandably, this is the main concern.

The Council has no parking standards for HMOs, however Local Plan Policy LP34 says that “greater emphasis will be placed on parking provision in areas not served by public transport”. As indicated above, the proposal is in a relatively sustainable location with services, facilities and employment opportunities all within walking, cycling and public transport range. In this respect there are two bus routes within a 5-minute walk of the site. These bus routes are the number 65, Tamworth to Nuneaton via Polesworth, Dordon, Atherstone, Wood End and Hurley, the other is number 66, Tamworth to Birch Coppice Business Park, via Dordon, Polesworth, Stonydelph, Glascote and Bolehall.

The area however has a marked lack of off-street parking with multiple properties being Victorian terracing without any parking provision. Long Street is also narrow and there is a “pinch-point” when accessing it to or from Watling Street. Indeed, the need for off street parking is emphasised within the Dordon Neighbourhood Plan as Policy DNP13 states, “Development proposals in the locations identified on Map 12 will be required to demonstrate that residents’ and visitors’ parking requirements can be accommodated off street to facilitate traffic flow and accessibility for service and emergency vehicles. Proposals should ensure that off-street parking is integrated into the layout of the scheme or provided off-site. Map 12 can be seen in Appendix C.

The applicants, as part of the application have indicated that they can provide ten off-street parking spaces available at the rear of the property and others along Long Street. They say that these would be sufficient for the needs of the occupants. These spaces however are on land which is leased by the applicant – a 15-year lease. Officers are concerned about the longevity of this, If this lease was to be terminated, then the parking spaces would be lost and there would then be further pressure on on-street parking in the area. This is reflected in the representations received including from some residents who say that they already park in the spaces. The applicant has looked to mitigate the need for parking by supplying cycle storage at the site. This would indeed lessen the need for car usage at the property.

It is of substantial weight that the Warwickshire County Council Highways has provided no objection to the proposal subject to conditions indicating that the parking spaces should be provided in perpetuity. It is considered that this condition is necessary and that it is enforceable. Quite simply, if the parking area was not available, the Council could serve a Breach of Conditions Notice requiring cessation of the 9 person HMO. It is also of substantial weight that the fall-back positions can be implemented here with there being no changes to parking provision at all. Additionally, there are also other HMO properties on the street that do not provide off street parking for tenants.

To conclude, bearing in mind all of these matters that officers consider that parking provision should be provided as part of the proposal, due to its position on Long Street and the relevant Development Plan policies. A planning condition would ensure that this is provided. Whilst it is acknowledged that a 15-year lease does not guarantee parking in perpetuity, the planning condition can say that the use as an HMO should cease, if the parking is not provided at any time. This approach is considered to be proportionate, in that it recognises that the principle of supporting the proposal, whilst taking into account the particular site characteristics of this case because and that there are not sufficient grounds to refuse the application in terms of highways and parking.

e) Licensing

The proposal is for a change of use from the existing use as a care home consisting of 5 bedrooms, to a 9-bedroom HMO. A license under the 2004 Housing Act will be required to operate the HMO. Licensing Officers have confirmed that there is no objection from their point of view. They consider that sufficiently sized private amenities and communal living space will be provided.

Recommendation:

That planning permission be GRANTED subject to the following conditions:

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

REASON

To comply with 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 permitted shall be carried out in accordance with the following approved plans, numbered;

PL01 Rev B received 22nd November 2024

PL03 Rev B received 3rd March 2025

Boiler information received 16th January 2025

Wooden and brick-built bike shed received 3rd March 2025.

Sustainability packs received on 16th January 2025

REASON

For avoidance of doubt and to define the permission.

3. The development shall not be occupied until the parking and manoeuvring areas have been laid out and marked up in accordance with the approved details, and in general accordance with drawing number PL01 Rev B, and such areas shall be permanently retained for the parking and manoeuvring of vehicles

REASON

In the interests of highway safety and to ensure sufficient off-street parking is provided to accord with North Warwickshire Local Plan and Dordon Neighbourhood Plan.

4. The development hereby permitted shall not be occupied until the secure, covered bicycle storage area and electric charging point has been provided in accordance with the approved details. The approved bicycle storage area and electric charging point shall be retained and made available for the lifetime of the development.

REASON

In the interests of sustainable travel.

5. Prior to occupation the sustainable travel packs received on the 16th January 2025 shall be made available to all occupants of the HMO.

REASON

In the interests of sustainable travel.

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

REASON

To define the permission and for avoidance of doubt.

7. The car parking provision as shown on the approved plan, shall remain available solely for use by residents of the property covered by this permission. Should any part of this provision no longer be available for this purpose, the approved use of the property as a larger House in Multiple Occupation (sui generis use) as hereby permitted, shall cease immediately and the use will revert back to its previous use as a residential institution (C2 use) (Use Classes Order).

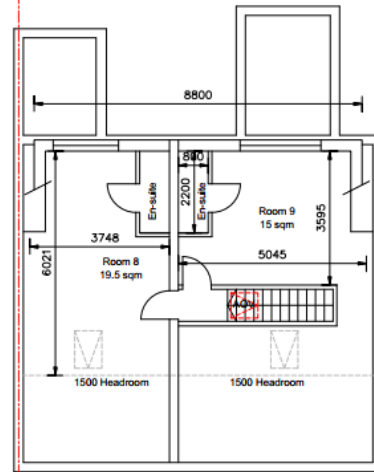
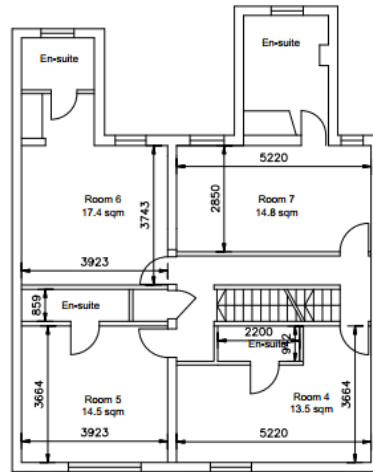
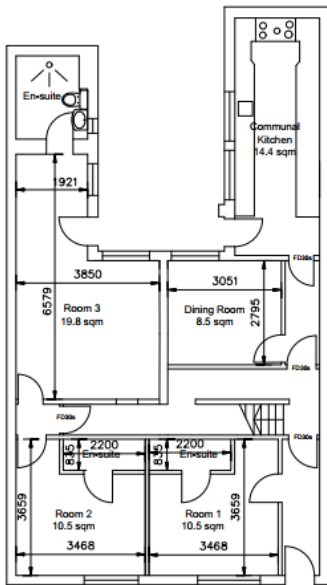
REASON

In the interests of highway and road safety, so as to reduce the likelihood of on-street parking

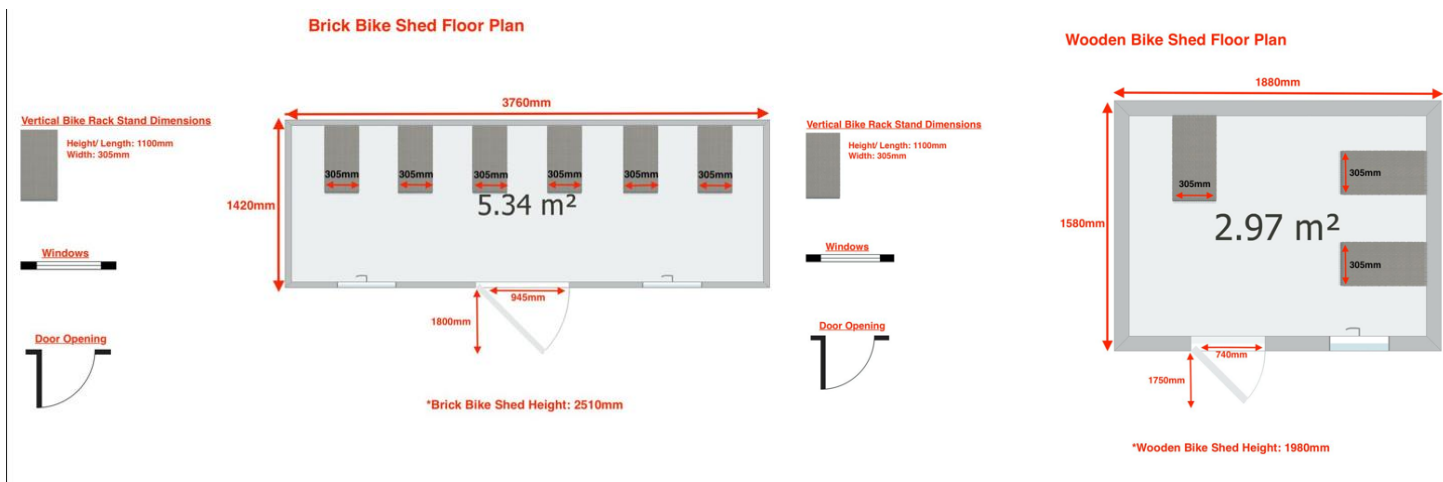


Appendix A

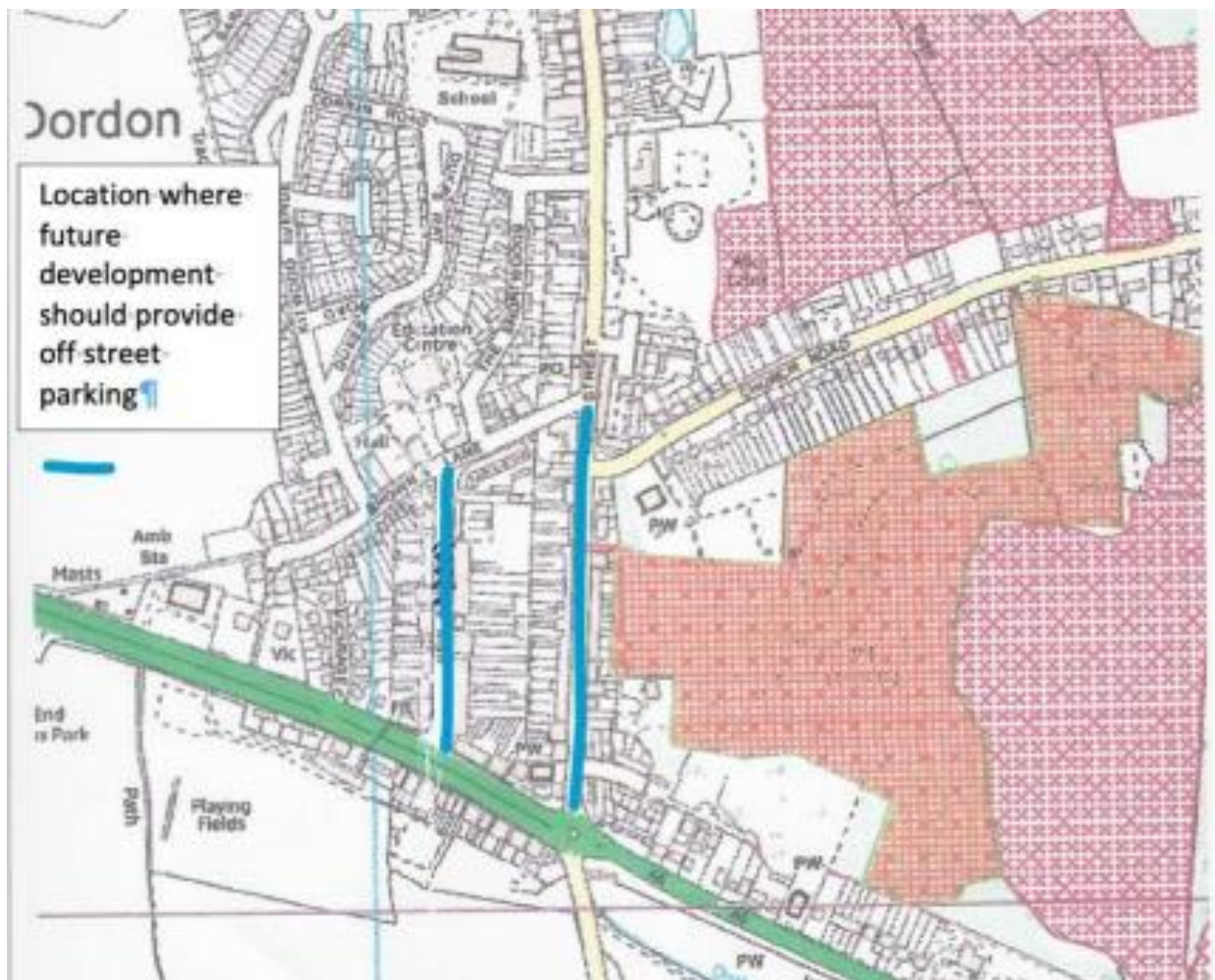
Appendix B



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Appendix c



General Development Applications

(5/h) Application No: PAP/2023/0324

White Hart Inn, Ridge Lane, Nuneaton, CV10 0RB

Erection of 3no. dwellings (outline: access only), for

Unique Pub Properties Limited

1. Introduction

- 1.1 This application was referred to the Board's meeting on 3 March with a recommendation of approval. Determination was deferred because the Board asked for clarification on a number of matters. This in fact was a second deferral. The first followed the Board's July 2024 meeting, when the reason for that deferral was to seek independent highway advice and to undertake a site visit.
- 1.2 For convenience, rather than attach previous reports and their Appendices, it is proposed to address the matters referred to at the March meeting and attach the appropriate Appendices. Members are however reminded that the full reports from the previous two meetings are integral to this current report, and they will be referred to below.
- 1.3 The points of clarification sought by the Board will be dealt with in turn.

2. Points of Clarification

a) The Mancetter Neighbourhood Plan

- 2.1 Members referred to two policies in this Plan – H1 and SB1 – both of which had previously been included in the initial Board Report of July 2024.

i) Policy SB1

- 2.2 This policy says that:

“Policy SB1 - Development within the Mancetter Village and Ridge Lane Settlement Boundaries (Objectives 2 & 3)

A. Within the defined settlement boundaries of (i) Mancetter village, development will be permitted and (ii) Ridge Lane, small scale housing development of up to 10 dwellings will be permitted.

B. Proposals for development at Ridge Lane will be required to meet the following criteria:

- (a) be wholly contained within the settlement boundary shown on the Ridge Lane Inset to the Proposals Map;
- (b) provide for a mix of size and type of dwelling units, including bungalows, to accommodate young families and older people;
- (c) reflect the character of the surrounding development in Ridge Lane and its rural location;

- (d) provide for a new vehicular access from Ridge Lane;
 - (e) retain the existing frontage hedge, so far as that is possible whilst complying with (d) above, and existing trees on the site;
 - (f) strengthen the boundaries of the site with new hedgerow planting; and
 - (g) provide for a new footpath/cycle link to the adjoining Arden Forest estate.”
- 2.3 Looking first at point A, then the application site is wholly inside the Ridge Lane Settlement Boundary and is for less than ten houses.
- 2.4 In respect of part B which particularly refers to Ridge Lane, then a number of criteria are outlined. Each will be taken in turn.
- a) The first is satisfied – paragraph 2.3 above.
 - b) The second cannot as yet be satisfied, as this is an outline planning application and thus the “mix and type” of dwelling is not known. The application is for “three dwellings” with no bedroom sizes stated.
 - c) The third cannot as yet be satisfied, as this is an outline application and thus the design and appearance of the three dwellings are not known.
 - d) The fourth is not satisfied as no new access is being proposed, but an existing access is to be improved.
 - e) The fifth relates to hedgerows which will be dealt with below.
 - f) The sixth can be satisfied via a planning landscaping condition.
 - g) The seventh is not applicable here.
- 2.5 It is important to stress that this is an outline planning application, not a detailed application and thus the issue is to determine whether in principle the development here can be satisfied under Policy SB1. It clearly can as the main spatial planning requirement is satisfied – the site is in the Settlement Boundary. Details concerning design and housing mix would be for later consideration. As access is part of this application, then an assessment of the suitability of the improved access will have to be made. However, in principle there is no objection to the proposal under Policy SB1.

ii) Policy H1

- 2.6 This policy says that:

“Policy H1 Smaller infill sites – general criteria (objective 3).

Development will be supported on sites on previously developed land inside the settlement boundaries of Mancetter and Ridge Lane, subject to the following criteria being met:

- (a) There is no unacceptable adverse impact on the amenity of neighbouring properties through loss of privacy or daylight; visual intrusion by a building or structure; car parking; removal of mature vegetation/landscaping or additional traffic arising from a development,
- (b) Tandem development should have direct highway frontage access,
- (c) There are no unacceptable effects on any listed building and/or the Conservation Area,

- (d) There is no unacceptable adverse impact on local character (with reference to Policy BE1),
- (e) The provision of natural landscaping, including native trees, hedgerows, wetland areas and the retention or incorporation of habitats for small mammals, birds and insects.”

2.7 Looking at the first point then development of previously developed land will be supported inside settlement boundaries in principle. On the assumption that this site is such land, then the development is acceptable in principle. Looking at the criteria set out, then:

- a) The first includes a number of matters – the first is that there should be no unacceptable adverse impact on the amenity of neighbouring properties through loss of privacy or daylight or visual intrusion. This matter was looked at in the Observations section of the July 2024 Board report – Section (d). No such impact was found and the Board whilst deferring a determination, did not raise this matter. Since then, a site visit has taken place so that Members could see the setting, the neighbouring property, the openings in their elevations facing the site and the separation distances. It is acknowledged that there would be a change of outlook from these properties, but that is not the issue. The policy refers to “unacceptable adverse impacts”. The change in outlook here is not considered to be reach this level of harm.

The second refers to there being no unacceptable adverse impact on car parking. This will be dealt with later.

The third refers to there being no unacceptable adverse impact on the removal of mature vegetation/landscaping. This the case here.

The fourth refers to there being no unacceptable adverse impact from additional traffic arising from a development. This will be dealt with later.

- b) The second criterion says that tandem development should have direct highway frontage access. This is not satisfied here as an existing access is to be improved.
- c) There is no heritage assets affected.
- d) As when looking at Policy SB1 above, this is an outline application and thus design, appearance and character are not matters to be considered here. They were looked at in the Observations section of the July 2024 Board report – Section (c). For all of the reasons set out there, no such impact was found and the Board whilst deferring a determination, did not raise this matter. Since then, a site visit has taken place so that Members could see the setting, the neighbouring built form and character.
- e) Landscaping will be provided and thus this criterion is satisfied.

2.8 There is thus significant alignment with this policy.

iii) Conclusion

2.9 Overall, it is considered that these policies support the principle of development here, but that the most important matters that need further assessment are car parking and the adequacy of the improved access to accommodate the traffic generated by the proposal. In other words, these are the same concerns that led to the first deferral and the resolution to seek independent highway advice.

b) The Highway Consultant's Report

i) Background

2.10 Members will be aware that the Highway Authority – namely the Warwickshire County Council – has not raised an objection.

2.11 The Highway Consultant appointed was particularly asked to look at the highway impact of the proposal afresh.

2.12 The Consultant's Report is attached at Appendix A. It raised a number of concerns:

- a) No access design drawing had been prepared showing available junction visibility
- b) No ATC (Automated Traffic Count) had been undertaken to determine the 85th percentile passing speeds and traffic flow
- c) No consideration was given to on-street parking adjacent to the access
- d) There was no detailed topographical survey of the existing car park to fully assess whether an aisle corridor of 4.5 metres is achievable between two rows of parked cars
- e) The trip rates are lower than expected, albeit that the development would not give rise to highway congestion/capacity concerns.

2.13 The report concluded that until additional information was submitted to satisfy these five concerns, then the application should not be approved.

2.14 These matters were referred to the applicant who responded by submitting a revised Site Plan – (Appendix B) – and a Highway and Transport Technical Note (Appendix C).

- 2.15 These were reviewed by the Consultant whose updated assessment was that there were three outstanding issues – see Appendix D.
1. There remains on-street parking in the visibility splay
 2. The topographical survey was still missing, and
 3. There was no vehicle tracking of the car park to show the car park would operate safely. A 6-metre aisle corridor is the usual requirement for appropriate reverse distances, which cannot be provided on the layout as shown.
- 2.16 The applicant responded with two detailed notes (Appendices E and F).
- 2.17 The Consultant responded saying that matter (a) had been addressed, but that the subsequent two concerns remain – Appendix G.
- 2.18 The Highway Authority was re-consulted, and it retains its position of there being no objection.
- 2.19 The Parish Council maintains its objection – Appendix H. Its concerns are:
- a) Proposed improvements at the junction of Ridge Lane and Monks Park Lane will increase demand for on-street car parking and parking in the car park.
 - b) Accessibility by emergency/delivery vehicles will be challenging
 - c) The aisle width of 4.5 metres insufficient
 - d) There will be less spaces in the car park
 - e) There will be greater use of the bus stop adjacent to the site due to an increase in the number of bus services.
- 2.20 The background in respect of the Consultant's Report is that there were two outstanding matters – (b) and (c) from paragraph 2.15 above.

ii) The Applicant's Response

- 2.21 A Topographical Survey was submitted with the application – it was submitted as a Tree Constraints Plan, but it is a scaled drawing. It is attached as Appendix I. Officers have annotated this. The Plan shows a car park width of 15 metres at the entrance, increasing slightly to 15.5 towards the application site. Assuming a standard car parking space depth of 4.8 metres, then an aisle of 5.4 metres could be achieved. It is therefore taken that a minimum width of 4.5 metres can be provided, but that a 6-metre width cannot. However, the existing access width at the road junction is to be increased to 5 metres for the first 7.5 metres within the site. This will allow space for a vehicle entering the site to wait whilst motorists accessing the car park spaces manoeuvre. There is also clear vision provided through the car park aisle.

- 2.22 The applicant has provided a tracking plan (within Appendix B) which shows a tracking for a 7-metre vehicle to enter and leave the site within a forward gear.

iii) Further Comments from the Consultant

- 2.23 No further comments have been received from the Consultant.

iv) Observations on Highway Matters

- 2.24 In light of there being no further comment from the consultant, officers offer the following advice.
- 2.25 The Development Plan policies against which proposals are to be assessed are Local Plan policy LP29 (6) and Neighbourhood Plan policies SB1 and H1. Whilst the proposal does not satisfy the Neighbourhood Plan policies in that the proposal does not have its own independent access, it is making use of an improved existing access. That arrangement has to be assessed – it should not be dismissed as an automatic refusal. That assessment therefore will rely on Local Plan policy which says that “safe and suitable access is required for all users” as well as the NPPF. The NPPF is a material planning consideration of substantial weight, and it says that development proposals should only be refused permission on highway grounds, if there would be an “unacceptable impact on road safety, or if the residual impacts would be severe”. It is agreed that the latter does not apply here – agreed by both the Highway Authority and the Consultant. When all of these matters are put together the “test” is whether the proposal would lead to an “unacceptable impact on road safety”.
- 2.26 This is a matter of planning judgement to be based on the evidence available.
- 2.27 That evidence consists of:
- a) Warwickshire County Council as the Statutory Highway Authority has twice not objected to the proposal.
 - b) The Highway Consultant agrees that he has “no reason to disagree with the findings” of the applicant’s independently prepared Stage One Road Safety Audit.
 - c) An amended plan has been submitted which allows for the turning of vehicles and a widening of the car park aisle to 5 metres for a distance of 7.5 metres into the site from the rear of the highway, thus improving the existing arrangements.
 - d) The DfT’s Manual for Streets (2007) which provides guidance on car parking confirms that whilst a 6-metre aisle is the minimum width sought, more limited aisle space is likely to be acceptable where traffic volumes and speeds are low as here (para 8.3.53).
 - e) Data has been submitted and acknowledged by the Highway Authority and consultant that there have been no accidents within the last five years from the junction of Ridge Lane with Monks Wood

Lane to some 390 metres to the east of the access the subject of this application.

- f) Confirmation that the car parking capacity of the existing car park remains at 20 spaces.
- g) The Development Plan car parking requirement of six spaces for the development is satisfied – eight are proposed.
- h) There is on-street car parking on both sides to the existing access which at times does obscure visibility when exiting the site. However, such concerns are considered to be addressed by MEC.
- i) There is a bus stop immediately to the east of the access.
- j) Notwithstanding these factors, the car park and its existing access is used daily and on-street car parking is a regular occurrence, but the County Council has confirmed that no collisions have occurred.

2.28 Officers consider that when all of the matters above are taken together, there would not be “unacceptable impacts on road safety”. That is not to say that there could be impacts and that there are some safety concerns as recorded by the Parish Council, but these have to be assessed against the relevant planning policy and highway guidance. The Board would thus be taking a decision based on a planning judgement as it is required to do, having considered and weighed all of the available evidence and following a site visit.

c) Other Matters

2.29 The deferral from the March Board also related to other matters. These will be taken in turn.

2.30 As far as bin collections are concerned, then the arrangements satisfy the appropriate guidance.

2.31 The Environmental Health Officer has not objected to the potential impact of noise arising from the Public House or its grounds. There have been no complaints received. The relationship of the new houses with the public house is similar to existing established residential property and new occupiers should be aware of its presence when purchasing a new house. However appropriate mitigation can be achieved through the imposition of planning conditions, requiring approval of fenestration and ventilation specifications for the new properties.

2.32 The applicant has confirmed that should be Board be so minded, he would not object to a planning condition requiring the access into the application site from the car park to be gated.

2.33 The Board’s main issue has always been use of the access. If that is overriding, then the complete removal of the very small length of hedgerow either side could be undertaken so as to aid visibility. The applicant is agreeable to this. In the site-specific circumstances here, this would be reasonable.

d) Conclusion

- 2.34 There is no change to the recommendation to approve following this second deferral. The highway safety issue has been the overriding concern here and it is considered that the Board has sufficient relevant evidence and information available to follow this recommendation. There may well be misgivings about the safety issue here, but the highway evidence has not given rise to a highway objection and that, therefore, does not point to this proposal giving rise to “unacceptable impacts”. This is a matter of planning judgement and provided that this has been exercised in the full knowledge of all of the appropriate planning and highway evidence and background available, then it is not considered that it would be unsound.

3. Recommendation

- 3.1 That planning permission be granted subject to the amended conditions as set out in the March report, together with any additional conditions agreed by the Board.

T: 01530 264753
E: group@m-ec.co.uk
W: www.m-ec.co.uk



MEC
Consulting Group

Proposed Residential Development at The White Hart Inn, Ridge Lane, Oldbury, Nuneaton

Our Ref: 29015-TRAN-0801

Planning Application Reference; PAP/2023/0324

Transport Technical Note – September 2024

Introduction

MEC have been instructed by North Warwickshire Borough Council (NWBC) to undertake an independent review of the Highway and Transportation work submitted in support of planning application reference PAP/2023/0324 which is an outline application for 3 dwellings at land to the rear of The White Hart Inn, Ridge Lane, Oldbury, Nuneaton.

I am a Regional Director of MEC Consulting Group Ltd with 18 years' experience in highways and transportation matters. I am a member of the Chartered Institute of Highways and Transportation and a Member of the Transport Planning Society. I can confirm I have visited the site and I can confirm I have no conflict of interest in this application other than to review the documentation from an independent highway expert perspective.

I have reviewed all of the submitted documentation and various consultation responses and have provided a summary of each below, before providing my summary and recommendations to NWBC.

Proposal

The planning application is for the following;

"Outline Access application for construction of three dwellings to the rear of the White Hart Inn Ridge Lane."

Outline planning permission is sought for the erection of three dwellings with all matters reserved, except for access. Access to the development is via Ridge Lane through the existing White Hart Inn car park. This is an outline application with matters of scale, appearance and layout of the development, as well as landscaping, reserved for approval at a later date.

The Site

The application site comprises grassland to the rear of the White Hart Pub car park. Adjacent to the site is the pub garden to the west, residential properties to the north and northeast, with the recreation grounds situated to the south.

Site Layout

A site layout has been submitted as part of the application prepared by Rickett Architects (ref: 3358-s3-002 Rev B). The layout shows the following;

- 3 x new dwellings and associated parking for 8 vehicles
- Access through the Pub Car Park, 4.5m in width
- Pedestrian visibility splays of 2.4m x 2.4m
- 5m access width for the first 7.5m
- Bin collection point adjacent to the car park entrance
- Demarcation of car parking spaces within pub car park (it is assumed these are for reference only and not taken from a Topographical Survey of the car park)

Planning Application Documents

The following has been submitted as part of the planning application and considered relevant to the preparation of this Technical Note;

- Transport Statement prepared by TTC (Report Ref: 210589-10)
- Site Plan 3358_s3_002 Rev B
- Stage 1 Road Safety Audit by TMS (Report Ref: 18006)

The following sections provide my review of each document submitted along with a summary of each relevant consultee response, followed by my summary and recommendations.

Civil Engineering | Transport | Flood Risk & Drainage | Structures | Geo-Environmental | Acoustic Air | Utilities | Geomatics | Lighting | Expert Witness

Birmingham
Brighton
Leicester

MEC Consulting Group Ltd
Registered Office | The Old Chapel | Station Road | Hugglescote | Leicestershire | LE67 2CB
Registered in England No. 07102309 | VAT Registration No. 982 4164 04

Transport Statement Review

The submitted Transport Statement (TS) covers most of the aspects usually considered necessary for an outline planning application. The report concludes that the development can be 'comfortably accommodated' and there should be no reasons why the application cannot be recommended in highways and transportation terms. Despite not agreeing with the applicant's trip generation and TRICS data used, I agree that the proposed development will not give rise to any highway capacity and congestion concerns based on the trip generation from 3 new dwellings. However, following a review of the TS I have noted a few concerns below which would require additional information being submitted prior to me being convinced the scheme provides a "safe and suitable access for all" in accordance with the NPPF and key local policies.

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The applicant has used TRICS to determine trip rates and trip generation for the 3 new dwellings. Given the location of the site, I would expect trip rates to be closer to 0.6 per dwelling during the peak periods, and approximately 6 trips per day per dwelling. The trip rates used in the TS are copied below in Table 1;

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I would suggest the peak movements would be 2 trips, with daily trips closer to 18 in total. Although I consider the above trip rates underestimate the likely demand from the site, a total of 2 trips in the peak periods and 18 daily trips will not give rise to any highway capacity concerns. I do not consider any further information is required in respect of trip generation.

Sustainability

I have no comments to make in respect of the sustainability and accessibility of the site. No further evidence or justification is required in this regard.

ATC: Speed and Traffic Data

The applicant team has not undertaken any surveys to obtain the passing 85th percentile speeds from which junction visibility requirements can be determined for the site access. Although this is an existing junction/access, due to the increase in traffic from the proposed dwellings an assessment of the visibility needs to be undertaken to confirm a safe and suitable access is provided and currently there is no evidence of a speed survey or appropriate access design showing available visibility from the site access.

Ridge Lane is subject to 30mph and it is understood recent speeds have been recorded by the Police where 3 of 16 vehicles sampled were found to be travelling at speeds in excess of the speed limit (approximately 20% of vehicles). WCC have suggested available speed data shows passing speeds in the region of 16-22mph, however, there is no data presented to support this and therefore it is my recommendation an ATC speed survey is undertaken.

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Even at outline stage I would expect an access design drawing to be prepared showing the access width, visibility splays (pedestrian and junction) vehicle tracking for the largest vehicles turning in/out of the access, and refuse and servicing vehicles (if appropriate). I would also suggest this should be based on a Topographical Survey to ensure accurate dimensions and measurements can be provided.

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The applicant team have undertaken a review of PIC using the freely available website 'Crashmap.' I would expect a review of PIC data to be undertaken using data purchased from WCCs Road Safety Partnership Team rather than Crashmap.

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WCC's original consultation response (ref 230324) dated 11th January 2024, was one of objection, as detailed below;

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Subsequently, amended plans were submitted by the applicant which resulted in a revised "no objection" response from WCC dated 2nd May 2024, as detailed below;

Amended plans have been submitted showing part of the car park being remodelled in order to provide a widened access. It has also been shown that the bin collection point is not within the pedestrian visibility splays and that no barrier/gate etc is to be retained at the access. So, the only outstanding concern raised is in regard to parking within the visibility splays on Ridge Lane. However, as set out in Manual for Streets 2 'parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Ideally, defined bays should be provided outside the splays. However, in some circumstances, where speeds are low, some encroachment may be acceptable.' In accordance with the NPPF development should only be refused on highway safety grounds if the impact is considered severe. As set out by MfS2 parking within splays does not appear to create significant problems, particularly at low speeds. Available speed data suggests average speeds along this stretch of Ridge Lane of between 16mph-22mph, this is considered to therefore be a slow-speed environment. It is also noted that the access currently serves an existing use and there have been no reported collisions since records began in 1990 to suggest that parking in the visibility splays has been detrimental. The proposals have also been subject to a stage 1 Road Safety Audit that identified no problems. It is therefore considered that in accordance with the NPPF the Highway Authority would not be able to defend an objection at appeal as the impacts are not considered severe. It is however recommended that H-bar markings are installed on Ridge Lane across the access to ensure the access is kept clear of parked vehicles. Please also note that as part of any future reserved matters application the Highway Authority would require a turning area to be provided on-site to allow for store delivery vans etc to manoeuvre in order to re-enter the highway in a forward gear.

WCC as local highway authority (LHA) have accepted that the application can be approved on highway grounds, subject to relevant planning conditions.

Mancetter Parish Council Observations

Mancetter Parish Council (MPC) have submitted on objection to the application summarised by me below;

There are road safety concerns and data on accidents (sadly including a fatality involving a cyclist) which are not included within the application. Recently, a speeding car ploughed into a front garden a few doors down from the pub demolishing two walls, and another driver overshot the junction by the White Hart completely and ended up in the hedge across the road. These incidents involved the police and insurance companies, and further detail can be supplied if necessary.

The access to the car park area is only a single vehicle width and has no approach splay

A car leaving the car park causes an obstruction to cars entering (a common event) and this in turn causes traffic flow issues on the highway. Impatient drivers then move onto the pavement to pass the vehicles waiting to enter the car park. There is at least one reported incident of a child narrowly missing injury when walking off the driveway of the housing opposite the entrance.

To alter the access to double vehicle width would seriously reduce the amount of pub parking available. The existing car parking provision is inadequate, and the road is already reduced to a single line due to constant parking of vehicles. Drivers then speed past the parked cars to avoid giving way to each other. The housing on that side of the street is mainly cottages having no parking other than the Ridge Lane Road

Current customer parking often extends beyond the road junction causing difficulties for residents on the Birchley Heath Road to exit their driveways. As a result, drivers leaving Ridge Lane Road have no clear view of traffic approaching at 40mph when turning left to Birchley Heath or right towards Atherstone along Monks Park Lane. The White Hart Inn public house is one of the oldest in not only the village but the general area and is referred to in the Neighbourhood Plan. Our neighbourhood plan does allow small intill development and also encourages businesses to diversify. However, this application will not add value to the local community and puts the future of the pub at risk. Public transport links are poor and Ridge Lane village is an area identified as a priority within the local levelling up process.

Based on my review of the site and the submitted information in support of the application, I share some of the above concerns particularly in respect of the available access width and potential for vehicles to have to stop and wait in the public highway whilst a vehicle exits the car park, and lack of details relating to visibility from the car park access (site access). Both of these issues could possibly be overcome by submitting additional information as part of the application, but without them the concerns remain that a safe and suitable access for all road users is not available and therefore the scheme is in conflict with national and local policy in this regard.

Summary

In conclusion, it is my opinion there is insufficient information provided to allow this application to proceed on highway and transportation grounds. A number of concerns have been raised above as summarised below;

- No access design drawing has been prepared showing available junction visibility
- No ATC has been undertaken to determine 85th percentile passing speeds and traffic flow
- No consideration of On-street parking adjacent to access
- There is no detailed Topographical Survey of the existing car park to fully assess whether the access corridor of 4.5m is achievable in between the two rows of parked vehicles within the pub car park
- The trip rates are lower than expected, albeit the development would not give rise to highway congestion/capacity concerns.

It is recommended the applicant submits the above information in order to address the concerns raised in respect of this application and for further consideration. Currently, my recommendation would be that this application should not be granted highway approval and notwithstanding the response from WCC highways, the applicant should submit additional information to overcome the above concerns.

White Hart Inn, Ridge Lane, Oldbury, Nuneaton
Transport Technical Note
September 2024
Report Ref: 29015-TRAN-0801

REGISTRATION OF AMENDMENTS

Date	Rev	Comment	Prepared By
September 2024	-	First issue	Tim Rose BA (Hons) MCIHT MTPS Regional Director

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VALUE EXCEED TRUST EXCELLENCE CLARITY

Highways and Transportation Technical Note

Client: Stonegate Pub Company Ltd

Project: The White Hart, Ridge Lane

Date: October 2024

stonegate
PUB COMPANY

APPENDIX C



1. Introduction

1.1 Overview

This Highways and Transportation Technical Note (TN) has been prepared by The Transportation Consultancy Ltd ('ttc') in response to North Warwickshire Borough Council's (NWBC) independent transport review, of an already registered Outline Planning Application (ref: PAP/2023/0324) for '3no. dwellings at land to the rear of The White Hart Inn, Ridge Lane, Oldbury, Nuneaton'.

1.2 Background

The proposed development site is situated on a vacant parcel of land to the southeast of The White Hart Public House (PH) in Ridge Lane, Warwickshire. Figure 1.1 displays the site location and its surrounding environment.

Figure 1.1 Local Context



The development proposals consist of the following:

- 3 residential dwellings, with the following mix;
 - 2 x semi-detached units
 - 1 x detached unit
- Associated parking of 7 parking spaces dedicated for residential use, and 1 visitor space.

1.3 Purpose of Technical Note

The purpose of this TN is to address highways comments made by MEC Consulting Group on behalf of NWBC in their capacity as the Local Planning Authority. The TN provides further detail and evidence in relation to development proposals.

2. Comments & Responses

2.1 Introduction

An independent review undertaken by MEC Consulting Group's (29015-TRAN-0801) regarding the Highways and Transportation work for the application has been responded to, items are provided under specific headings below for ease of reference. A full copy of the report is provided in Appendix. A.

2.2 Speed and Traffic Data

MEC Consulting Group's Comments

"The applicant team has not undertaken any surveys to obtain the passing 85th percentile speeds from which junction visibility requirements can be determined for the site access. Although this is an existing junction/access, due to the increase in traffic from the proposed dwellings, an assessment of the visibility needs to be undertaken to confirm a safe and suitable access is provided. Currently, there is no evidence of a speed survey or appropriate access design showing available visibility from the site access."

'ttc' response

The comments are noted and accepted. Following these comments, 'ttc' commissioned an Automatic Traffic Count (ATC) outside the existing car park access on Ridge Lane in the following location marked in Figure 2.1 below.

Figure 2.1 ATC Location



The ATC surveys were conducted between the periods of Saturday 05th October 2024 to Friday 11th October 2024. The 85th percentile speed going northbound was 30.2mph while southbound was 29.8mph. A copy of the results of the survey are contained in Appendix B.

The results from the surveys demonstrated that vehicles using Ridge Lane are travelling consistently with the speed limit of 30mph. Any design criteria for the proposals will be used for 30mph.

2.3 Access Visibility

MEC Consulting Group's Comments

"Even at outline stage I would expect an access design drawing to be prepared showing the access width, visibility splays (pedestrian and junction)"

'ttc' response

The comments are noted.

Vehicular Visibility

Given that the 85th percentile speed for northbound traffic is recorded at 30.2 mph and for southbound traffic at 29.8 mph, the corresponding visibility splays have been determined in line with Manual for Streets 2 (MfS2) guidance. Based on these speeds, a visibility splay of 43 metres in both directions is considered appropriate.

A visibility of 43m can be achieved and exceeded to the southeast and northwest of the access junction, while to the It should be noted that access has been in operation for a number of years without any safety concerns.

A drawing showing visibility splays for vehicles can be found in Appendix C.

Pedestrian Visibility

Pedestrian visibility is achievable and demonstrated in drawings contained in Appendix C

2.4 Access Design

MEC Consulting Group's Comments

"Even at outline stage I would expect.... vehicle tracking for the largest vehicles turning in/out of the access, and refuse and servicing vehicles (if appropriate). I would also suggest this should be based on a Topographical Survey to ensure accurate dimensions and measurements can be provided."

'ttc' response

The comments are noted.

Access Design Drawings

Following these comments, a general arrangement drawing has been created and is available in Appendix D. This drawing addresses the following factors designed on an topographical survey.

- Access width, and
- Large vehicle tracking.

Refuse collection will be taken via kerbside collection therefore vehicles will not enter the site. Visibility and interior tracking will be show in a later chapters.

2.5 Accident Data

MEC Consulting Group's Comments

"The applicant team have undertaken a review of PIC using the freely available website 'Crashmap.' I would expect a review of PIC data to be undertaken using data purchased from WCC's Road Safety Partnership Team rather than Crashmap."

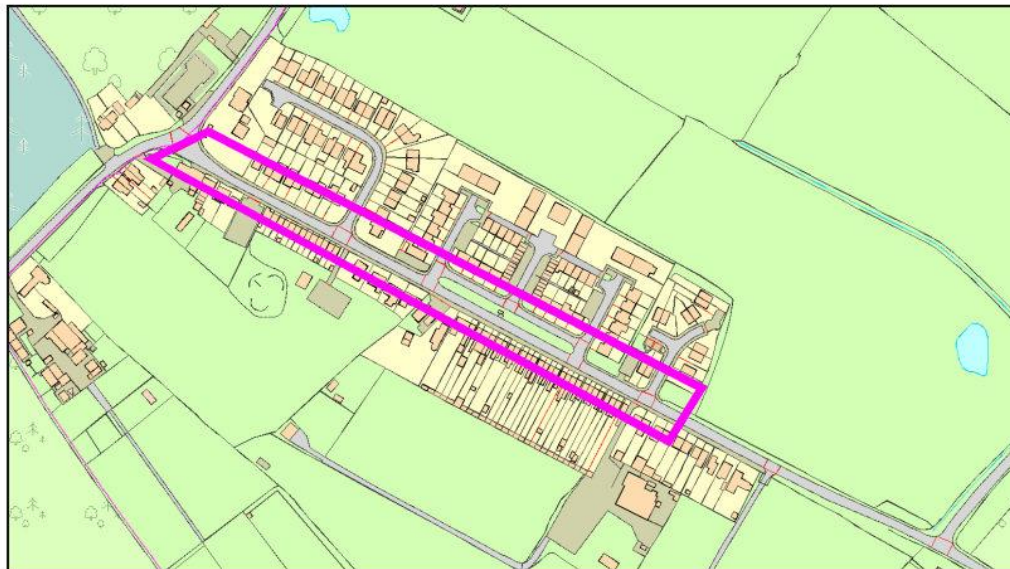
'ttc' response

The comments are noted.

WCC Road Safety Partnership PIC Data

Following these comments, 'ttc' made a PIC data request for the most recent 5-years of data at the access to the junction. Figure 2.2 below shows the PIC data extent for 1/10/2019 - 17/10/2024,

Figure 2.2 PIC Extent 1/10/2019 - 17/10/2024



Over the most recent five-year period, data provided by the WCC Road Safety Partnership indicates that no accidents have been reported along this stretch of road, confirming the Crash Maps findings. This suggests that the existing highway operates safely and efficiently. Given the absence of any recorded incidents, it can be reasonably concluded that the proposed development is unlikely to exacerbate any pre-existing highway safety concerns.

2.6 Trip Generation

MEC Consulting Group's Comments

"The applicant has used TRICS to determine trip rates and trip generation for the 3 new dwellings. Given the location of the site, I would expect trip rates to be closer to 0.6 per dwelling during the peak periods, and approximately 6 trips per day per dwelling..."

I would suggest the peak movements would be 2 trips, with daily trips closer to 18 in total. Although I consider the above trip rates underestimate the likely demand from the site, a total of 2 trips in the peak periods and 18 daily trips will not give rise to any highway capacity concerns. I do not consider any further information is required in respect of trip generation."

'ttc' response

The comments are noted and accepted.

Revised Trip Generation

'ttc' accepts MEC Consulting Group's suggested trip generation and agrees that the revised trip rate will not give rise to any highway capacity concerns.

2.7 Site Manoeuvrability

MEC Consulting Group's Comments

"No vehicle tracking has been undertaken of the site access, along with the parking spaces provided for the proposed 3 dwellings. This is not essential but would help."

'ttc' response

The comments are noted and accepted.

Vehicle Tracking

'ttc' accepts MEC Consulting Group Comments and have undertaken a vehicle tracking exercise for new unit parking spaces. This is shown in Appendix E.

3. Summary & Conclusion

This Highways and Transportation Technical Note (TN) has been prepared by The Transportation Consultancy Ltd ('ttc') in response to MEC Consulting Group's comments (29015-TRAN-0801) commissioned by North Warwickshire Borough Council (NWBC) regarding the Highways and Transportation work submitted in support of planning application reference: PAP/2023/0324 which is an outline application for 3no. dwellings at land to the rear of The White Hart Inn, Ridge Lane, Oldbury, Nuneaton.

Issued by



George Easton

Approved by



Luke Ford

Third party disclaimer

Any disclosure of this report to a third party is subject to this disclaimer. The report was prepared by TTC at the instruction of, and for use by, our client named on the front of the report. It does not in any way constitute advice to any third party who is able to access it by any means. TTC excludes to the fullest extent lawfully permitted all liability whatsoever for any loss or damage howsoever arising from reliance on the contents of this report. We do not however exclude our liability (if any) for personal injury or death resulting from our negligence, for fraud or any other matter in relation to which we cannot legally exclude liability.



Appendix A

MEC Consulting Group Report

Proposed Residential Development at The White Hart Inn, Ridge Lane, Oldbury, Nuneaton
Our Ref: 29015-TRAN-0801
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Mancetter Parish Council (MPC) have submitted on objection to the application summarised by me below;

There are road safety concerns and data on accidents (sadly including a fatality involving a cyclist) which are not included within the application. Recently, a speeding car ploughed into a front garden a few doors down from the pub demolishing two walls, and another driver overshot the junction by the White Hart completely and ended up in the hedge across the road. These incidents involved the police and insurance companies, and further detail can be supplied if necessary.

The access to the car park area is only a single vehicle width and has no approach splay

A car leaving the car park causes an obstruction to cars entering (a common event) and this in turn causes traffic flow issues on the highway. Impatient drivers then move onto the pavement to pass the vehicles waiting to enter the car park. There is at least one reported incident of a child narrowly missing injury when walking off the driveway of the housing opposite the entrance.

To alter the access to double vehicle width would seriously reduce the amount of pub parking available. The existing car parking provision is inadequate, and the road is already reduced to a single line due to constant parking of vehicles. Drivers then speed past the parked cars to avoid giving way to each other. The housing on that side of the street is mainly cottages having no parking other than the Ridge Lane Road

Current customer parking often extends beyond the road junction causing difficulties for residents on the Birchley Heath Road to exit their driveways. As a result, drivers leaving Ridge Lane Road have no clear view of traffic approaching at 40mph when turning left to Birchley Heath or right towards Atherstone along Monks Park Lane. The White Hart Inn public house is one of the oldest in not only the village but the general area and is referred to in the Neighbourhood Plan. Our neighbourhood plan does allow small infill development and also encourages businesses to diversify. However, this application will not add value to the local community and puts the future of the pub at risk. Public transport links are poor and Ridge Lane village is an area identified as a priority within the local levelling up process.

Based on my review of the site and the submitted information in support of the application, I share some of the above concerns particularly in respect of the available access width and potential for vehicles to have to stop and wait in the public highway whilst a vehicle exits the car park, and lack of details relating to visibility from the car park access (site access). Both of these issues could possibly be overcome by submitting additional information as part of the application, but without them the concerns remain that a safe and suitable access for all road users is not available and therefore the scheme is in conflict with national and local policy in this regard.

Summary

In conclusion, it is my opinion there is insufficient information provided to allow this application to proceed on highway and transportation grounds. A number of concerns have been raised above as summarised below;

- No access design drawing has been prepared showing available junction visibility
- No ATC has been undertaken to determine 85th percentile passing speeds and traffic flow
- No consideration of On-street parking adjacent to access
- There is no detailed Topographical Survey of the existing car park to fully assess whether the access corridor of 4.5m is achievable in between the two rows of parked vehicles within the pub car park
- The trip rates are lower than expected, albeit the development would not give rise to highway congestion/capacity concerns.

It is recommended the applicant submits the above information in order to address the concerns raised in respect of this application and for further consideration. Currently, my recommendation would be that this application should not be granted highway approval and notwithstanding the response from WCC highways, the applicant should submit additional information to overcome the above concerns.

White Hart Inn, Ridge Lane, Oldbury, Nuneaton
Transport Technical Note
September 2024
Report Ref: 29015-TRAN-0801

REGISTRATION OF AMENDMENTS

Date	Rev	Comment	Prepared By
September 2024	-	First issue	Tim Rose BA (Hons) MCIHT MTPS Regional Director

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Appendix B ATC Results

13800										
NUNEATON										
OCTOBER 2024					Posted Speed Limit (PSL)	Total Vehicles	5 Day Ave.	7 Day Ave.	Average 85%ile Speed	Average Mean Speed
Site	Location	Direction	Start Date	End Date						
Site No: 13800001	Ridge Lane, Ridge Lane (U/c 3 - S of Monks Park Ln) 52.552029, -1.569716	Channel: Northbound	Sat 05-Oct-24	Fri 11-Oct-24	30	7026	1060	1004	30.2	25.1
		Channel: Southbound	Sat 05-Oct-24	Fri 11-Oct-24		7176	1090	1025	29.8	24.7

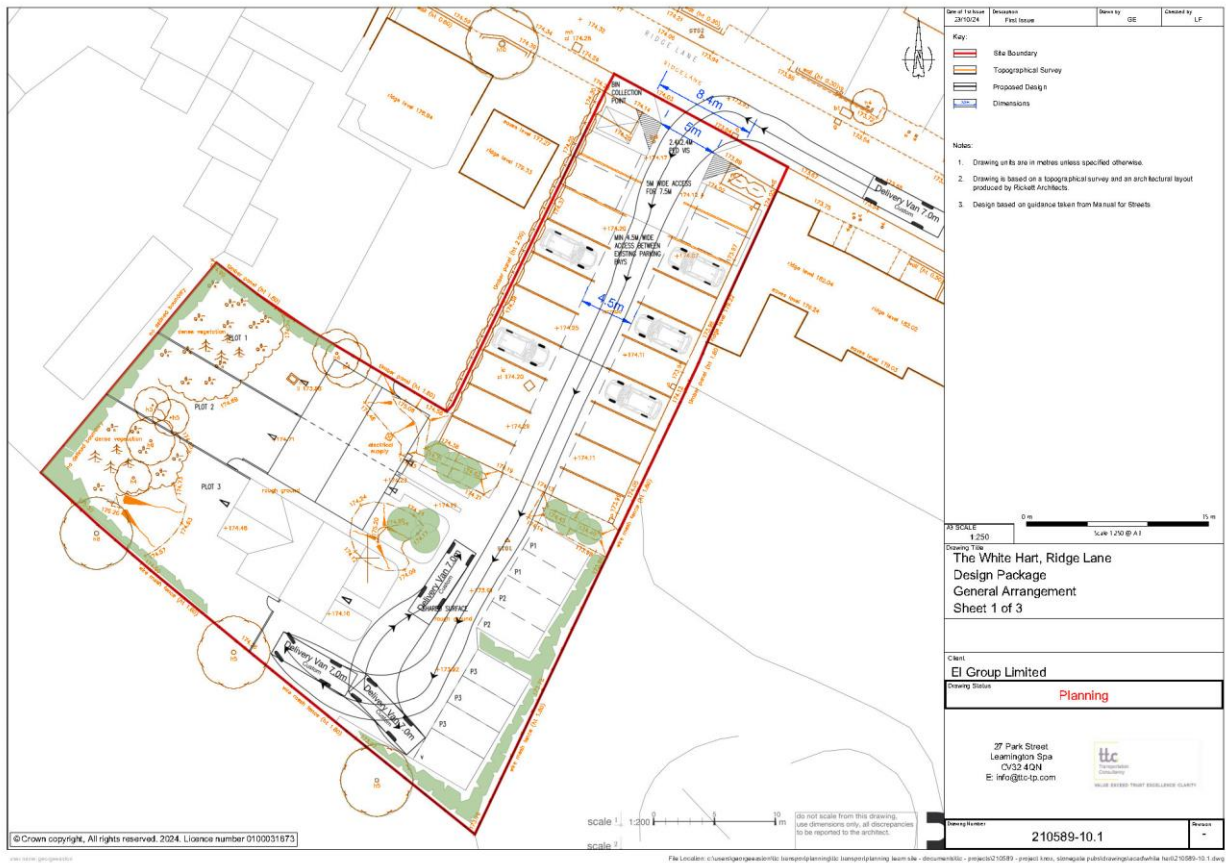


Appendix C

Visibility Splays



Appendix D Access Design





Appendix E Vehicle Tracking

T: 01530 264753
E: group@m-ec.co.uk
W: www.m-ec.co.uk



MEC
Consulting Group

Proposed Residential Development at The White Hart Inn, Ridge Lane, Oldbury, Nuneaton
Our Ref: 29015-TRAN-0801 Rev A
Planning Application Reference; PAP/2023/0324
Transport Technical Note – November 2024

Introduction

MEC have been instructed by North Warwickshire Borough Council (NWBC) to undertake an independent review of the Highway and Transportation work submitted in support of planning application reference PAP/2023/0324 which is an outline application for 3 dwellings at land to the rear of The White Hart Inn, Ridge Lane, Oldbury, Nuneaton.

I am a Regional Director of MEC Consulting Group Ltd with 18 years' experience in highways and transportation matters. I am a member of the Chartered Institute of Highways and Transportation and a Member of the Transport Planning Society. I can confirm I have visited the site and I can confirm I have no conflict of interest in this application other than to review the documentation from an independent highway expert perspective.

I have reviewed all of the submitted documentation and various consultation responses and have provided a summary of each below, before providing my summary and recommendations to NWBC.

MEC prepared a Technical Note in September 2024 (Report Ref: 29015-TRAN-0801) which provided a review of the documentation submitted with the outline planning application. Revision A of this Technical Note has been prepared following receipt of additional information from the applicant as detailed below;

- Site Plan 3358_s3_002 Rev C
- Highways and Transportation Technical Note prepared by TTC (Report Ref: 210589-10.1)

A review of the additional submitted information has been undertaken below, followed by my summary and recommendations.

Proposal

The planning application is for the following which has not changed following the initial review undertaken in September 2024;

"Outline Access application for construction of three dwellings to the rear of the White Hart Inn Ridge Lane."

Outline planning permission is sought for the erection of three dwellings with all matters reserved, except for access. Access to the development is via Ridge Lane through the existing White Hart Inn car park. This is an outline application with matters of scale, appearance and layout of the development, as well as landscaping, reserved for approval at a later date.

Agreed Matters

Matters relating to Trip Generation, Sustainability and the Stage 1 Road Safety Audit were agreed as part of the original review with no further investigation of these elements required.

ATC: Speed and Traffic Data

MEC commented in September 2024;

"The applicant team has not undertaken any surveys to obtain the passing 85th percentile speeds from which junction visibility requirements can be determined for the site access. Although this is an existing junction/access, due to the increase in traffic from the proposed dwellings an assessment of the visibility needs to be undertaken to confirm a safe and suitable access is provided and currently there is no evidence of a speed survey or appropriate access design showing available visibility from the site access."

The applicant has subsequently undertaken a speed survey which returned speeds of 30.2mph northbound and 29.8mph southbound, commensurate with the speed limit of 30mph. MEC accept the findings of the ATC.

Civil Engineering | Transport | Flood Risk & Drainage | Structures | Geo-Environmental | Acoustic Air | Utilities | Geomatics | Lighting | Expert Witness

Birmingham
Brighton
Leicester

MEC Consulting Group Ltd
Registered Office | The Old Chapel | Station Road | Hugglescote | Leicestershire | LE67 2GB
Registered in England No. 07102309 | VAT Registration No. 982 4164 04

Access Design

MEC Commented in September 2024;

"Even at outline stage I would expect an access design drawing to be prepared showing the access width, visibility splays (pedestrian and junction) vehicle tracking for the largest vehicles turning in/out of the access, and refuse and servicing vehicles (if appropriate). I would also suggest this should be based on a Topographical Survey to ensure accurate dimensions and measurements can be provided."

An access design drawing 210589-10.2 has been prepared which shows visibility splays of 2.4m x 43m can be achieved, based on splays determined from the results of the speed survey. It is noted that the western splay is shown 1m offset from the carriageway in order to achieve the required splay, I consider this to be acceptable.

However, immediately east of the access it is noted there is on street parking which severely restricts visibility towards westbound traffic. The applicant is therefore advised to confirm what measures would be implemented to confirm a safe and suitable access is achievable with appropriate visibility provided based on the recorded 85th percentile road speed.

Image 1: On street Parking located to the east of the Access



Source: Google Maps

Personal Injury Collision (PIC) Data

MEC commented in September 2024;

"The applicant team have undertaken a review of PIC using the freely available website 'Crashmap.' I would expect a review of PIC data to be undertaken using data purchased from WCCs Road Safety Partnership Team rather than Crashmap."

PIC data has been purchased from WCC and confirms no existing collisions have taken place in close proximity of the access. No further investigation or assessment is necessary.

Topographical Survey of existing Car Park
MEC commented in September 2024;

"There is no Topographical Survey of the car park, therefore it is impossible to understand whether the access widths as detailed on the site layout and stated in the TS are achievable. From my site visit and looking at Google imagery, the car park width does not look sufficient to accommodate 2 x parked cars with a 4.5m clearance between the cars to allow the suitable access to 3 x dwellings. I would also note on Page 2 of the TS the report title states "Transport Statement and Parking Survey," if a parking survey has been conducted and undertaken it is respectfully requested that this is submitted in support of the application."

I do not believe this matter has been resolved, and no vehicle tracking for the pub car park spaces has been provided to show the access arrangement works appropriately. Given the corridor width in between the parking spaces is 4.5m wide, I do not believe there is sufficient space for vehicles to reverse in/out of the pub car park spaces. The usual requirement is 6m for a clear reverse distance, which does not appear available based on the plans provided. Vehicle tracking has been provided for the proposed dwelling spaces but not for the pub car park spaces. On that basis I have concerns with the ongoing operation of the pub car park spaces and interaction with the access width of 4.5m to the proposed dwellings.

Summary

In conclusion, it is my opinion there are still outstanding highway concerns which would need to be addressed prior to granting planning permission, as summarised below;

- On street parking located within visibility splay
- No detailed Topographical Survey has been provided to confirm the car park is wide enough to accommodate two rows of parking and the access width of 4.5m
- No vehicle tracking of the car park has been undertaken to show the car park will operate safely. A 6m corridor width is the usual requirement for appropriate reverse distances which cannot be provided on the layout as currently shown

It is recommended the applicant submits the above information in order to address the concerns raised in respect of this application and for further consideration. Currently, my recommendation would be that this application should not be granted highway approval based on the concerns raised in this Technical Note.

REGISTRATION OF AMENDMENTS

Date	Rev	Comment	Prepared By
September 2024	-	First issue	Tim Rose BA (Hons) MCIHT MTPS Regional Director
November 2024	A	Review of additional information submitted as part of outline application	

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Andrew Horne

From: William Brearley
Sent: 27 November 2024 14:12
To:
Cc:
Subject:
Attachments:

Caution: Warning external email

Hi Andrew

Thank you for sending this over.

I note the following points have been raised by MEC for us to review (MEC comments in red):

"However, immediately east of the access it is noted there is on street parking which severely restricts visibility towards westbound traffic. The applicant is therefore advised to confirm what measures would be implemented to confirm a safe and suitable access is achievable with appropriate visibility provided based on the recorded 85th percentile road speed."

I will ask TTC to review/respond.

"There is no Topographical Survey of the car park, therefore it is impossible to understand whether the access widths as detailed on the site layout and stated in the TS are achievable. From my site visit and looking at Google imagery, the car park width does not look sufficient to accommodate 2 x parked cars with a 4.5m clearance between the cars to allow the suitable access to 3 x dwellings. I would also note on Page 2 of the TS the report title states "Transport Statement and Parking Survey," if a parking survey has been conducted and undertaken it is respectfully requested that this is submitted in support of the application."

I do not believe this matter has been resolved, and no vehicle tracking for the pub car park spaces has been provided to show the access arrangement works appropriately. Given the corridor width in between the parking spaces is 4.5m wide, I do not believe there is sufficient space for vehicles to reverse in/out of the pub car park spaces. The usual requirement is 6m for a clear reverse distance, which does not appear available based on the plans provided. Vehicle tracking has been provided for the proposed dwelling spaces but not for the pub car park spaces. On that basis I have concerns with the ongoing operation of the pub car park spaces and interaction with the access width of 4.5m to the proposed dwellings."

The pub car parking arrangement is an existing situation i.e. the corridor width between the pub car parking spaces exists and we don't change that as part of proposals. If it is deficient that is a legacy / historic matter, and it is not the responsibility of our application to change that. I do accept though that our proposal should be safe hence the body of work being undertaken on highways in relation to the proposed housing. The work submitted (see site plan, topo and latest TTC note) shows that the proposed parking for the housing can reverse out of their spaces safely and leave our site in a forward gear. I'm not sure how our development will adversely affect the "ongoing operation of the pub car park spaces" since those are not being touched and the width between parking is wide enough to allow safe passage for the proposed residential traffic.

Unless I'm missing something, it reads as though MEC have considered our proposal as including pub car parking which as you know is not the case.

Can you come back to me on the point immediately above please? In the meantime, I will ask TTC to review the first point they raise.

Thanks for sending this over and if you need to chat, please call me.

Kind regards

Will

William Brearley MPlan MRTPI
Director

t. 07984 383334

e. will@vistaplanning.co.uk



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From: Andrew Horne <AndrewHorne@NorthWarks.gov.uk>

Sent: 27 November 2024 12:58

To: Julie Gillion <julie@vistaplanning.co.uk>; William Brearley <will@vistaplanning.co.uk>

Subject: RE: White Hart - Planning Committee

Julie/Will,

We've now received the report from MEC (see attached).

Happy to take any further comments you may have.

Kind Regards



Andrew Horne
Planning Project Officer (HS2)
North Warwickshire Borough Council

Phone:

Web: www.northwarks.gov.uk

Social:     

Andrew Horne

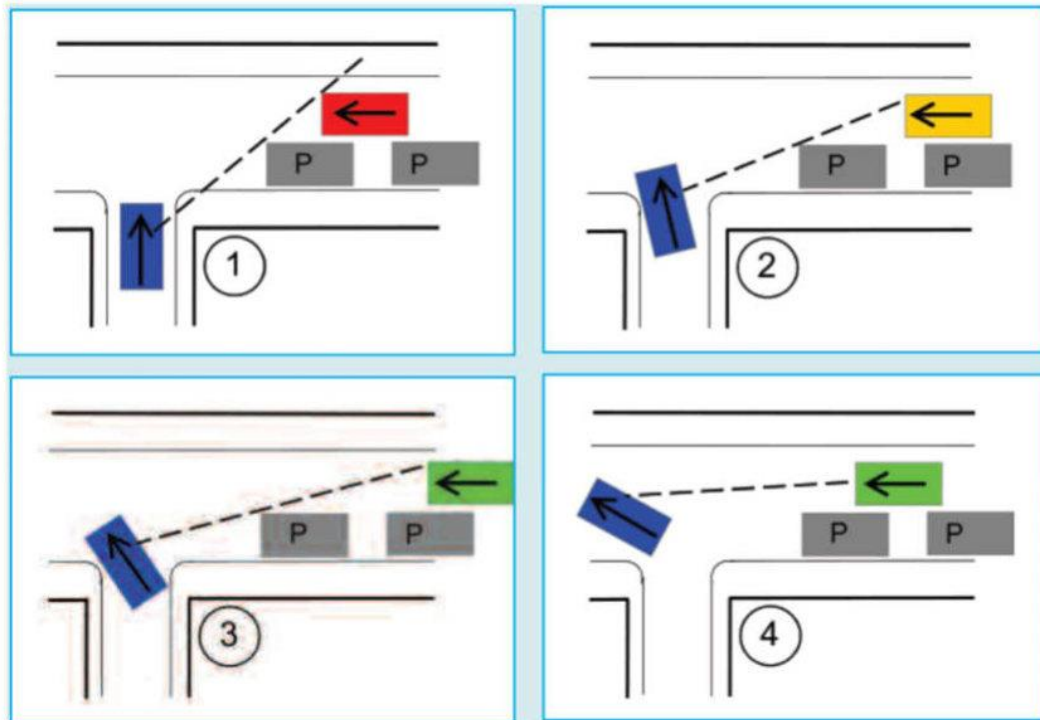
From: William Brearley [REDACTED]
Sent: 29 November 2024 16:12
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]

Caution: Warning external email

Hi Andrew

I have had a response back from TTC which I relay below for ease:

The Effect and Impact of On-street Parking in urban areas is a common theme, this aspect has been identified within Manual for Streets 2 under point 10.7.1, which states; 'parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Ideally, in some circumstances, where speeds are low, encroachment may be acceptable.' 'At urban junctions where visibility is limited by parked cars, drivers of vehicles on the minor arm tend to nose out carefully until they can see oncoming traffic and vice-versa.' A copy of the accompanying diagram is presented below.



As a result, the access can achieve the required visibility splays for the appropriate speed of vehicles on Ridge Lane, if a car exits onto Ridge Lane from the proposed development and would do so in a safe manner.

A potential 'H bar marking' could be provided along the existing dropped kerb access from Ridge Lane to the existing car park to ensure it remains clear. It should be duly noted that the access to the pub car park has been in operation for a number of years and has done so safely without any highway concerns.

MEC have conceded that the trip generation from the proposed development is not considered to have a significant impact on the safety nor operation of the local highway network therefore considering the points above the proposed access is considered safe.

I trust this helps address comments raised by MEC.

Kind regards

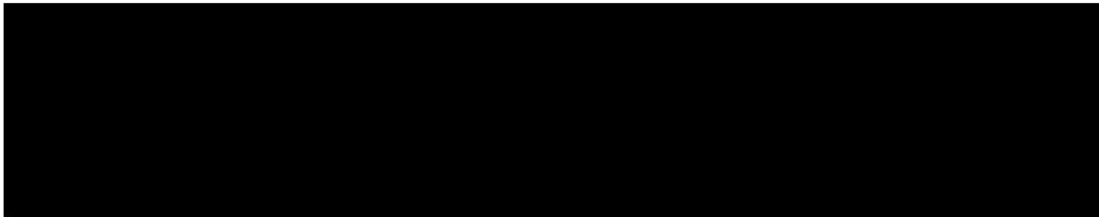
Will

William Brearley MPlan MRTPI
Director



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Hi Andrew

Thank you for sending this over.

I note the following points have been raised by MEC for us to review (MEC comments in red):

“However, immediately east of the access it is noted there is on street parking which severely restricts visibility towards westbound traffic. The applicant is therefore advised to confirm what measures would be implemented to confirm a safe and suitable access is achievable with appropriate visibility provided based on the recorded 85th percentile road speed.”

I will ask TTC to review/respond.

Andrew Horne

From: Tim Rose [REDACTED]
Sent: 06 December 2024 11:53
To: Andrew Horne
Subject: RE: White Hart - Planning Committee

Caution: Warning external email

Hi Andrew

Noted re the below, this isn't an uncommon situation on a number of accesses/private drives across the county, and given the relative small increase in traffic I think the visibility/access comments can be considered addressed.

Thanks

Best Regards

Tim Rose, BA(Hons) MCIHT MTPS
Regional Director



Birmingham | Brighton | Leicester



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From: Andrew Horne <AndrewHorne@NorthWarks.gov.uk>
Sent: 03 December 2024 14:50
To: Tim Rose [REDACTED]
Subject: FW: White Hart - Planning Committee

Hi Tim,

We've had responses from the applicant following your comments.

Are you able to take a look and provide any further comments please.

Kind Regards



Andrew Horne
Planning Project Officer (HS2)
North Warwickshire Borough Council

Phone:

Web: www.northwarks.gov.uk

Social:     



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From: William Brearley <will@vistaplanning.co.uk>

Sent: Friday, November 29, 2024 4:12 PM

To: Andrew Horne <AndrewHorne@NorthWarks.gov.uk>; Julie Gillion <julie@vistaplanning.co.uk>

Cc: George Bailes <george@ttc-tp.com>; Richard Tole <richard@wtscommercial.co.uk>; dan@rickett.co.uk; Jeff Brown <JeffBrown@NorthWarks.gov.uk>

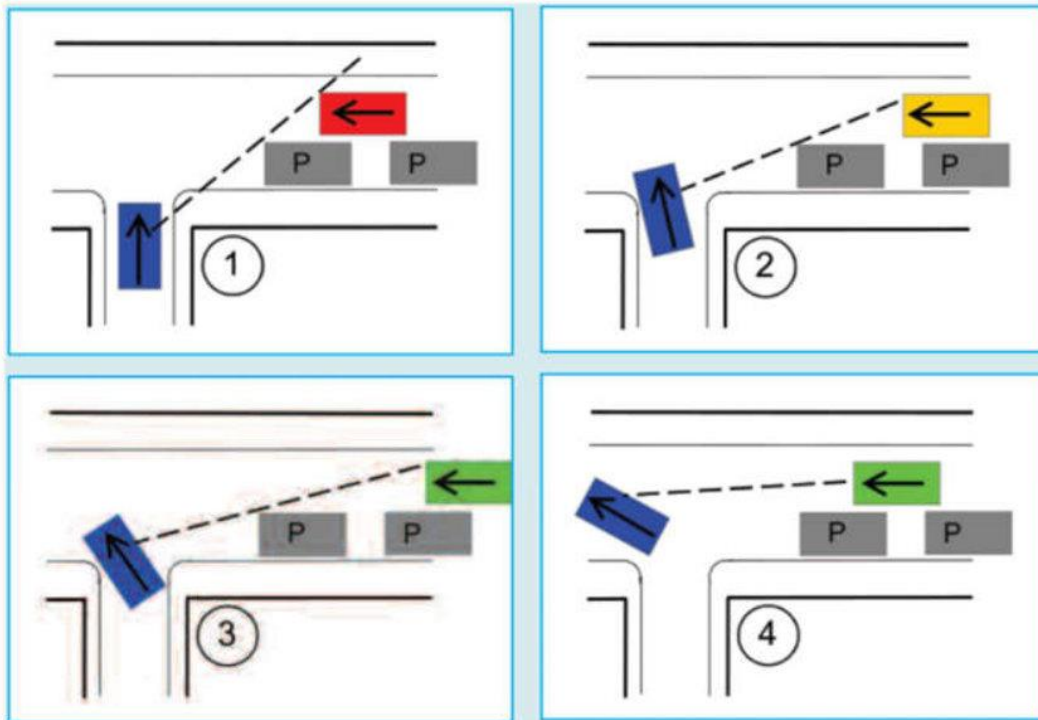
Subject: RE: White Hart - Planning Committee

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I trust this helps address comments raised by MEC.

Kind regards

Will

William Brearley MPlan MRTPI
Director

t. 07984 383334
e. will@vistaplanning.co.uk



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From: William Brearley
Sent: 27 November 2024 14:12
To: Andrew Horne <AndrewHorne@NorthWarks.gov.uk>; Julie Gillion <julie@vistaplanning.co.uk>
Cc: George Bailes <george@ttc-tp.com>; Richard Tole <richard@wtcommercial.co.uk>;
dan@rickett.co.uk; Jeff Brown <JeffBrown@NorthWarks.gov.uk>
Subject: RE: White Hart - Planning Committee

Hi Andrew

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"However, immediately east of the access it is noted there is on street parking which severely restricts visibility towards westbound traffic. The applicant is therefore advised to confirm what measures would be implemented to confirm a safe and suitable access is achievable with appropriate visibility provided based on the recorded 85th percentile road speed."

I will ask TTC to review/respond.

"There is no Topographical Survey of the car park, therefore it is impossible to understand whether the access widths as detailed on the site layout and stated in the TS are achievable. From my site visit and looking at Google imagery, the car park width does not look sufficient to accommodate 2 x parked cars with a 4.5m clearance between the cars to allow the suitable access to 3 x dwellings. I would also note on Page 2 of the TS the report title states "Transport Statement and Parking Survey," if a parking survey has been conducted and undertaken it is respectfully requested that this is submitted in support of the application."

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The pub car parking arrangement is an existing situation i.e. the corridor width between the pub car parking spaces exists and we don't change that as part of proposals. If it is deficient that is a legacy / historic matter, and it is not the responsibility of our application to change that. I do accept though that our proposal should be safe hence the body of work being undertaken on highways in relation to the

proposed housing. The work submitted (see site plan, topo and latest TTC note) shows that the proposed parking for the housing can reverse out of their spaces safely and leave our site in a forward gear. I'm not sure how our development will adversely affect the "ongoing operation of the pub car park spaces" since those are not being touched and the width between parking is wide enough to allow safe passage for the proposed residential traffic.

Unless I'm missing something, it reads as though MEC have considered our proposal as including pub car parking which as you know is not the case.

Can you come back to me on the point immediately above please? In the meantime, I will ask TTC to review the first point they raise.

Thanks for sending this over and if you need to chat, please call me.

Kind regards

Will

William Brearley MPlan MRTPI
Director

t. 07984 383334
e. will@vistaplanning.co.uk

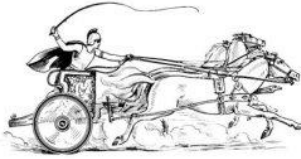


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Manduessedum - Mancetter Village
(Place of War Chariots)

Mancetter Parish Council

Serving the People of Mancetter and Ridge Lane

Additional Comments in relation to PAP/2023/0324



- **All previous comments made by Mancetter Parish Council should be considered alongside these additional comments.**
- **Improvements to the junction of Ridge Lane and Monks Park Lane to assist with road safety and speeds** are now at the engineering drawing stage, and have been approved as part of the County Councillor delegated budget. (See attached).

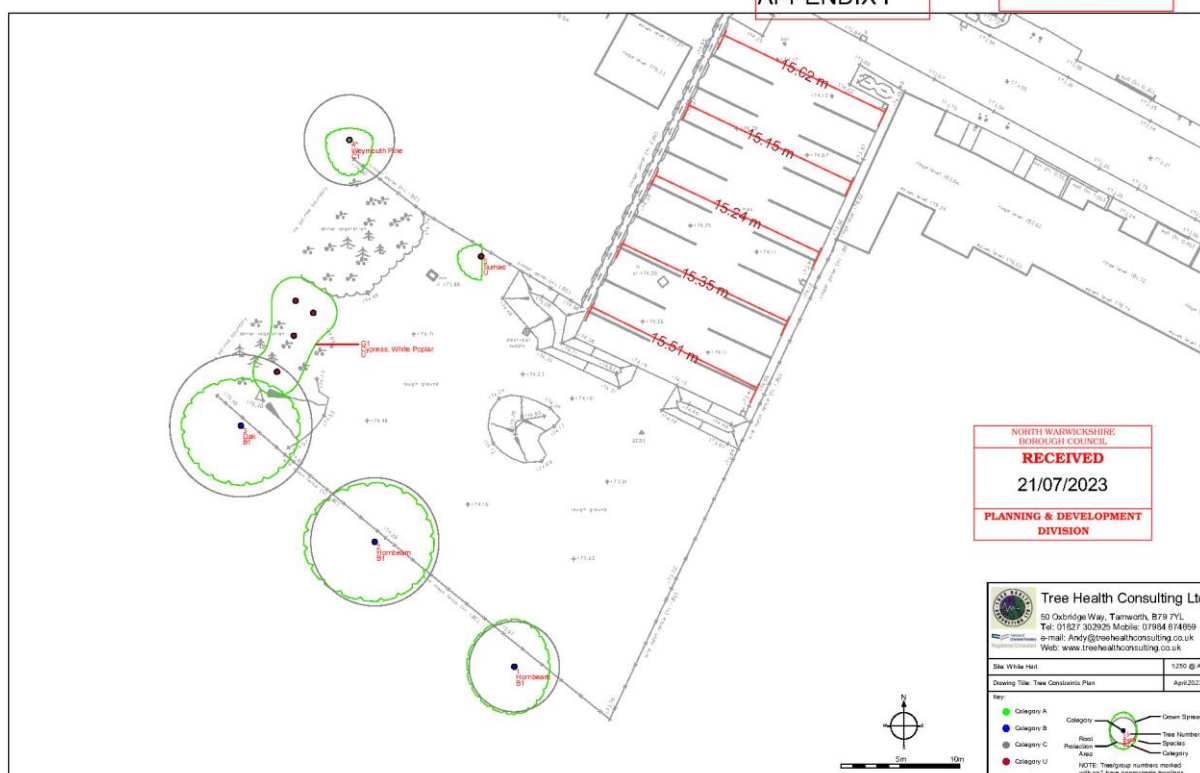
The narrowing of the junction, will have a knock-on effect to the common practice of parking on and around the corner. **As a result, cars will either use the existing pub car park or park along the road obscuring visibility even further.**

- The applicant maintains that the existing pub car park is wide enough for residents' cars, and their visitors to freely enter and exit Ridge Lane from the proposed tandem development of houses.

They may be able to leave their properties in forward gear, but getting their vehicles safely through the carpark will be a challenge, especially for Delivery vehicles and Emergency services.

- **Where resources allow the safer neighbourhoods team conduct speed watch at Ridge Lane as a direct result of resident and council concerns.**
 - The width between vehicles in the current layout is already insufficient at 4.5 metres, which is why we were supporting the pub landlord's suggestion to the Brewery to create additional parking and an enclosed children's play area on the land in question.
- Access arrangements should not cause adverse impacts to the character and appearance, *safety*, or amenity of the existing frontage development.**
- The reduction of further spaces as a direct result of the required visibility splays, and area designated to store wheely bins for the proposed three properties, **does affect the ongoing operation of the pub car parking spaces.**
 - Bus services are now stopping more frequently in Ridge Lane Village, and all buses including school transport stop within the visibility splay, **as this is the location of the designated bus stop.**





Agenda Item No 6

Planning and Development Board

7 April 2025

Report of the Head of Development Control

Planning and Infrastructure Bill

1 Summary

- 1.1 The Government has published its Planning and Infrastructure Bill and the report provides a summary of the main matters that will be introduced if the Bill is enacted.

Recommendation to the Board

That the Board notes the report.

2 Background

- 2.1 Members are reminded of the planning changes introduced through the publication the revised National Planning Policy Framework (the NPPF) at the end of December last year as well as the publication of other documents advising of further planning changes. This Bill is the outcome.

3 The New Bill

- 3.1 Rather than outline the contents of the whole Bill, it is proposed to highlight those matters which will most affect this Council.

i) National Infrastructure

- 3.2 The Government considers that there is a failure to build enough national infrastructure projects quickly so as to promote growth and to secure energy security. These projects are known as Nationally Significant Infrastructure Projects (NSIP's) and promoters submit their proposals directly to the Secretary of State seeking a Development Consent Order (DCO) – in effect, a planning permission. Members will have seen the East Midlands Gateway Second Phase report on the last Agenda as well as the A46 highway changes on the previous one as examples of these NSIP's. The new Bill is to “streamline” this process through the introduction of National Policy Statements (in effect providing national policy akin to the NPPF); slimmed down pre-application consultation and the number of steps through which each project has to “pass”, as well as reducing the ability to legally challenge a DCO. The ability of the Council to influence an NSIP may thus become more limited.

ii) Decision Making

- 3.3 In order to speed planning decisions and to ensure more consistency and certainty, new measures are to be introduced. The first is to introduce a National Scheme of Delegation in order to reduce the number of cases that are referred to Planning Committees, as well as to reduce the size of these Committees. Secondly, mandatory training for those Members who sit on the Committee would also be introduced.

iii) Planning Fees

- 3.4 Members are aware that presently fees for planning applications are set nationally and now have an inflation-linked annual increase. However, there is still a national short-fall in terms of income received and the cost of running the overall service. As such, the Bill introduces the ability of Local Planning Authorities to elect to set their own planning fees based on a cost-recovery model with that fee income being retained for that Authority's Development Management service.

iv) Nature Recovery

- 3.5 The Bill introduces a Nature Restoration Fund which would offer an alternative approach for developers to meet certain environmental obligations relating to protected sites and species. Contributions will come through a Nature Restoration Levy and be paid direct to Natural England.

v) Strategic Development Strategies

- 3.6 The Bill will implement strategic planning at a sub-regional level through the introduction of these Strategies to facilitate cross-boundary working so as to address development and infrastructure needs. Where Combined Authorities do not exist, upper tier Unitary and County Councils would be given this "SDS" duty. Once adopted, it would become part of the Development Plan and Local Plans would need to be in general conformity with it.

vi) Compulsory Purchase Orders

- 3.7 The Bill is said to improve the CPO process and land compensation rules to enable more effective land assembly through public sector led schemes. This will be done through simplifying procedures, more delegation of decisions, quicker vesting of land and changes to the loss payments regime such that compensation is "fair" reducing the potential for "hope" valuations.

4 Statutory Consultation

- 4.1 Members are aware that there are mandatory consultations to be undertaken with a number of Statutory Agencies on planning applications – eg. the Highway Authority, the Local Lead Authority, National Highways and Historic England. There has been much criticism of this process from both Local Planning Authorities, as well as from the development industry itself. That criticism

revolves around added delays with a series of “holding objections” from the agencies, and to the need to provide what is considered to be “excessive” amounts of detail in some instances. The Government will therefore be looking to “limit” the role of the consultations to those instances where it is necessary to do so. In other words, “automatic, or blanket” consultations would not take place, as it would be expected that the Agencies would publish Standard or Standing Advice. The Local Planning Authority would thus see if a proposal aligns with that advice before referral. The Government is reinforcing its view that the 21-day consultation period is sufficient and interestingly adding, that these should not be extended unless the additional information or clarification sought by that consultee, may enable an approval rather than a refusal.

5 Report Implications

5.1 Finance and Value for Money Implications

- 5.1.1 Analysis will need to be undertaken to establish whether the ability to set our own planning fees would yield additional income over and above that currently received through the national fee scheme. If that enables cost-recovery, then there would be a Corporate saving. However, the impact of potential for fee income to reduce through a reduction in the number of applications received, would need to be considered, as that would need to be budgeted for.
- 5.1.2 Additionally, at present surplus planning fee income is directed to cover work associated with the preparation of the Local Plan. If all fee income is to be ring-fenced to Development Management, then alternative measures will be needed for work on the Local Plan.

5.2 Risk Management Implications

- 5.2.1 The changes to the remit of Planning Committees may result in there being an increased possibility for legal challenge to a determination.
- 5.2.2 Failure to align with a Strategic Development Strategy would increase the likelihood of a Local Plan not being found to be “sound”.

5.3 Environment, Climate Change and Health Implications

- 5.3.1 The option of paying a National Recovery Levy may become an alternative to on-site bio-diversity net gain, or to off-site contributions in lieu, if either of these two approaches is seen as making a development “unviable”. Potentially this could lead to that gain or recovery not being implemented locally.

The Contact officer for this Report is Jeff Brown (719310)