

## **General Development Applications**

**(4e) Application No: PAP/2019/0166**

**Heart Of England Conference and Events Centre, Meriden Road, Fillongley, CV7 8DX**

**Erection of wedding venue extension to Conference Centre; creation of amphitheatre and pagoda for outdoor wedding ceremonies, for**

**Mr Stephen Hammon - Heart Of England Promotions.**

### **Introduction**

The case is referred to the Board in view of the site's planning history.

### **The Site**

This application site is within the wider premises of this Events and Conference Centre. These comprise a range of former agricultural buildings which have been reused in connection with the Centre and its recreational events business; a lake and some other areas of land with planning permission for outdoor recreation activities.

The location of this proposal is to the immediate south of the current range of events buildings on the site of a marquee which presently acts as an extension to that Centre. The general location within the holding is attached at Appendix A.

### **The Proposals**

It is proposed to extend the existing indoor facilities over the site of the existing marquee which would be removed so as to provide enhanced facilities. The extension would be a rectangular building with a link to the existing building. Overall, there would be 665 square metres of new floor space. The main building would have a ridge height of 5.7 metres. That of the link would be 4.5. It would all be constructed in horizontal timber cladding with a brick plinth and a roof of recycled rubber shingles or slates. There would be extensive fenestration in the south and east facing elevations over the open land. The structure would accommodate a large room for wedding receptions and have access through to the established facilities to the north via its new link. For information, the present marquee measures just over 500 square metres – 13 by 39 metres and is 4.5 metres to its ridge.

The proposed extension is illustrated at Appendix B. An illustration of the proposed elevations is at Appendix C.

Additionally, the proposal includes an outdoor wedding "chapel". Members will be aware that the centre has a licence as a wedding venue. In order to offer a slightly different "experience", it is proposed to engineer a circular outdoor amphitheatre which would be supplemented by a wooden pagoda with a tiled roof acting as a small chapel. This would be located to the south-east of the proposed extension. The amphitheatre would have a semi-circular appearance being some 15 metres across and around 3

metres deep with three or four tiers of seating. The open sided wooden pagoda would have a diameter of five metres and a height of 4.5 metres.

These elements are illustrated at Appendix B.

The applicant has submitted a supporting Statement in which he explains that the purpose of the application is to seek a more attractive and improved wedding facility which is currently hosted in the marquee on site. The design and the location of the proposal is said to be more in keeping and have less of a visual and landscape impact than the marquee. The structure would be constructed from wood sourced from the woodlands further to the south on the holding – both for the external cladding and for the internal superstructure. This is said therefore to be highly sustainable with all construction managed on site.

The applicant argues that the proposals are extensions to existing activities and uses already operating at the site and that the development would contribute to support the local economy and local businesses as well as provide local employment opportunities. The design and appearance of the structure is said to be in keeping with the rural outlook and cause little impact on the openness of the area.

## **Background**

The use of the site for outdoor recreation and conference facilities dated back to the early 2000's when the site developed as a conference and events centre aimed primarily at corporate customers and pre-booked recreational events. A lake was added in 2009. In 2016 planning permission was granted for a new hotel and extension to the conference centre, the latter of which has been taken up to the north of the current site. The centre hosts conferences, corporate entertainment and recreational events as well as weddings. This consent required removal of the marquee at the site by whichever date was sooner – three years of the date of the permission (that is 27/1/19) or three years from completion of the conference centre extension. Completion was prior to this date, but the marquee still has to be removed.

In 2016 planning permission was refused for an extension to the lake jetty which would accommodate a wedding chapel.

The marquee on the site is unauthorised, but enforcement action has not been considered to be expedient presently, in view of the submission of this current application.

## **Consultations**

Warwickshire County Council as Highway Authority – Objection because of the lack of information submitted on likely traffic generation.

Environmental Health Officer – No objection.

Warwickshire Fire Services – No objection.

## **Representations**

Three letters of objection have been received from local residents who refer to the following matters:

- This is out of character with the Warwickshire countryside – it's too big, incongruous and it would be lit.
- The approved hotel planning permission should cater for this activity.
- The marquee is unauthorised and it is now being “replaced”.
- There will be noise and disturbance from the centre and the amphitheatre as weddings at the centres create these problems.
- This is expansion when the Council has been heavily involved in enforcement action at the site and reference is made to Inspectors' comments on past cases.

Fillongley Parish Council objects for the following reasons:

- The marquee should not be used to justify the extension.
- It will impact on the Listed Old Hall building.
- This will not have a “low impact”.
- The pagoda is out of keeping.
- There will be lighting difficulties.

Corley Parish Council objects for the following reasons:

- Its size and scale are not appropriate to the Green Belt.
- There will be extra capacity and thus further adverse impacts through noise and light pollution.
- There will be added traffic issues.

## **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment) and NW17 (Economic Regeneration)  
 Fillongley Neighbourhood Plan 2019 – FNPO1 (Built Environment); FNPO2 (Natural Environment) and FNPO5 (Economy).

## **Other Material Planning Considerations**

National Planning Policy Framework 2019 - (the “NPPF”).

National Planning Practice Guidance – (the “NPPG”).

The Submitted Local Plan for North Warwickshire 2018 – LP1 (Sustainable Development); LP3 (Green Belt), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP31 (Development Considerations) and LP32 (Built Form).

The North Warwickshire Landscape Character Assessment 2010.

## Observations

### a) Green Belt

The site is in the Green Belt. Here the construction of new buildings is defined as being inappropriate development by the NPPF. As a consequence, it causes substantial harm to the openness of the Green Belt and thus there is a presumption of refusal. However, there are exceptions to this definition set out in the NPPF and it is necessary to see if any of these apply in this case. If they do, then the proposal would not be inappropriate development and not carry the presumption of refusal. There are three potential exceptions.

The first is where a proposed development is to provide “appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”. This does not apply as the facility being proposed is not one to be used in association with outdoor sport and recreation – the application is explicitly described as being for a wedding venue extension.

The second is where the proposed development is for a replacement building, provided it is in the same use class and not materially larger than the one it replaces. This is not the case here as the marquee is a structure that has to be removed anyway by planning condition. Moreover, the new building is materially larger than the marquee – 665 square metres as opposed to 500 (just over a 30% increase) and 2600 cubic metres as opposed to 1500 in terms of volume (a 70% increase).

The third is where it may be an extension to an existing building subject to it not being a disproportionate addition over the size of the original building. The application description is for a “wedding venue extension” and thus it is proposed to look at this exception in detail. The issue here is what is the “original building”? In this case that is the building that first benefitted from the planning permissions in the early 2000’s for the change of use of the former agricultural buildings. One of those became the original “centre” for the recreational uses permitted and it remains as the far northern section of the existing building on the site. That was extended under the 2016 hotel permission. The issue is whether the current proposal which further extends that section is disproportionate. The original building had a floor area of around 1000 square metres. The 2016 permission added 400 square metres and the current proposal would add a further 665 square metres. The combined extensions are therefore 1065 square metres – just over a 100% increase. The new areas of decking can be added to this as well as the floor area of the pagoda. If the same approach is taken in respect of volumes, then the combined increases over the original building are 4200 cubic metres as opposed to 7000 cubic metres – just over a 50% increase (excluding the pagoda). It is considered that these by fact and by degree are disproportionate. The proposal does not therefore satisfy this exception.

It can be argued that the amphitheatre works are engineering operations rather than building operations and should be excluded from the above calculations. They have been.

In conclusion therefore it is considered that the proposal is inappropriate development in the Green Belt. It thus causes substantial harm.

It is also relevant to assess what the actual Green Belt harm might be, notwithstanding the definitional harm identified above. This is to be assessed by way of looking at the impact of the proposals on the openness of the Green Belt and the purposes of including land within it.

There is no definition of “openness” in the NPPF but in planning terms it is generally taken to mean the “absence of development”. The NPPG however does provide guidance. This indicates that four elements should be considered any assessment. The first is to look at the spatial impact of the proposal. There will be a spatial impact here as the development adds substantially to the footprint of the original building as well as to the existing extent of the building. It extends them significantly southwards into open land. This is given added weight because of the proposed pagoda and amphitheatre which clearly encroach onto open land. The development is not surface development and thus its massing too will have a significant impact. The second is to assess visual impact. The proposals will clearly be visible from within the site and indeed in the wider setting of the land holding which is open land. They too would be clearly visible from the public footpath that crosses the holding just to the south of the site. It is highly likely too that the lighting inside the building would be visible from the outside given the amount of fenestration proposed. Thirdly, the proposals would be permanent which means that the impact on openness will be permanent. The final element in this assessment is to look at the levels of activity associated with the proposals. These would be significant – additional noise, light and activity in and around the building, the new decking and the wedding amphitheatre. This activity would be regular and not restricted to day-time hours. When all these matters are combined then it is acknowledged that the building would not be an isolated or stand-alone structure in open land as it would be seen and perceived as part of an established range of buildings. But the proposal marks a clear and identifiable extension of the range into open land with an associated increase in activity. The intensification of activity and building work would not preserve openness because of its scale and scope. It is considered that the level of harm would be significant.

It is considered that the development would not conflict with the four of the five purposes of including land within the Green Belt but there would be some conflict with the purpose of safeguarding the countryside from encroachment.

In overall terms therefore when these matters are assessed together it is considered that significant actual Green Belt harm would be caused.

## **b) Other Harms**

It is acknowledged that there would be no unacceptable drainage, flooding or ecological harm caused. The Environment Agency has confirmed that there is a relevant Permit in place to discharge to the recently completed reed beds. In this case however the main issues are not likely to be with these issues. A number of others need to be assessed. There is a Grade 2 Listed Building on the holding – Fillongley Old Hall – which was the former farmhouse for the agricultural holding here prior to the planning permissions that established the Heart of England Centre. The Hall is located about 50 metres to the north-west of the proposed building. The Council has a statutory duty to “have special

regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses". The Hall's heritage significance lies in its retention as a traditional agricultural farmhouse dating from the early 16<sup>th</sup> Century but with re-modelling and extensions in the mid-1800's. It had a functional and historic link to an associated range of agricultural buildings which stood nearby thus adding to its setting, but that has been replaced by the present structures and arrangements. There would be no direct impact here caused by the development on the architectural or historic characteristics of this asset. The main area of interest is whether the setting of the asset is harmed by the proposal. That setting has materially changed with the loss of the agricultural associations and the recent planning permissions. It is also reasonably distant from the current proposal. Overall it is concluded that the proposal would have less than substantial harm on the asset. Nevertheless, that harm should still carry great weight and be added to the harm side of the final planning balance and be weighed against any public benefits that might be offered by the proposals.

The site is within the "Church End to Corley Hills and Valleys" landscape area as defined by the North Warwickshire Landscape Character Appraisal 2010. The main characteristics of this area are "an elevated farmed landscape of low rounded hills, steep scarps and small incised valleys. This landform combined with extensive hilltop woodlands and tree cover creates an intricate and small-scale character, punctuated by numerous scattered farms and hamlets". It continues by saying that, "the majority of the character area is deeply rural and the tranquil Ancient Arden Landscape is apparent in the complex of woodland, former wood pasture and heath, winding frequently sunken hedged lanes and scattered farms and hamlets. This is most notable in close proximity to the west of Fillongley". The development would not materially affect these characteristics. This is because any adverse impacts are contained within the holding itself without affecting the wider landscape character; the buildings are close to an existing range of buildings and they are not taller than those. The overall mass of the building complex would increase, but in the wider landscape setting, this would not be material. However there would be a local impact as new development and activity would be introduced to an otherwise open area thus disturbing the overall rurality of the area. These are matters which have been logged by appeal Inspectors looking at other new developments on the overall holding. Hence overall there would be limited landscape harm caused.

In terms of visual impact then the size of the building and the associated wedding facilities and additional activity would cause harm in visual amenity terms. The mass of buildings here would be extended and that would be into open land visible from public footpaths. Additionally, the pagoda and amphitheatre introduce new elements that are not at all in keeping with the rural nature of the setting. But this impact would be local in effect and thus limited harm would be caused.

One of the issues that is important here, is the possible impact on neighbouring residential amenity. There are limited surrounding dwellings around the site, but some do adjoin the land holding and the proposal is located further away from these properties. The Environmental Health Officer has not objected considering that the separation distances and the use of planning conditions restricting noise levels and hours of use would be sufficient not to cause unacceptable impacts. However, the fact that conditions have previously been breached and complaints received about noise levels associated with wedding functions is a material planning consideration. As a

consequence, it is concluded that even with planning conditions, the development does have the potential to cause adverse amenity impacts and that this should be given moderate weight.

The Highway Authority has in effect issued a holding objection as it did not consider that it had sufficient information on which to assess the traffic and highway impacts arising from the new proposals. No additional information has been submitted to assist the Highway Authority and thus its objection remains. Given the recent consents here which did allow for increased traffic generation it is considered that this should be given moderate rather than significant weight.

Finally, the engineering works associated with the provision of the amphitheatre will involve earth works changing ground levels. There has been no assessment submitted as to the potential impact on the root systems of established trees that are present in this area – particularly alongside the existing pond. Moreover, the plans show no indication if trees are to be removed in any event. This uncertainty carries moderate weight as there could well be adverse visual and landscape impacts.

### **c) The Harm Side of the Planning Balance**

The harm side of the planning balance therefore consists of the substantial Green Belt harm caused; the significant actual Green Belt harm, the potential moderate harm caused to residential amenity, the limited landscape and visual harm caused, the less than substantial heritage harm and the unknown level of harm arising from the lack of traffic information.

### **d) The Applicant's Case**

The other side of the balance here comprises any public benefits that may arise from the development as well as any matters raised by the applicant which he wishes to be treated as material planning considerations supporting his case.

In this respect the applicant is very much putting a case forward that aligns with the public benefits side of the balance. The substance of the case is that the development would strongly align with Policy NW17 of the Core Strategy in that it delivers employment generation; broadens the local employment base and improves local employment opportunities. As such the proposal would also be supported by the NPPF in that it creates conditions that support the building of a strong and competitive economy where business can expand and adapt and it supports local business needs. Reference is also made to the NPPF's support for a prosperous rural economy and providing high quality opportunities for the health and wellbeing of communities. The applicant argues that the development extends and adapts existing functions and activity at the site and therefore underpins the sites' viability.

It is acknowledged that the overall thrust of these matters carries significant weight.

### **e) The Planning Balance**

It is now necessary for the Board to assess where the final planning balance lies between the cumulative harms identified and the benefits that might arise. The NPPF sets this out by saying that the benefits side of the balance should "clearly" outweigh the

harm side if the development is to be supported. If this is found to be the case, then the very special circumstances will exist in order to support the proposal.

It is not considered here that there is a clear difference between the harms and the benefits. This is because the level of Green Belt harm caused here is a high hurdle to overcome and the applicant has failed to provide the evidence to show how that might happen

Firstly, in setting out his case the applicant suggests that the wedding hosting function is ancillary to the established use of the holding as a Conference and Events centre which includes outdoor sport and recreation. He thus considers it is not inappropriate development, because it is associated with outdoor sport and recreation. This is not agreed, as the NPPF is explicit – for a development to be appropriate it has to be for a proposal that is an appropriate facility for outdoor sport and recreation. A wedding venue is not such a facility. Secondly even if the applicant's case is accepted, the NPPF exception is conditioned. The applicant has failed to submit any evidence to show compliance with those conditions and thus that the level of Green Belt harm is lower than that assessed by this report. As a consequence, the Board is asked to give preference to your officer's assessment of Green Belt harm.

Secondly, the Board has no evidence in front of it to show how local employment opportunities might improve or how local business might be supported over and above that which exists now. The proposal is also heavily weighted to indoor functions and activity and this suggests a move away from the scope of the original planning permissions for the use of the holding – indeed the applicant is saying that this side of the site's operations underpins the whole viability of the site. There is no evidence submitted as to how or why the proposed functions cannot reasonably be satisfied within the existing already approved spaces without yet further accommodation expanding into open land and there is no evidence to show why the additional wedding features are essential to the viability of the wedding business run at the site. There is also the valid concern that adverse amenity impacts might arise. The history of operations at the site is a concern to the extent that it is now a planning consideration in its own right that counts against the proposals. Additionally, without the support of the Highway Authority, the traffic and highway harms cannot be assessed. The applicant has not provided the information sought by that Authority.

In conclusion it is considered that the greater public benefit here is the protection of the Green Belt. This runs through both national and local planning policies. The Government attaches great importance to it and this is reflected in the Core Strategy with around two-thirds of the Borough so designated. It has also explicitly had an impact on shaping planning decisions on the wider land holding here. The openness and permanence of the Green Belt is thus further threatened by the appeal proposal.

## **Recommendations**

- a) That planning permission be refused for the following reason:

The proposal is inappropriate development in the Green Belt. It thus causes substantial harm to the Green Belt. It also causes significant actual Green Belt harm as well as potential moderate harm to residential amenity, limited landscape and visual harm as well as less than substantial heritage harm. It is



not considered that the planning considerations put forward by the applicant clearly outweigh the cumulative weight of the harms caused and thus do not amount to very special circumstances. This is because the proposal would not preserve the openness of the Green Belt due to its size and location; that the proposed benefits have not been demonstrably evidenced and thus the greater public benefit is the protection of the Green Belt. The proposals are therefore not in accord with Policy NW3 of the North Warwickshire Core Strategy 2014 nor policies FNP01, 02 and 05 of the Fillongley Neighbourhood Plan 2019 together with the National Planning Policy Framework 2019.

- b)** That authority be given to serve a Breach of Conditions Notice in respect of Condition 11 of planning permission PAP/2013/0391 dated 27/1/16 requiring compliance through the removal of the marquee on the site.

Notes:

- i) Notwithstanding the recommendation, the Local Planning Authority has met the requirements of the NPPF in this case through active engagement with the applicant in attempting to secure information and details in order to assess the effects of the proposals so as to enable a positive outcome.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2019/0166

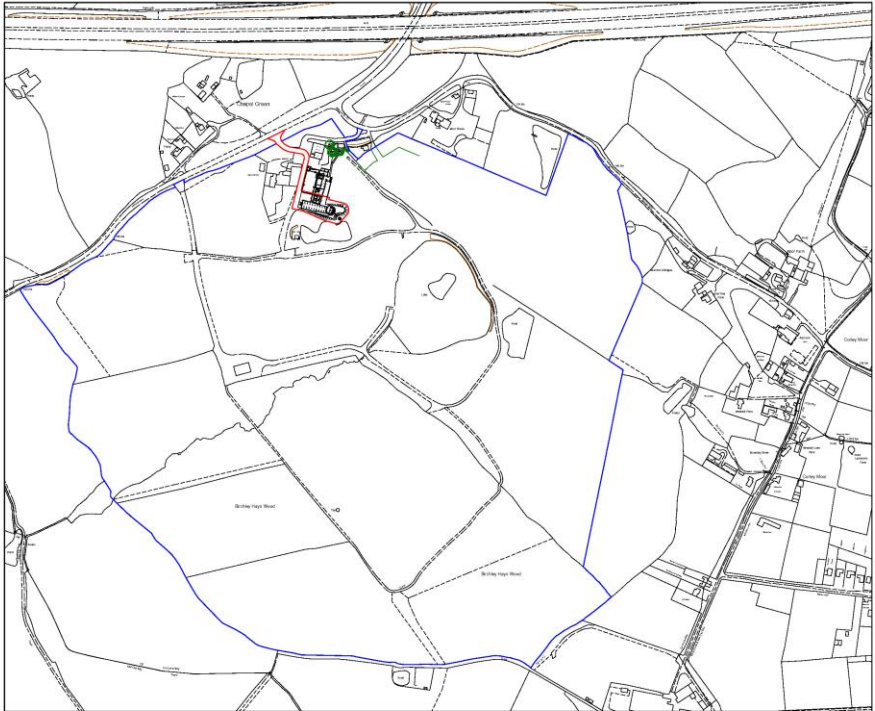
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21/3/19
2	WCC Highways	Consultation	5/6/19
3	Environmental Health Officer	Consultation	10/6/19
4	WCC Fire Services	Consultation	11/6/19
5	Local Resident	Objection	3/7/19
6	Local Resident	Objection	25/6/19
7	Local Resident	Objection	26/6/19
8	Fillongley Parish Council	Objection	24/6/19 29/7/19
9	Corley Parish Council	Objection	4/6/19

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

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

PAP20180106

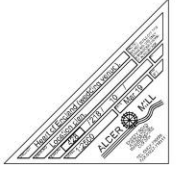
This plan is to be read in conjunction with the Planning and Development Act 2000 and the Planning and Development Regulations 2001. The Planning and Development Act 2000 and the Planning and Development Regulations 2001 are available on the website of the Department of the Environment, Heritage and Local Government. The Planning and Development Act 2000 and the Planning and Development Regulations 2001 are available on the website of the Department of the Environment, Heritage and Local Government. The Planning and Development Act 2000 and the Planning and Development Regulations 2001 are available on the website of the Department of the Environment, Heritage and Local Government.

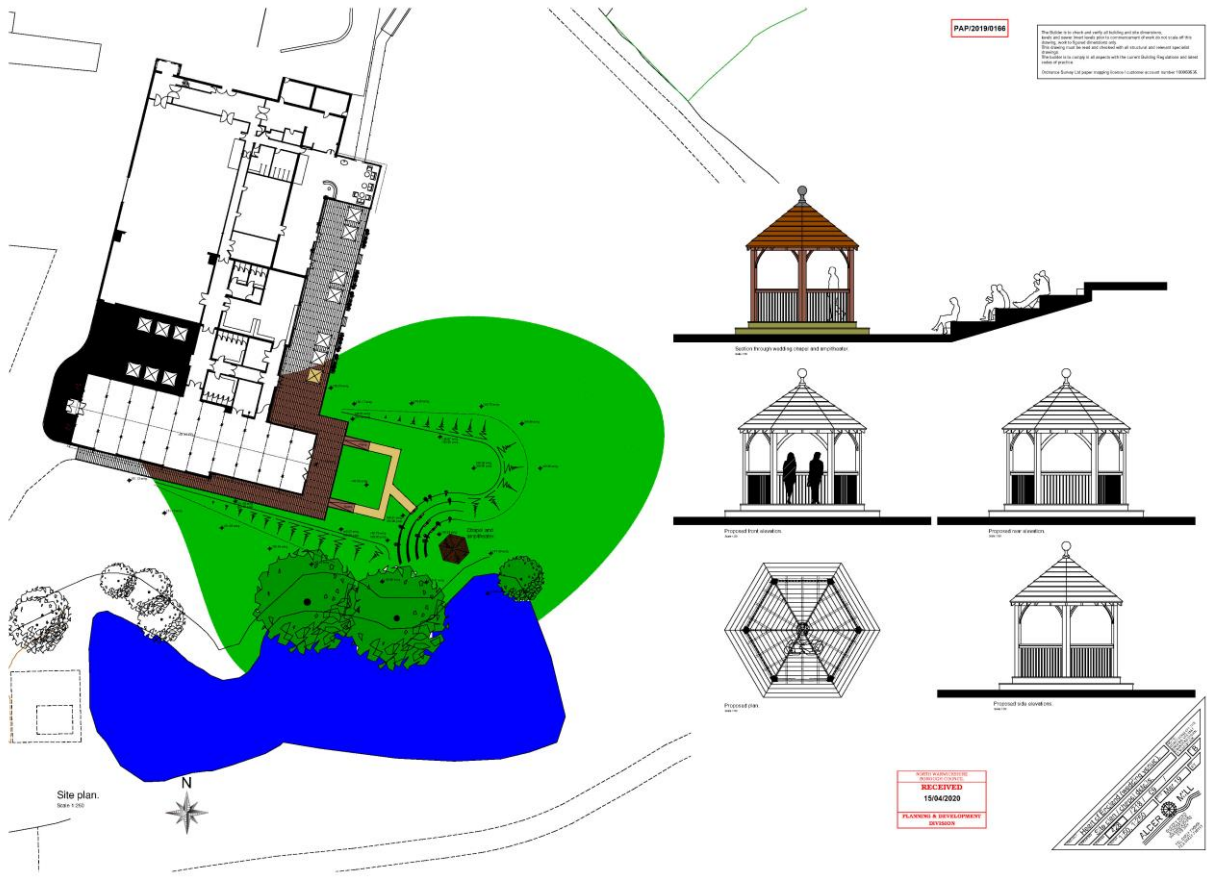


Location plan.  
scale 1:2500



RECEIVED  
21/03/2019  
PLANNING & DEVELOPMENT  
DIVISION

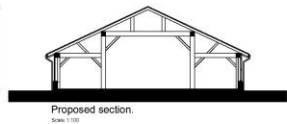
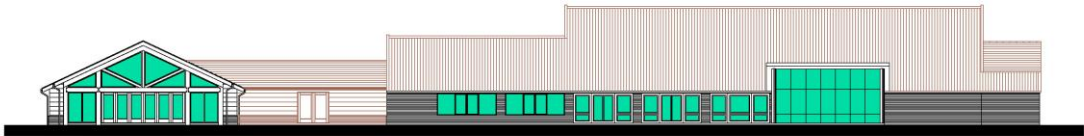
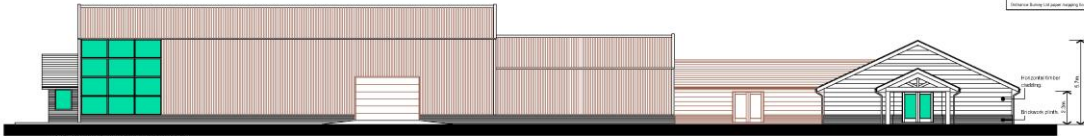




APPENDIX B

PAP20190166

This document is made available for public review and comment. It is not intended to be used for any other purpose. It is the responsibility of the applicant to ensure that all information provided is accurate and complete. The applicant is responsible for ensuring that the proposed project complies with all applicable laws, codes, and regulations. The applicant is also responsible for ensuring that the proposed project is consistent with the current zoning regulations and any other applicable laws, codes, and regulations. The applicant is also responsible for ensuring that the proposed project is consistent with the current zoning regulations and any other applicable laws, codes, and regulations.



SEALY COUNTY  
PLANNING & DEVELOPMENT  
RECEIVED  
21/03/2019

