

**To: The Deputy Leader and Members of the Planning and Development Board
Councillors Simpson, Bell, T Clews, Deakin, Dirveiks, Downes, Hayfield, D Humphreys, Jarvis, Lees, Macdonald, Morson, Moss, Parsons, H Phillips.**

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719221 or via e-mail – democraticservices@northwarks.gov.uk

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

8 MARCH 2021

The Planning and Development Board will meet on Monday 8 MARCH 2021 at 6.30pm via Teams. An email invite will be sent to Board members and the meeting will be live streamed on the Council's YouTube channel, accessible from the home page of the Council's website or at <https://www.youtube.com/user/northwarks>

AGENDA

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

REGISTERING TO SPEAK AT THE MEETING

PLEASE BE AWARE THAT THIS MEETING WILL BE TAKING PLACE
REMOTELY

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 719221/01827 719226.

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

- 3 **Minutes of the meeting of the Board held on 7 December 2020 and 11 January 2021** – copies herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

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

Summary

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

- 4a **PAP/2020/0303 – 89-91 Main Road, Austrey, CV9 3EG**
Conversion of outbuilding to dwelling.
- 4b **PAP/2019/0671 – Land Opposite Village Hall, Station Road, Whitacre Heath**
Outline application (access only) for the erection of up to 30 affordable dwellings.
- 4c **CON/2021/0001, 0002 and 0003 – Hartshill Quarry, Nuneaton Road, Nuneaton, CV10 0RT**
Retrospective permission for structures, use and plant outwith the main quarry permission area.

- 5 **Government Consultation National Model Design Code – Head of Development Control**

Summary

The Government is undertaking a consultation on a National Model Design Code and proposed changes needed to the National Planning Policy Framework (“NPPF”). The Board is invited to forward its representations.

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

- 6 **Exclusion of the Public and Press**

Recommendation:

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

- 7 **Confidential Extract of the Planning and Development Board Minutes held on 7 December 2020 – 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

7 December 2020

Present: Councillor Simpson in the Chair.

Councillors Bell, T Clews, Deakin, Dirveiks, Downes, Hayfield, D Humphreys, Jarvis, Lees, Macdonald, Morson, Moss, Parsons and H Phillips.

Councillors Jenns and Reilly were also in attendance.

With the consent of the Chairman, Councillor Reilly spoke on Minute No 22(c) – Planning Applications (Application No CON/2020/0015 – Birmingham Road, Water Orton) and 22 (f) (Application No PAP/2018/0349 Land South and South West of Whitegate Stables, Kingsbury Road, Lea Marston).

With the consent of the Chairman, Councillor Jenns spoke on Minute No 22(g) – Planning Applications (Application No. PAP/2020/0340 – 3 Hillside, Kingsbury).

19 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Dirveiks declared a non-pecuniary interest in Minute 22(a) (Application No. PAP/2020/0561 – Memorial Hall, Long Street, Atherstone) and took no part in that decision.

20 **Minutes**

The minutes of the meetings of the Planning and Development Board held on 5 October and 2 November 2020, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

21 **Budgetary Control Report 2020/21 Period Ended 31 October 2020**

The Corporate Director – Resources reported on the revenue expenditure and income for the period from 1 April 2020 to 31 October 2020. The 2020/2021 budget and the actual position for the period, compared with the estimate at that date, were given, together with an estimate of the out-turn position for services reporting to the Board.

Resolved:

That the report be noted.

22 Planning Applications

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

Resolved:

- a That in respect of Application No PAP/2020/0561 (Memorial Hall, Long Street, Atherstone) it was not expedient to make an Order and as such the proposed works to the mature London Plane tree identified in Appendix A can proceed;
- b That Application No PAP/2020/0562 (2 Owen Street, Atherstone), be deferred for further information;
- c That Application No CON/2020/0015 (Birmingham Road, Water Orton) the Council objects to the proposed lorry routes on the grounds of the significant amenity impact of noise, dust and vibration to the residents of Water Orton;
- d That Application No. PAP/2020/0358 (79 Friary Road, Atherstone) be approved subject to the following conditions:
 - 1 The Standard Three Year condition
 - 2 Standard Plan number condition – plan numbers 01C; 03B and 05B
 - 3 The building hereby approved shall not be used for any purpose within Class C3 of the Town and Country (Use Classes) Order 2020 other than for use incidental to the residential use of 79 Friary Road and specifically nor for any use within Class E of the Order

REASON - In the interests of the residential amenity of neighbouring property
 - 4 No development whatsoever shall commence on the development hereby approved until a Method Statement has been submitted and approved in writing by the Local Planning Authority, to show how the construction of the building and the basement is to be carried out including the measures to be taken to remove the excavated material from the site; the means of supporting surrounding land

during construction with particular attention to the adjoining footpath and the measures to be taken to re-instate any damage to that path. Only the measures approved in that Statement shall then be implemented and continued through the whole construction period. At least twenty four hours' notice of commencement of works shall also be given to the Local Planning Authority

REASON - In the interests of the residential amenity of neighbouring occupiers.

- e That Application PAP/2020/0420 (Tamworth Road, Wood End) be approved subject to the conditions set out in the report of the Head of Development Control;

[Speaker: Richard Brown]

- f That Application No. PAP/2018/0349 (Land South and South West of Whitegate Stables, Kingsbury Road, Lea Marston) be deferred for a site visit;

[Speakers: Kevin Oakley and James Taroni]

- g That in respect of Application No PAP/2020/0340 (3 Hillside, Kingsbury) be deferred for a site visit;

[Speakers: Rob Duncan and David Edge]

- h That in respect of Application Nos. PAP/2020/0568 and PAP/2020/0569 Planning and Listed Building Consent (Britannia Works, Coleshill Road, Atherstone) the Board be minded to grant permission and that power be granted to the Head of Development Control to determine the application in consultation with the Chairman, Vice Chairman, Opposition Spokesman and Cllr Dirveiks, subject to conditions and further consideration of the demolition method statement, procedures for the salvage of materials from the buildings to be demolished, heritage recording, public safety in respect of the public highway and residential property, the stability and structural integrity of the canal banks and frontage, the need to prevent contamination of the canal's water and the measures to be introduced to reduce noise and dust pollution during the demolition process.

23 **Planning Enforcement Policy**

The Head of Development Control introduced a review of the Council's Planning Enforcement Policy.

Resolved:

That a group of five members (comprising of Councillors Simpson, D Humphreys, Bell, Phillips and Morson) be formed to review the Council's Planning Enforcement Policy.

24 **Minutes of the Local Development Framework Sub-Committee held on 1 October 2020**

The minutes of the Local Development Framework Sub-Committee held on 1 October 2020 were received and noted.

25 **Exclusion of the Public and Press**

Resolved:

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

26 **Extract from the Planning and Development Board minutes – 2 November 2020**

Extract from the minutes of the meeting of the Planning and Development Board held on 2 November 2020, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

27 **Tree Preservation Order - Dordon**

The Head of Development Control requested the making of a Tree Preservation Order at an address in Dordon.

Resolved:

That a Tree Preservation Order at the address stated in the report of the Head of Development Control be confirmed.

28 **Enforcement Action – Curdworth**

The Head of Development Control sought confirmation of emergency action taken in respect of Planning Enforcement action at a property in Curdworth.

Resolved:

That the recommendations (a) and (b) as set out in the report of the Head of Development Control be approved.

Councillor Simpson
Chairman

**Planning and Development Board
7 December 2020
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/a	PAP/2020/0561	Atherstone Town Council	No objection	19/11/20
4/b	PAP/2020/0562	Atherstone Town Council	No objection	19/11/20
4/e	PAP/2020/0420	Applicant	Further information	25/11/20
4/f	PAP/2018/0349	Resident	Objection	30/11/20
4/g	PAP/2020/0340	Resident	Objection	23/11/20
		Resident	Objection	25/11/20
4/h	PAP/2020/0568 & 0569	Applicant	Further information	2/12/20
		Applicant	Further information	4/12/20
		Inland Waterways Association	Objection	5/12/20

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

11 January 2021

Present: Councillor Simpson in the Chair.

Councillors Bell, T Clews, Deakin, Dirveiks, Downes, Hayfield, D Humphreys, Jarvis, Lees, Macdonald, Moss, Parsons and H Phillips.

An apology for absence was received from Councillor Morson.

Councillors D Clews, M Humphreys and Parker were also in attendance.

29 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillors Bell and Dirveiks declared a non-pecuniary interest in Minute 30(b) (Application No. CON/2019/0025 – Environment Agency Lea Marston Depot, Coton Road, Lea Marston) by reason of being a substitute and Member of the Regulatory Board at WCC and took no part in that decision.

30 **Planning Applications**

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

Resolved:

- a **That Application PAP/2020/0324 (113 Church Road, Hartshill) be approved subject to conditions set out in the report of the Head of Development Control and the following additional condition**
 - (6) **That in the interests of highway safety, no work whatsoever shall commence on the development hereby approved until such time as a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. It shall include details of the hours of working and for deliveries, with particular reference to the position of scaffolding and the measures to be taken to retain and maintain unobstructed pedestrian and vehicular access to the Cemetery” and**

[Speakers: Councillor Roberts and Paul Lyon]

- b That in respect of Application No CON/2019/0025 (Environment Agency Lea Marston Depot, Coton Road, Lea Marston) Warwickshire County Council be advised that the Council continues to strongly object to the proposal for the reasons set out in the report of the Head of Development Control**

31 Government Consultation Public Service Infrastructure

The Head of Development Control introduced a consultation paper from the Government proposing a “fast-track” system for dealing with planning applications for public service buildings.

Resolved:

That the Head of Development Control prepares a draft response to the consultation paper including the comments set out in his report and additional concerns raised by Members at the meeting, to be circulated and agreed with Board Members, prior to it being submitted before the end of the consultation period on 28 January 2021.

32 Minutes of the Local Development Framework Sub-Committee held on 26 November 2020

The minutes of the Local Development Framework Sub-Committee held on 26 November 2020 were received and noted.

Councillor Simpson
Chairman

Agenda Item No 4

Planning and Development Board

8 March 2021

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 12 April 2021 at 6.30pm via Teams.

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
4/a	PAP/2020/0303	1	91 Main Road, Austrey, CV9 3EG Conversion of outbuilding to dwelling	General
4/b	PAP/2019/0671	11	Land Opposite Village Hall, Station Road, Whitacre Heath Outline application (access only) for the erection of up to 30 affordable dwellings	General
4/c	CON/2021/0001 CON/2021/0002 CON/2021/0003	36	Hartshill Quarry, Nuneaton Road, Nuneaton Retrospective permission for structures, use and plant outwith the main quarry permission area Proposed Aggregates washing plant and ancillary plant Variation of Condition 1 of main quarry consent NWB126/CM013 to allow earlier removal of spoil for re-processing	General

General Development Applications

(4a) Application No: PAP/2020/0303

89-91, Main Road, Austrey, CV9 3EG

Conversion of outbuilding to dwelling, for

Mr Darren Burchell

Introduction

This application is reported to the Board as an appeal has been lodged against its non-determination. This means that the Secretary of State is now the determining Authority and not the Council. The Council will however need to have a position to put to the Inspector handling the case. The report thus leads to a recommendation as if the Council had determined the case.

The Site

This is an outbuilding set to the rear of residential property which fronts the northern side of Main Road on the eastern side of the village.

Number 89/91 is a detached house which stands in large grounds. To the rear there are a series of outbuildings here comprising garages, workshops and stores. The application building is one of these – an L-shaped building constructed in brickwork. The site includes a long access track running south to Flats Lane and then onto Main Road varying in width from 2.6 to 4 metres. This has strong tree and hedgerow boundaries on either side and has a mixed gravel, tarmac and grassed surface.

A public footpath – the T 142 – runs alongside the outside eastern boundary of the application site and also down the access track referred to above and onto Main Road.

The general location of the site is shown at Appendix A

The Proposal

It is proposed to convert the building to a single two-bedroom dwelling which will require additional openings. Car parking space is to be provided on an existing tarmac area outside of the building and the site would be separated from number 89/91 by a fence so as to provide its own curtilage.

Access would be via the existing driveway from Main Road and Flats Lane to the south. It is proposed to have a three metre width throughout its whole length.

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

Photographs of the existing access are at Appendices D and E.

Consultations

Warwickshire Planning Archaeologist – No objection

Warwickshire County Council as Highway Authority – Objection

Warwickshire County Council (Rights of Way) - No objection

Environmental Health Officer – No objection subject to standard conditions

Representations

Austrey Parish Council and eight other residents object on the following grounds:

- The site is outside of the village development boundary
- Increased risk of flooding
- The access is unsuitable and unsafe
- Increased conflict between pedestrians and cars
- Widening of the access would lead to loss of hedgerow
- Detrimental Impact of views into the village from the north-east
- It impacts on the “green ring” around the village
- The village has already seen over 100 new houses approved in the village
- The building has no merit worthy of retention
- Other buildings in the village could be converted if this is allowed.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW10 (Development Considerations), NW12 (Quality of Development), NW 14 (Historic Environment) and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV13 (Building Design) and ENV14 (Access Design)

Austrey Neighbourhood Plan 2017 - AP1 (Hedgerows and Trees); AP2 (A “Green Ring”), AP3 (Views) and AP10(Windfall Development)

Other Material Planning Considerations

The Submitted Regulation 19 Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP15 (Historic Environment), LP16 (Natural Environment), LP31 (Development Considerations) and LP32 (Built Form)

Proposed Main Modifications to the Regulation 19 Local Plan 2021 – MM16 (in respect of Policy LP1); MM19 (in respect of LP2), MM52 (in respect of LP15), MM53 (in respect of LP16) and MM63 (in respect of LP31)

The Daw Mill Appeal – APP/R3705/W/19/3237408

Observations

a) Introduction

The application is to be determined against the policies of the Development Plan. The Core Strategy is one part of that Plan and it is currently under review. The Council is expected to publish proposed Main Modifications to the policies which were originally submitted to the Secretary of State, between the publication of this agenda and the date of the Board meeting. If this is the case, then there will be a period of consultation on these proposed Modifications. The Modifications do carry greater weight than the policies in the Submitted Plan, as they follow on from the Examination in Public into that Submitted Plan. They do not however carry full weight as they are still the subject of consultation. They may however amount to a change in the planning considerations affecting a proposal, should they be materially different to the policies in the Core Strategy. Where there have been no representations or proposed modifications, these policies may now carry significant weight. The weight to be given to the relevant policies in respect of the current application will be dealt with in this report.

b) The Principle of the Proposal

The application site is outside of the Austrey development boundary as defined by the Development Plan. In such a location the relevant policies of that Plan indicate that only development limited to a number of specific categories should be permitted. The application proposal does not fall into any of these categories. This approach has been taken forward into the policies of the emerging Plan at Policy LP2. As such therefore it would appear that there should be a presumption of refusal here. There are however a number of reasons for expressing caution. The first is that development boundaries have been found to be out of date following the Daw Mill appeal decision. They therefore only carry very limited weight. Secondly, there is a Proposed Modification to Policy LP2 of the emerging Local Plan – MM16. This says that in the case of settlements falling into Categories 1 to 4 of the settlement hierarchy – including Austrey – developments directly adjoining development boundaries may be appropriate amongst other things, if they are proportionate in size to the status of the settlement in the hierarchy and they satisfy both local and national planning policy when considered as a whole. In this case the proposal is for one dwelling in an existing building which is located very close to the development boundary. The Proposed Modification is considered to carry moderate weight as it arises from a full Examination of the emerging Plan by an Inspector. It therefore does amount to a change of circumstance. Given that the development boundaries under the Core Strategy are out of date, it is concluded that the Proposed Modification will outweigh the NW2 position. As a consequence, a refusal reason based on non-compliance with NW2 is not recommended.

This therefore means that the principle of the development is acknowledged. The issue therefore now turns to establish whether there are any significant and demonstrable harms that are likely to be caused. If there are then these have to be weighed in the final planning balance.

c) Landscape and Visual Impacts

It is not considered that there is any adverse landscape impact. The site is not within open countryside nor in an isolated location, being within a large established residential

curtilage. The building's conversion has no impact on the wider landscape setting of the site.

Notwithstanding the location at the rear of other buildings, the application building and its proposed large curtilage does adjoin a public footpath alongside its eastern boundary which then continues along the proposed vehicular access into the site. It is thus visible from the public domain. There will be a visual impact because of the introduction of increased residential activity. However, because of the distance of the path from the building; the intervening landscaping and that the application site already being within an established residential curtilage, that impact will be limited. It is acknowledged that the Austrey Neighbourhood Plan has policies AP2 and AP3 which both are intended to protect views into the village from outside so as to retain a rural or green edge to the village. However, because of the immediate setting of the application site and that it comprises an existing building, it is not considered that these two policies would be compromised.

It is agreed that the residential curtilage of the proposed conversion if permitted is large and that there would be permitted development rights available for the occupier in respect of curtilage buildings. Because of the size of the potential curtilage; its proximity to the footpath and the Neighbourhood Plan policies, it is considered that future visual impacts could be appropriately controlled through a planning condition withdrawing those rights.

d) Heritage Impacts

The Council is under a Statutory duty to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. There are two Listed Buildings close to the application site.

The Austrey Baptist Church is a Grade 2 Listed Building to the south of the site and it backs onto the existing track which will be used to access the site. There are however other buildings between it and the site. The significance of this heritage asset lies in the community connection of the church dating from the early 1800's with the village and its contemporaneous architectural features. It also stands in a prominent position on Main Road. The proposal will have no impact on the historic or architectural characteristics of the building. It neither will cause harm to its setting as its prominence will not be affected. There may be more traffic using the access track to the rear, but this would not materially affect the significance of the heritage asset here.

Number 87 Main Road is a grade 2 Listed Building again to the south of the site. Its significance is that represents an 18th Century residential property with contemporaneous architectural features reflecting the historic development of the village. There would be no direct harm caused to its historic or architectural features and indeed to its setting given the separation distances involved and the intervening built development.

In these circumstances it is not considered that there would be harm caused to these heritage assets.

e) Highway Matters

This is considered to be the key issue in this case and is a matter raised in all of the representations. The proposed access would make use of an existing private track that emerges onto the unadopted Flats Lane being a private access which provides access to the fields at the rear as well as to number 99 Main Road. The garage doors to number 99 immediately front Flats Lane and open over the access. All manoeuvring into them takes place in the access itself. It then joins Main Road adjacent to the cul-de-sac known as Kirkland Close and opposite the village shop.

The Highway Authority has objected to the proposal. It refers to the limited visibility of the Flats Lane access onto Main Road. The required standard of 2.4 by 43 metres can be obtained to the south, but not to the north because of restrictive hedgerows and the building line. This standard could be reduced in situations where there are low traffic speeds. In the absence of any evidence from the applicant that this is such a situation, the Authority maintains its objection.

The applicant argues that there would not be a material increase in traffic here as the new traffic generated by the new property would not be excessive when compared with the total amount of the existing use – residential access to and from number 99; the applicant's own use and by agricultural vehicles to and from the fields at the rear.

The Highway Authority considers that traffic movements along Main Road would historically be above the limit advised, for it to be a "low traffic" area. There is neither any road speed traffic data to establish actual traffic speeds. The representations received are based on first hand experience by the local community. They refer to the presence of the shop which does lead to increased traffic movements in the area opposite the junction and increased turning in the road; on-street car parking and the danger to pedestrians using the pavement on Main Road from traffic emerging from Flats Lane because of the substantial lack of clear visibility.

Core Strategy Policy NW10 (6) requires proper access to development sites. Policy LP31 in the emerging Local Plan continues this approach and the Proposed Modification MM63 to policy LP31 does not change this matter. The NPPF requires that safe and suitable access is provided for all users and points out that a highway refusal can be considered if there would be an unacceptable impact on highway safety. Policy NW10(6) is therefore considered to carry fully weight. In these circumstances and given the response of the Highway Authority it is considered that the proposal would not accord with NW10 thus causing significant harm, given that there is no evidence to rebut the Highway Authority's position.

f) Drainage Issues

Representations have referred to the potential of the proposal to increase flooding arising from the proposal. It is acknowledged that there is flooding in the Main Road area but as Members are aware it is not within the applicant's remit to resolve existing issues. In this case the proposal is for the conversion of an existing building and using existing hardstanding areas for car parking and access. It is not evident that such a proposal would materially increase the level of surface water run-off over and above that which occurs now.

g) Residential Amenity

It is not considered that there would be any adverse impact on the residential amenity of neighbouring occupiers because of the separation distances involved and that the proposed new openings would not affect neighbouring property. It is of note that the representations received do not refer to this matter

It is acknowledged however that there may be an impact arising because of increased use of the track and onto Flats Lane. This would mean more use thus affecting the rear of numbers 93 and 99 Main Road. The degree of any impact however is considered to be limited, in view of the proposal being for one small dwelling.

h) Conclusion

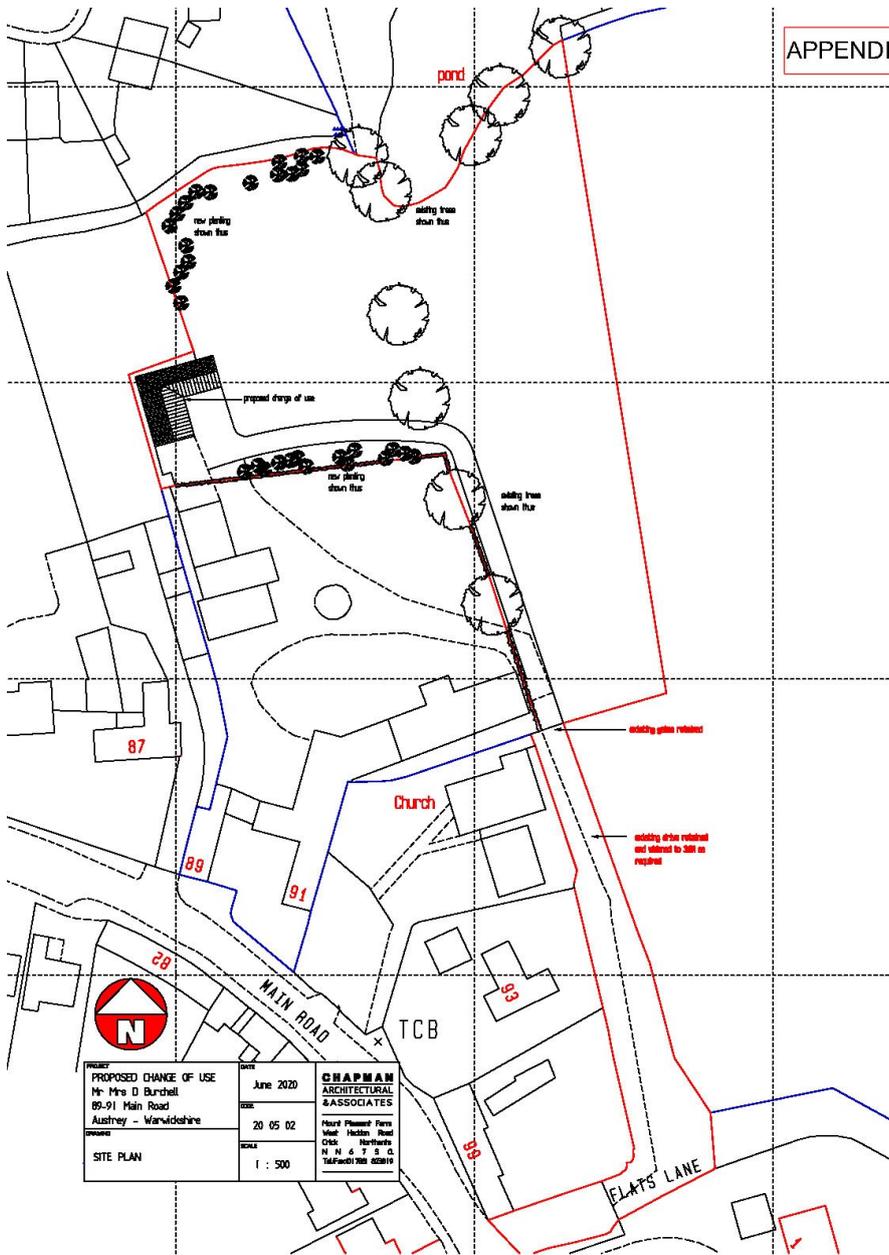
Whilst this proposal might be acceptable in principle, it is concluded from the assessment above that significant highway harm would be caused and that this is of sufficient to outweigh that principle.

Recommendation

For the purposes of the upcoming planning appeal against non-determination, the Secretary of State be informed that had the Council been the determining Authority it would have refused planning permission for the following reason:

1. It has not been shown that a safe and suitable access can be provided to the site. This is because of the intensification of use of an existing sub-standard access and the consequent adverse impact on road safety. The proposal does not accord with Policy NW10 (6) of the North Warwickshire Core Strategy 2014 as supplemented by Policy LP31 of the Emerging Local Plan 2018, the Proposed Main Modification MM63 to that Plan and paragraphs 108(b) and 109 of the National Planning Policy Framework 2019.

APPENDIX A

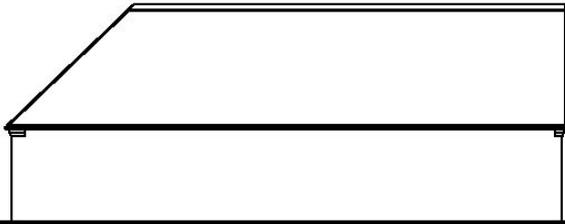


PROPOSED CHANGE OF USE Mr Mrs D Burchell 89-91 Main Road Austrey - Warwickshire	DATE June 2020	CHAPMAN ARCHITECTURAL & ASSOCIATES Hazel Plummer Farm West Haddon Road ONS - Northants NN 6 7 5 0 Tel/Facsim 01203 822619
SITES SITE PLAN	DATE 20 05 02	
SCALE 1 : 500		

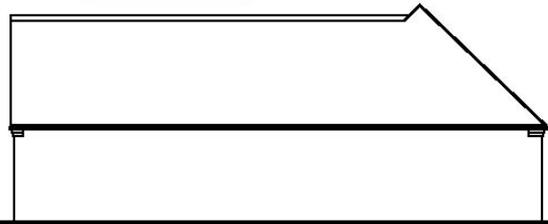
APPENDIX B

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
19/06/2020
PLANNING & DEVELOPMENT
DIVISION

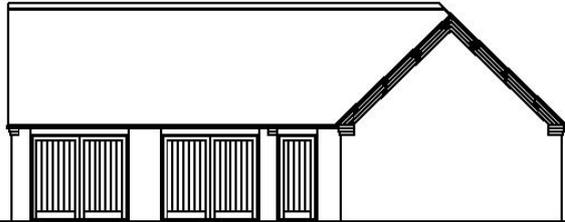
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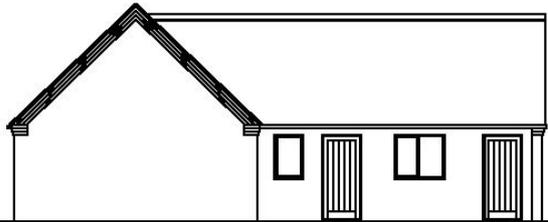
west elevation as existing



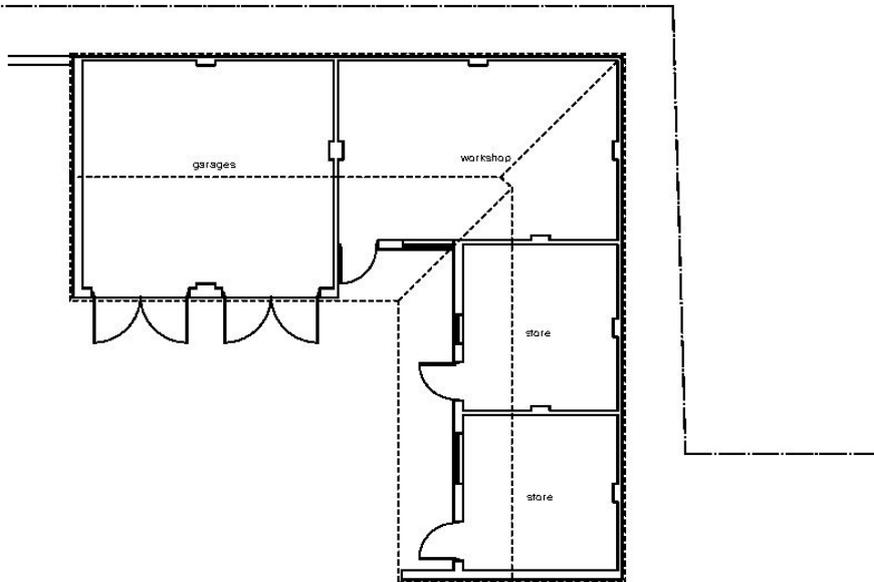
north elevation as existing



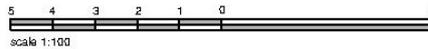
east elevation as existing



south elevation as existing



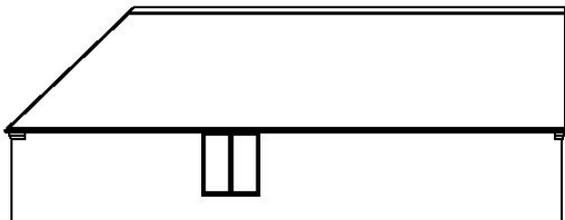
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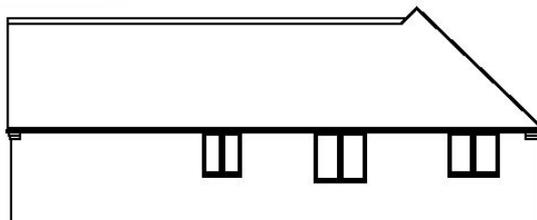
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PROPOSED CHANGE OF USE Mr Mrs D Burchell 89-91 Main Road Austrey - Warwickshire	April 2020	
OWNER	DATE	Mount Pleasant Farm West Hildon Road Oxley Warwickshire N W 6 7 S O Tel/Fax 01788 82819
SURVEY PLAN & ELEVATIONS	SCALE	1 : 100

WARWICK COUNCIL
RECEIVED
19/06/2020
PLANNING & DEVELOPMENT
DIVISION

PAP/2020/0303



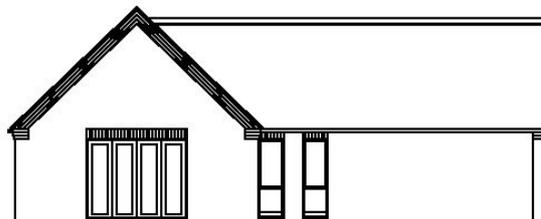
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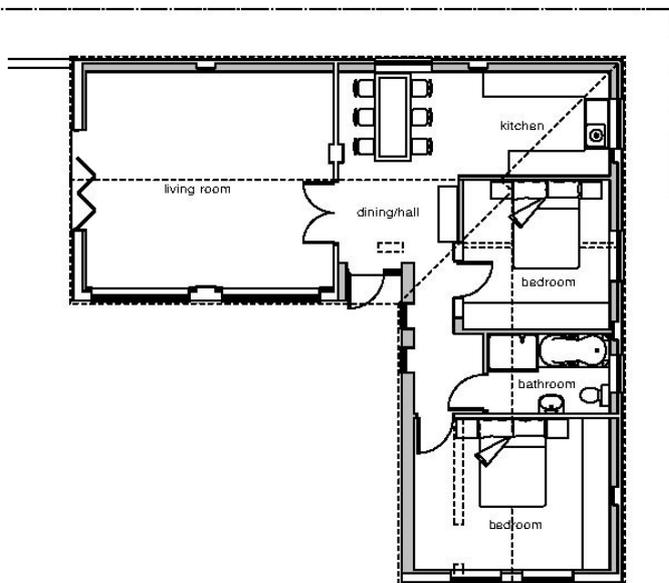
north elevation as proposed



east elevation as proposed



south elevation as proposed

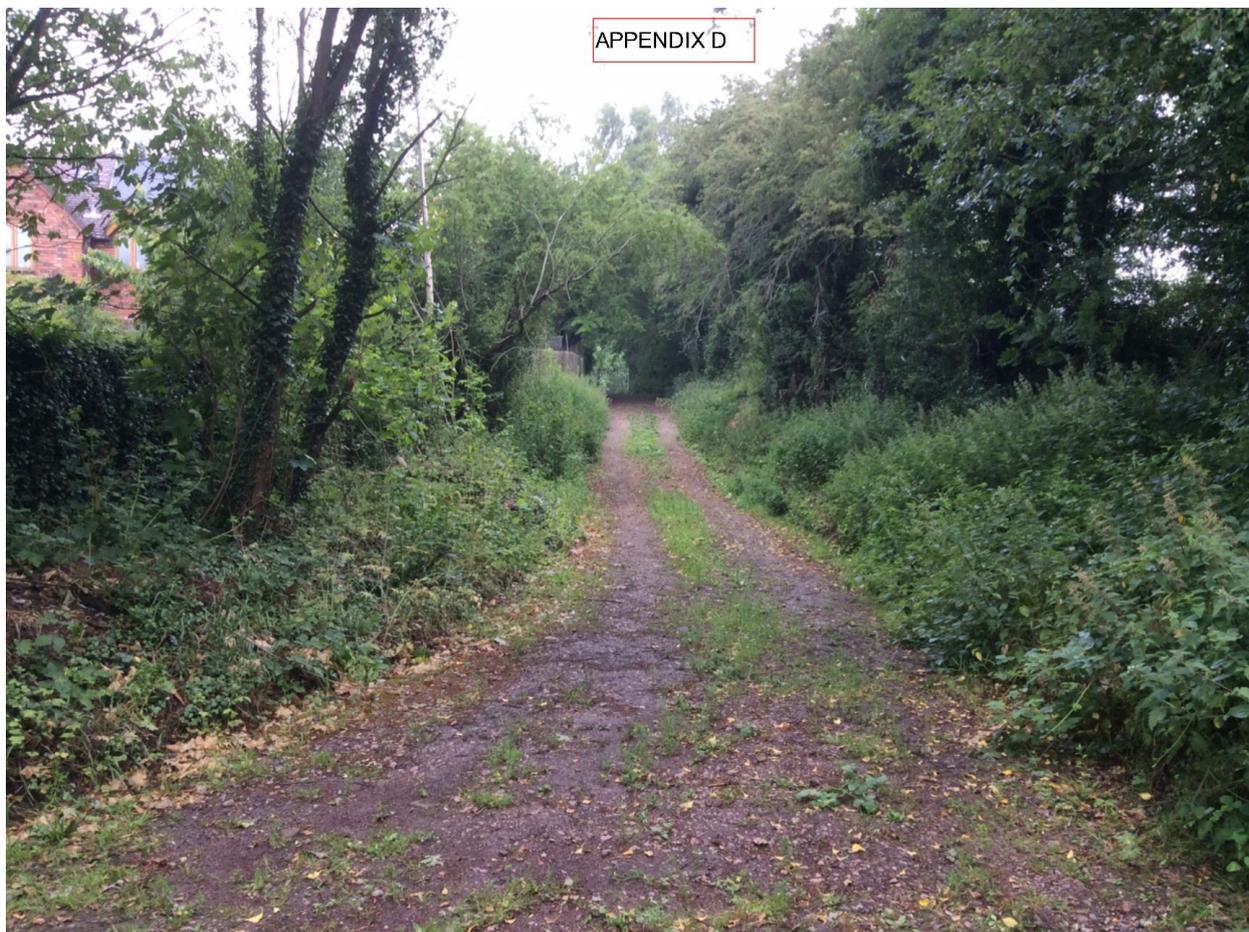


floor plan - proposed



PROJECT PROPOSED CHANGE OF USE Mr Mrs D Burchell 89-91 Main Road Austrey - Warwickshire	DATE April 2020	CHAPMAN ARCHITECTURAL & ASSOCIATES Mount Pleasant Farm West Haddon Road Oxley, Warwickshire N W 6 7 S Q Tel/Fax 01788 82819
OWNER PROPOSED PLAN & ELEVATIONS	DATE 20 05 04	
	SCALE 1 : 100	

APPENDIX D



APPENDIX E



General Development Applications

(4b) Application No: PAP/2019/0671

Land Opposite Village Hall, Station Road, Whitacre Heath,

**Outline application (access only) for the erection of up to 30 affordable dwellings,
for**

C/O Simon Cheshire - Agent

1. Introduction

1.1 This application was received in January 2020 and since that time the applicant has been seeking agreement with various Agencies on a number of technical matters. Discussions have taken some time and have not yet been resolved. As a consequence, the applicant has lodged an appeal against the non-determination of the application. The appeal has been acknowledged, but no “start” date has been set. Even so, this means that the determination of the application now rests with the Secretary of State and not the Council.

1.2 It is important that the Council has a “position” for the appeal and so this report has been prepared with a recommendation as if the Council was the determining Authority.

1.3. Although the application is in outline, it is a major development proposal and it is likely that the floor space to be created would be in excess of 1000 square metres. As a consequence, the 2009 Direction applies. Members are familiar with this in that the Council is able to refuse planning permission for such a development, but if it is minded to support such a proposal, it should first be referred to the Secretary of State. In this case an appeal has already been lodged and thus it is before the Secretary of State in any event.

2. The Site

2.1 The rectangular development site measures 1.4 hectares of pasture-land to the south of Cottage Lane and to the west of Station Road. The recent Tame View development of nine houses adjoins the site on two sides. This was the site of a former Social Club. The Village Hall and its car park is on the other side of Station Road and there are also residential properties fronting the other side of Cottage Lane. There is open countryside beyond the site to the south and west.

2.2 A general location plan is at Appendix A.

3. The Proposal

3.1 As described above this is an outline application for the erection of up to 30 affordable dwellings with just details of access included at this time. That access is shown as being off Station Road opposite the Village Hall building. All other matters, such as the layout and appearance of the houses, are to be “reserved”, so that they can be dealt with later at the detail stage, should an outline permission be granted.

3.2 The access is shown at Appendix B

3.3 The application was accompanied by several supporting documents.

3.4 A preliminary Ecology Statement says that there are no statutory or non-statutory nature conservation sites within or adjacent to the site and no evidence of protected species was recorded within the site. It concludes that the overall ecological value of the site is low with the on-site hedgerows and trees being important and thus these should be retained and enhanced. Additional measures such as landscaping with appropriate species and bird and bat boxes should be encouraged.

3.5 An Affordable Housing Statement draws attention to three factors in support of the proposal.

- i) There is a Borough wide shortfall in the delivery of affordable housing and there is no immediate remedy for this. It continues by saying that the emerging Local Plan sets out a requirement of 267 affordable dwellings a year. The proposal would assist in this delivery.
- ii) The Council's Waiting List of November 2019 for the Parish of Nether Whitacre Parish set out a demand for 23 dwellings over a mix of different house types
- iii) The minutes from the Neighbourhood Plan Committee Meeting of 12/10/17 included information from a questionnaire where 218 questionnaire were returned, indicating views on affordable housing and where development could take place. 98 responded that there was not a need for affordable housing based to meet local needs and 78 responded that there was.

3.6 A Flood Risk Assessment ("FRA") was updated during the course of the application process. It states that the site is wholly in and at the far extent of Flood Zone 3 and is partly defended by the River Tame flood embankment 200 metres to the west/southwest. The site too is confirmed as being in an area defended by the Lower 2015 Tame Flood Risk Management Scheme and is in an Environment Agency Flood Warning Area. The applicant in his FRA has undertaken further analysis at the request of the Environment Agency – including changes to the climate change allowances; a breach analysis and a sensitivity check. These have led to the conclusion that ground finished floor levels will need to be raised to 70.7 to 71.3 metres above AOD – the existing ground level is between 69 to 69.3 metres AOD. An Assessment of the Proposed Development is attached at Appendix C.

3.7 A Planning Statement incorporating a Design and Access Statement draws attention to the relevant planning policy context as well as to recent appeal decisions. Particular attention is drawn to the housing requirements set out in the emerging Local Plan; the lack of a five year land supply, the Daw Mill appeal decision citing that development boundaries are out-of-date, the exceptions defined in the NPPF in respect of development that might not be appropriate in the Green Belt and the affordable housing evidence in the associated supporting document. The applicant concludes that this is a sustainable development.

4. Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW4 (Housing Development), NW5 (Split of Housing

Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11(Renewable Energy), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) NW16 (Green Infrastructure) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1(Transport Considerations), TPT3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking)

5. Other Relevant Material Considerations

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

National Planning Policy Guidance – (“NPPG”)

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

The North Warwickshire Local Plan Submission Version, March 2018 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP7 (Housing Development), LP9 (Affordable Housing Provision), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP17 (Green Infrastructure), LP18 (Tame Valley Wetlands NIA) LP25 (Transport Assessments), LP29 (Walking and Cycling), LP31 (Development Considerations), LP32 (Built Form) LP35 (Water Management) and LP36 (Parking)

Proposed Main Modifications to the Submitted Version, 2021 – MM21 (in respect of LP1); MM24 (in respect of LP2), MM28 (in respect of LP3), MM41 (in respect of LP7), MM50 (in respect of LP9), MM59 (in respect of LP14), MM60 (in respect of LP15), MM61 (in respect of LP16), MM62 (in respect of LP17), M74 (in respect of LP31), MM82 (in respect of LP35) and MM83 (in respect of LP36)

Warwickshire Local Transport Plan 2011-2026 - LUT8 (Road Safety Audits); LUT10 (Appropriate Development), W7 (Footpath and Footway Standards) and W9 (Planning and New Developments)

North Warwickshire’s Five-Year Housing Land Supply – March 2019

The North Warwickshire Air Quality Supplementary Planning Document – 2019

Planning Obligations for Open Space, Sport and Recreation Supplementary Planning Document 2017

The North Warwickshire Landscape Character Assessment – 2010

The Daw Mill Appeal – APP/R3705/W/16/3149827

The Nether Whitacre Appeal - APP/R3705/W/19/3237408

The Dog Lane Appeal – APP/R3705/W/16/3144450

6. Consultations

Warwickshire Fire Services – No objection subject to a standard condition

Warwickshire Police (Architectural Liaison) – No objection but offers design advice

Warwickshire County Council as Lead Local Flood Authority – No objection subject to standard conditions for submission of a sustainable drainage and maintenance scheme. (see Appendix D).

Environment Agency – No objection subject to conditions in respect of flood attenuation measures and finished floor levels (see Appendix E).

Warwickshire County Council Highways - Insufficient information has been submitted to determine the impact of the development on the public highway network. As such there is an objection at the time of preparing this report.

Warwickshire Wildlife Trust – Objection as there is likely to be a significant negative impact on ecology as a consequence of this proposal.

Warwickshire County Council (Public Rights of Way) – No objection.

Environmental Health Officer – No objection in principle, but seeks conditions in respect of the contaminated land, a Construction Management Plan and Air Quality.

7. Draft Section 106 Agreement

George Eliot NHS Trust – It seeks a contribution of £24,846.00 towards additional health care services

Warwickshire County Council (Rights of Way) – It seeks a contribution of £3,435 towards the maintenance of local public footpaths

NWBC - A contribution of £62,352 is requested to enhance the existing play area in Birmingham Road together with a sum of £55,308 for its maintenance. If on-site provision is to be proposed, then these figures would need to be amended.

8. Representations

8.1 139 written objections have been received detailing the following points. Some of these objections are repeated following re-consultation after receipt of the updated Flood Risk Assessment.

- The importance of retaining the Green Belt particularly given the impact of HS2
- There is no shortage of houses for sale locally

- The brownfield land register shows that more appropriate land for housing is available in the Borough
- The Needs Survey is overstated as the 2014 survey suggested a need for eleven properties.
- There is a lack of facilities and services in the village and thus is not suitable for affordable housing
- Occupiers would need to have cars as there is no public transport.
- The site floods. There is a high ground water table and the whole area is in a Flood Warning Area.
- There is poor utility coverage in the village
- Wildlife will be affected
- The access is in a dangerous location onto a road close to a bend and with speeding traffic
- There will be added pressure for on-street car parking
- The proposal would not be in keeping with the character of the village and its setting
- Overlooking and loss of residential amenity.

8.2 The Nether Whitacre Parish Council objects supporting the matters raised above.

9. Observations

a) Introduction

9.1 The application is to be determined against the policies of the Development Plan. The Core Strategy is one part of that Plan and it is currently under review. The Council is expected to publish proposed Main Modifications to the policies which were originally submitted to the Secretary of State between the publication of this agenda and the date of the Board meeting. If this is the case, then there will be a period of consultation on these proposed Modifications. The Modifications do carry greater weight than the policies in the Submitted Plan, as they follow on from the Examination in Public into that Submitted Plan. They do not however carry full weight as they are still the subject of consultation. They may however amount to a change in the planning considerations affecting a proposal, should they be materially different to the policies in the Core Strategy. Where there have been no representations or proposed modifications, these policies may now carry significant weight. The weight to be given to the relevant policies in respect of the current application will be dealt with in this report.

9.2 The application site is in the Green Belt. The Modifications do not change this position. It is thus first necessary to establish whether the proposals are appropriate or not appropriate development. If they are appropriate, then the presumption is that planning permission should be granted unless there are significant and demonstrable harms caused, or other material planning considerations indicate otherwise. If the proposals are not appropriate, then the presumption is one of refusal because such development is harmful to the Green Belt. In these circumstances it will be necessary to establish what weight should be given to the applicant's supporting planning considerations so to assess whether they are of such weight to clearly outweigh that Green Belt harm together with any other identified harms. If they do, then they will amount to the very special circumstances sufficient to grant a planning permission. The report below will therefore follow the sequence identified here concluding with an assessment of the final planning balance.

b) Green Belt

9.3 The site is located within the Green Belt. The NPPF states that new development which is not appropriate in the Green Belt is harmful to the Green Belt and should carry a presumption of refusal. In this case the development is for the construction of new buildings and by definition in the NPPF, this is not appropriate development. However, the NPPF includes a number of exceptions to this definition. Two of these could apply here and thus both will need to be considered further.

9.4 The first of these is where the proposal is “limited infilling in villages”. This is not the case here. The site is not an infill site being open on at least two sides – to the west and south – and it is also open over half of its eastern side. It is as a matter of fact and degree, a physical extension to the current built form of the village.

9.5 The second is where the development is for “limited affordable housing for local community needs under policies set out in the Development Plan (including policies for rural exception sites).” There are several issues raised here, but firstly the exception relates to local community needs and these are to be defined under policies that are set out in the Development Plan. In this case, these policies are NW2 and NW5 of the Core Strategy. There is no adopted Neighbourhood or Locality Plan. Policy NW2 defines a settlement hierarchy for the location of new development and the position of any settlement within that hierarchy is dependant on its size and the provision of local services and facilities. New development should be in proportion to the position of a settlement within that hierarchy. The application site is not within any settlement defined in the hierarchy by a development boundary. As a consequence, new development is limited to a number of defined categories. One of these is development for affordable housing, but this will only be permitted where there is a local proven need; it is small in scale and is located adjacent to a village. Policy NW5 re-enforces this position by saying that outside of defined development boundaries, affordable housing will only be permitted if there is a proven local need; it is small in scale and does not compromise important environmental assets. As a consequence, in this case the policies set out in the exception could lead to the current proposal being defined as appropriate development in the Green Belt – it being for affordable housing and it being adjacent to a village.

9.6 It is therefore necessary to explore the remaining conditions set out in NW2 and NW5. The matter of it being a “local proven need” is looked at first. The applicant has not submitted an up to date Housing Needs Survey to evidence his case. The last Survey to be considered was dated July 2014 and this was submitted in support of an application for eleven dwellings in the Parish. It was given little weight by the Inspector dealing with a subsequent appeal – paras 9 and 10 of the “Dog Lane Appeal”. In light of this decision, it is of significant weight that there is no updated Survey submitted. The applicant refers to the outcome of questionnaire at a 2017 Neighbourhood Plan meeting, which he suggests indicates some support for affordable housing, but there is no adopted Neighbourhood Plan, nor has a draft been prepared for consultation. There is thus no weight given to this matter. He also suggests that there is support from a Local Housing Association in becoming involved, should a permission be granted, but that is not supported by any firm evidence. More importantly, it neither evidences a proven local need. All of these matters strongly suggest that the applicant cannot evidence “local proven need”.

9.7 He does however refer to the Council's own housing waiting list. He quotes a figure of 23 applicants who have given the Parish of Nether Whitacre as an area that they would want to reside in, as at November 2019. An up-to-date figure agreed by the Council's Housing Officer in January 2021 was 20. There is thus some support for this evidence. However, without establishing the actual needs of each applicant and the mix of actual house types and tenures for the site, it is not possible to evidence if the applicants could be appropriately housed on this site. Moreover, the list is only a "snapshot" and changes regularly as shown above. As a consequence, the waiting list evidence is only given limited weight.

9.8 The applicant also refers to the Borough wide requirement as expressed in the emerging Local Plan. This does carry weight, but it is considered that it should only be of limited weight as it does not satisfy the "local" criterion; it assumes that the affordable occupier is prepared to live anywhere in the Borough and also that any site proposed for affordable housing should be supported even in an un-sustainable location. It would not be appropriate for larger scale affordable housing to be located in settlements not identified in the settlement hierarchy for growth because of the lack of services and facilities.

9.9 Overall therefore it is not considered that the applicant has provided clear demonstrable evidence to support the case there being for a "local proven need"

9.10 The next factor is that the proposal should be "small in scale". An additional 30 units in Whitacre Heath is not considered to be small – a 20% increase in the number of houses already within the development boundary. Additionally, Policy NW5 of the Core Strategy refers to a figure of 20 new units within the village being appropriate and proportionate to its place in the settlement hierarchy.

9.11 There is also reference in the policies to there being no compromise of important environmental assets. In this case it is considered that such assets will be compromised. These will be looked later in this report when "other harms" are considered. However for the present, these harms are adverse impacts on the openness of the Green Belt; visual amenity and landscape character.

9.12 Summarising all of these matters therefore, it is considered that they do not provide sufficient confidence to show that the proposal clearly satisfies the exception defined in the NPPF in respect of "limited affordable housing". As a consequence, it is concluded that the proposal is not appropriate development in the Green Belt. As such the proposal is harmful to the Green Belt and that harm according to the NPPF, should carry substantial weight.

9.13 It is necessary now to review this conclusion in light of the Proposed Main Modifications as there is one – MM24 – that affects Emerging Plan policy LP2 which in turn relates to Core Strategy Policy NW2. There is no Modification affecting NW5. The site remains outside of the development boundary of Whitacre Heath and MM24 states that in such a location, all types of development will not normally be acceptable. Special circumstances need to exist to justify new development including "rural exception sites". However, all such development will be considered on its merits and with regard to other policies in the Plan. As a consequence, the current proposal has to be individually justified and importantly Green Belt policies still apply. The conclusion in para 9.12 is therefore not weakened.

9.14 MM24 also changes the approach to Category 4 settlements – including Whitacre Heath. That change says that development directly adjacent to a settlement boundary may also be acceptable. This is conditional and the conditions include enhancing the vitality of a rural community; being proportionate in scale to the relevant settlement and in compliance with local and national planning policy including Green Belt protection. The analysis above and in the remainder of the report, does not suggest that this proposal would satisfy these conditions.

9.15 As well as acknowledging this definitional harm, it is also necessary to establish what actual Green Belt harm is caused. The most important attributes of the Green Belt are its openness and permanence. There is no definition of “openness” in the NPPF, but in planning terms it is usually seen as meaning the absence of development. The NPPG however assists here as it promotes four elements that should be taken into account in any assessment of the impact of a proposal on openness. The first of these is a spatial element. Here the site is open land being outside of the built-up area of the village which in this location, is physically well defined. This land is also part of a much wider open setting un-interrupted by topography or other built development. Development on this area would be a clear expansion and extension of the established spatial limits of the village by fact and by degree. It is considered that harm would be caused, but that it would be moderate in extent because it has a local impact. The second is a visual element. The appearance of this part of the village would be materially altered through a good sized built development not only with new buildings but also the additional lighting. In this case too – as outlined in the consultation section above – any houses constructed here would need to be at least 1.5 metres above ground level. There is thus a third dimension that has to be included here. This would be noticeable from the public domain, materially changing the characteristic of this part of the village from rural to a more suburban one. This too amounts to moderate harm. The third element is the activity associated with the development. This would be material here with all of the domestic activity associated with a sizeable residential estate – both vehicle and human – contrasting with the very limited activity presently on site. This harm caused under this element is considered to be significant because of the degree of change. The final element is whether the development is permanent or temporary. Here the harm will be substantial as the proposal will be permanent. In all of these respects therefore the cumulative level of actual Green Belt harm is considered to be significant.

9.16 The proposed development is thus considered to be inappropriate development in the Green Belt resulting in substantial harm and significant actual Green Belt harm.

9.17 Members will be aware that any other harms also have to be identified so that if there are any, they can be added to the harm side of the final planning balance.

c) Other Harms

i) Landscape Character and Visual Amenity

9.18 The application site is within the “Hoggrill’s End to Furnace End – Arden Hamlets” landscape character area as defined by the 2010 Assessment. This is described as being a “gently rolling landform creating the setting for the intimate character of this area. A dense network of narrow winding lanes connect the many small hamlets, scattered properties and farmsteads, set within many small hedged fields with

numerous small copses, scattered and hedgerow trees. A key and integral element of this landscape is the dispersed settlement pattern of hamlets and farmsteads. Some modern houses are found on the edges of the hamlets and along roadsides. These do not detract from the markedly traditional settlement character". Amongst the landscape management strategies referred to are the maintenance of the historic dispersed settlement pattern; conserving the built character and the rural character by restricting changes in the use of rural land.

9.19 The proposal would not maintain the historic dispersed settlement pattern; the traditional settlement character or retain rural land uses. It would not reflect the intimate character of this area. This is due to its size; location and setting. The harm to the landscape and thus this environmental asset would be permanent. It would be significant in scale locally but would be more limited when the whole Landscape Character area is involved.

9.20 When looking northwards towards the development, any removal of the hedgerow to the front of the site due to highway access requirements and the raising of the dwellings from the current land levels, would expose the site making it very conspicuous. Landscaping mitigation would lessen the impact, but not sufficiently to negate any harm. The land is flat and exposed and therefore is visually prominent. The development would remove views of the wetlands from Station Road and Cottage Lane looking westwards and southwards to the River Tame. The proposal would have an urbanising effect on the area in depth too, due to the amount of development proposal and because of its increased height. That impact would cause significant visual harm, but as above, this would be local in extent.

9.21 As a consequence, the proposal would not accord with Policy NW12 of the Core Strategy which requires all new development to positively improve an individual settlement's character and appearance as well as the environmental quality of an area. Neither would it accord with Policy NW13 which requires the quality, character, diversity and local distinctiveness of the natural environment to be protected and enhanced.

9.22 Proposed Modification MM21 relates to Policy LP1 in the Emerging Plan. It retains the wording from NW12 -ie. demonstrating a positive improvement in an individual settlement's character and appearance as well as the environmental quality of an area. Proposed Modification MM59 relates to Policy LP14 in the Emerging Plan and contains the following – "Within the Landscape Character Areas defined in the 2010 Assessment, development should look to conserve, enhance and where appropriate restore landscape character". It is considered that these Proposed Modifications support, if not add weight to the conclusion in para 9.21 above.

ii) Bio-Diversity

9.23 The applicant's ecology analysis is questioned by the Warwickshire Wildlife Trust and this therefore raises doubts about potential ecological harms. The Trust points out that the site adjoins a provisional Local Wildlife Site and the Warwickshire, Coventry and Solihull Green Infrastructure data identifies this field as having '*high habitat distinctiveness*', combined with grassland and wetland connectivity value. Additionally, the Whitacre Heath SSSI is situated 230 metres to the north west of the site. The boundary hedgerows on the site are included on the 1883-1889 maps and constitute 'important' hedgerows for the purposes of the

Hedgerow Regulations 1997 The land is also within the Arden Landscape Character Area and the Trust's living landscape work seeks to create areas that are rich in wildlife and provide people with the opportunity to enjoy nature and all of its benefits. It is this assessment that leads to the Trust's assessment of the site having a high-level biodiversity, wetland and grassland rating. The Trust therefore objects to the proposal as at present, appropriate proposals for securing measurable net gains for biodiversity combined with sensitive landscape and habitat conservation, including the 'important' boundary hedgerows, and a vernacular Arden design are not incorporated into the development.

9.24 The Trust's assessment is preferred over the applicants in this case. It is considered that without a full Bio-Diversity Assessment of the site to establish the level of loss and the potential value of measures that are needed to establish the gains necessary to compensate, the proposal would not accord with Policies NW12, NW15 and NW16 of the Core Strategy. This Assessment should not be conditioned as the outcome is unknown and that may affect the scale, content and viability of the proposal. Policy NW12 requires all development proposals to provide, conserve and enhance bio-diversity; NW15 requires development to ensure a nett gain of bio-diversity and not to damage habitats and features of nature conservation importance and NW16 asks new development to demonstrate contributions to a green infrastructure network. In these respects, the proposal at the present time is considered to cause significant ecological harm.

9.25 Proposed Modification MM21 relates to Policy LP1 of the Emerging Plan. It retains the wording of Policy NW12 – ie. "all development must provide, conserve and enhance bio-diversity". Proposed Modification MM61 relates to Policy LP 16 of the Emerging Plan which in turn relates to NW15 of the Core Strategy. The Modification says that "the quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced as appropriate relative to the nature of the development proposed. This policy seeks to provide nett gains for bio-diversity". Additionally, "all developments that affect the natural environment will be required to provide sufficient information and an assessment of those proposals on the natural assets". Proposed MM62 relates to Policy LP17 of the Emerging Plan and to Policy NW16 of the Core Strategy. It says that "development proposals must where appropriate, demonstrate how they contribute to maintaining and enhancing a comprehensively and strategically planned green infrastructure network".

9.26 It is considered that these Proposed Modifications support and give added weight to the conclusion in para 9.24.

iii) Heritage Harm

9.27 It is acknowledged that no harm would be caused to any local heritage assets.

iv) Highway Impacts

9.28 Paragraphs 102 and 103 of the NPPF indicate the need to balance land uses within an area so that people can minimise journey lengths for employment, shopping, leisure, education and other activities. It also says that decisions should take account of whether safe and suitable access to the site can be achieved for all people – para 108 (c). Para 109 says that refusals on highway grounds should be considered if there

would be unacceptable impacts on highway safety or the residual impacts on the road network would be severe. Policy NW10 (6) of the Core Strategy accords fully with these objectives.

9.29 This is an outline application with all details reserved except for access. The submitted details of that access however are very limited, with no accompanying supporting evidence to show that the access would have no unacceptable impacts on highway safety, or that there would be no severe network impacts. The issue here is not necessarily the capacity of the local network, but the safety of the access location as shown on the submitted plans and any consequential environmental impacts.

9.30 The Highway Authority objects to the proposal because of the lack of evidence to show that the proposed access location can be shown to be safe. As a consequence, the requirement of Policy NW10 (6) of the Core Strategy of the NPPF to ensure provision of a safe and suitable access to the site for all users cannot be satisfied. This position should be given significant weight given that the applicant has requested that access details not be reserved for later determination.

9.31 Proposed Modification MM74 relates to Policy LP31 of the Emerging Plan and to Policy NW10 of the Core Strategy. No changes are proposed to the wording of the latter two policies as a consequence of MM74. The conclusion reached in para 9.30 is thus given added weight. At the present time significant highway harm will be caused.

v) Flooding Impacts

9.32 This issue has been raised in almost all of the local community objections that have been received. This is because the site lies within a designated flood zone and because local residents have experienced the consequences of flooding in and around this part of the village. A considerable amount of time has been taken by the various Agencies in addressing this issue. As can be seen from Appendices D and E, the Environment Agency and the Lead Local Flood Authority have both concluded that there is no objection in principle, but that this is subject to conditions in order to meet the policies set out in the NPPF. In short, they require finished floor levels to be at least 1.5 metres above road level and the submission of further details in respect of groundwater monitoring; fluvial flooding and the capacity of storage measures.

9.33 These two Agencies are the relevant bodies to give technical advice and both are fully aware of the site-specific issues at Whitacre Heath and flooding incidents. It is thus of substantial weight that neither has objected to the proposal. Unless there is rebuttal evidence submitted that can be verified by either Agency, the Board is advised that the proposals, with the conditions advised, accord with the flooding policies of the NPPF and those in the Development Plan, such that a refusal could not be recommended notwithstanding the reservations expressed by local residents.

9.34 Proposed Modifications MM80 and 81 relate to Policy LP34 of the Emerging Plan. They relate to flood management and do not alter the conclusion reached in para 9.33.

vi) Open Space Provision

9.35 A development of this size can be expected to provide on-site play provision. The applicant has indicated that a financial contribution towards the maintenance and

management of informal on-site open space and children's play space would be made based on the Council's SPD for such provision. This is likely to be included in a Section 106 Undertaking to be submitted to the Secretary of State for the applicant's appeal. As such, provided that this commitment is fulfilled there would be no harm caused.

vii) Impact on Services

9.36 Representations received refer to the potential impact of this development on local services which are considered to be operating at capacity at the present time. The relevant Agencies have been consulted and only the George Elliot Hospital NHS Trust request a contribution to the enhancement of its facilities and services. No contributions have been requested from the County Council as Education Authority nor as the Public Health Authority on behalf of the CCG's. In these circumstances there is not considered to be sufficient evidence to support a refusal based on lack of capacity.

9.37 However there is an issue in respect of Policy NW2 of the Core Strategy. As referred to above, this policy places the Borough's settlements within a hierarchy such that new development can be located in those settlements in proportion to their status in the hierarchy. Whitacre Heath is a Category 4 settlement in the hierarchy. This is because of its size and the lack of services. It has no school, doctor's surgery and no shop. There are no public transport routes running through the village. As such, Policy NW5 of the Core Strategy recognises that it should only support limited growth – 20 new houses up to between 2011 and 2029 and then usually on sites of no more than ten. Since 2011 there have been just the nine new units permitted in Whitacre Heath – the redevelopment of the former Social Club site adjoining the application site. An additional 30 houses is considered to be disproportionate to the place of the village in the hierarchy. Additionally, because of the lack of services and public transport the development is not a sustainable development relying wholly on private transport. As such too it may not be a suitable location for general affordable housing provision.

9.38 In respect of these matters it is considered that the proposal would not accord with the approach set out in NW2 of the Core Strategy. Moderate harm would be caused.

9.39 Reference has already been made to MM24 above as it relates to Emerging Local Plan policy LP2 and Core Strategy Policy NW2. The conclusions set out in paras 9.37 and 9.38 would not need be to be reviewed as a consequence of MM24. Proposed Modification MM65 expects all major developments to provide proportionate land or financial contributions to enable the provision of additional services and facilities in line with relevant supplementary planning documents. These matters are set out in Section 7 above.

viii) Residential Amenity

9.40 The proposal for 30 units on a site of 1.4 hectares – a gross density of 21 units per hectare - would enable a layout to be prepared to enable suitable private amenity space for future occupiers; for on-site open space and recreation provision as well as for surface sustainable drainage measures. It should also enable a layout that provides requisite space between the new houses and existing properties in Tame View and along Cottage Lane. However, in this case there is an additional consideration – the houses would be at least 1.5 metres taller. Those in Tame View are approved with a 0.3 metre increase over existing ground levels, but those in Cottage Lane are not. Normal

two storey development of 8.5 metres in height would thus be approaching 10 metres above ground levels. Greater separation distances would thus be necessary to provide appropriate safeguarding of residential amenity. Even at outline stage it should be noted that adverse impacts may well be caused as a consequence of the increased heights here. That should be afforded limited harm

9.41 Of greater significance is the complete lack of linkage or connectivity between the development and the remainder of the village. The proposal would be a self-contained appendage with no sense of “place” and offering no enhancement or cohesiveness with the established community. In these respects, the proposal fails to accord with policy NW12 of the Core Strategy; Section 12 of the NPPF or recent design guidance published by the Government. This amounts to significant harm given the character of the village and that the development is for affordable housing provision.

9.42 Proposed Modification MM74 relates to Policy LP31 of the Emerging Plan and Policy NW10 of the Core Strategy. It would not alter the conclusions reached in para 9.40

9.43 Proposed Modification MM21 relates to policy LP1 of the Emerging Plan and Policy NW12 of the Core Strategy. There are no changes set out in that Modification that would lessen the weight of the conclusion on para 9.41.

d) The Harm Side of the Planning Balance

9.43 The report has concluded that the cumulative harms caused by the proposal on the harm side of the final planning balance are the substantial Green Belt harm; the significant actual Green Belt harm caused, the significant ecological, highway and visual harm, the significant harm to the character and distinctiveness of the village, the moderate landscape harm and harm to the recognised settlement hierarchy as well as limited harm to residential amenity.

10. The Applicants Considerations

10.1 It is now necessary to identify the considerations put forward by the applicant in support of the proposals. In essence these relate to the need for the Borough to meet its future affordable housing requirements given the growth proposed in the emerging Local Plan. In this case, this is linked to a local need in Nether Whitacre. As such it is his view that the proposal would be appropriate development in the Green Belt and should be supported as a sustainable development given its location.

10.2 It is acknowledged that in general terms, a development proposal promoting affordable housing provision and one linked to a local need should be given significant weight. However, in this case that degree of weight cannot be recognised. This is because the “local proven need” has not been demonstrated with robust evidence and the Council has an overall five-year housing land supply. This is confirmed in the Annual Monitoring Report for March 2019 as being a 6.39 year supply including a 5% buffer and more recently in the Wood End appeal of April 2020, where the Inspector concluded that the “Council has a five year supply” – para 12 of that decision letter. In these circumstances, only limited weight should be afforded to the applicant’s considerations.

11. The Final Planning Balance

11.1 In the final planning balance the Board has to assess where that balance lies between the total harms identified on one side and the benefits and considerations put forward by the applicant on the other. The NPPF is quite explicit in that the applicants' considerations have to "clearly" outweigh the cumulative harms caused, if the very special circumstances are to exist in order to support a proposal for development in the Green Belt that is not appropriate. Given the assessments identified above in paragraphs 9.43 and 10.2, there is not a "clear" difference. Indeed, the balance falls the other way, with the harm side clearly outweighing any benefits.

11.2 The Proposed MM24 however needs to be added into the final assessment. This relates to Policy LP2 of the Emerging Plan and to NW2 of the Core Strategy. Paras 9.13 and 9.14 above have already reviewed this Modification in respect of the assessment of Green Belt harm. Those conclusions equally apply in the overall final planning balance. MM24 does refer to developments perhaps being appropriate adjacent to settlement boundaries – as here – but this is conditioned. The MM explicitly says that the proposal has to be proportionate in scale to the relevant settlement and otherwise compliant with the policies in the Plan and national planning policy when considered as a whole, including in respect of Green Belt protections. Paras 9.38 and 9.39 found that the proposal would be disproportionate. Para 11.1 found that the applicant's case did not clearly outweigh the cumulative harms caused. As such the conditions identified in MM19 are not satisfied.

Recommendation

For the purposes of the upcoming planning appeal against non-determination, the Secretary of State be informed that had the Council been the determining Authority it would have refused planning permission for the following reasons:

1. The site is in the Green Belt. It is considered that the proposal is not appropriate development and thus substantial harm is caused. The applicant's case is not considered to clearly outweigh the cumulative harms caused so as to amount to there being the very special circumstances necessary to support the proposal. This is because there has been no robust evidence submitted to show a local proven need for affordable housing and the substantial harm caused to the openness of the Green Belt here by virtue of the size, location and setting on the site. The proposal does not therefore accord with Policy NW3 of the North Warwickshire Core Strategy 2014 and Section 13 of the National Planning Policy Framework.
2. It is not considered that the proposal would positively improve the character and appearance of Whitacre Heath. This is because of its size, location and setting. It is thus not in accord with Policy NW12 of the North Warwickshire Core Strategy 2014 and Section 12 of the National Planning Policy Framework.
3. It is not considered that the proposal would provide, conserve and enhance biodiversity; positively improve the environmental quality of the area, not damage habitats and features of nature conservation importance or ensure that there is a net gain of bio-diversity. This is because of its location, setting and its ecological

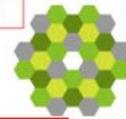
value and connections. It is thus not in accord with Policies NW12, NW13 and NW15 of the North Warwickshire Core Strategy 2014 and Section 15 of the National Planning Policy Framework.

4. It is not considered that the proposal would provide a safe and suitable access for all users because of its location and the nature and characteristics of the immediate setting. The proposal does not accord with Policy NW19 (6) of the North Warwickshire Core Strategy 2014 and Section 9 of the National Planning Policy Framework.

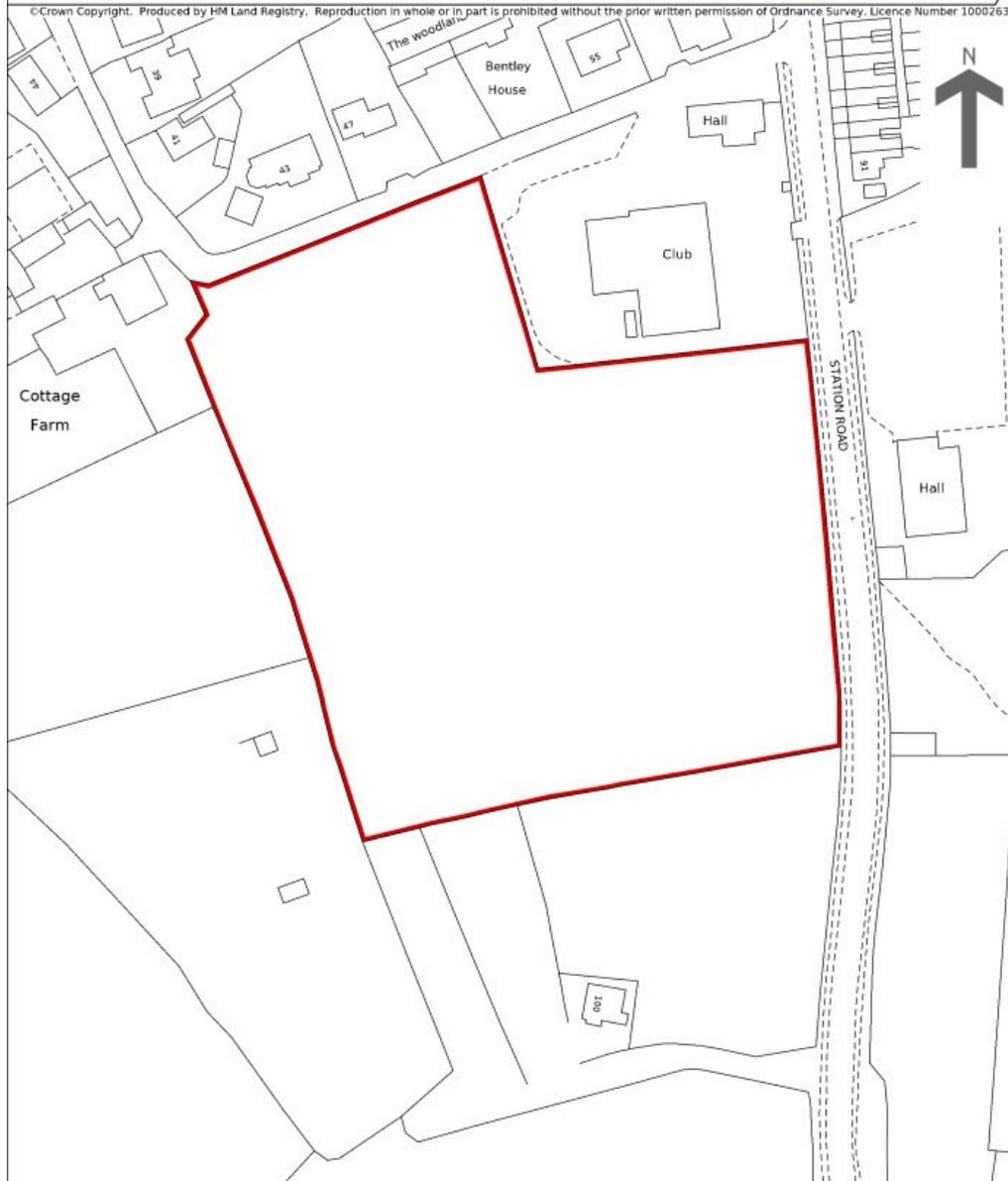
HM Land Registry
Current title plan

Title number **WK410545**
Ordnance Survey map reference **SP2192SE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Warwickshire : North**
Warwickshire

APPENDIX A



PAP/2019/0671



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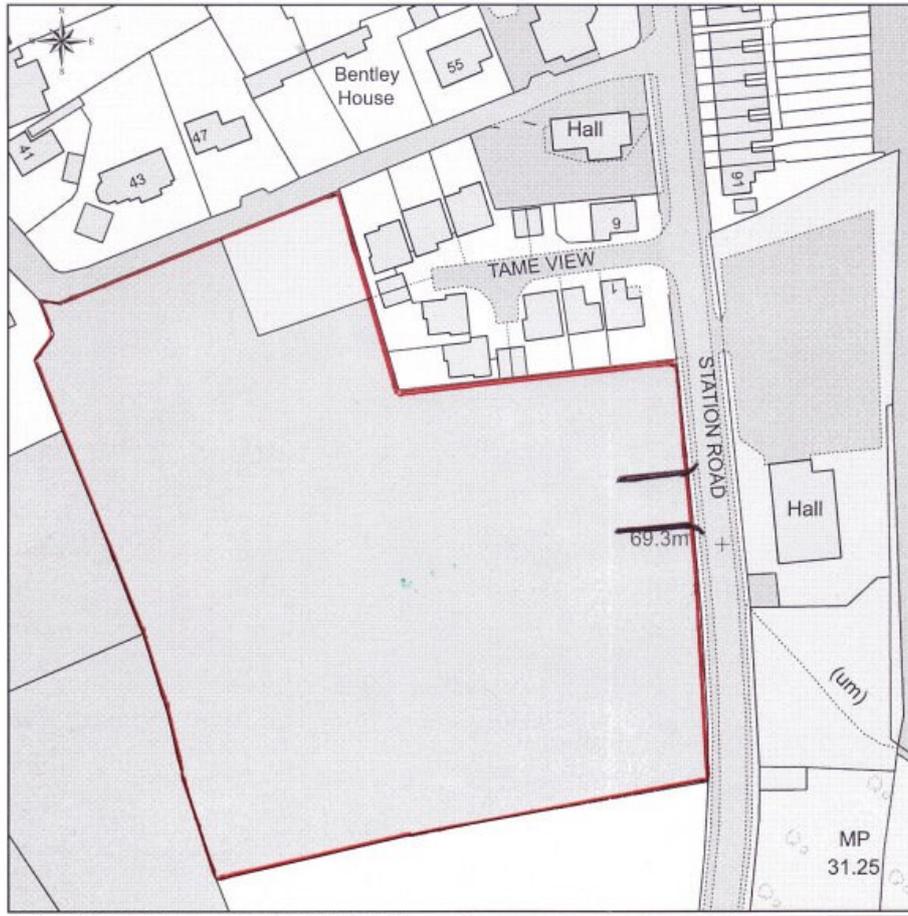
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This title is dealt with by HM Land Registry, Gloucester Office.

APPENDIX B

Site Location Plan

PAP/2019/0671

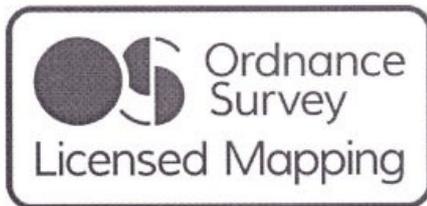


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0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4

Land west Station Road
Nether Whitacre B46 2EH



WATER ENGINEER'S REVISION LABEL
REVISION NO.
05/12/2019
PLANNING & INFRASTRUCTURE 3073207

plans ahead by emapsite™

Prepared by: Simon Cheshire, 03-12-2019

6.0 Assessment of Proposed Development

6.1 Proposed Development

The proposed development comprises:

- Erect new residential scheme with maximised porous / permeable areas as gardens / communal amenity
- Raise Ground FFL to appropriate level
 - Provide betterment of the adjacent approved scheme:
- Full flood resistance and resilience
- Refer to addendum on SUDS

6.2 Foul Drainage

Based on likely number of dwellings, the maximum peak foul discharge generated remains a nominal amount and is unlikely to give rise to any capacity concerns within the public sewer network.

Subject to the approval of the water company, it is proposed to utilize the existing combined sewer in Station Road and discharge to manhole 2401 / 2402 which has appropriate invert levels.

Gravity connection will be retained and suitable.

6.3 Surface Water Drainage

In accordance with NWDC, NPPF, PPG and LLFA policy requirements, sustainable drainage systems (SUDS) should be incorporated wherever possible to reduce positive surface water run-off and flood risk to other areas.

Intrusive ground investigation works have not been carried out on site at this stage, however, the likely strata as per the British Geological Survey (BGS) mapping suggests the strata and watertable would potentially be not suitable for the use of infiltration SUDS techniques; groundwater levels and percolation testing in accordance with BRE365 will be undertaken as part of detailed designs to confirm the potential for infiltration.

Infiltration is not required for the SUDS strategy at this stage, as corroborated by soakage testing at the approved PAP/2015/0674 site which is representative of this site.

As a precaution for the discharge connection, so as not to rely on an unknown and to demonstrate a worse case of SUDS storage on site with restricted discharge, it is recommended that SUDS techniques are restricted to the use of surface storage, permeable paving and additional storage with restricted discharge to sewer.

Other options as per original report:

- watercourse: none adjacent, proximate or feasible
- informal drainage network: none adjacent, proximate or feasible

It is proposed to provide an attenuation based surface water strategy to serve run-off from the proposed roof area, with a residual positive discharge rate being restricted to a minimal 3.0 l/s.

Please refer to Appendix D with the addendum which shows the scheme can have sufficient space for surface water using surface storage SUDS as required by the LLFA.

This is required to take account of the likely high watertable / geology.

6.4 SUDS Storage Strategy: there is sufficient space for a 30 dwelling scheme

- Refer to Appendix C for the sanity check storage calculations
- Refer to Appendix D for the Addendum which demonstrates and verifies that a 30 dwelling development will leave sufficient space for surface SUDS
- The strategy only needs to use integrated planters and surface storage rain garden / bioretention areas to meet the storage requirements
 - Note, given the lack of scheme as this is an outline application for access only, in detailed planning there can be green roofs with integrated incorporated which would further demonstrate the ability of the scheme to fit in the correct amount of surface SUDS

Whilst internal rainwater harvesting is not used at this stage, it is recommended that rainwater pipes are fitted with water butts wherever feasible. Whilst the use of water butts won't reduce the design criteria of the receiving below ground drainage system, their use will reduce the time of entry and provide a supply of water for irrigation.

It will be necessary for the surface water drainage system to comply with the Environment Agency's pollution prevention guidance. Roof run-off is classified as uncontaminated and, in accordance with EA pollution prevention guidance, will not require any treatment. Any surface water run-off draining through permeable paving will receive an adequate level of filtration through the associate substrate.

6.5 Maintenance

With respect to maintenance, the proposed SUDS techniques should be maintained in accordance with the appropriate regimes set out within the SUDS manual and will be the responsibility of the owner / management company. A SUDS maintenance schedule is included within Appendix E.

7.0 Summary

This updated FRA includes

- a) the developer inquiry with Severn Trent
- b) a breach analysis
- c) a design response to address the breach analysis flood levels
- d) an addendum to demonstrate a 30 dwelling development can be accommodated on a 1.42ha site, with still space remaining for shallow surface storage SUDS.

Based on the likely flooding risk, it is considered that the proposed development can be constructed and operated safely in flood risk terms, without increasing flood risk elsewhere, in fact reducing flood risk overall and is therefore appropriate development in accordance with the NPPF/PPG.

APPENDIX D

Your ref: PAP/2019/0671
Our ref: WCC001756 R3/FRM/SW/004
Your letter received: 28/09/2020



Mr J Brown
Head of Planning
North Warwickshire Borough Council
The Council House
South Street
Atherstone CV9 1DE

Flood Risk Management
Warwickshire County Council
Shire Hall
Warwick
Warwickshire
CV34 4RL

Tel: 01926 412982
FRMPlanning@warwickshire.gov.uk
www.warwickshire.gov.uk

FAO Andrew Collinson

14 October 2020

Dear Mr Brown,

PROPOSAL: Outline application (access only) for the erection of up to 30 affordable dwellings.

LOCATION: Land Opposite Village Hall, Station Road, Whitacre Heath

APPLICANT:

Warwickshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 28 September 2020. Based on the information submitted the LLFA has **No Objection** subject to the following conditions.

Condition

No development and subsequent use of the development shall take place until a robust Sustainable Drainage Design to mitigate the ingress of groundwater, in line with the SuDs manual CIRIA C753, has been submitted to the LPA in consultation with the LLFA. The design shall include:

- Provide evidence of groundwater monitoring undertaken at the site to demonstrate the likely groundwater levels at the site.
- Assess the impact of fluvial flooding of the River Tame on groundwater levels at the site.
- Demonstrate measures to ensure the required storage capacity remains available during times of high groundwater.

Reason

To prevent groundwater ingress into the development drainage system, and prevent the increased risk of flooding.



*Working for
Warwickshire*

Condition

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, and an assessment of the hydrological and hydrogeological context of the development, 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. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753. Provide cross-sections of all proposed SuDs features.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 3.8 l/s for the site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.

Reason

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

Condition

No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan.

Reason

To ensure the future maintenance of the sustainable drainage structures.

Yours sincerely



Sophie Wynne
Planning & Sustainable Drainage Engineer

Approved Documents:

- Flood Risk Assessment & SuDs Drainage Strategy and Calculations_Land off Station Rad, Whitacre Heath, B46 2EH_September 2020

APPENDIX E

Andrew Collinson
North Warwickshire Borough Council
Development Control
PO Box 6
Atherstone
Warwickshire
CV9 1BG

Our ref: UT/2020/118475/04-L01
Your ref: PAP/2019/0671
Date: 15 October 2020

Dear Sir,

**FRA RECEIVED - OUTLINE APPLICATION (ACCESS ONLY) FOR THE
ERECTION OF UP TO 30 AFFORDABLE DWELLINGS.**

LAND OPPOSITE VILLAGE HALL, STATION ROAD, WHITACRE HEATH.

Further to our previous letter, dated 03 April 2020, we are now in a position to remove our objection, subject to the following comments and conditions.

Flood Risk

We have reviewed the revised Flood Risk Assessment, prepared by ARK Environmental Consultancy Ltd and dated September 2020.

The proposed development will only meet the National Planning Policy Framework's requirements if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment undertaken by ARK Environmental Consultancy Ltd entitled "Flood Risk Assessment & SUDS Drainage Strategy & Calculations (commensurate with scale and stage of scheme) : Updated with breach assessment Updated with Severn Trent developer inquiry Updated with addendum to demonstrate 30 dwellings and surface storage SUDS can both be accommodated on a 1.42ha site" dated September 2020 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 70.74 m above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The

Environment Agency
Sentinel House (9) Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

We note that this is an outline application including access and currently does not address the type of houses proposed. We are satisfied that at this stage the principle of development on this site is possible. However, for this development to be considered safe, finished floor levels would need to be set above the 1000 year flood level and ground levels may need to be raised to achieve this.

The FRA states the scheme can be designed with either *“ground FFL levels raised on a void to 70.74mAOD: which is 600mm above the likely 1in200year breach event”* or *“ground floors to be non-habitable, resilient and floodable such as garage / undercroft parking and storage such that all habitable areas would be on the first floor and be at c. 71.3mAOD and thus 1.11m above the likely breach flood heights”*

We would advise the applicant that we are opposed to the use of voids under buildings and undercroft parking.

Yours faithfully

Paul Gethins
Planning Specialist

Direct dial 020 3025 3075
Direct e-mail paul.gethins@environment-agency.gov.uk

End

2

General Development Applications

(4c) Application No: CON/2021/0001, 0002 and 0003

Hartshill Quarry, Nuneaton Road, Nuneaton, CV10 0RT

Retrospective permission for structures, use and plant outwith the main quarry permission area, for

- Crown Aggregates

a) CON/2021/0001

Retrospective permission for structures, use and plant outwith the main quarry permission area

b) CON/2021/0002

Proposed Aggregates washing plant and ancillary plant

c) CON/2021/0003

Variation of Condition 1 of main quarry consent NWB126/CM013 to allow earlier removal of spoil for re-processing all for Crown Aggregates

1. Introduction

1.1 The County Council is consulting the Borough Council on these three applications and inviting representations as part of its determination on them. They all relate to Hartshill Quarry and are thus dealt with together in this report. Numbers 002 and 003 really go together and need to be considered as such. Number 001 can be dealt separately.

2. The Site

2.1 Members will be familiar with the Hartshill Quarry, which in fact is made up of two – Boons and Jeas Quarries – on the east side of Hartshill, bounded by the settlement to the west and the Nuneaton Road and the Anchor Hill to the east.

2.2 A general location plan is at Appendix A.

3. Background

3.1 The combined quarries benefit from planning permission for the winning and working of mineral and the deposit of mineral waste and colliery spoil at the site until 21 February 2042. Restoration is required following cessation of the mineral extraction. The phasing programme means that over time the two quarries would be made into one through the removal of an intervening ridge. The majority of this work is in the north west part of the overall site, but phase one – the current working area to deepen the southern void - is expected to take 10/12 years

3.3 The quarry had been dormant since the late 1990's, but quarrying was re-activated in early 2018 under this planning permission, when a new operator took over the workings in the previous year.

3.4 There is an outstanding planning application for the erection of 382 houses on land immediately to the south-west of the quarry between its boundary and the present built-up edge of the settlement.

3.5 It is anticipated that the Council will publish the Proposed Main Modifications to the Emerging Local Plan between the date of publication of this report and the date of this Board meeting. Reference will be made to these Modifications, where relevant, below. An up to date position will be reported at the Meeting.

4. The Proposals – CON/2020/001

4.1 As indicated above this a retrospective application and can be dealt with on its own.

4.2 It seeks retention of buildings, plant and equipment used in connection with the quarry use. The site is outside of, but adjacent to the site covered by the quarry's planning permission. It is shown at Appendix A and in more detail at Appendix B. It essentially borders the Anchor Hill and includes the main quarry entrance. This area had been used for many years by the previous operator and had many structures located here, but most were removed when the quarry activity ceased. They have been replaced over the past two or three years since it re-opened. The County Council as Minerals Planning Authority has pointed out to the new operator that the site is outside of the area covered by the quarry permission and thus an explicit planning permission is required for the retention of new structures for use ancillary to the extraction of hard rock. The site however does benefit from a lawful use for the "processing of excavated and quarried material from Hartshill Quarry".

4.3 The application thus covers the retention of the access roads, manoeuvring and parking areas; a weighbridge, offices and welfare facilities, vehicle cleaning, plant and equipment, an existing aggregates washing plant, aggregates storage bays and drainage arrangements all in connection with the lawful use of the land as described above. Appendix B shows the layout of these features and Appendix C is a series of photographs of the existing plant.

4.4 The applicant has provided historic plans and photographs to show that the current application site has been extensively used in the past for the stationing of plant and equipment used in connection with the quarry activity.

5. The Proposals – CON/2020/002 and 003

5.1 As indicated above, these two cases go together because if the application to vary the original consent is approved under 003, the plant and equipment proposed in 002 would be required on site to implement that variation.

5.2 The main application (003) is to vary the extant quarry permission and is also retrospective as work had commenced in 2020. Many of the spoil heaps in the quarry were created at a time when the ability to extract stone from blasted material was much less efficient than is presently possible. Modern washing and screening plant will

recover a much higher percentage of usable stone, to the extent that it is now viable to re-work these heaps. During the re-activation of the quarry, the operator has identified a substantial quantity of previously worked material in a series of spoil heaps within the consented area that could be re-worked. The current approved phasing shows that these spoil heaps would have to be removed in any event as they presently cover unexcavated stone which is due for release in the later phases of the quarry operations. The material was planned for removal at that time and would be re-deposited elsewhere in the quarry as part of the restoration scheme. The current application thus seeks to vary the original permission so that this previously worked material can be reworked now alongside the approved quarrying activity in phase 1. Once removed, it will enable the stone underneath to be worked in the later phases as already approved. The applicant considers that the re-working would last up to six years which would be within the anticipated lifespan of Phase One. The site of these spoil heaps is shown at Appendix D and it can be seen that this is at the northern end of the overall site, adjacent to the site referred to under 001 above and located between the two quarries.

5.3 The location of this plant to work this material under 002 is shown at Appendix E; the layout is at Appendix F and an elevation is at Appendix G. The site for the plant has historically been used for plant and machinery and is level with a concrete platform and it can thus readily be re-purposed. The plant illustrated in the Appendices would be 7 metres tall at its highest, but the majority will be under 5 metres. The exception is a water tank which would be 12 metres high. There would be no crushing of aggregates here, just washing and sorting with the finished product conveyed to the storage bays described in 001 above. The applicant confirms that the compound would only be used for site-sourced material. Operating hours are proposed as 0700 to 1800 on weekdays; 0700 to 1300 on Saturdays with no Sunday or Bank Holiday working so as to align with the current approved hours at the quarry.

5.4 The application will provide materials that are already present in the quarry, but which are available without additional blasting/extraction activity required to access them. It will therefore increase the stock of mineral resource available to draw on as market needs dictate. It would be unlikely for there to be a material impact on traffic movement out of the site.

5.5 A Non-Technical Summary of the submitted Environmental Statement is at Appendix H.

6. Development Plan

The Core Strategy 2014 – NW10 (Development Considerations); NW14 (Historic Environment) and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV13 (Building Design) and ENV14 (Access Design)

Hartshill Neighbourhood Plan – H8 (Local Wildlife Sites) and H9 (Heritage Assets)

Saved Policies of the Warwickshire Minerals Local Plan 1995 – M1 (Areas of Search and Preferred Areas); M5 (Sterilisation of Mineral Reserves), M6 (Considerations and Constraints Affecting Mineral Extraction), M7 (Mitigation and Planning Conditions/Agreements) and M9 (Monitoring of Mineral Sites)

7. Other Material Planning Considerations

The National Planning Policy Framework

The Submitted North Warwickshire Local Plan 2018 – LP32 (Development Considerations); LP15 (Historic Environment) and LP16 (Natural Environment)

Proposed Main Modifications to the Submitted Plan 2021 – MM61 (The Natural Environment) and MM74 (Development Considerations)

The Submitted Warwickshire Minerals Plan – MCS1 (Supply of Minerals and Materials); MCS3 (Crushed Rock), MCS5 (Safeguarding of Minerals and Minerals Infrastructure) and DM10 (Mineral Safeguarding)

The North Warwickshire Air Quality Supplementary Planning Document 2019

8. Observations

8.1 These applications are all sited at the Quarry and are within its current operational area.

8.2 There is no objection to the retention of the existing structures. This is where the main processing plant was before the quarry closed and the lawful use of the land here is for the processing of excavated and quarried material from both Boons and Jeas Quarries. The plant and equipment are clearly functional in appearance and equivalent to that found on similar quarry sites in the country. This is generally located away from the main site entrance with the main range well within the site. Because of the rising land alongside the Anchor Hill and existing spoil mounds and heaps to the east, these structures are not fully visible from the road including from the site entrance. In other words, the existing topography largely contains the plant area visually such that they are not visible in the wider landscape. The residential property at The Anchor Inn and the canal towpath here are just below the ground levels of the site entrance and thus the plant area again will not be readily visible. There are other commercial premises in the area either side of the road and these are far more prominent. The site is neither visible from the site of the outstanding residential application referred to above. Because of the separation distances and the intervening landforms and woodland areas there would be no harm to heritage assets and given the current and past nature of the site, there is no ecological adverse impact. The main issues are considered to be noise and dust emissions. The applicant's noise assessments conclude that impacts will be restricted to the day-time periods when the quarry is operational but that the magnitude of the impacts is expected to be low. A dust management plan is proposed describing operational requirements as well as managerial control measures. The Environmental Health Officer has been consulted by the County Council and he has indicated that he concurs with the applicant's noise assessments in respect of this area of plant and the overall cumulative impacts. This is provided that working hours are retained as at present. However, given the change in circumstance with the adoption of the Air Quality SPD he recommends that any permission is conditioned so as to agree a "low emission strategy" for the plant and associated HGV movements.

8.3 The re-working of existing materials on the site is not objected to in principle. The site is within an active working quarry and minerals planning policy supports the re-processing and re-cycling of materials such as this, in order to increase supply sustainably. The spoil heaps to be worked are set well into the site between the two existing quarries and their re-working is unlikely to have any adverse landscape, visual, heritage or ecological impacts. Moreover, they are to be removed in any event under the terms of the extant permission even if this variation is not approved. The main issues are as above - assessments of noise and dust emissions from the re-working and the associated plant and equipment. The applicant's analysis similarly shows that there would be no impact in respect of noise, given the surrounding activity within the quarry site and that work would only be undertaken during the same hours as the quarry itself. A Dust Management Plan is also submitted. The Environmental Health Officer's supports the submission of the Dust Management Plan and has forwarded detailed comments to the County in that respect, in order to "tighten" the controls. He recommends that equivalent noise mitigation strategy is also conditioned.

8.4 There are two other matters that need consideration.

8.5 Firstly, there is the cumulative impacts of these proposals, particularly the potential noise and dust impacts when taken together and added to the same impacts arising from the authorised quarry activity. The applicant's Assessments indicate that when taken together there would be no material change over and above existing impacts. The Environmental Health Officer has acknowledged that this conclusion is reasonable, but as indicated above he has requested additional controls.

8.6 Secondly, the application to re-work the spoil has been submitted as a Section 73 application – a variation of an extant planning permission. As such the County Council is required, if it does not object to the variation, to grant a fresh full planning permission for the winning and working of minerals. In other words, it has to consider not just the condition the subject of the variation application, but all of the existing planning conditions. That consideration should include assessment against current Development Plan policies as well as all other material planning considerations. In this regard it is of significant weight that the applicant has recognised the proposed residential development proposal for up to 382 houses on land to the south of the quarry as a material planning consideration in his assessments. That residential site has been recognised as a "sensitive receptor" in respect of his assessment of potential noise impacts including the cumulative impacts. Additionally, in the applicant's covering letter he has indicated that he would exhaust the Phase One minerals before moving into later phases.

8.7 As indicated above, there is no objection in principle here to this variation and it is acknowledged that the proposed housing development to the south has been explicitly included within the scope of the applicant's Environmental Statement. The Council should be asking the County Council to consider the following matters within the variation application:

- i) Requiring exhaustion of extraction in Phase One before commencing Phase Two operations:
- ii) The operations to re-work the spoil heaps and the retention of the associated plant should have a defined time period and that should wholly take place within Phase One of the overall quarry phasing operations,

iii) The working hours and those of the associated plant should match that of the overall quarry operation.

iv) There should be a defined upper limit on noise emissions arising from both the re-working operations and the use of the associated plant,

v) A Dust Management Plan in line with the Environmental Health Officer's recommended additions should be agreed.

8.8 The Proposed Main Modifications listed in section 7 above would not change the recommendations set out below.

Recommendations

a) CON/2021/001

That the Borough Council has no objection subject to the imposition of conditions in respect of working hours being the same as those for the main quarry operations and conditions as recommended by the Environmental Health Officer.

b) CON/2021/0002 and 003

That the Borough Council raises no objection in principle subject to the matters as outlined in para 8.7 above.

BACKGROUND PAPERS

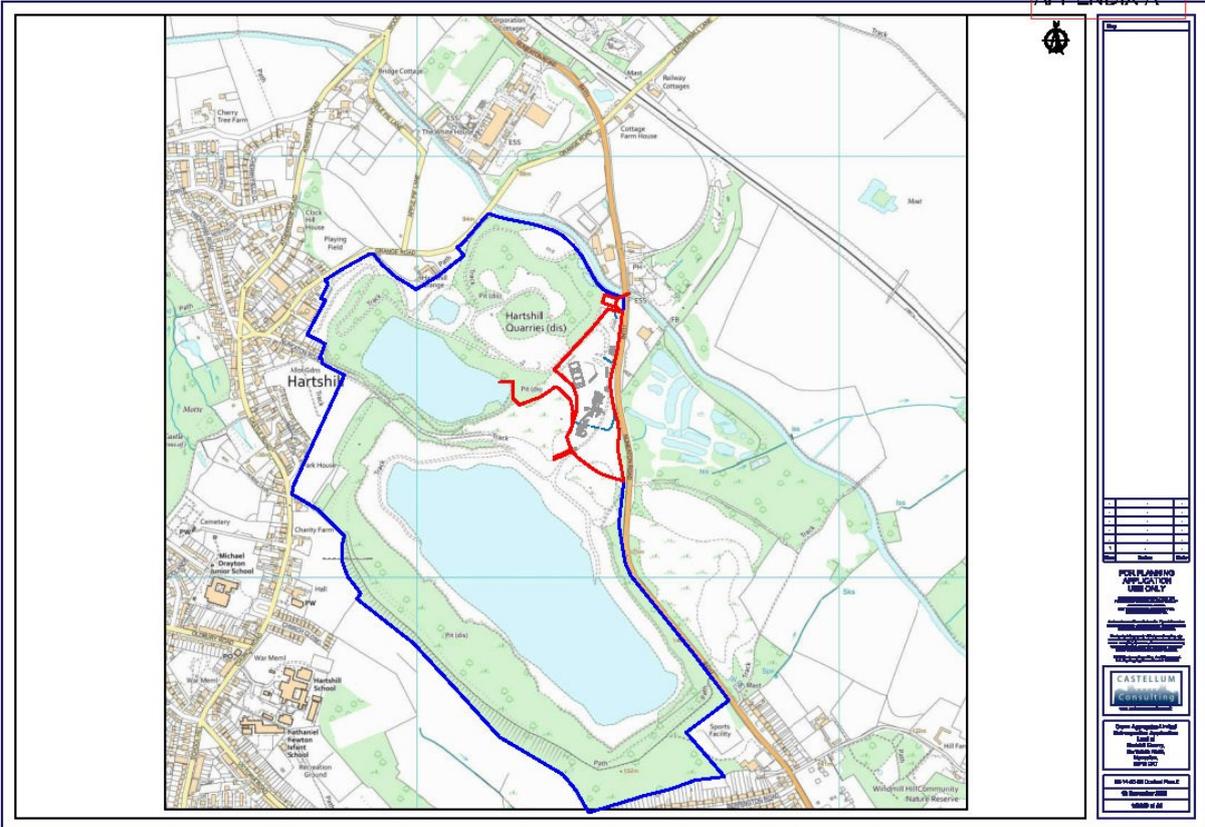
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: CON/2021/0001

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	4/01/2021
2	WCC Letter	Consultation	30/12/2020

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.

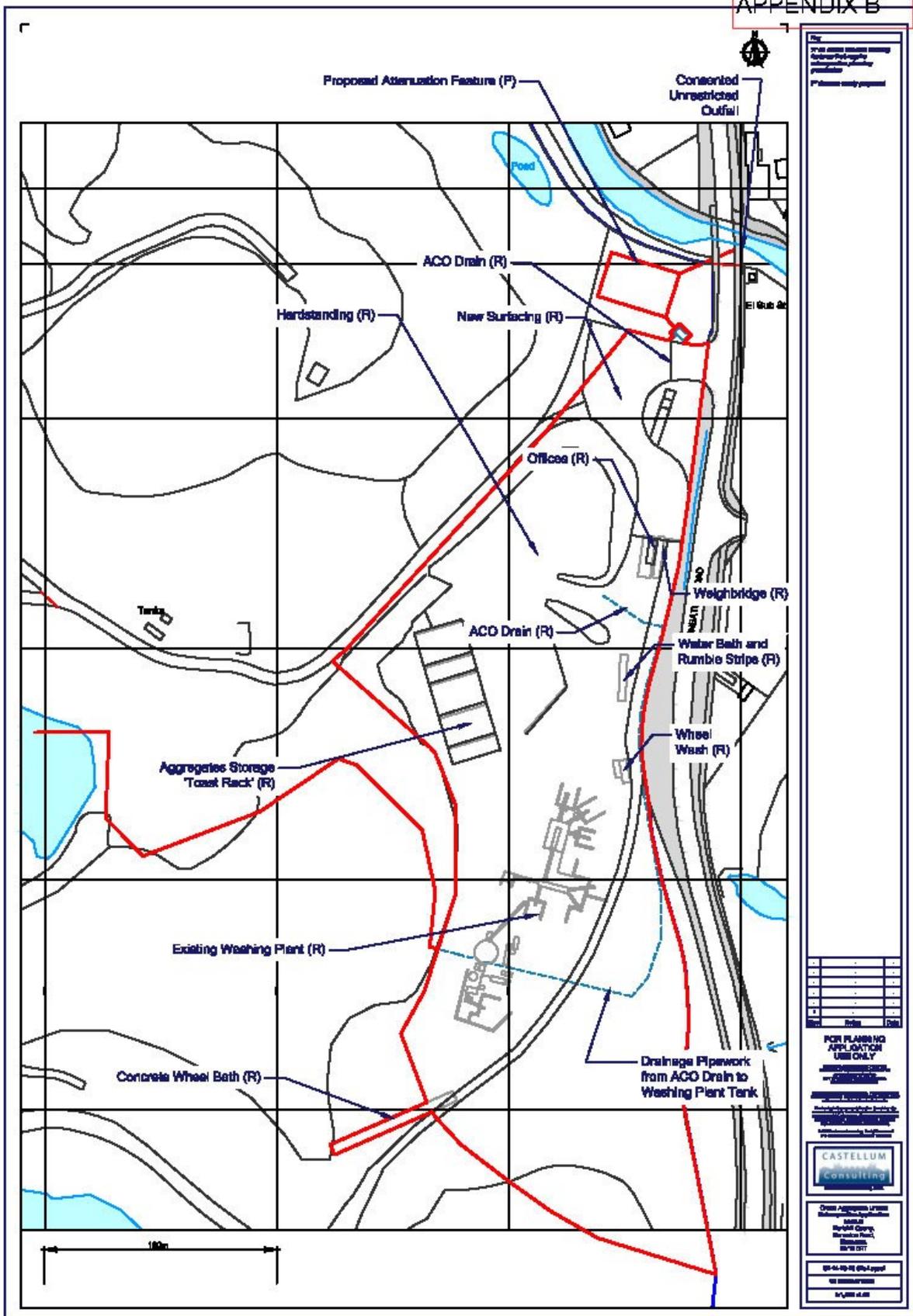
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



Scale

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APPENDIX B



APPENDIX C



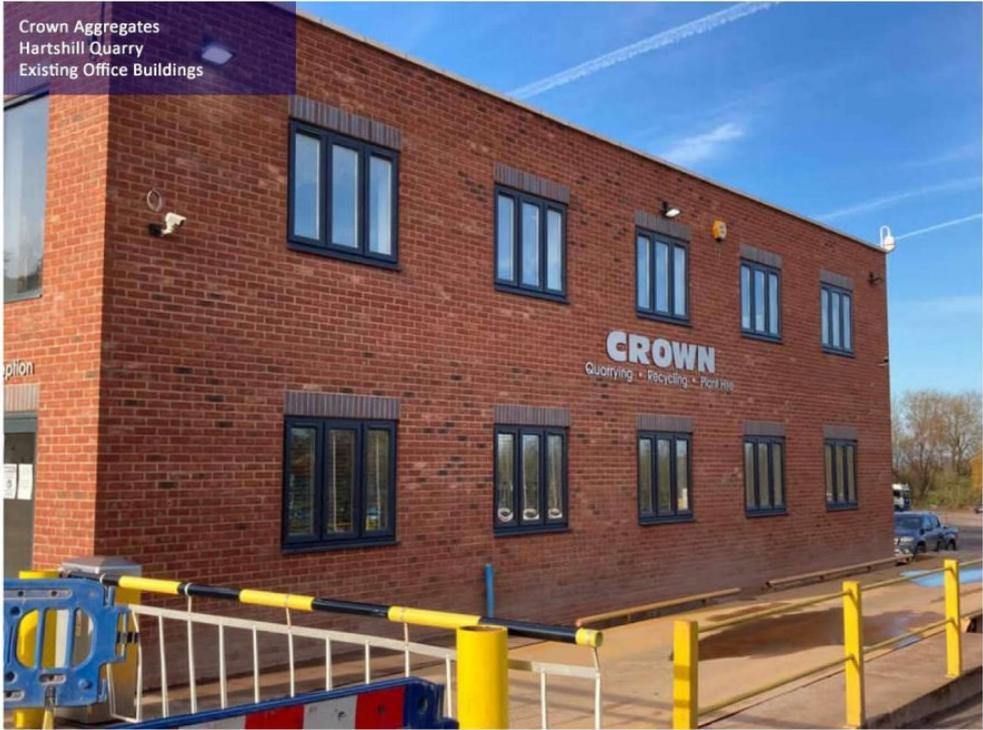




Crown Aggregates
Hartshill Quarry
Existing 'Moby Dick' Wheelwash



Crown Aggregates
Hartshill Quarry
Existing Office Buildings









Crown Aggregates
Hartshill Quarry
Existing Aggregates Washing Plant

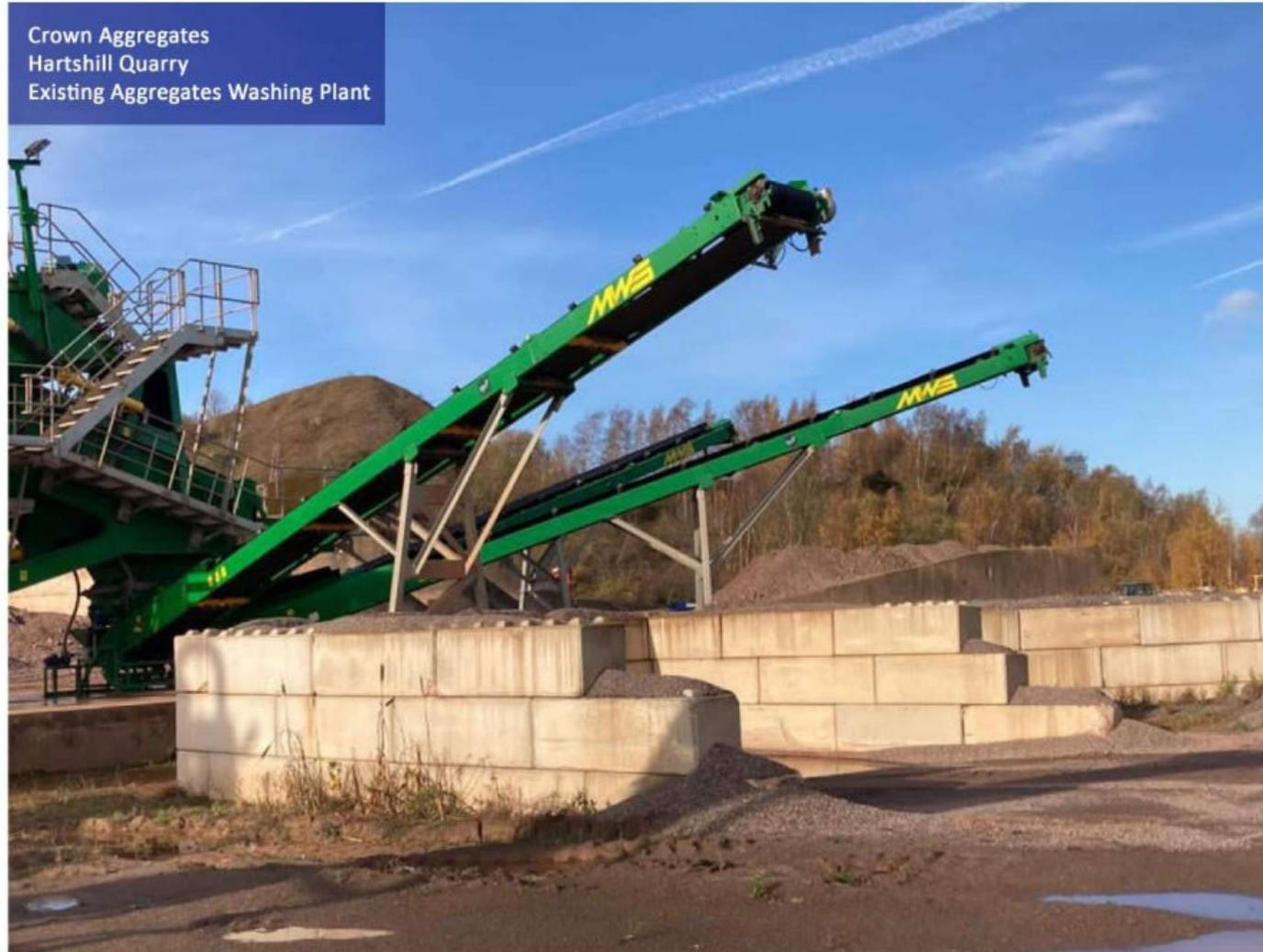
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Crown Aggregates
Hartshill Quarry
Existing Aggregates Washing Plant





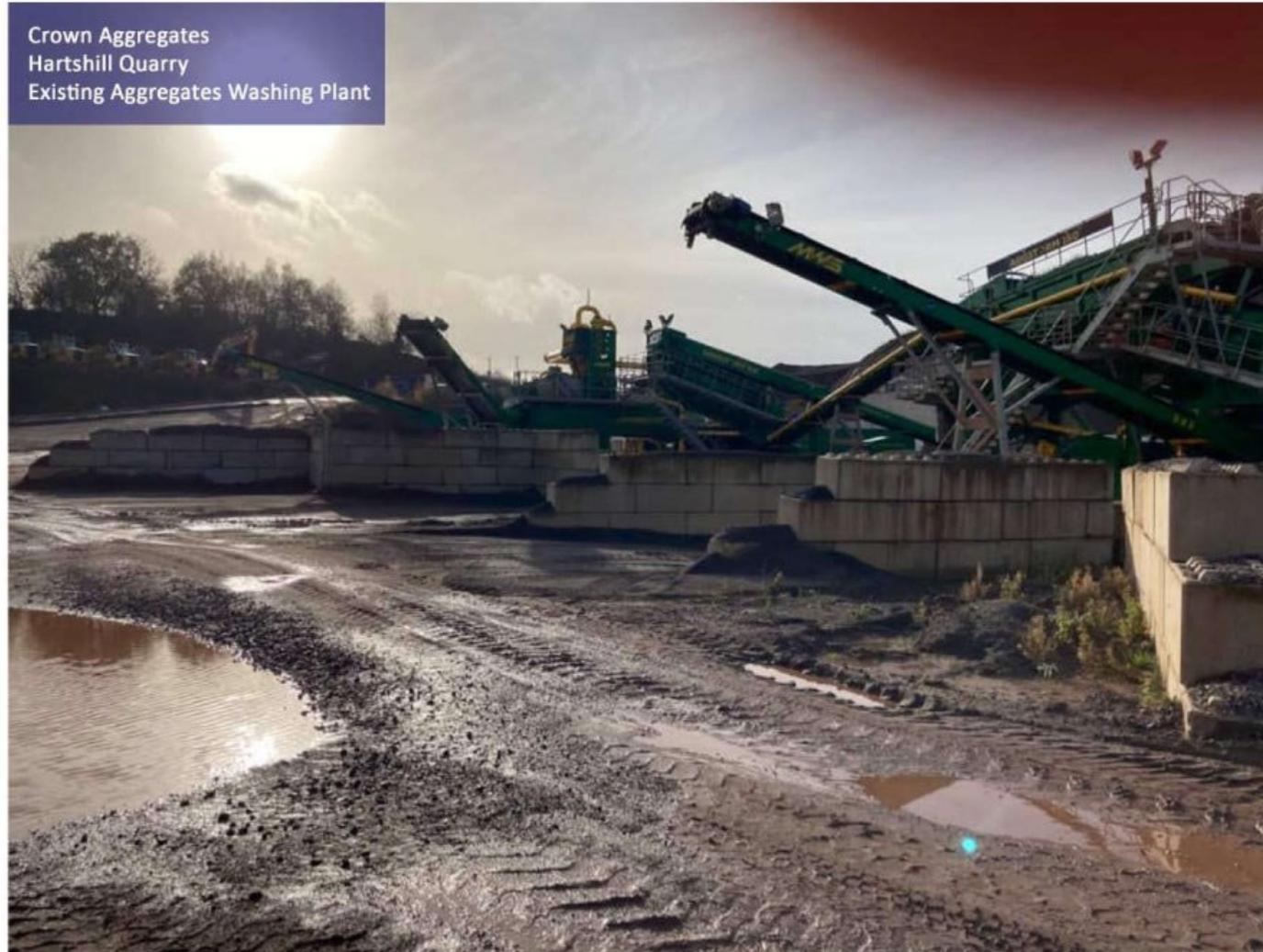


Crown Aggregates
Hartshill Quarry
Existing Aggregates Washing Plant

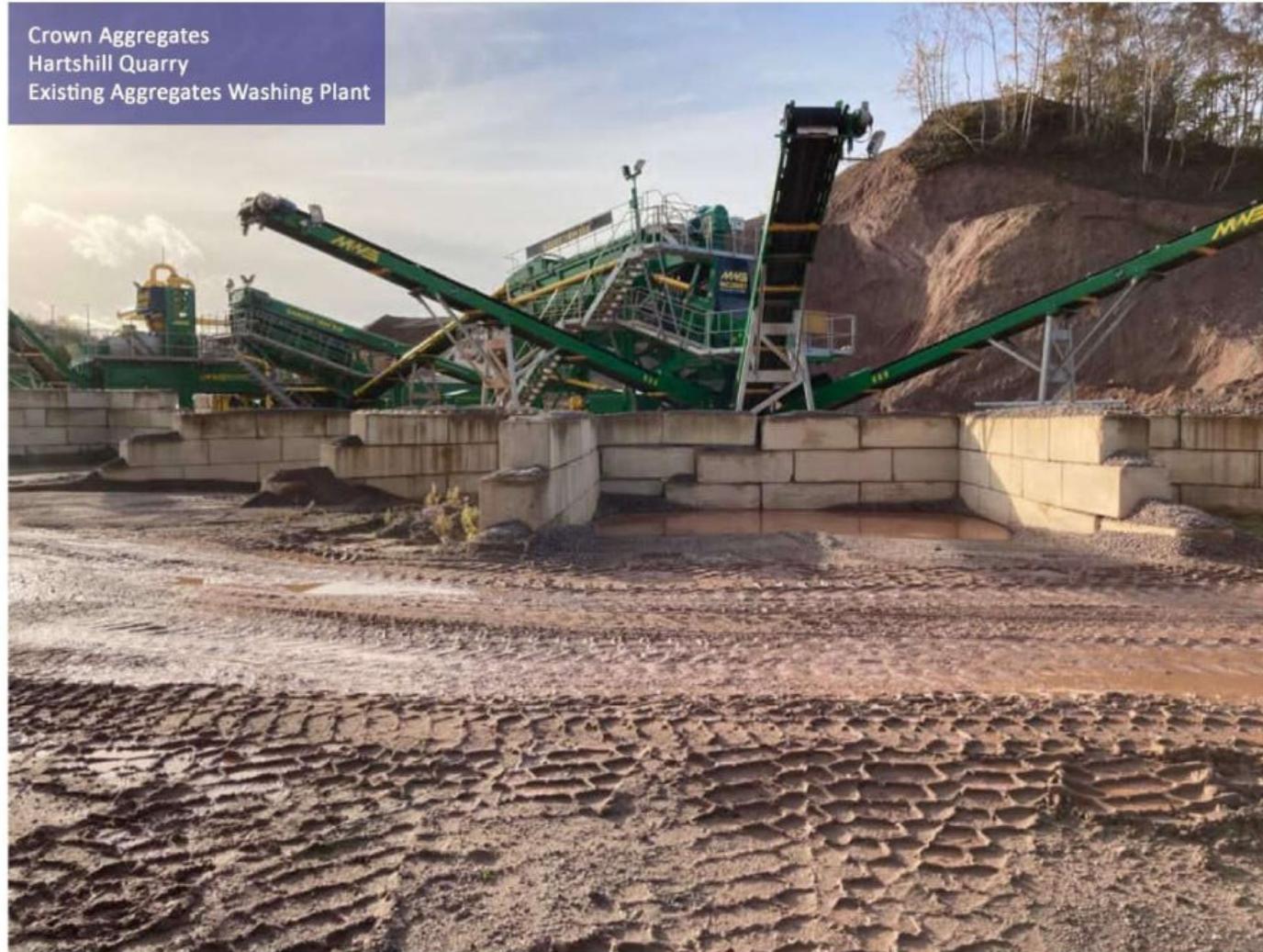


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Crown Aggregates
Hartshill Quarry
Existing Aggregates Washing Plant



4c/58



Crown Aggregates
Hartshill Quarry
Existing Aggregates Washing Plant



Crown Aggregates
Hartshill Quarry
Existing Aggregates Washing Plant

4c/61



Crown Aggregates
Hartshill Quarry
Existing Aggregates Washing Plant



4c/62

4c/63



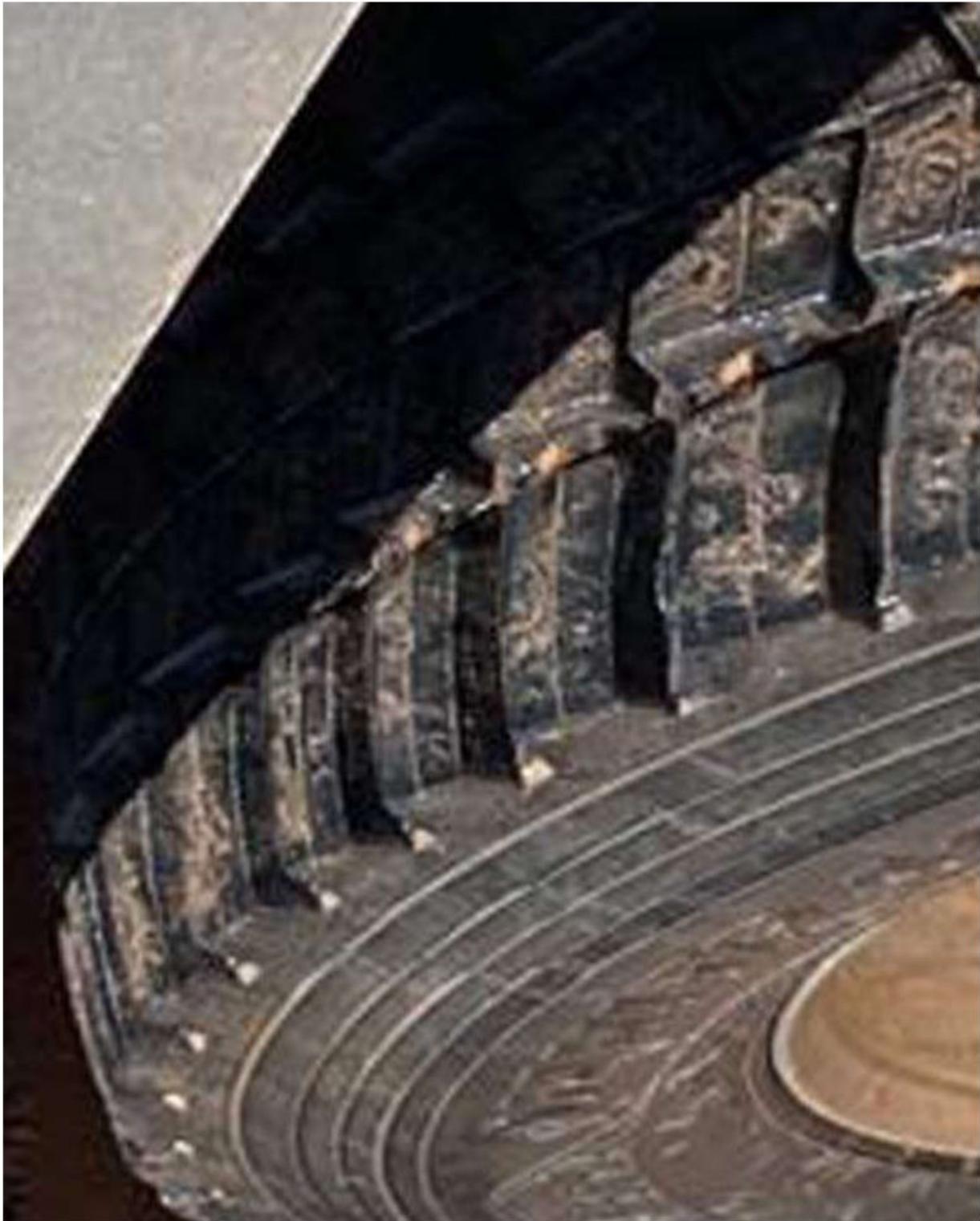


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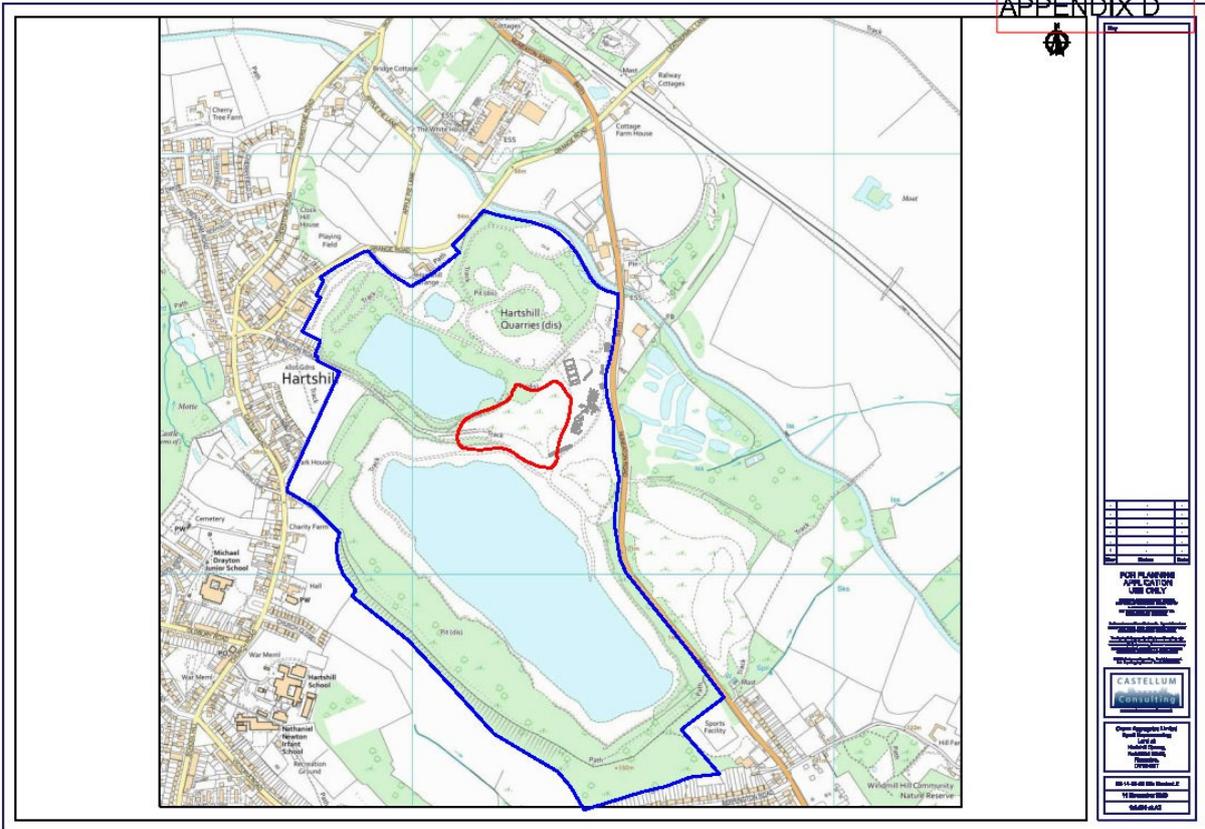


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APPENDIX D

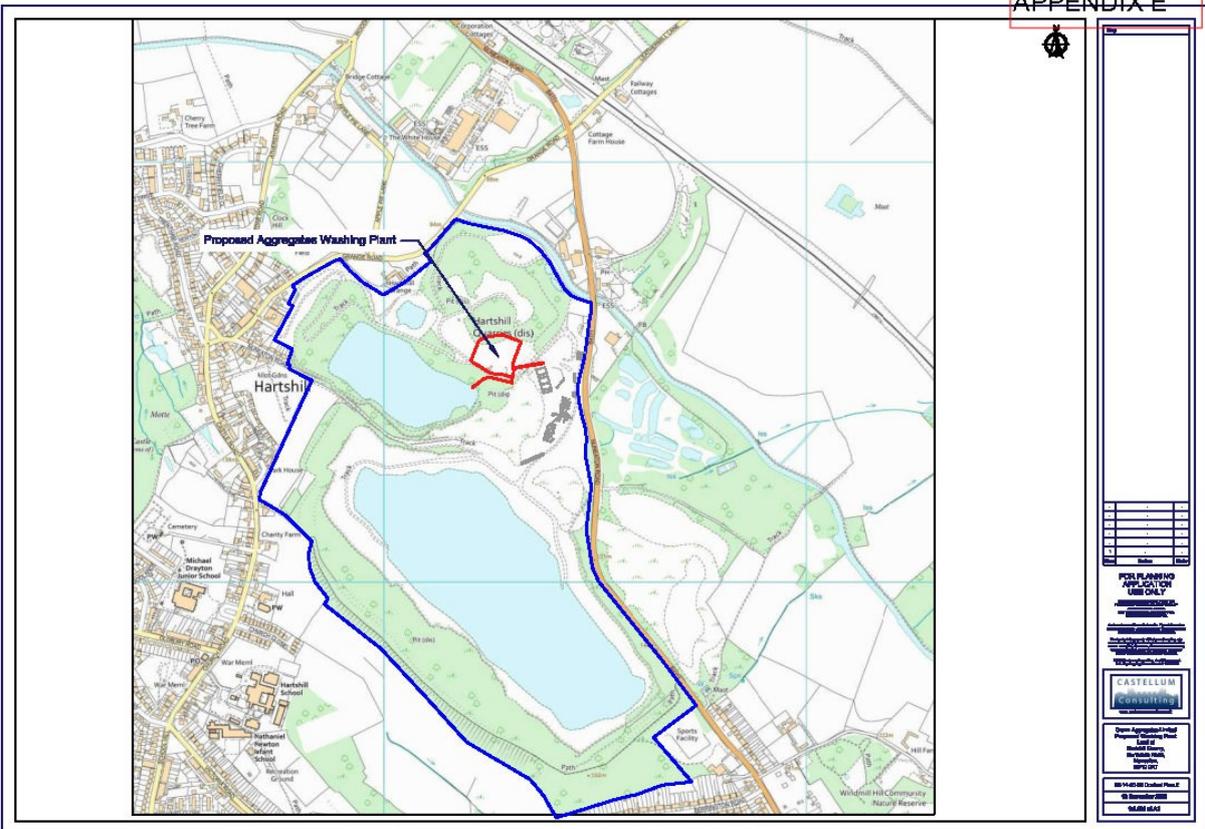


FOR PLANNING APPLICATIONS ONLY

CASTELLUM CONSULTING

06/01/2017

APPENDIX E



FOR PLANNING APPLICATIONS ONLY

CASTELLUM CONSULTING

06/01/2017



**Non-Technical
Summary**

**Reworking of Spoil Heap
to Reclaim Minerals**

Crown Aggregates Limited

Produced in collaboration with Sol
Environment Ltd

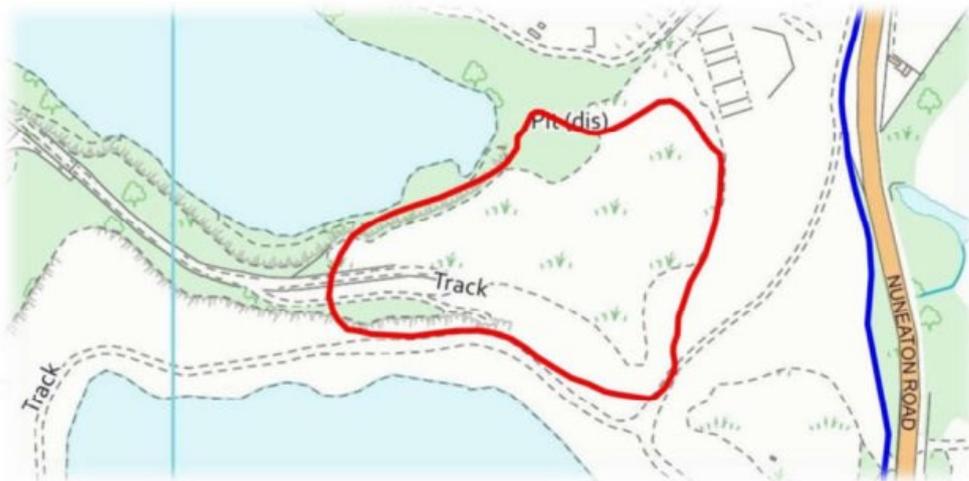


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Introduction

This Non-Technical Summary (NTS) document describes the findings of an Environmental Statement (ES), and has been prepared by Castellum Consulting on behalf of Crown Aggregates Ltd (the applicant). The applicant is seeking planning permission for the reworking of previously excavated, quarried and processed materials deposited within the quarry area ("the Proposed Development").

During the re-opening of the quarry the Applicant has identified that there is a substantial quantity of previously worked material in 'spoil heaps' within the Planning Consent area. This material includes a significant percentage of mineral that can be separated and processed into usable materials.

This planning application seeks to vary condition 1 (the detail of the phasing of the quarry working) so that:

- the previously worked material can be reworked alongside the approved quarrying activity in phase 1, rather than in the later phases when it is due to be moved to expose unworked stone; and
- to enable recovery of minerals from the previously worked material.

The ES comprises three main parts:

- Environmental Statement Report;
- Technical Appendices; and
- A Non-Technical Summary (NTS) of the ES.

The NTS is presented as a separate document in accordance with the EIA Regulations.

The ES is supported by a range of drawings, including:

- S2-14-20-31 Site Location Plan
- S2-14-20-32 Site Plan
- S2-14-20-33 Site Layout Plan
- S2-14-20-34 Existing Topography Plan
- S2-14-20-35 Indicative Restoration Contours
- S2-14-20-36 Context Plan

The ES supports the Planning Statement (Document 4) which accompanies the planning application.

This ES aims to provide an objective account of the possible environmental effects of the proposed development by setting out the results of the Environmental Studies which were undertaken and

submitted in support of the application. The ES has been prepared in line with the framework provided in Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended; hereafter the "EIA Regulations").

The ES is also supported by a Planning Statement.

Application Submission Package

This NTS is one of four principal documents. The package comprises:

- Document 1: Environmental Statement (Main document);
- Document 2: Environmental Statement (Appendices);
- Document 3: A Non-Technical Summary of the ES; and
- Document 4: Planning statement

The NTS has been produced as a separate document and is a mandatory part of the Environmental Statement ("ES"). This provides, in non-technical language, a brief summary of the likely significant effects that the proposed changes to the approved development would have on the environment.

A copy of the ES (main statement only) or the ES (main statement plus technical appendices) can be purchased from Crown Aggregates Ltd for £50 or £100 respectively for printed copies, or are freely available electronically.

Copies of the Non-Technical Summary are available free of charge.

If copies are required please request these via the planning authority, or write to:

Crown Aggregates Limited, Hartshill Quarry, Nuneaton Road, Nuneaton, CV10 0RT

Description of the Proposed Development

The proposed development is the earlier relocation and reworking of previously worked material to recover processable stone and fill materials. The proposed extraction area is identified in red on figure 01 (area coloured red on drawing no. JBQ 2/3A).

Many of the spoil heaps at the Quarry were created at a time when the ability to extract stone from blasted material was much less efficient than is possible today. Modern washing and screening plant will recover a much higher percentage of usable mineral. Consequently, it is now feasible and economic to re-work these heaps.

The current approved phasing scheme already envisages the re-working of substantial sections of the spoil heaps in order to release unworked minerals currently sterilised by the heaps.

The current working scheme envisages that the spoil heap removal would be an exercise in the material being excavated and transported elsewhere, and redeposited ideally in a position where it can remain permanently. Therefore the area that this application covers would be ultimately re-worked in any event. This application simply seeks to bring forward that removal, and to extract valuable materials before the residual materials are then made available for restoration.

The spoil heap material will be progressively excavated by front end loader and/or bucket loader. The material will be loaded into dump trucks and transported to the processing area. Any un-processable material will be placed in the current quarry waste area, and utilised in the final restoration in line with the approved phasing and working scheme.

The re-working of the spoil heaps has a number of economic and sustainability benefits:

- It reduces the quantity of material to be re-deposited elsewhere on the site;
- It reduces the risk that materials may have to be moved again. i.e. reduces the potential need to place it temporarily on otherwise workable reserves.
- The recovery of material suitable for aggregate production helps preserve unworked primary aggregate for future generations, thereby delaying the need for extensions or ultimately new quarry workings.
- Reduces the immediate need for blasting to generate additional processable minerals.

The reprocessing is intended to recover further valuable minerals which were previously discarded within the general spoil. The contents are up to 70% valuable minerals and will provide a valuable addition to the supply of this material.

The extraction of materials from the spoil heaps will be carried out in batches in order to prepare it for when demand exists from projects offsite.

- Extraction will be carried out using the following plant;
 - Volvo A25 tippers
 - Volvo 120 bucket loader
- In accordance with the findings of both ecological and visual impact assessment works, vegetation would be removed from the spoil heaps outside bird nesting seasons, and only in sufficient quantity to support the anticipated work for the next two years.
- Extraction would take place working broadly from east (near the current plant site) to west, using a 'benched' landform approach to ensure ground stability. This would leave screening in place for the majority of the working time between the residential areas to the west and the working faces.
- Restoration would be from the west during the final year of recovery activity, and would take up to 2 years for the landform and a further 1 year for topsoil placement and planting.
- As the land rises beyond the western edge of the area of materials to be recovered, there will always be a screening effect for viewpoints to the west from landform into the extraction and restoration areas, albeit that as the restoration contours rise again there would be periods when working would take place on a higher level. However, working would always where possible take place below the top level.
- Creating the landform would involve the use of clay extracted from the filter press and of insufficient quality for commercial uses, which would then be deposited on the site of the extracted spoil materials to reform a similar landform at the end of the extraction process, which would then have topsoil cover overlaid, and would be replanted with a scheme to be agreed with the council.
- No virgin rock would be extracted, only overburden and spoil. There is a very clear visible change between the spoil and underlying hard rock.
- Working the heap would take between 5 and 6 years, restoration between 2 and 3 years.
- Illustrative cross sectional phasing sketches are shown below:

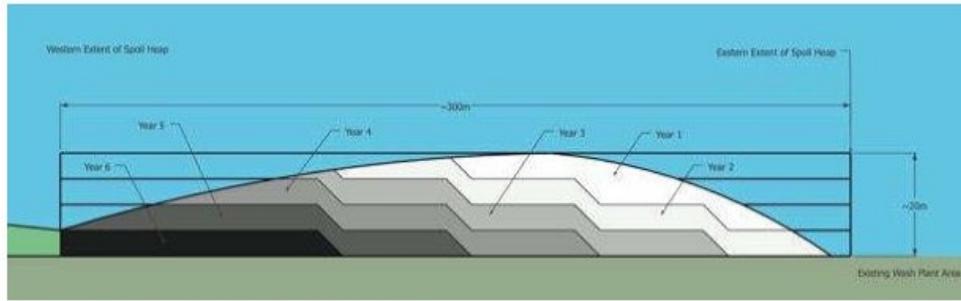


Figure 1 Illustrative Extraction Phasing Cross Section

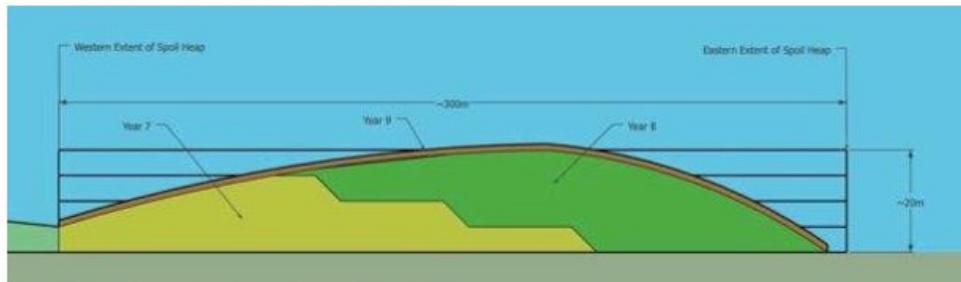


Figure 2 Illustrative Restoration Phasing Cross Section

The extraction of the spoil will be carried out in accordance with the existing operating hours of the quarry.

The Site

The Development Site

The previously worked material area (the area subject of this submission) is located immediately adjacent to and west of the plant site area, just north of the main quarry area and east of the current Phase 1 workings. It is identified coloured red on fig 03 below and on drawing reference JBQ 2/3A. This drawing is an original ROMP submission application area drawing and identifies the consent area edged red.

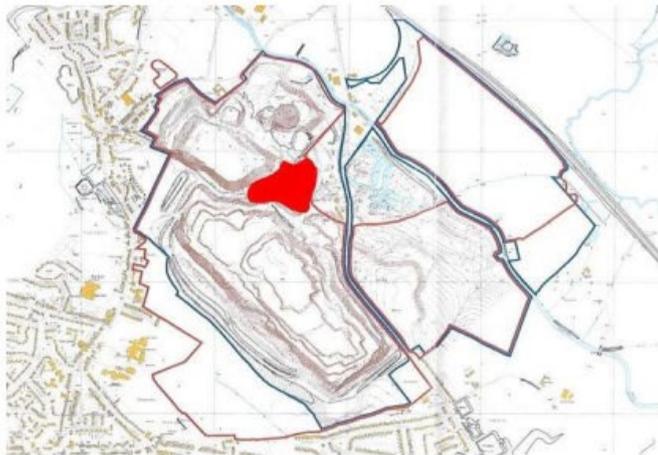


Figure 3 Phasing Plan showing application area shaded red

The application area covers previously developed land within the wider quarry site, consisting of an artificial earth mound of spoil which is stored (in line with the quarry permission) prior to final translocation to be used as restoration materials.



Figure 4 Aerial view of application site area— north at the top of the image. Existing minerals washing plant to the right/east

Development Site Setting

The proposed area of reworking has few nearby neighbours, the nearest houses (the Anchor pub, and Hartshill Grange) lying to the north east of the site on the other side of the Nuneaton Road and Canal, and to the northwest on Grange Road respectively, and neither having domestic windows facing toward the application area. The quarry site is generally well contained visually. The site is slightly more open to the east, but the nearest residential properties in that direction are in excess of 1.5km distant.



Figure 5 Site Location

Proximity to Designated Sites

There are no designated nature sites within 1km of the site, and 3 geological SSSIs. Otherwise it is fairly remote from designated sensitive receptors. Whilst the broader quarry site is within the countryside, it has good access, and the noise and environmental context is influenced by the presence of the surrounding roads, quarrying activity, and trainlines.



Figure 6 Site Location Plan. O.S. Map Copying License Number 100058752

Planning History and Context

As stated above, the site has planning permission for a very similar use.

The existing main planning history and activities are:

The development for which permission is sought is set within the main quarry site to the west of the historic (and extant) plant area. The quarry itself has permission for long term extraction of rock and associated minerals. The latest review of this permission is under reference NW126/01CM013.

Table 1 Planning History

Reference	Description	Date
1948/5	Permission under Interim Development Order for granite quarrying	17 Feb 1948
60/3/23	Cylindrical stone washers, screens and conveyors	13 Jul 1960
69/283	Use of Site for Manufacture of pre-cast concrete products	25 Nov 1969
3/179	New access and erection of an asphalt plant and conveyor system	29 Jun 1973
73/428	Erection of overhead conveyor loading system	31 Aug 1973
NW 78/1212	Office and stores extension to existing laboratory	Received by WCC 23 Sep 1976
NW 83/0734	Extension of mineral working and associated activities	Consent 18 Sep 1985
NW126/01CM013	Periodic Review	19 Sep 2001
Lawful Development Certificate- NWB/18CM030	Use of the plant site for processing of excavated and quarried material from Hartshill Quarry	6 Mar 2019

Landscape and Visual Amenity

Methodology and Assessment Criteria

An assessment following guidance set out in the 'Guidelines for Landscape and Visual Impact Assessment', Third Edition (Landscape Institute and the Institute of Environmental Assessment, 2013) was carried out.

Baseline

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

Planning matters in relation to the quarry are dealt with by Warwickshire County Council (WCC). The WCC 1995 minerals local plan is currently under review.

Quarrying is a lawful use within the majority of the quarry.

Within the North Warwickshire Borough Council Local Plan (4 July 2006) the quarry is identified as a Regionally Important Geological Site and lies in countryside while the residential areas of Hartshill lie to the northwest within the Development Boundary.

The Site does not lie within a landscape subject to a protective designation, such as an Area of Outstanding Natural Beauty. In the emerging Local Plan land on the west side of the quarry is allocated for housing (H19).

The lowlands of the Anker Valley lie within Nuneaton and Bedworth Borough but there are no significant landscape designations of relevance within the part of the valley adjacent to the Site.

Two Public Rights of Way (PRoW) run around the edge of the quarry, Footpath 188 AE180/1 skirts the quarry to the north and Footpath 188 AE179/2 to the south and west. These PRoW form part of the Quarryman's Trail. The towpath of the Coventry Canal also lies immediately to the north of the Site. There is also a network of PRoW within the floodplain of the River Anker, including a former railway, 2.3 km to the west, which is now part of National Cycle routes 52 and the Weddington Country Walk.

The only historical assets close to the Site which may potentially be affected, in terms of setting, is Hartshill Grange (Grade II*) which occupies an elevated position on the northern edge of the quarry, 280 m to the northwest.

Landscape Character

The site falls within the following Landscape Character areas;

- Beddesley to Hartshill Uplands Landscape Character Area (LCA) 4. (The North Warwickshire Landscape Character Assessment (2010))
- LCA 97 Arden (Countryside Agency)
- Industrial Arden (Warwickshire Landscapes Guidelines)
- Immediately southwest of the quarry within LCA1: Hartshill Ridge. (Nuneaton and Bedworth Landscape Character Assessment (TEP August 2012))

Village Farmlands (the East Midlands Regional Landscape Character Assessment (LDA Design))

Site specific description of landscape character

Quarrying over the centuries has transformed the natural landscape of the ridge into a chain of quarry pits and spoil heaps. Many are worked out, with the quarries flooded and not particularly visible from the surrounding landscape, particularly as tree cover is colonising the faces and they are screened by fringing tree cover. The conical spoil heaps remain as distinctive skyline landmarks but whilst the ridge would once have appeared as a long line of active earthworks, it now appears as a largely wooded skyline from the wider landscape. The working landscape is only evident when travelling through it along the Mancetter Road where quarrying, restoration and commercial use of former quarry land (such as building suppliers). In summer most activities are screened by tree cover but in winter the leafless branches allow glimpses of the quarrying activities. The existing elements for which consent is being sought contribute to this character of a rejuvenated quarrying industry.

Assessment of Effects

The landscape and visual effects arising from the proposed development are summarised in Table 3, below. The photographs which illustrate these viewpoints are to be found in the full Assessment as part of the ES.

Table 2 Summary of Landscape and Visual Effects

Potential Effect	Nature of Effect	Significance	Mitigation	Residual Effect
Topography	Temporary, direct, local	Major adverse	Topography will be re-instated	Neutral
Landscape Features	Temporary, direct, local	Moderate adverse	Establishing tree cover on the mound	Neutral

Hartshill Ridge/Industrial Arden LCA	Temporary, direct, local	Minor adverse	Establishing tree cover on the mound	Neutral
Anker Valley Estate farmlands Landscape Character	Temporary, indirect, local	Minor adverse	Establishing tree cover on the mound	Neutral
View 1: Mancetter Road as it crosses the Coventry Canal	Temporary, direct, Local	Minor adverse in winter and summer	Establishing tree cover on the mound	Neutral
View 2: Mancetter Road as it passes the spoil heap	Temporary, direct, Local	Negligible summer and winter	Establishing tree cover on the mound	Neutral
View 3: Mancetter Road south of the quarry	Temporary, direct, Local	Negligible in summer. Minor adverse in winter	Establishing tree cover on the mound	Neutral
View 4: Footpath 188 AE180/1 as it crosses the railway	Temporary, direct, Local	Moderate adverse summer and winter	Establishing tree cover on the mound	Neutral
View 5: Footpath 188 AE180/2 as it crosses the River Anker	Temporary, direct, Local	Moderate adverse summer and winter	Establishing tree cover on the mound	Neutral
View 6: Footpath 144 AE183/1 which heads southeast from Caldecote Hall	Temporary, direct, Local	Moderate adverse summer and winter	Establishing tree cover on the mound	Neutral
View 7: The Junction of footpath 330 N25/1 and Bridleway 330 N24/2 within the Anker Valley	Temporary, direct, Local	No effect	Mitigation not required	Neutral

View 8: Brickleway 330 N28/1 in the vicinity of Top Farm, which is a local high spot on the edge of Nuneaton	Temporary, direct, Local	Moderate adverse summer and winter	Establishing tree cover on the mound	Neutral
View 9: The A5 at the junction with rural footpath T44/1 (Leicestershire)	Temporary, direct, Local	Negligible	Establishing tree cover on the mound	Neutral
View 10: View from Woodford Lane close to where PRow 188 AE182/1	Temporary, direct, Local	Negligible	Establishing tree cover on the mound	Neutral
Setting to historical assets Hartshill Grange	Temporary, direct, Local	Minor adverse	Establishing tree cover on the mound	Neutral
Cumulative Landscape effects	Temporary, direct, Local	Minor adverse	Establishing tree cover on the mound	Neutral
Cumulative Visual effects	Temporary, direct, Local	No effect	Mitigation not required	Neutral

Conclusions

The proposed development has been assessed in terms of its potential impacts upon topography, landscape features, visual amenity, landscape character, cumulative effects, and cultural heritage.

The assessment concluded that after mitigation residual effects are all likely to be Neutral.

Environmental Effects - Ecology

An independent Ecological Appraisal has been carried out. It presents the approach and findings of the assessment of potential effects of the Proposed Development on ecology and nature conservation. It firstly presents information on the baseline conditions of the nature conservation value of the Site.

The Chapter then goes on to identify the important ecological features that could be affected by the Proposed Development, both at operation and restoration stages, and describes any potential effects. It then assesses the likely magnitude and significance of these effects with consideration of the embedded mitigation already designed into the Proposed Development.

The additional avoidance, mitigation or compensation measures necessary to further reduce these effects to an acceptable level are then identified, with the significance of any residual effects finally assessed.

There are no other relevant projects in the locality likely to have cumulative effects with those residual effects likely to be caused by this proposed development.

Methodology

The Study Area has been chosen to include areas that the Proposed Development would exert changes to. The Study Area for habitats and the majority of species to be considered is predominately limited to the Site.

The movements of more mobile species have been considered in the assessment (e.g. bat species, larger mammals, birds, etc) but generally surveys have focused on the Site. Species associated with offsite features that may extend their range into the Site (e.g. dispersal of individual great crested newts from nearby ponds) have also been considered where appropriate.

Potential impacts on designated sites have been considered up to the following distances:

- international / European sites – 5 km; and
- national and county designated sites – 1-2 km.

Guidance and industry standards

This assessment considers CIEEM guidance for ecological assessment as set out in the Guidelines for Ecological Impact Assessment in the UK and Ireland and also Guidelines for Preliminary Ecological Appraisal.

Reference is also made to the National Planning Policy Framework (2019).

Field surveys

In order to provide up to date information to support the ES a series of surveys have been undertaken in 2020. All surveys have been undertaken by experienced and professional ecologists, overseen by members of CIEEM and holding (where relevant to the survey methods) appropriate licence(s) for disturbance of European Protected Species (EPS). The field surveys conducted at the Site to support the assessment was a Phase 1 Habitat Survey conducted in June 2020.

Relevant Policy

- National Planning Policy Framework (February 2019)
- North Warwickshire Local Plan

Non-Statutory Documents

- The UK Post-2010 Biodiversity Framework succeeds the UK Biodiversity Action Plan (UK BAP).
- Local BAP (LBAP) targets those species of specific relevance to the county. The following habitats and species are considered relevant to the Proposed Development –
 - Woodland
 - Great crested newt
 - Bats
 - Hedgehog

The legislation relevant to wildlife and nature conservation at the Site includes:

- The Natural Environment and Rural Communities (NERC) Act 2006
- The Wildlife and Countryside Act 1981 (as amended)
- The Countryside and Rights of Way Act 2000
- The Protection of Badgers Act, 1992
- The Wild Mammals (Protection) Act, 1996 (as amended)
- The Hedgerow Regulations, 1997

Statutory sites

No sites of international nature conservation importance are located within 5 km of the Site.

The Site itself does lie within 2km of three statutory designated sites of nature conservation importance. These sites are designated for their geological importance and as such are not considered further in this ecological impact assessment. These sites are:

- Illings Trenches SSSI
- Woodlands Quarry SSSI
- Boon's Quarry SSSI

Non-Statutory Designated Sites

There are three non-statutory protected sites within 1 km of the Site, summarised below in Table 7.

Table 3 Non-Statutory Designated Sites within 1km of the Site

Site	Designation & area	Proximity (distance/direction) & connectivity to Site	Summary description
Hartshill Quarries	LWS/Potential LWS (pLWS) ~22.2 ha	Overlap the whole Site itself and extends to the north/northwest	Hartshill Quarry forms part of a mosaic of both statutory and non-statutory sites including Boons Quarry SSSI. This large complex site is identified as a potential LWS for both its geological and biological value supporting a range of flora and fauna including common lizard. A large part of the Site is designated as Jeas Quarry LWS. The northern part (overlapping the application Site) is pLWS
Hartshill Hayes Country Park Local Wildlife Site	LWS	~750 m west of the Site with good connectivity	Hartshill Hayes Country Park overlaps Illing's Trenches SSSI and Woodlands Quarry. This site is designated for both its geological and biological value supporting mixed deciduous woodland remnants of the old Forest of Arden
Snowhill Wood	LWS	~800 m southwest of the Site with good connectivity to the Site	This site is designated for its biological value supporting acidic semi-natural deciduous woodland featuring species including: hedge garlic, red cumant, raspberry, male fern, broad buckler-fern, pendulous sedge, remote sedge, greater stitchwort and common polypody

Given their status as LWS, all these sites are considered to be of **County value**.

Hartshill Quarries pLWS is an extensive area that also includes the Site and is considered to be of **Local value**.

Conclusion

The Site is dominated by naturally regenerating woodland on a former spoil heap with broad-leaved semi natural woodland areas, patches of scattered and dense scrub and areas of bare ground and recently colonised ground. The area forms part of a pLWS site which includes a large area of the active quarry (with quarry workings immediately to the east and south of the Site).

Without mitigation the potential effects have been assessed as up to Moderate Adverse. Habitats of Local value within the Site include the broad-leaved semi-natural woodland.

Non-statutory sites within 1km of the Site include Hartshill LWS/pLWS (with the Site forming a small part of the pLWS area), Hartshill Haynes Country Park/LWS and Snowhill Wood LWS. These sites have been assessed as up to County Importance.

Due to the small scale of the Site and proximity to active quarrying, potential for significant populations of protected and notable species was limited. Notable fauna potentially present within and adjacent to the Site include potential for foraging bats, common and widespread birds utilising the Site for foraging and nesting, presence of peregrine falcon (Schedule 1 bird) in the locality (beyond the Site boundaries) and potential for other notable species to be locally present in low numbers including common toad, hedgehog and reptiles (low risk).

The development proposals include the loss of the habitats to facilitate the re-processing of the former spoil heap and then restoring to former contours and replanting to woodland.

The proposed mitigation and enhancement include habitat protection (adjacent areas), appointment of an Ecological Clerk of Works, supervision of works during sensitive periods and stages.

The site will be restored to former contours and replanted to woodland to ensure biodiversity enhancements are achieved with additional biodiversity enhancements included e.g. wildlife boxes and hibernacula features.

Environmental Effects - Noise

The proposed development involves the removal of minerals from an existing spoil heap by mechanical equipment that by nature can generate noise. However, as the operations will be very similar to those which already take place within the quarry without unacceptable noise impacts, it is unlikely to be the cause of nuisance complaints from those living and working nearby. Consideration of the potential impact of noise is set out in the Noise chapter of the Environmental Statement accompanying this planning application. A detailed technical noise impact assessment can be found as an Appendix to the Environmental Statement.

Baseline Conditions

The report has considered background noise conditions.

In order to establish the baseline conditions at the site for the purposes of the assessment, an environmental noise survey was conducted between c.12:45 hours on Thursday 27 February and c.15:30 hours on Monday 2 March 2020. The purpose of these measurements was to determine the Background Sound Levels expected at the nearest noise sensitive premises to the Development site.

The location of the noise monitoring positions is shown below, highlighted in blue.

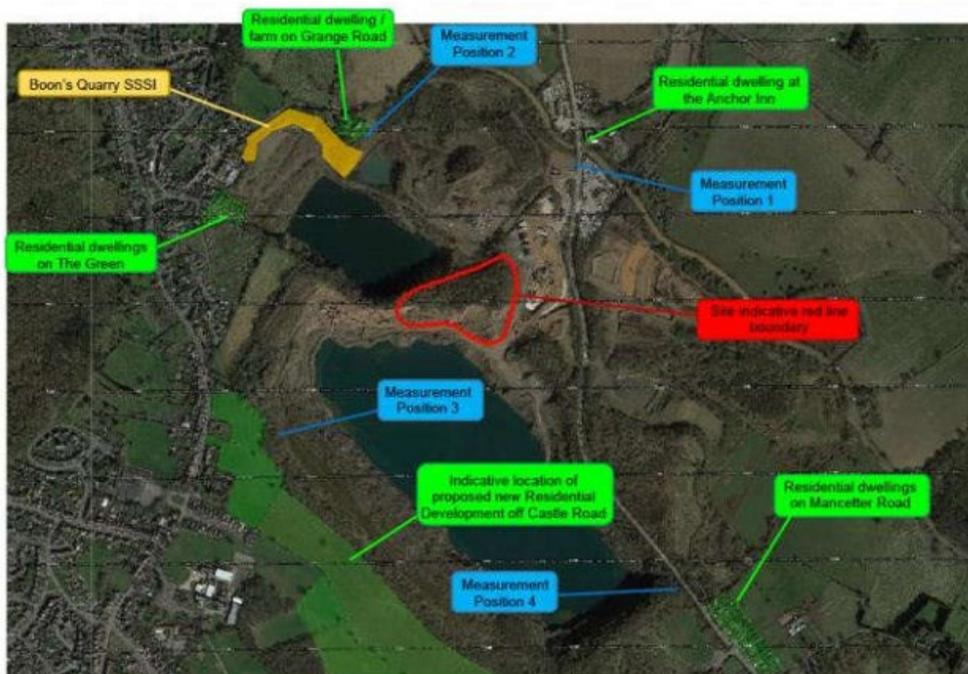


Figure 7 Receptors and Monitoring Locations

In addition to establishing the background noise levels, direct monitoring of noise from equipment and processes comparable to those proposed were carried out. This data has been used to inform the assessment.

Operational Impacts

Calculated levels for noise impacts from the proposed development show that there is potential for noise levels to exceed the existing Background Sound Level by no more than 4dB at any receptor during the proposed hours of operation. Furthermore, the predicted Specific Level does not exceed 50dB LAeq,1hour at any receptor. Thus, in accordance with the applicable Mineral Guidance and BS4142 guidance, the proposed works are therefore expected to have up to a "minor impact" on the worst affected residential receptors.

The projects' Ecologist has confirmed that a noise threshold of 70dB LAeq,T is appropriate for assessing the potential noise impact on peregrines (ecological receptors) which have been occasionally identified within the area. Assessment confirms the predicted Specific Sound Level is expected to be below 70dB LAeq,T at just c.30 metres from the mobile plant. Depending on the location of the plant, the noise level limit is typically expected to be achieved within the Application Site red line boundary. Therefore, the resultant noise impact as occurring on the identified ecological receptors as due to the proposed activities on the application site is expected to be negligible.

It must be noted that the noise model assumes that the proposed mobile plant is positioned at the apex of the spoil heap, such that both noise sources are expected to have direct line of sight of each of the surrounding receptors as this represents the worst case.

In reality, this shall be the worst case condition, since the noise sources are likely to be operational at varying heights around the spoil heap and therefore likely to be afforded a significant level of acoustic screening from a number of the surrounding NSRs by the spoil heap itself, resulting in lower levels of noise.

Furthermore, as stated in Section 3.2, the proposed works are expected to be carried out using existing plant as currently operating on the site and as a result there is not expected to be any net increase in the number of plant currently operating on the site.

Therefore, no further noise mitigation measures are expected to be required.

Conclusions

The pre-existing environmental noise climate has been directly determined by measurement at the identified noise sensitive receptors.

The report considers the environmental noise impact arising from the proposed operations on site at the nearest receptors, which includes existing and proposed (i.e. known future) residential housing, a Site of Special Scientific Interest (geological SSSI) and ecological receptors.

It is the conclusion of the environmental noise assessment that the total, aggregate environmental noise levels as arising from the proposed material extraction from the spoil heap at the Hartshill Quarry site results in up to a minor impact at the worst affected receptors during the proposed hours of operation. The predicted noise impact on the identified ecological receptors is expected to be negligible.

Full details of the noise assessments are provided at the Noise Chapter of the full ES document.

Other EIA Matters - Climate Change

EIA Regulations require consideration of Climate Change matters.

The assessment has considered the implications the proposed development may have on climate change, and also the potential impact of climate change on the facility.

The development which this proposal supports makes use of currently discarded materials to extract valuable minerals. The development will have the following environmental benefits;

- Production of valuable minerals from a current waste material.
- Delaying the need for extraction of minerals within the existing quarry resource
- Postponing the need for the opening of other currently undeveloped minerals resources in the wider countryside

Whilst the proposed development would produce carbon emissions, these are substantially less than those associated with both extracting virgin materials from within the existing quarry area, and bringing materials to the site for processing from other locations.

Other EIA Matters - Alternatives

Introduction

In accordance with the requirements of the EIA Regulations an assessment of the main alternatives that have been considered by the Applicant are presented. This assessment of alternatives outlines the main reasons for the preferred options, taking into account the potential environmental effects.

Approach and Methodology

There is no defined method in relevant law or Government guidance for undertaking an assessment of alternatives in relation to development proposals. In general terms it is considered unnecessary to assess every single alternative option. Instead an assessment of the 'main' alternatives is set out below.

As a starting point, it is considered a matter of principle that land which may be developed in any way which is acceptable for planning purposes. The fact that other land exists upon which the development proposal would be even more acceptable could not justify a reason for refusing planning permission.

The approach to the assessment of alternatives has considered the following main issues:

- The 'no development' scenario
- Development of alternative sites

- Is the site a reasonable option in terms of supply of feedstock and energy output?
- Site specific alternatives (including site layout and design options)

No Development Scenario

The 'no development' scenario has been considered as part of the assessment of alternatives in order to establish the opportunity cost of the development not proceeding.

In the event that planning permission were not to be granted, the land of the Site would continue to benefit from planning permission for the quarrying activities which include the removal of the spoil to facilitate both the extraction of underlying minerals, and the subsequent use of the overburden to be replaced elsewhere on the site. The surrounding quarrying activities would carry on as they do at present.

It would mean that any potential negative environmental impacts, although they have demonstrated to be acceptable, would not be realised. However, this would also imply that the potential significant benefits of the scheme (the reclamation of valuable minerals, delaying the need to extract minerals from elsewhere within the quarry or indeed at new sites) will also be lost.

In the light of the above, the 'no development' scenario is not considered to be a favoured alternative having regard to the need to reduce conserve existing mineral resources, and make best use of previously discarded materials.

Suitability of Location for Waste Supply and Energy Output

The proposal has been assessed in the light of the development plan and other relevant planning/environmental policy documentation. From this assessment it is clear that the site does not contain any important designations such as (as SSSI, SAC, SPA, ANOB, National Park etc) that will require the applicant to consider alternative options because of the sensitivity of the site.

In the light of the above, it is considered that because there are no 'in principle' constraints to the proposal, and that detailed environmental assessment work indicates that the scheme could operate in an environmentally acceptable manner, the site is considered to be a suitable location from which to recover minerals.

Development of Alternative Sites

Consideration of alternative sites is not appropriate in this instance as the location is tied to the physical location of the mineral resource.

Site Specific Alternatives

Site specific alternatives have been considered throughout the preparation of the Environmental Impact Assessment, with the method of approaching the working the spoil heap being of greatest

significance. The method of working is set out in the Site Operations and Process Description section of this ES. It describes working from east to west using a benched landform approach, and was chosen as it provides for both a phased method which gives best accessibility and ground stability, and also maintains the greatest degree of screening possible for receptors to the west and south west of the proposed development.

The timeframe for working the land was also considered, and was chosen as it represented a rate at which the end market for the mineral products is likely to be able to take the materials, without causing a need for excessive stockpiling within the wider quarry.

Conclusions

The alternatives assessment has considered a number of options. The starting point based on planning case law is that it is acceptable for land to be developed in any way which is acceptable for planning purposes. The fact that other land exists upon which the development proposal would be even more acceptable could not justify a reason for refusing planning permission.

The 'no development' scenario has been considered and is not favoured because of the significant benefits that would be brought about by the proposal and therefore would not accrue without it. In general terms developing the facility realises benefit associated with the reclamation of minerals from previously abandoned resources, and the implied reduction in need to source minerals via extraction from elsewhere within the quarry or the wider area.

The Application Site is considered to be a good location from the point of view of the precedent created by the century old established use of the wider site, and the relative remoteness of sensitive receptors.

A number of alternatives for the specifics of the exact approach to the site working approach were considered, before arriving at the current method.

There are no nationally important designations that provide a constraint to the Proposed Development.

As the application is for the working of a specific physical resource, consideration of alternative locations is not appropriate.

From this assessment the proposal is considered to represent the preferred option.

Other EIA Matters - Cumulative Impact

Introduction

The EIA Regulations require,

"A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects of the development...".

Assessment Methodology

Consideration is given to three categories of potential cumulative effects:

- successive effects
- simultaneous effects from concurrent developments
- combined effects from the same development

The approach taken reflects the findings of judgements in those cases.

Overall Conclusions on Cumulative Effects

In accordance with the EIA Regulations and Development Plan Policy, an assessment of the potential cumulative impact has been carried out to support this planning application.

The assessment has concluded that no unacceptable successive or simultaneous effects are likely to occur as a result of the development of the proposal.

In terms of the combined effects from the same development, it is considered that none of the environmental areas are close to being unacceptable. It is therefore concluded that, because none of the individual environmental areas are nearly unacceptable, the totality will not be cumulatively unacceptable.

The proposal will bring about a number of positive effects which act as a counterweight to offset any negative impacts. The main points being the provision of minerals from an otherwise discarded source which delays the need for extraction of current or as yet undeveloped reserves.

In the light of the above it is concluded that the potential cumulative impact of the proposal does not weigh against the scheme to a degree that the Council should form a cumulative reason to object to the scheme.

Other EIA Matters - Vulnerability to Accidents and/or Disasters

The EIA Regulations 2017 require a description of the expected significant effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned.

The Proposed Development is set within a large existing quarry, the remainder of which use is not considered vulnerable. Whilst the wider quarry is surrounded by a mixture of countryside and housing these are at a distance sufficient that they would be unaffected by any effects arising due to accident or disaster associated with the proposed development.

Whilst the proposed development will be carried out using vehicles using conventional diesel or petroleum fuels, these are held elsewhere on the site in relatively small quantities, such that were the Site subject to accident or wider disaster, the consequent impacts would be of a low order.

The Site already has a robust management system in place including plans for the containment of all materials and substances which have the potential for causing pollution or harm in the event of accident.

In the case of each of the principal materials identified above, basic management measures will include;

- Fuels would be held in small volumes within a specialist fully bunded container

The fuel volumes held on site are small, and are consistent with similar sized properties or the farming uses with which the premises are surrounded.

There are no further anticipated significant risks associated with the Development in this respect.

It is concluded therefore that neither the proposals nor the neighbouring premises are particularly vulnerable to accident or disaster, and that day to day management measures will ensure that these are effective.

Conclusions

In accordance with the EIA Regulations 2017 (as amended) and the Scoping exercise undertaken by the applicant with reference to Input form Warwickshire County Council and the applicant's technical advisers, this Environmental Statement has considered the main potential environmental effects of the proposal. It has concluded that no unacceptably adverse impacts will arise. In terms of principal statutory environmental constraints, the assessment work has concluded that the proposal will not affect any nationally or regionally important sites designated for nature, landscape or historical reasons.

The Environmental Impact Assessment identifies that there will be no overall likely significant impacts arising from noise, ecology, or landscape and visual effects that arise from the proposal.

The conclusion from the detailed noise assessment is that the proposed development will have a negligible impact on noise at residential and ecologically sensitive sites and will have 'no observed adverse effect level'. No likely significant effect would arise from the Proposed Development.

The conclusion of the landscape and visual assessment is that overall, the potential landscape and visual impacts of the proposal are minor adverse (temporary during operation), and neutral once completed in terms of significance. No likely significant effect would arise from the Proposed Development.

The conclusion of the Ecological Appraisal is that effects are at worst short term minor adverse during operation, and long term moderate beneficial post-restoration and mitigation. No likely significant effect would arise from the Proposed Development.

The assessment of cumulative impact has concluded that no unacceptable successive or simultaneous effects are likely to occur as a result of the proposal. In terms of the combined effects from the same development, it is considered that none of the areas of environmental impact studied are close to being unacceptable. It is therefore concluded that, because none of the individual environmental areas are nearly unacceptable, the totality will not be cumulatively unacceptable. No likely significant effect would arise from the Proposed Development.

There is no significant interaction between the proposed development and the other applications within the quarry (for a new aggregates washer, and for the processes and structures in the site entrance and plant areas) within any of these three disciplines.

The assessment of the main alternatives has concluded that the Site is a good choice for the proposed activity, and that the preferred approach minimises the potential environmental effects of the scheme.

The site is not vulnerable to accidents or disasters.

In overall conclusion, it is considered that the proposal will not give rise to unacceptable environmental effects, and that the potential benefits of the scheme are substantial enough to clearly outweigh any potential negative features of the proposal. The proposal is considered to be supported by the Local Development Plan and the National Planning Policy Framework.

Agenda Item No 05

Planning and Development Board

8 March 2021

Report of the Head of Development Control

**Government Consultation
National Model Design Code**

1 Summary

- 1.1 The Government is undertaking a consultation on a National Model Design Code and proposed changes needed to the National Planning Policy Framework (“NPPF”). The Board is invited to forward its representations.

Recommendation to the Board

That the National Model Design Code and Guidance be welcomed and that there are no representations to be made on the proposed amendments to the NPPF unless they are raised by the Board.

2 Report

2.1 Background

- 2.1.1 Members will recall that the use of Design Codes and an increased focus on the quality of new development were among the main proposals in the Government’s White Paper on reforming the planning system. The objective was that with the introduction of a “zone” based planning system, if a new proposal accorded with an adopted Design Code for the zone in which it was located, then a full planning application may not be necessary. Significant weight therefore would be afforded to these Codes.

- 2.1.2 The Government has now published a National Model Design Code as well as guidance notes for Preparing Design Codes. These are not attached as they are large documents. However the link to the Government’s website has been circulated to all Members prior to the meeting –
www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals.

- 2.1.3 As a consequence of their introduction, there would need to be changes to the NPPF such that the Code is explicitly referred to, as well as its main objectives. In addition, the Government is taking the opportunity to bring other sections of the NPPF up to date. The changes are outlined in Appendix A with a series of consultation questions.

...

2.1.4 In view of the detail included in the Code, copies were forwarded to the two Design Champions upon its receipt and copies have also now been forwarded to Board Members in advance of the minimum five-day period between publication of this report and the meeting.

3 **Observations**

3.1 Members have supported local and national initiatives to improve the quality of new development and there has always been active involvement in day to day cases. There is also an increasing involvement with Master Planning for the strategic housing land allocations. The introduction of an overarching and general “guide” is thus welcome.

3.2 The purpose of design codes and guides is to provide clarity about design expectations at an early stage in the planning process and to reflect local character and preferences. They therefore set the framework for creating “quality places” and for a consistent and high-quality standard of design to inform development proposals. They should be a set of simple and concise illustrated design requirements that are both visual and numerical in order to provide detailed parameters for the development of a site. The National Guide sets out the main factors that should be taken into account in their preparation.

3.3 It is not proposed to run through these in this report as Members can view them in their own time. In summary however this sets out seven steps to follow, commencing with understanding the area to be covered and establishing a base-line; through to deciding a “vision” for each area and finishing with drawing up the specific visual and numerical guidance for that area. The associated Guidance Notes assist by identifying a number of characteristics that would have to be explored – e.g. context, movement, built form, identity, public space and nature. These are illustrated through a “work sheet” which can also be used for community consultation – see Appendix B.

3.4 Although these documents are very “urban” based, the general principles they contain can readily be transferred to the rural character of the Borough. The Government is looking to see that all Local Planning Authorities have a Design Code or Guide in place within the next three years. At the present time, Officers have prepared a draft Residential Design Code for the Borough which was shared with Members at the recent LDF Sub-Committee meeting on 22 February. Also, a site-specific Guide for the strategic housing allocation east of Polesworth and Dordon – known as H7 - was referred to that same Committee for consideration. Matters are therefore well advanced in respect of meeting the Government’s timetable.

3.5 The Consultation for draft changes to the NPPF accommodates the National Code and Guidance Notes as well as seeking changes to bring the 2019 Framework up to date – see Appendix A. There is a noticeable added emphasis in the draft alterations in respect of strengthening the role of planning in protecting and enhancing natural, built and historic environments as well as to

emphasise as indicated above, the need for all Local Planning Authorities to prepare their own Design Codes and Guides so as to reflect local character and design preferences. There is also increased weight given for refusals if development proposals fail to accord with them.

- 3.6 There are a few specific proposed alterations which Members should be aware of:
- i) An increased awareness that the management of residual flood risk should wherever possible be managed through green infrastructure – in other words more natural flood management techniques rather than via underground storage tanks.
 - ii) An expectation that all new streets should be tree lined.
 - iii) An indication that the process for Article Four Directions to remove national permitted development rights is to be tightened – e.g. the smallest geographic as possible and in the case of changes of use to residential, be limited to cases where there would be “wholly unacceptable adverse impacts”.
 - iv) Clarification that in all major residential developments, a minimum of 10% of the total number of houses should be affordable.
 - v) An additional paragraph to clarify that Local Planning Authorities should have regard to the need to retain historic statutes, plaques and memorials with a focus on explaining their historic and social context rather than removal where appropriate.

4 Report Implications

4.1 Resource and Value for Money Implications

- 4.1.1 Work on preparing Design Codes and Guidance would be by Officers from existing budgets unless additional funding is forthcoming.

4.2 Sustainability and Environment Implications

- 4.2.1 The general thrust of the new Codes and Guidance will assist the Council in achieving its objectives in the Development Plan.

4.3 Links to the Council’s Priorities

- 4.3.1 These new Documents would significantly assist in meeting and endorsing the Council’s priorities of protecting and enhancing its rural character and heritage.

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

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

Background Paper No	Author	Nature of Background Paper	Date

1. Home (<https://www.gov.uk/>)
 2. Housing, local and community (<https://www.gov.uk/housing-local-and-community>)
 3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
 4. Housing design and sustainability (<https://www.gov.uk/housing-local-and-community/housing-design-and-sustainability>)
 5. National Planning Policy Framework and National Model Design Code: consultation proposals (<https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals>)
- Ministry of Housing, Communities & Local Government (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Open consultation

National Planning Policy Framework and National Model Design Code: consultation proposals

Published 29 January 2021

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Scope of the consultation

Topic of this consultation: This consultation seeks views on draft revisions to the National Planning Policy Framework (“the Framework”). The text has been revised to implement policy changes in response to the Building Better Building Beautiful Commission “Living with Beauty” report (<https://www.gov.uk/government/publications/living-with-beauty-report-of-the-building-better-building-beautiful-commission>).

A number of other changes to the text of the Framework are also set out and explained in this consultation document, but we are not proposing a review of the National Planning Policy Framework in its entirety at this stage. A fuller review of the Framework is likely to be required in due course, depending on the implementation of the government’s proposals for wider reform of the planning system.

This consultation is also seeking views on the draft National Model Design Code, which provides detailed guidance on the production of design codes, guides and policies to promote successful design. We made a commitment to seek views on the National Model Design Code as we expect it to be used to inform the production of local design guides, codes and policies and want to ensure it is as effective as possible.

Scope of this consultation: The Ministry of Housing, Communities and Local Government is consulting on the draft text of the revised National Planning Policy Framework and seeking views on the draft National Model Design Code. In responding to this consultation, we would appreciate comments on any potential impacts under the Public Sector Equality Duty.

Geographical scope: These proposals relate to England only.

Basic Information

Body/bodies responsible for the consultation: Ministry of Housing, Communities and Local Government.

Duration: This consultation will begin on 30 January 2021 and will close at 11.45pm on 27 March 2021.

Enquiries: For any enquiries about the consultation please contact:
PlanningPolicyConsultation@communities.gov.uk

How to respond

Please respond online (<https://consult.communities.gov.uk/planning-policy-and-reform/national-planning-policy-framework-and-national-mo/>).

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable)
- the name of organisation (if applicable)

If you cannot respond online, you may send your response by email to:
PlanningPolicyConsultation@communities.gov.uk.

Please make it clear which question or paragraph number each comment relates to, and also ensure that the text of your response is in a format that allows copying of individual sentences or paragraphs, to help us when considering your view on particular issues.

Introduction

The government is proposing to make a number of changes to the National Planning Policy Framework and we would like to hear views on the amendments set out in this consultation. Most of the changes relate to policy on the quality of design of new development, and which respond to the recommendations of the Building Better, Building Beautiful Commission.

We have also taken this opportunity to make a number of environment-related changes, including amendments on flood risk and climate change. The amendments also include a small number of very minor changes arising from legal cases, primarily to clarify the policy. A few minor factual changes have also been made to remove out-of-date text (for example, the early thresholds for the Housing Delivery Test), to reflect a recent change made by Written Ministerial Statement about retaining and explaining statues, and an update on the use of Article 4 directions.

This is not a wholesale revision of the National Planning Policy Framework, nor does it reflect proposals for wider planning reform set out in the Planning for the Future consultation document. A fuller review of the Framework is likely to be required in due course to reflect those wider reforms, subject to decisions on how they are to be taken forward.

Building Better Building Beautiful Commission

The government convened the Building Better, Building Beautiful Commission with the aim of championing beauty in the built environment, as an integral part of the drive to build the homes that our communities need.

The government asked the Commission to develop a range of practical measures that will help ensure new housing developments meet the needs and expectations of communities, making them more likely to be welcomed, rather than resisted. The Commission had three primary aims:

- to promote better design and style of homes, villages, towns and high streets, to reflect what communities want, building on the knowledge and tradition of what they know works for their area
- to explore how new settlements can be developed with greater community consent
- to make the planning system work in support of better design and style, not against it

The Commission's report proposed three overall aims. These were: ask for beauty, refuse ugliness and promote stewardship, and made 45 detailed policy propositions. In our response to the Commission, we have accepted their recommendation for a stronger focus on beauty in national planning policy, to ensure the system helps to foster more attractive buildings and places, while also helping to prevent ugliness.

This consultation takes forward our commitment to making beauty and place making a strategic theme in the National Planning Policy Framework. We state clearly that poor quality schemes should be refused and, where appropriate, we have replaced references to 'good design' with 'good design and beautiful places'. Several other aspects of the Framework have been updated to reflect the Commission's recommendations.

National Model Design Code

The purpose of the National Model Design Code is to provide detailed guidance on the production of design codes, guides and policies to promote successful design. It expands on the ten characteristics of good design set out in the National Design Guide, which reflects the government's priorities and provides a common overarching framework for design. The National Model Design Code is intended to form part of the government's planning practice guidance. It is not a statement of national policy. However, once finalised, the government recommends that the advice on how to prepare design codes and guides is followed.

A design code is a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The draft National Model Design Code is intended to be used as a toolkit to guide local planning authorities on the design

parameters and issues that need to be considered and tailored to their own context when producing design codes and guides, as well as methods to capture and reflect the views of the local community from the outset, and at each stage in the process.

The government believes that design codes are important because they provide a framework for creating healthy, environmentally responsive, sustainable and distinctive places, with a consistent and high-quality standard of design. This can provide greater certainty for communities about the design of development and bring conversations about design to the start of the planning process, rather than the end.

We would welcome views on the application of the draft National Model Design Code in practice and the model processes it sets out. We would be pleased to hear from local planning authorities, neighbourhood planning groups, developers, members of the public and anyone with an interest in the design of new development.

We would be grateful for your views on the National Model Design Code, in terms of

- a) the content of the guidance
- b) the application and use of the guidance
- c) the approach to community engagement

Summary of proposed amendments to the National Planning Policy Framework

This revised Framework:

- Implements policy changes in response to the Building Better Building Beautiful Commission recommendations
- Makes a number of changes to strengthen environmental policies – including those arising from our review of flood risk with Defra
- Includes minor changes to clarify policy in order to address legal issues
- Includes changes to remove or amend out of date material
- Includes an update to reflect a recent change made in a Written Ministerial Statement about retaining and explaining statues.
- Clarification on the use of Article 4 directions

The sections below outline the main changes proposed to the Framework. A number of chapters remain unaltered, other than consequential changes to page, paragraph and footnote numbers (these are 1, 6, 7 and 10).

Chapter 2: Achieving sustainable development

The revised text reflects the government's response to the Building Better Building Beautiful Commission, and makes a small number of other minor changes:

The wording in paragraph 7 has been amended to incorporate the 17 Global Goals for Sustainable Development which are a widely-recognised statement of sustainable development objectives, to which the UK has subscribed.

Paragraph 8(b) has been amended in response to the Building Better Building Beautiful Commission recommendations to emphasise the importance of well-designed, beautiful and safe places in achieving social objectives of sustainable development.

The wording in paragraph 8(c) has been strengthened to emphasise the role of planning in protecting and enhancing our natural, built and historic environment.

The wording of the presumption in favour of sustainable development (paragraph 11(a)) has been amended to broaden the high-level objective for plans to make express reference to the importance of both infrastructure and climate change.

The final sentence in footnote 8 (referred to in paragraph 11(d)) has been removed as the transitional arrangements for the Housing Delivery Test no longer apply.

Q1. Do you agree with the changes proposed in Chapter 2?

Chapter 3: Plan-making

The revised text reflects the government's response to the Building Better Building Beautiful Commission, and recent legal cases:

In response to the Building Better Building Beautiful Commission recommendations, paragraph 20 has been amended to require strategic policies to set out an overall strategy for the pattern, scale and design quality of places.

Paragraph 22 has also been amended in response to the Building Better Building Beautiful Commission recommendations to clarify that councils who wish to plan for new settlements and major urban extensions will need to look over a longer time frame, of at least 30 years, to take into account the likely timescale for delivery.

Paragraph 35(d) has been amended to highlight that local plans and spatial development strategies are 'sound' if they are consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the Framework, and other statements of national planning policy where relevant. This ensures that the most up to date national policies (for example, Written Ministerial Statements) can be taken into account.

Q2. Do you agree with the changes proposed in Chapter 3?

Chapter 4: Decision making

The revised text aims to clarify the policy intention for Article 4 directions:

In order to ensure Article 4 directions can only be used to remove national permitted development rights allowing changes of use to residential where they are targeted and fully justified, we propose amending Paragraph 53, and ask for views on two different options.

We also propose clarifying our policy that Article 4 directions should be restricted to the smallest geographical area possible. Together these amendments would encourage the appropriate and proportionate use of Article 4 directions.

Q3. Do you agree with the changes proposed in Chapter 4? Which option relating to change of use to residential do you prefer and why?

Chapter 5: Delivering a wide choice of high quality homes

The revised text aims to clarify the existing policy and reflects the government's response to the Building Better Building Beautiful Commission and recent legal cases:

Paragraph 64 has been amended to clarify that, where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. This is to address confusion as to whether the 10% requirement applies to all units or the affordable housing contribution.

Paragraph 69 has been amended to remove any suggestion that neighbourhood plans can only allocate small or medium sites. This was not the policy intention, so the wording has therefore been amended to clarify that neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area.

Paragraph 72 has been amended to reflect Chapter 9: "Promoting sustainable transport" in ensuring that larger scale developments are supported by the necessary infrastructure and facilities including a genuine choice of transport modes. Paragraph 72(c) has also been amended in response to the Building Better Building Beautiful Commission's recommendations to clarify that when planning for larger scale development, strategic policy making authorities should set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles) and ensure that masterplans and codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community.

Footnote 40 (referred to in paragraph 73(c)) has been updated to reflect that the Housing Delivery Test has now come into effect.

Paragraph 79(d) has been amended in response to legal cases in order to clarify that the curtilage does not fall within the scope of this policy.

Paragraph 79 (e) has been amended in response to the Building Better, Building Beautiful Commission's policy proposition 1 e) that it opens a loophole for designs that are not outstanding, but that are in some way innovative, and that the words 'or innovative' should be removed. This change is not proposed to rule out innovative homes, rather that it will ensure that outstanding quality can always be demanded, even if an innovative approach is taken.

Q4. Do you agree with the changes proposed in Chapter 5?

Chapter 8: Promoting healthy and safe communities

The revised text seeks to clarify existing policy:

Paragraph 91(b) includes minor changes to help to clarify Government's expectations for attractive pedestrian and cycle routes. This supports the Building Better Building Beautiful Commission's recommendations on supporting walkable neighbourhoods.

Paragraph 96 has been amended to emphasise that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and efforts to address climate change.

Q5. Do you agree with the changes proposed in Chapter 8?

Chapter 9: Promoting sustainable transport

The revised text reflects the government's response to the Building Better Building Beautiful Commission:

Paragraph 104(d) has been amended to support the Building Better, Building Beautiful Commission's recommendations on encouraging walking and cycling.

Paragraph 108(c) and supporting footnote 45 has been amended to prevent continuing reliance by some authorities on outdated highways guidance. Our amended wording states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that the design of schemes and standards applied reflects current national guidance, including the National Design Guide and National Model Design Code.

Q6. Do you agree with the changes proposed in Chapter 9?

Chapter 11: Making effective use of land

The revised text reflects the government's response to the Building Better Building Beautiful Commission:

Paragraph 123 has been amended to include an emphasis on the role that area-based character assessments, codes and masterplans can play in helping to ensure that land is used efficiently while also creating beautiful and sustainable places.

Q7. Do you agree with the changes proposed in Chapter 11?

Chapter 12: Achieving well-designed places

The revised text reflects the government's response to the Building Better Building Beautiful Commission:

Paragraphs 124 and 126 have been amended to include the term "beautiful" in response to the Building Better Building Beautiful Commission's findings. This supports the Building Better Building Beautiful Commission's recommendation for an overt focus on beauty in planning policy to ensure the planning system can both encourage beautiful buildings and places and help to prevent ugliness when preparing local plans and taking decisions on planning applications

Paragraph 125 has been amended to clarify the role that neighbourhood planning groups can have in relation to design policies.

Paragraph 126 has been amended to emphasise that all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code and which reflect local character and design preferences.

A new paragraph 127 has been added in response to the Building Better Building Beautiful Commission's recommendations and our manifesto commitment to give communities greater say in the design standards set for their area. This reflects the Government's proposals for a National Model Design Code, which will include a model community engagement process, and will create a framework for local authorities and communities to develop a more consistent approach which reflects the character of each place and local design preferences. It also clarifies that the National Design Guide and the National Model Design Code should also be used to guide decisions on planning applications in the absence of locally produced guides or codes.

A new paragraph 129 has been added to reflect the findings of the Building Better Building Beautiful Commission and the Government's ambition to ensure that all new streets are tree-lined, and that existing trees are retained wherever possible.

New paragraph 131 and footnote 50 have been updated to refer to Building for a Healthy Life.

New paragraph 132 responds to the Building Better Building Beautiful Commission's recommendations to make clear that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. In addition, it clarifies that significant weight should be given to development which reflects local design policies and government guidance on design.

Q8. Do you agree with the changes proposed in Chapter 12?

Chapter 13: Protecting the Green Belt

The revised text seeks to clarify existing policy:

New paragraph 148(f) has been amended slightly to set out that development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order, is not inappropriate in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it.

Q9. Do you agree with the changes proposed in Chapter 13?

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

The revised text seeks to strengthen environmental policies, including clarifying some aspects of policy concerning planning and flood risk:

The changes proposed are in part, an initial response to the emergent findings of our joint review with the Department for Environment, Food and Rural Affairs (Defra) of planning policy for flood risk. The government's Policy Statement on flood and coastal erosion risk management (<https://www.gov.uk/government/publications/flood-and-coastal-erosion-risk-management-policy-statement>) sets out a number of actions to maintain and enhance the existing safeguards concerning flood risk in the planning system. Informed by this, we will consider what further measures may be required in the longer term to strengthen planning policy and guidance for proposed development in areas at risk of flooding from all sources when our review concludes.

On planning and flood risk, new paragraphs 159 and 160 have been amended to clarify that the policy applies to all sources of flood risk.

New paragraph 159(c) has been amended to clarify that plans should manage any residual flood risk by using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management).

The Flood Risk Vulnerability Classification has been moved from planning guidance into national planning policy (set out in Annex 3 and referred to in paragraph 161). It is considered that this classification is a key tool and should be contained in national policy.

New paragraph 162 has been amended to clarify the criteria that need to be demonstrated to pass the exception test.

New paragraph 165(b) has been expanded to define what is meant by “resilient”.

Q10. Do you agree with the changes proposed in Chapter 14?

Chapter 15: Conserving and enhancing the natural environment

The revised text seeks to clarify existing policy and reflects the government’s response to the Building Better Building Beautiful Commission:

New paragraph 174 has been amended in response to the Glover Review of protected landscapes (<https://www.gov.uk/government/publications/designated-landscapes-national-parks-and-aonbs-2018-review>), to clarify that the scale and extent of development within the settings of National Parks and Areas of Outstanding Natural Beauty should be sensitively located and designed so as to avoid adverse impacts on the designated landscapes.

New paragraph 175 has been separated from the preceding paragraph to clarify that this policy applies at the development management stage only.

New paragraph 178(d) has been amended to clarify that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around other developments should be pursued as an integral part of their design, especially where this can secure measurable net gains for biodiversity and enhance public access to nature.

Q11. Do you agree with the changes proposed in Chapter 15?

Chapter 16: Conserving and enhancing the historic environment

The revised text seeks to reflect a change made to national planning policy by a Written Ministerial Statement on protecting our nation’s heritage dated 18 January 2021:

New paragraph 196 has been added to clarify that authorities should have regard to the need to retain historic statues, plaques or memorials, with a focus on explaining their historic and social context rather than removal, where appropriate.

Q12. Do you agree with the changes proposed in Chapter 16?

Chapter 17: Facilitating the sustainable use of minerals

Minor changes have been made to clarify existing policy:

New paragraph 207(c) has been amended to refer to Mineral Consultation Areas in order to clarify that this is an important mechanism to safeguard minerals particularly in two tier areas, and to reflect better in policy what is already defined in Planning Practice Guidance.

New paragraph 208(f) has been amended to reflect that some stone extraction sites will be large and serve distant markets.

Q13. Do you agree with the changes proposed in Chapter 17?

Annex 1: Implementation

Minor changes have been made to update the position on transitional arrangements, and on the Housing Delivery Test.

Annex 2: Glossary

The definition of “green infrastructure” has been updated to better reflect practice, as already set out in Planning Practice Guidance, published evidence reviews and the new national framework of green infrastructure standards.

The definition of the “Housing Delivery Test” has been amended to reflect the rulebook. This clarifies that the test measures homes delivered in a local authority area against the homes required, using national statistics and local authority data.

The definition of “minerals resources of local and national importance” has been amended to include coal derived fly ash in single use deposits.

Definitions of “mineral consultation area”, “recycled aggregates” and “secondary aggregates” have been added to reflect the changes in chapter 17.

Q14. Do you have any comments on the changes to the glossary?

National Model Design Code

Q15. We would be grateful for your views on the National Model Design Code, in terms of

- a) the content of the guidance
- b) the application and use of the guidance
- c) the approach to community engagement

Public Sector Equality Duty

Q16. We would be grateful for your comments on any potential impacts under the Public Sector Equality Duty.

Going further

The government is clear that wider planning reform is needed to secure better outcomes for our modern society and economy. The COVID-19 outbreak has put this into sharp perspective. With so many people spending more time at home than ever before it is crucial that the places we call home are comfortable, affordable and within access of local amenities.

Action for a better future is needed and the planning reform proposals published last summer will help us improve our precious countryside and environment alongside increasing the supply of land for new, beautiful homes and sustainable places. Planning for the Future (published for consultation on 6 August) proposed significant changes to the focus and processes of planning.

The proposals for a reformed planning system will make it simpler, quicker and more accessible for local people to engage with and more certain for developers.

The consultation on Planning for the Future ended on 29 October. The government is now in the process of considering the responses received and will publish a summary of responses in due course. The government will also consider what further revisions to the National Planning Policy Framework are necessary to reflect those wider planning reforms.

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the complaints procedure (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government/about/complaints-procedure>).

Personal data

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

4. With whom we will be sharing your personal data

MHCLG may share your personal data with the Design Body Steering Group and the Transition Board and external organisations, for purposes relating to this consultation, including analysis of responses. Any data shared with organisations outside of MHCLG will be anonymised where possible.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation.

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/> (<https://ico.org.uk/>), or telephone 0303 123 1113

7. Your personal data will not be sent overseas.

8. Your personal data will not be used for any automated decision making.

9. We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will remain on the Citizen Space server and/or be transferred to our secure government IT system for two years of retention before it is deleted.

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Area Type Worksheet

Movement

How would you characterise the street network:

- Fully connected, most streets link at either end to other streets
- Most local streets are cul-de-sacs
- A mix of the two

How much of the area is within a five minute walk of bus stops?

- All
- The majority
- Very little

Nature

How much of the area is within a five minute walk of a local park?

- All
- The majority
- Very little

What proportion of the streets have street trees?

Built Form

What is the average density of housing development?

What is the average plot ratio?

How would you characterise the block structure:

- Regular perimeter blocks
- Informal perimeter blocks
- Row blocks
- Courtyard blocks
- Mews blocks
- Cul-de-sacs
- Mixed

What is the average set-back of buildings from the back of the pavement?

What is the character of the building line:

- Straight/curved/informal
- Variation
- Compliance

What is the predominant building height:

- Eaves height and level of variation
- Maximum height and level of variation
- Are there tall buildings present?

Identity

What is the palette of local materials: walls/roofs/windows/?

Local building features: window shapes, porches, bays, entrance features, balconies

Is the roof form varied or regular?

Boundary treatment to front gardens: wall/fence/railings/hedge

How would you describe the predominant architectural style, is this regarded locally as positive or negative?

Public Space

For each of the following streets describe the character and measure the average width, building height, enclosure ratio and active frontage:

- Primary streets
- High streets
- Secondary streets
- Local streets
- Tertiary streets

Use

Are there signs of intensification having taken place?

How would you describe the mix of uses:

- Mostly housing
- Housing with occasional other uses
- Mostly employment
- Mixed

How would you describe the mix of housing?

Homes + Buildings

What type of gardens do most houses have and do apartments generally have balconies?

What is the typical privacy distance?

Agenda Item No 6

Planning and Development Board

8 March 2021

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

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

Agenda Item No 7

Confidential Extract of the Minutes of the Planning and Development Board held on 7 December 2020

Paragraph 6 – by reason of the need to consider the making of an order.

In relation to the item listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Amanda Tonks (719221)