

**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](mailto: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**

**11 January 2021**

The Planning and Development Board will meet on Monday 11 January 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](mailto:democraticservices@northwarks.gov.uk) or by telephoning 01827 719221.

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.

## **ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)**

### **3 Planning Applications - Report of the Head of Development Control**

#### **Summary**

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

#### **3a PAP/2020/0324 - 113 Church Road, Hartshill**

Erection of first floor rear extension to provide additional residential accommodation at first floor and alterations to ground floor extensions to replace roof and incorporate a rooflight and a lantern rooflight.

#### **3b CON/2019/0025 - Environment Agency Lea Marston Depot, Coton Road, Lea Marston**

New fire and rescue training centre.

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

- 4 **Government Consultation Public Service Infrastructure** - Report of the Head of Development Control

### **Summary**

The report introduces a consultation paper from the Government proposing a “fast-track” system for dealing with planning applications for public service buildings.

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

- 5 **Minutes of the Local Development Framework Sub-Committee held on 26 November 2020** – copy herewith, to be approved as a correct record and signed by the Chairman.

STEVE MAXEY  
Chief Executive

## **Agenda Item No 3**

### **Planning and Development Board**

**11 January 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](http://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, 8 February 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](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
3/a	PAP/2020/324	1	<p><b>113 Church Road, Hartshill</b>                      Erection of first floor extension to provide additional residential accommodation at first floor and alterations to ground floor extensions to replace roof and incorporate a rooflight and a lantern rooflight.</p>	General
3/b	CON/2019/0025	9	<p><b>Environment Agency, Lea Marston Depot, Coton Road, Lea Marston</b>                      New Fire and Rescue Training Centre</p>	General

## General Development Applications

(3/a) Application No: PAP/2020/0324

113, Church Road, Hartshill, Nuneaton, CV10 0LU

**Erection of first floor rear extension to provide additional residential accommodation at first floor and alterations to ground floor extensions to replace roof and incorporate a rooflight and a lantern rooflight, for**

**Mrs S Camm**

### Introduction

This application was referred to the November Board meeting, but determination was deferred to enable Members to visit the site. The previous report is attached for convenience at Appendix A. Because of the on-going restrictions on “gatherings” it has not been possible to arrange a formal visit. As a consequence, and in view of the visibility of the site from public viewpoints, the Board Chairman agreed that Members should visit the site independently in order not to further delay matters. It is understood that Members have taken up this request.

### Observations

There have been no changes made to the application in the intervening period and there are no new other planning considerations.

The main issue that the Board discussed last time was the potential exacerbation of on-street car parking here, particularly as the site is on the junction of the main road through Hartshill and the access to the Cemetery. Members are reminded that the internal works proposed here are all permitted development and could be undertaken without the need for any planning application and that potential increased use of a lawful activity, does not change the lawful status of that activity. In other words, if there is no issue with the proposed external alterations, there are no planning circumstances here to warrant a refusal.

If the Board wishes to raise the car parking issue then this should be undertaken outside of this application with a meeting between the Parish Council who manage the cemetery, the Highway Authority and the applicant.

### Recommendation

That planning permission be **GRANTED** subject to the conditions set out in Appendix A.

## General Development Applications

(4b) Application No: PAP/2020/0324

113, Church Road, Hartshill, Nuneaton, CV10 0LU

**Erection of first floor rear extension to provide additional residential accommodation at first floor and alterations to ground floor extensions to replace roof and incorporate a rooflight and a lantern roof light for**

**Mrs S Camm**

### Introduction

This case is reported to the Board at the request of local Members concerned about the potential impacts arising from the proposals.

### The Site

The application site is an existing two storey, semi-detached property used as a hairdressing salon with a one-bedroom flat above. It fronts the western side of the road immediately next to Cemetery Lane within a residential setting.

Its location is shown at Appendix A

### The Proposal

The proposal is to reconfigure the front elevation shopfront so that the staircase is moved from the centre of the hairdressing salon floor space to the side which together with the removal of internal ground floor walls will enlarge the ground floor salon area. The first-floor accommodation would also be reconfigured along with the demolition and replacement of single storey rear extensions.

These proposals are also illustrated at Appendix A.

### Background

The lawful use of the premises is as a hairdressing salon at ground floor with residential use above. It has been used for office use in the past.

An application submitted in 2019 to use the first floor for beauty treatments along with removing ground floor internal walls so as to increase the hairdressing area together with a new two-storey rear extension was withdrawn following an objection from the Highway Authority.

### Development Plan

The Core Strategy 2014 - NW10(Development Considerations)

Saved Policies of the North Warwickshire Local Plan 2006 – TPT6 (Vehicle Parking)

Hartshill Neighbourhood Plan - H4 (Good Quality Design)

### **Other Relevant Material Considerations**

National Planning Policy Framework

The North Warwickshire Local Plan Submission Version, March 2018 - LP31(Development Considerations); LP32 (Built Form) and LP36 (Parking)

### **Representations**

Hartshill Parish Council – The Parish Council objects as there is no evidence submitted to show how car parking can be achieved given that existing car parking is on the street, hazardous and obstructs the access to the cemetery.

### **Observations**

The site is within the built-up area of Hartshill and the retention of an enhanced local facility within the community is to be welcomed in principle.

The proposed internal works here would, on their own, be “permitted development” and thus not require the submission of a planning application only an approval under the Building Regulations. This is material planning consideration of substantial weight. The works to the rear are acceptable and reasonable in design terms with no adverse impacts on neighbouring residential amenity. There is neither any change of use involved with the ground floor remaining in use as a hair-dresser’s salon with the first floor in residential use. The proposal therefore carries a recommendation of approval.

A number of representations have been made.

The first is that the internal works at ground floor increases the floor area available for customers and thus there would be an intensification of that use leading to on-street parking pressures. This representation carries no weight for the following reasons:

As indicated above these internal works are “permitted development” not requiring the submission of a planning application. Should this application be refused, the applicant could continue with these works in any event without reference to the Council under planning legislation

- Secondly, there would be no change of use involved – the ground floor remains in use as a hairdressing salon within its lawful use. Increased patronage does not involve a change of use, even if that might lead to increased car parking.
- Thirdly, increased occupancy of the existing lawful residential first floor flat would also not involve a change of use and thus any greater car ownership could neither be restricted.
- Thirdly, the very recent changes to the Use Classes Order increase the flexibility afforded to owners to change between different uses without the need for the submission of planning applications.

The second matter is a reference to the withdrawn 2019 application and to the Highway Authority’s comments which drew attention to parking issues. That application did

4b/7

involve a change of use – from the lawful residential use of the first floor to that of beauty treatments – unlike the present application. The two cases are thus materially different.

These representations therefore do not carry weight and the recommendation remains unaltered.

## **RECOMMENDATION**

That the application be granted subject to the following conditions:

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

### REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 001, received by the Local Planning Authority on 26 June 2020.

### REASON

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

3. The new works shall be carried out with smooth white, cream or pale grey render and high performance flat roof finishes. The new doors and windows shall have white frames. All new door and window glazing shall be safety glass.

### REASON

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

4. All new first floor windows and new windows to the rear extensions shall have lockable casements and permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 3, or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass. New windows to the proposed rear extensions shall be installed with permanent trickle ventilation in the head sections.

### REASON

To protect the privacy of the adjoining property and to prevent overlooking, and to improve security.

4b/8

5. There shall be no access to the flat roof areas at any time except for maintenance, cleaning and means of escape.

#### REASON

In the interest of protecting the privacy and amenity of neighbours and occupants.

#### Notes:

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
3. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

5. Radon is estimated to affect 10-30% of the properties in this area. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from [www.ukradon.org](http://www.ukradon.org) if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British

4b/9

Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

For further information and advice on radon please contact the Health Protection Agency at [www.hpa.org.uk](http://www.hpa.org.uk). Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.

6. Advertisement Consent is required under a separate procedure of the Town and Country Planning Act 1990. Should any advertisements, signs, name boards, or other devices to attract attention, be intended in respect of this development, the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such advertisements, and provide you with application forms.
7. Attention is drawn to the need to maintain unobstructed access to the cemetery at all times and thus customers should be asked not to park in this area..
8. In dealing with this application, the Local Planning Authority has worked with the applicant in order to reach a positive determination. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2020/0324

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	26/6/2020
2	Hartshill Parish Council	Objection	12/8/2020

*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.*

4b/11

3a/7



## **General Development Applications**

**(3b) Application No: CON/2019/0025**

**Environment Agency Lea Marston Depot, Coton Road, Lea Marston, B76 0DN**

**New fire and rescue training centre, for**

**- Warwickshire County Council**

### **Introduction**

This is one of three applications which were submitted to the County Council and on which this Council was invited to make representations as part of their determination. The other two applications related to similar fire service training facilities – at the outdoor education centre off Bodymoor Heath Lane at the Kingsbury Water Park and a water-based facility at an existing weir in the River Tame close to the railway bridge on the B4098 south of Kingsbury.

All three were referred to the December 2019 Board meeting.

The Board resolved not to object to the water-based facility, but to strongly object to the other two proposals.

The County Council has subsequently granted planning permission for the proposal at the Water Park but the other two remain undetermined.

The County Council has updated the submission for the Coton Road application and has invited further representations from the Borough.

Additionally, with the agreement of the Environment Agency, a Member site visit was organised to the Coton Road site. A note of this is attached at Appendix A.

The previous report is attached at Appendix B and the subsequent letter to the County Council is at Appendix C

For convenience the location plans are at Appendices D and E.

The County Council has commissioned a “drone” video of the site and its surroundings for the benefit of its Members when its Regulatory Committee considers the application. The video will be played at the Board’s meeting too.

### **Amendments Made**

The initial submission included the erection of as “cold smoke house” but this has now been removed and the siting of the other elements has been re-arranged resulting in a slightly smaller compound. Additionally, three sides of the compound are to be bounded by a 5 metres tall, solid wooden fence with the fourth - that facing the rear of the site - bounded by a two metres tall palisade security fence. The taller fence is included in response to nature conservation concerns so as to screen activity within the site from wildlife, particularly on the lakes, as well as to lessen the visual impact of the structures

behind it. Additionally, the more exposed elements of those structures are also to be timber clad so as to reduce the impact of their appearance. The amended layout is at Appendix F with the original at Appendix G. The structures are now those illustrated at Appendices H, I and J.

### **Additional Information**

The following documents have also been submitted.

An ecological appraisal confirms that there are no statutory designated bio-diversity sites of international importance within 5km of the site; that there are six statutory designated sites of national importance within 5 km and six non-statutory local bio-diversity sites within 1 km of the site. Additionally, almost 3000 records of legally protected/important species have been identified within that 1km radius. The actual site of the compound however is described as being dominated by species poor, semi-improved grassland which has been left unmanaged. The appraisal recommends a light and noise abatement strategy for the construction and operational periods for the site; further discussion with Natural England on the impacts on over-wintering birds, standard pollution prevention measures, additional badger and bat surveys and precautionary greater crested newt and reptile statements for the construction period.

A Landscape and Visual Appraisal concludes that the overall setting of the site has the capacity to absorb the development and that the development would give rise to a small but discernible change to its existing character.

A Design and Access Statement describes the functional and operational requirements of the end user and how those have determined the appearance of the proposal.

A Planning Statement describes the proposal and site as well as setting out the Development Plan background. It agrees that this is inappropriate development in the Green Belt. The case for there being very special circumstances is set out and this is attached at Appendix K.

### **Consultations**

In view of the ecological interest in this proposal as expressed in the paragraph above, the County Council was asked to forward any relevant consultation responses for the benefit of the Board, particularly following the additional screening now included as described above. That from the County Ecologist is at Appendix L where it can be seen that there is no objection subject to conditions. The Natural England response is at Appendix M where there again is no objection

The Warwickshire Wildlife Trust cannot support the proposal – see Appendix N. It considers that it is inappropriate development in the Green Belt; causes landscape and visual harm and will have an adverse impact on the protected species and wildlife that use the site and surrounding area by virtue of noise, light pollution and human activity even with the additional screening.

The comments from the Environment Agency are at Appendix O which indicate no objection subject to conditions

The comments from the County Council as Lead Local Flood Authority are at Appendix P which is no objection subject to conditions.

## **Observations**

The Board's starting position here is the objection submitted after its first consideration of these proposals. It objected to the schemes at both the Water Park and here at Coton Road. The former now has a planning permission. The Board is therefore asked to reconsider the proposal at Coton Road, to see if its objection has been overcome.

### **a) Green Belt**

The overall planning policy position hasn't altered. The site is in the Green Belt and this remains inappropriate development which thus carries substantial weight against the development in the final planning balance.

However, there are two matters which need to be explored to see if this conclusion should be altered. The first is a suggestion now made in the Planning Statement that this site is previously developed land. The second is whether the additional screening measures described above would reduce the actual Green Belt harm.

Previously developed land is defined in the NPPF. The description excludes land that has been developed for minerals extraction where provision for restoration has been made through development management procedures. Here the site is part of a much larger holding that has been the subject of sand and gravel extraction and a restoration scheme which has led to the construction of the lakes as seen today. Whilst on site too, the Environment Agency confirmed ongoing and future restoration works substantially for nature conservation purposes. In light of this, it is not considered that the site satisfies the definition. Even if it was concluded that it did, that does not mean that the proposal becomes appropriate in the Green Belt. The exceptions in the NPPF for such land is conditioned to that new development preserving openness and not conflicting with the five purposes of including land within the Green Belt. This proposal is for new structures within a new compound isolated from and unrelated to any other existing built development. Openness cannot be preserved – it would be lost. In these circumstances there is no need to assess any conflict with the five purposes. The proposal does not satisfy the NPPF exception.

As a consequence, the development is not appropriate development in the Green Belt and this carries substantial weight against the proposal in the final planning balance.

In terms of actual Green Belt harm, then the proposal as amended needs to be assessed against the guidance provided on whether there would be an adverse impact on the openness of the Green Belt. There is no definition of openness in the NPPF, but there is guidance set out in the National Planning Practice Guidance which recognises four different elements. The first is a spatial one. There will still be a noticeable spatial consequence because a large new compound with protruding structures is introduced to a wholly open setting. This "harm" will be substantial because of the size of the development. The second element is the visual one. Notwithstanding the additional screening there will be a clear visual impact. The compound will appear as a new large building mass with alien structures exposed above it. This will be in a rural setting and visible from the Lea Marston river bridge and the Birmingham-Derby rail line to the

south. This too will amount to substantial harm. The third element is the degree of activity associated with the site. There would be regular and significant associated human and vehicular activity as well as new lighting and noise. Although this site might be used for around 190 days in a year and with no night-time activity, this would still be substantially greater than at present. Finally, the fourth element is that the impacts would be permanent and not temporary. As a consequence, the actual Green Belt harm caused would also be substantial.

In conclusion therefore the proposal is not appropriate development in the Green Belt thus carrying substantial harm. It also carries substantial actual Green Belt harm.

#### **b) Other Harms**

There will be harm caused to the character of the landscape hereabouts. The site is within the Tame Valley Wetlands area of the 2010 North Warwickshire Landscape Assessment. This describes a flat, highly modified river corridor landscape which has been extensively worked for sand and gravel resulting in a new wetland landscape to the north of the area and remaining flood meadows, villages and pastoral land to the south. The landscape management strategies propose maintaining the predominantly unsettled character of the area and the conservation and enhancement of the remaining riverside wetland habitats. The proposal will have an adverse impact on this landscape character because of the introduction of a significantly large built compound into a presently open area. It is in a pronounced position isolated from other buildings which are shielded by vegetation. The site itself is well contained however within the setting of the wider landscape area and so the impact is going to be local without altering the overall assessment, but that local impact will be significant because of the size and appearance of the compound and structures.

There too will be a visual impact. It is agreed that this is not an area open to the public, but the site will be seen from the Lea Marston road bridge and from the railway line across open water in a setting where building structures are absent. It is agreed however that the impact will be local and transitory.

The ecological appraisal suggests that there may not be harms caused, but this depends on agreement on a number of Method Statements and Working Practices. Given the bio-diversity value of this stretch of the River Tame, the consultation responses from the County Ecologist and Natural England are material. However other Agencies do not agree because of the significance of the wetlands here and the scale and associated activity of the proposal. Weight has to be given to the fact that planning conditions and mitigation measures could remove objections and the increased level of screening is also of benefit in this regard. However, there is still not agreement between the relevant nature conservation bodies.

The Environment Agency has not objected on drainage or flooding grounds and the Lead Local Flood Authority has no objection.

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

The harm side of the final planning balance consists of the substantial Green Belt harm; the significant landscape impact and the uncertain level of ecological harm.

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

The applicant has put forward a number of considerations which he considers have sufficient weight to clearly override the cumulative level of harm caused so as to amount to the very special circumstances necessary to support the development.

The applicant has provided more background in respect of the considerations which he believes are of sufficient weight to clearly outweigh the harms caused in Appendix K. In summary these are that the search for alternative sites - both brownfield and County owned - was not successful; the site being in a good location for the facility in respect of the Warwickshire Services ability to retain its capacity to respond to incidents in the County without taking crews and appliances out of the County and its proximity to the other two sites in providing comprehensive and compatible training; value for money in that the cost of travelling to Oldbury and to Wales for training, as now, would be removed and because the training facility will provide the wider community with an enhanced public service. The applicant was also asked to consider a re-location of the proposal elsewhere on the EA depot land closer to existing buildings as were seen on the site visit. This alternative was not followed through because it would have involved increased land works thus adding to cost and have a greater combined visual impact. It is agreed that these considerations do carry significant weight in that they would provide a significant community benefit to enable this emergency service to operate efficiently and professionally.

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

Members are aware that the final planning balance is an assessment of whether the considerations and benefits advanced by the applicant "clearly" outweigh the cumulative level of harm caused. If so, those considerations and benefits would amount to the very special circumstances necessary to enable support for the proposals.

In this case it is not considered that the benefits "clearly" outweigh the harms caused. This is because firstly, the Green Belt harm here is so substantial due to the impact of the scale and appearance of the development in a wholly rural and open setting even with the timber boundary fencing. The applicant's consideration that alternative sites were explored is one which could well have carried more weight had it been supported by evidence of the search for a wide range of alternative sites so as to include and identify Green Belt and non-Green Belts sites; brown field and green field alternatives and sites that might already have lawful use for activity akin to that being proposed. Moreover, the criteria said to be used in filtering any sites did not include any planning criteria – only operational matters. A brownfield site is certainly to be preferred, but as explained above that is not considered to be the position here.

The second is that whilst the operational requirements of the service are recognised and it is agreed that there is a significant community benefit in having a fully trained emergency service, the NPPF explicitly recognises the Green Belt as a "protected" area and in this case because of the harms caused, it is considered that the greater community interest lies in the maintenance of the key characteristics of the Green Belt – its openness and its permanence.

The third is that there is still not agreement between the relevant nature conservation bodies on the likely harms caused.

**Recommendation**

That the Council continues to strongly OBJECT to this proposal for the reasons given in this report.

**CON/2019/0025**

**EA Depot, Coton Road, Lea Marston**

**Site Visit - 9<sup>th</sup> October 2020 at 1000 and 1030**

Present at 1000 - Councillors Downes and Phillips together with representatives of WCC Fire Service, the EA and J Brown

Present at 1030 - Councillors Bell, D Humphries, Lees and Simpson together with the representatives as above and J Brown

1. Members met at the site and the function of the existing EA equipment and plant was explained
2. The proposed layout of the site was then shown to Members together with illustrations of the structures and buildings. A full explanation of how the site would operate was given and particularly how it fitted in with the other proposals at Kingsbury.
3. Existing training operations were also explained.
4. The general setting of the site was seen in the context of the wider EA Site
5. The visits concluded at 1030 and 1120.

## General Development Applications

(1) Application Nos: CON/2019/0026 , CON/2019/0024 and CON/2019/0025

A) CON/2019/0026 -Existing Water Weir, Kingsbury Junction, Coventry Road, Sutton Coldfield,

Alterations to existing water weir, new boat launch area, new parking and turning area, loose surface pathways, new portaloes and surfacing to existing footpath in order to provide a new water rescue training area.

B) CON/2019/0024 – Kingsbury Water Park Outdoor Education Centre, Bodymoor Heath, Kingsbury.

Alterations to outdoor pursuits centre including extension of existing building, new house training simulator, new openings to an existing tower, road traffic collision simulator and to provide new fire and rescue training centre.

C) CON/2019/0025 –Environment Agency Depot, Coton Road, Lea Marston.

New fire and rescue training centre including “fire house” simulator, “cold smoke” simulator, modular training and welfare building together with ancillary parking and facilities.

### Introduction

These three applications have been submitted to the Warwickshire County Council and it has invited the Borough Council to make representations as part of its determination for each of the proposals.

They are all reported together as they all relate to new training facilities for the service and because there is one overall recommendation.

### The Site and Proposal at Coventry Road.

This is short way south of Kingsbury to the south off the Coventry Road and to the west of the railway line where the road passes under the railway bridge. Here there is an existing weir where the outfall of one of the Lea Marston lakes joins to the River Tame, which passes close to the road the bridge in the locality.

The site is shown at Appendix A.

As can be seen from the description above the proposal is to alter the profile of the weir to enable a training facility to be provided so as to enable the service to be better placed to deal with emergencies particularly involving cars caught in flooded areas. The alterations include a fixed low level wall and sluice gates to control the flow of water through the channel. An existing highway access would be used and existing surface infrastructure upgraded so as to enable vehicular and pedestrian access.

The applicant estimates that the site would be used on average twice a week with trainees arriving by minibus.

The proposed layout is at Appendix B with an artist's impression at Appendix C.

### The Site and Proposals at Kingsbury Water Park

The site is at the far northern end of Bodymoor Heath Lane which provides access to a Camping and Caravan site as well as to the former outdoor pursuits centre. This has been closed for a few years but it retains the main building and a number of structures and areas of hardstanding.

The site is shown at Appendix D.

The existing single storey building would be extended by some 30% retaining the same dimensions and continuing with the same materials – timber boarding and profiled metal sheeting. Additional structures would be provided – in order to simulate emergency conditions. These include a two storey terraced house and retention of a two storey tower but with added openings. A road collision area would replicate a length of dual carriageway as well as there being an area set aside for storing car shells – for occupancy removal and powered cutting training.

The application indicates that the site would be fully occupied throughout the week with frequent training sessions.

The smoke used on the site would be "imitation" smoke such that it dissipates very quickly.

The overall proposed layout is at Appendix E with the structures and extension illustrated at Appendices F to H.

#### **The Site and Proposals at Coton Road.**

The Environment Agency depot is some distance on the west side of Coton Road with vehicular access close to its junction with the Kingsbury Road. It is close to the Lea Marston lakes complex through which the River Tame flows. The depot consists of utilitarian buildings and storage areas.

The site is shown at Appendix I.

As described above this is to provide a new compound here close to the western most lake shore in order to provide a new training facility for the applicant. Apart from training and welfare buildings a number of other structures are proposed in order to replicate buildings such that practical training opportunities can be taken.

The structures include:

- A two storey port-cabin structure for office/classroom and staff accommodation.
- A 8.5 metre tall two storey house "rig" to simulate such a property including habitable rooms in the roof space together with adjoining ten metre tall tower to simulate a fire appliance.
- A "fire-house" over three levels (13 metres tall) with filtration units and towers.

At the present time the applicant is considering "containing" the water used on site prior to it being "tinkered" off-site.

The proposed layout is at Appendix J and illustrations of these structures are at Appendices K through to M.

#### **Background**

The Fire and Rescue Service presently has training centres in Bedworth and at Dunchurch near Rugby, but these are said not to offer the full range of opportunities at a practical level or to the scale now necessary to deal with emergencies and incidents.

Currently, personnel have to visit other centres outside of the County for essential training activity. The service thus sees an opportunity to provide bespoke training activities at each of the three sites.

It is said that the three sites offer different scenarios and therefore the best arrangement for the service, particularly as different exercises can take place at different sites at the same time. The service says that the Weir at the Environment Agency depot site cannot be used as it has steep sides and the Environment Agency is unlikely to agree to its modification – hence the Coventry Road proposal as an alternative.

#### **Development Plan**

Core Strategy 2014 : NW1 (Sustainable Development), NW3 (Green Belt) and NW10 (Development Considerations).

#### **Other Relevant Material Considerations**

Government Advice: National Planning Policy Framework 2019 (NPPF).

National Planning Practice Guidance – NPPG.

The Submitted Local Plan 2018 – LP31 (Sustainable Development), LP3 (Green Belt) and LP31 (Development Considerations).

#### **Observations**

##### **a) Introduction**

Whilst each of these applications has to be dealt with on its own merits, there is a connection between them and not only because they are from the same applicant and of similar content. The common planning factor is that the sites are all in the Green Belt.

It will be seen below that two of these proposals would amount to inappropriate development thus carrying a presumption of refusal. It is relevant to ask if the proposal were concentrated on one site then there may be less overall harm to the Green Belt. Additionally, other harms might be better mitigated through concentration on one site.

The report will return to this matter later, after each application has been looked at on its own merits.

##### **b) Coventry Road, Kingsbury**

The site is in the Green Belt. Inappropriate development in the Green belt is harmful by definition here and thus carries a presumption of refusal. The development amounts to engineering operations and these are judged to be inappropriate development by the NPPF if they do not preserve the openness of the Green Belt or they conflict with the purposes of including land within it. Here the development is small in scale and in effect alters existing built arrangements at the weir. There will be a change visually and here will be far more activity here than presently. The site is well screened by the railway embankment and there are no nearby public footpaths. Moreover the use would not be that frequent. There is also a fall-back position here as the Environment Agency could undertake similar works under permitted development rights. Additionally this is the kind of site that is necessary in order to provide this type of training and so alternatives are limited. It is thus considered that the proposal would preserve openness. There is not considered to be a conflict with the purposes of including land within the Green Belt. As a consequence the proposal would be appropriate development and thus carry the presumption of support. However because of the location of the site access close to the bridge abutment and the curvature of the road the Highway Authority's comments will be critical. The use of shared vehicles for visits to the site is thus a significant benefit.

### **c) The Water Park**

The site is in the Green Belt where inappropriate development is considered to be harmful by definition in the NPPF and thus it carries the presumption of refusal. In this case no change of use is involved as the present site has a lawful Training Centre use – Class D1 of the Use Classes Order. The issue is thus whether the new built development proposed is appropriate or not. Normally it would not be, but one of the NPPF exceptions applies here – namely the partial or complete redevelopment of previously developed land. This exception will apply if the redevelopment would not worsen the impact of openness that occurs now and that it does not worsen any impact on the purposes of including land within the Green Belt. There is new built development proposed here – the extension to the main building, the new “terraced house”, the storage areas for the cars and the additional surface works to replicate road conditions.

Additionally there would be far more activity here and that would involve different types of vehicles being on site. There would thus overall be a greater impact on the openness of the Green Belt than exists now. The proposal is thus inappropriate development and carries the presumption of refusal. However the actual Green Belt harm caused, rather than the definitional harm caused is considered to be low because of the contained nature of the site; the surrounding uses, the lawful use of the site and the significant screening around all sides.

On the assumption that there are no other harms and the County Council will need to satisfy itself on that matter, it is necessary to see if there are any considerations here that clearly outweigh the level of total harm caused.

The considerations here are the fall-back position of the lawful use particularly in respect of outdoor recreational use and facilities, and the provision on one contained site of a number of different training opportunities for a “blue light” service. It is considered that these matters do clearly outweigh the harm caused because of the level of that harm is “low” and because of the weight to be given in public safety terms to training for an essential fire and rescue service on more of a sustainable basis than now.

### **d) Coton Road depot**

Again the site is in the Green Belt and the building operations here would amount to inappropriate development carrying a presumption of refusal. They do not fit with any of the exceptions outlined in the NPPF and as such there is substantial definitional Green Belt harm caused. In respect of actual Green Belt harm then whilst there is no definition of openness in the NPPF it is generally taken to mean the absence of development in planning terms. The NPPG has offered guidance too. There is a spatial element to openness and here an open area of land would be wholly built on with large structures.

The openness of the part of the Green Belt would not be preserved. The same conclusion would apply to the visual impact of the proposal. They are large structures that are not all in-keeping visually with the surroundings. The proposals would be permanent and there would be substantial activity associated with the use – vehicular, pedestrian and smoke. It is with all of these matters in mind that it is considered that the actual Green Belt harm caused would be significant.

In respect of other harms then the Highway Authority will take a view on the impact of the proposal on the access onto Coton Road but an objection is probably unlikely. The greatest impacts are going to be visual as well as potentially an ecological one if contaminated water enters the lake system. That would also give rise to a potential pollution risk. The County Council does need to resolve these matters prior to determination.

The considerations put forward by the applicant are that these proposals enhance a "blue light" service through providing a wide range of training opportunities which has professional and efficient benefits. These will carry significant weight.

In terms of the final planning balance, then the Board has to consider whether the applicant's case "clearly" outweighs the significant actual Green Belt harm caused. At the present time it is considered not. This is because of the substantial impact on the openness of the Green Belt here by what is a wholly alien form of built development.

Whilst the need to provide training facilities is clearly a significant benefit it is considered that it should be only be supported if all other alternatives have been dismissed.

#### **e) Conclusions**

As suggested in the introductory section at (a) above, there is considered to be a strong case here for having a single site for these activities so as to reduce the overall impact on the Green Belt and perhaps deliver a more efficient training programme.

It is accepted that the training activity where the weir is needed should be located at the Kingsbury site. The Environment Agency's operational requirements for the present weir at the Coton Road site not being altered or revised takes preference here. There is clearly a need for this sort of training to be undertaken in light of increased flooding events. The Kingsbury site would offer little in the way of Green Belt harm and provided access arrangements can be agreed it is suggested that no objection is raised to that application.

Notwithstanding all of the comments raised above in respect of the other two sites it does appear that the Coton Road site offers the best opportunity for a larger training area to be found. The site is large; it has little in the way of public visibility and the structures could perhaps be re-sited to the north where they would be close to other functional buildings and plant that the Environment Agency has here and which could be shared or extended. Furthermore it would enable the Water Park site to be used for outdoor recreational purposes for which it is best suited. There would indeed be greater Green Belt harm because of the increased intensity of buildings and plant here, but that is preferable to having two distinct and separate sites where harm is caused.

As a consequence it is suggested that the Board resolves to make a holding objection such that this alternative can be properly explored.

#### **Recommendation**

- A) That the County Council be notified that this Council has **No objection** to the proposals at Kingsbury under application NWB/19/CC012.
- B) That the County Council be notified that this Council submits a **Holding objection** in respect of application NWB/19/CC010 and 013 for the reasons given in this report.

## BACKGROUND PAPERS

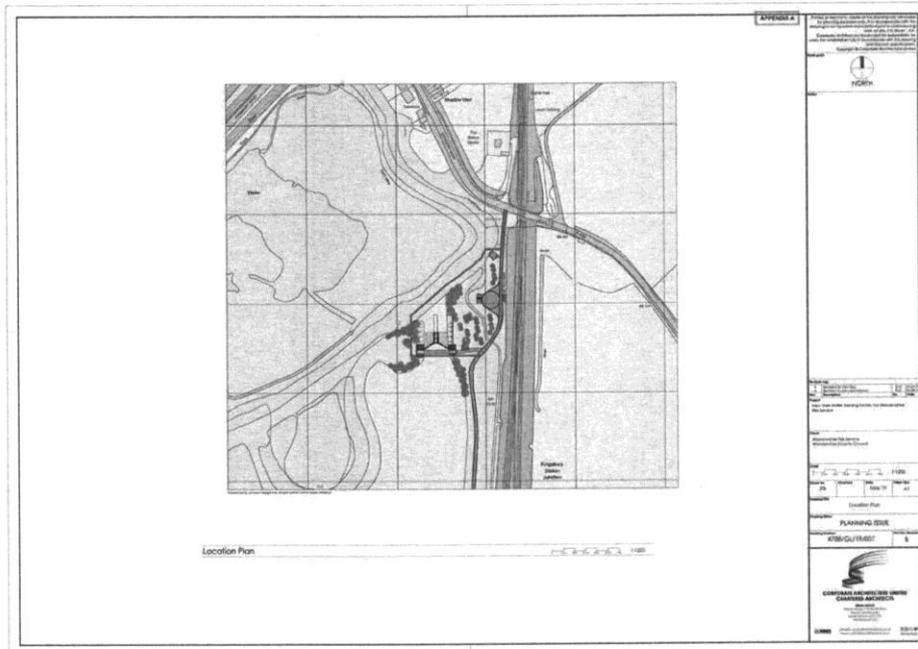
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

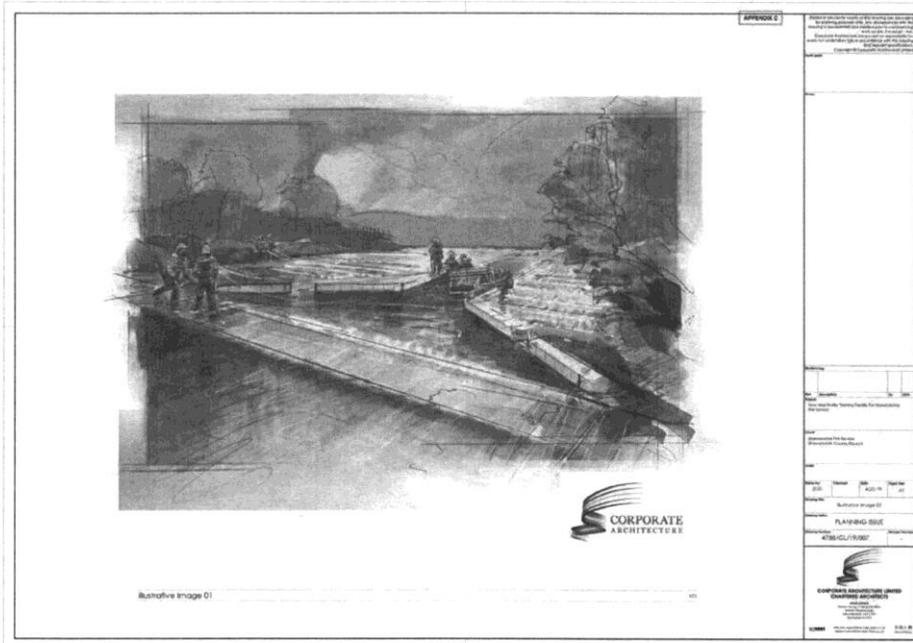
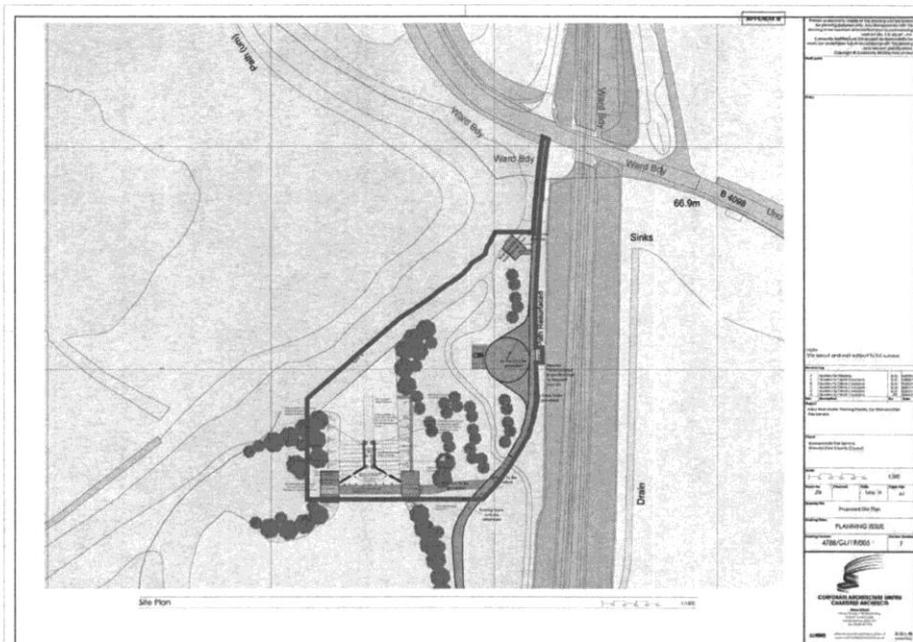
Planning Application No: CON/2019/0026

Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Letters	10 & 11/9/19
2	Warwickshire County Council	E-mail	24/10/19
3	Warwickshire County Council	E-mail	28/10/19

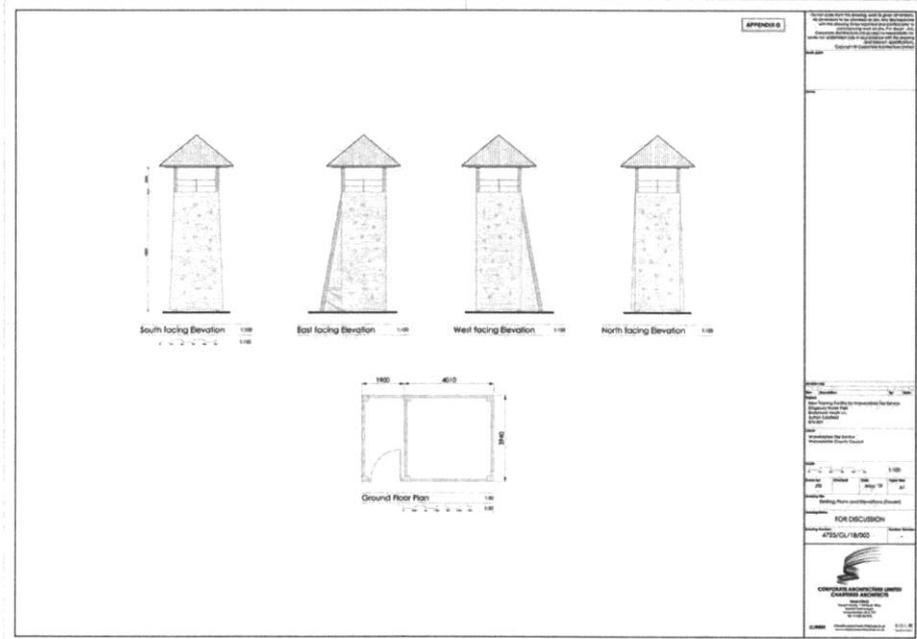
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

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

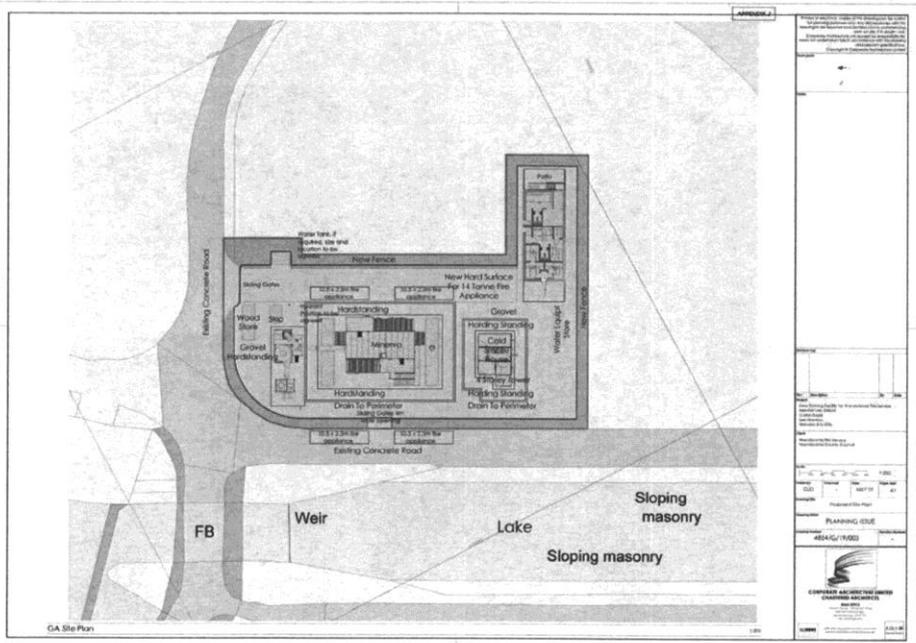
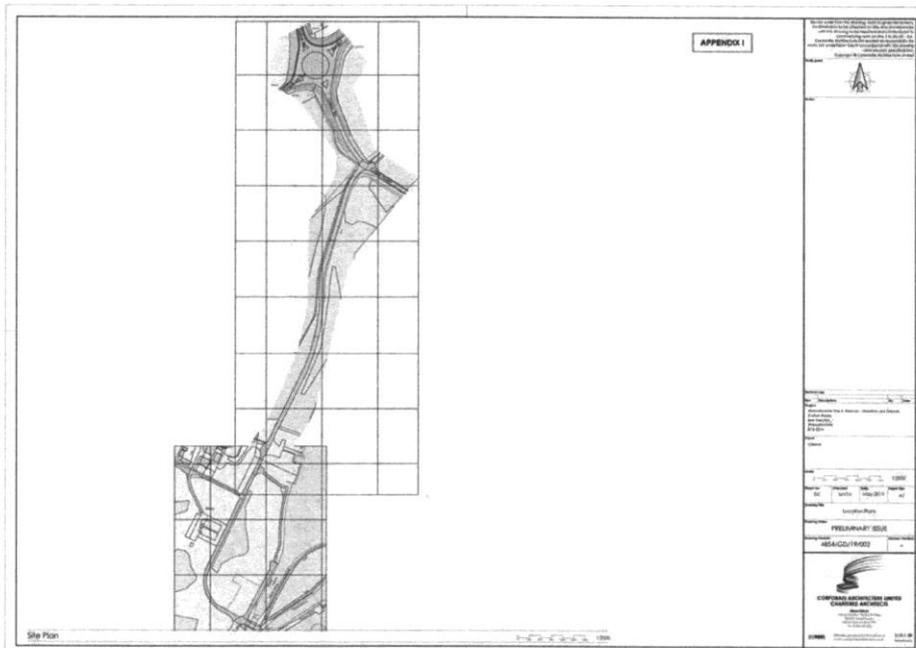


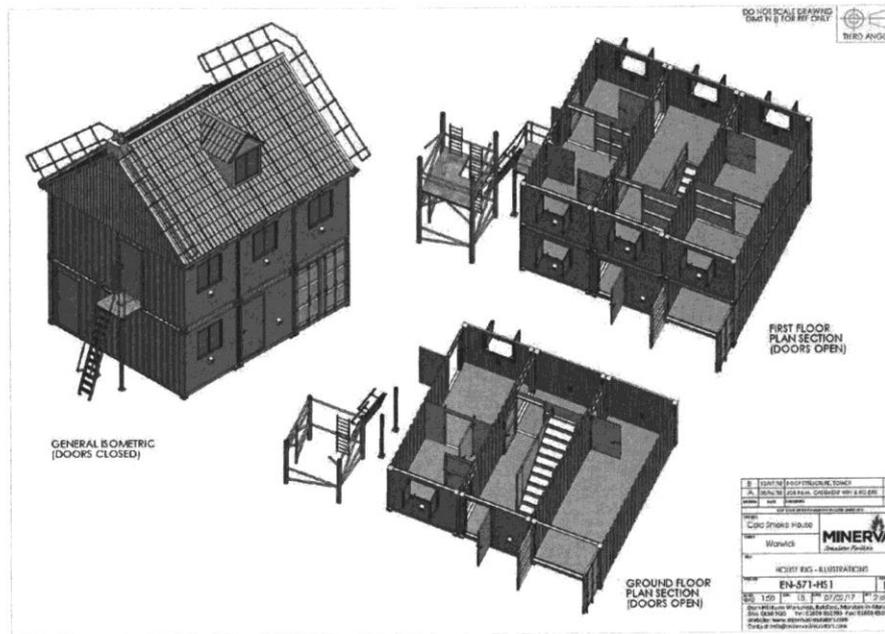
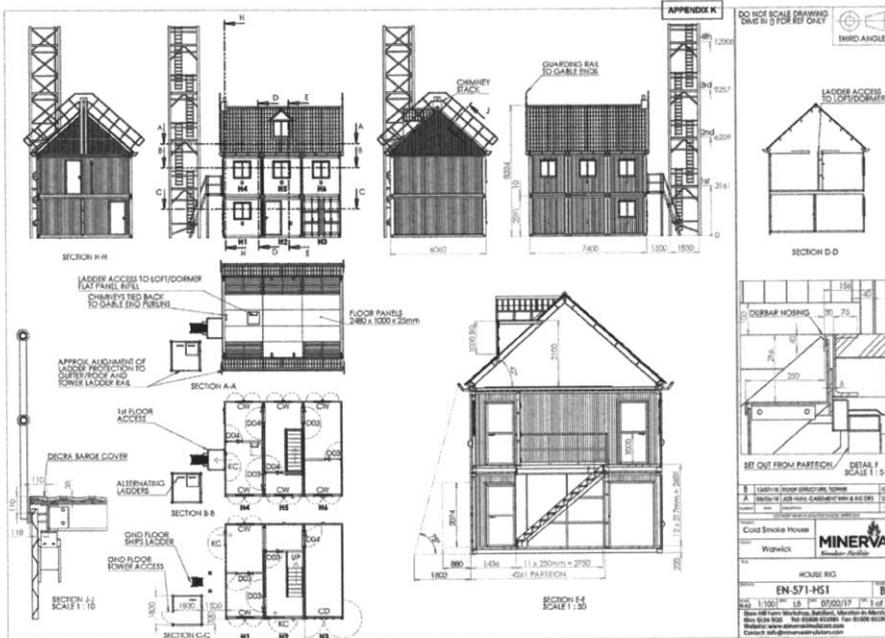
















North Warwickshire  
Borough Council

Tom Evans  
Communities  
Warwickshire County Council  
PO Box 42 Shire Hall  
Warwick  
CV34 4SX

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

Switchboard : (01827) 715341  
Fax : (01827) 719225  
E Mail : jeffbrown@northwarks.gov.uk  
Website : www.northwarks.gov.uk  
This matter is being dealt with by  
: Mr J Brown  
Direct Dial : (01827)  
Your ref : NWB/19CC010, 012 and 013  
and  
Our ref : CON/2019/0024,25 and 26

Date : 10 December 2019

Dear Tom

**Proposals for the Fire and Rescue Service in North Warwickshire**

I refer to your letters of 10 and 11 September and my subsequent letters of 16 September.

All three of these applications were referred to the Council's Planning and Development Board on 9<sup>th</sup> December. Resolutions were passed in respect of each.

**a) Coventry Road, Kingsbury**

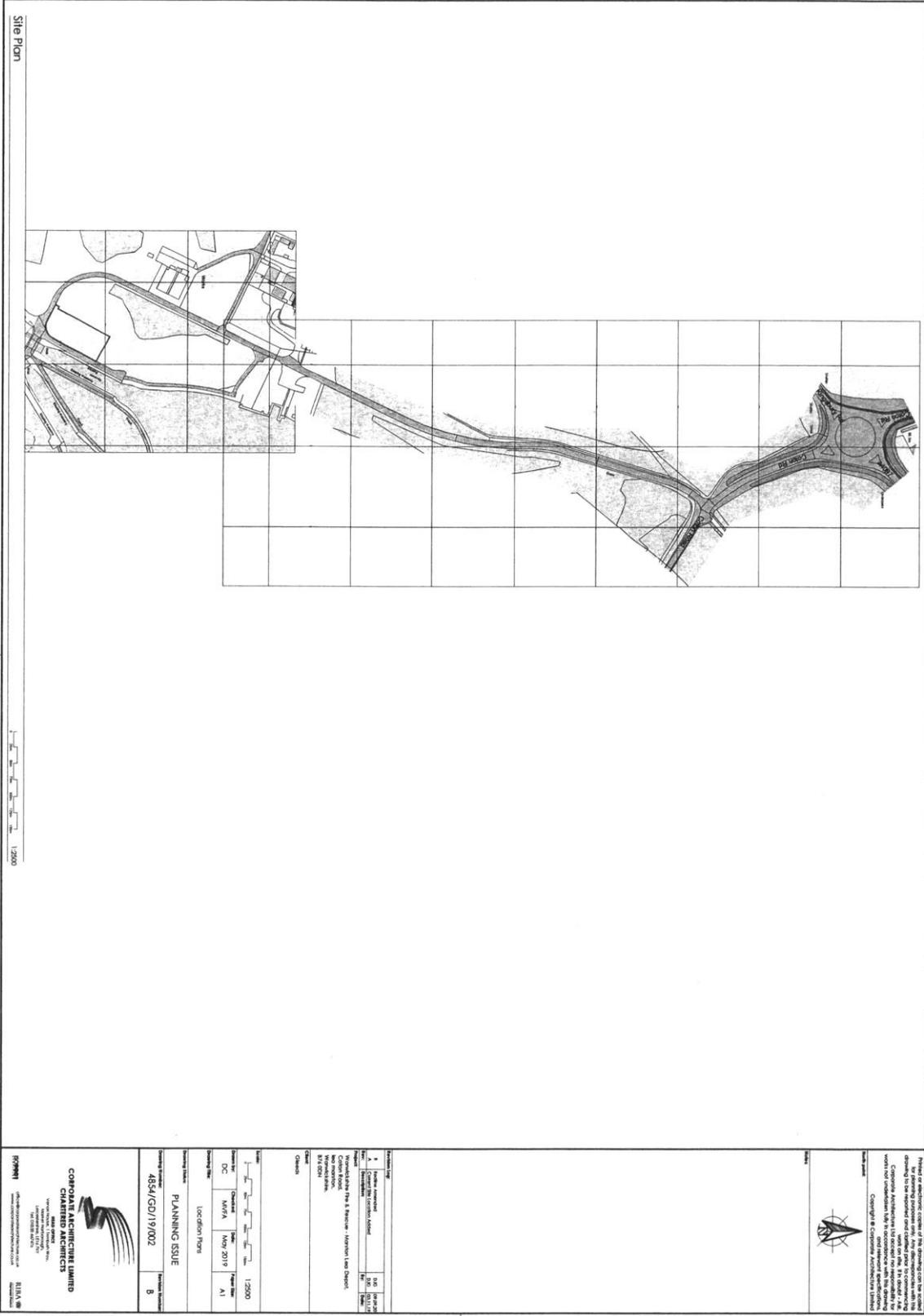
It was resolved that the Council has no objection to the proposals here subject to the County Council satisfying itself that there is no adverse highway harm.

**b) Kingsbury Water Park and Coton Road, Lea Marston**

It was resolved unanimously that this Council strongly objects to the grant of planning permission in both cases. The Council considers that these are inappropriate developments in the Green Belt and that they cause substantial actual Green Belt harm. Harms are also caused because of their visual and landscape impact as well there being no evidence that they will not harm the bio-diversity of the nature conservation interests of the two sites particularly in respect of water pollution, noise and lighting. It was also considered that harm would be caused to the recreational and leisure objectives of the County Council at the Water Park. In the final planning balance the Board considered that there were no considerations at all put forward by the County Council which would clearly outweigh the substantial cumulative harms caused, so as to amount to the very special circumstances needed to support these proposals.

Yours faithfully

Jeff Brown  
Head of Development Control



Site Plan

1:2500

Planned or anticipated content of the surrounding area is shown for reference only. Any discrepancies with the actual conditions on the ground shall be the responsibility of the user. The user shall verify the accuracy of the information shown on this plan. The user shall be responsible for any errors or omissions. The user shall be responsible for any damages or liabilities arising from the use of this plan. Copyright © 2019 by [Company Name]

Project Name	4854/GD/19/002
Project Location	PLANNING ISSUE
Project Status	8
Project Start Date	May 2019
Project End Date	AI
Project Manager	AI
Project Engineer	AI
Project Designer	AI
Project Checker	AI
Project Approver	AI
Project Date	May 2019
Project Scale	1:2500
Project Sheet	AI
Project Title	PLANNING ISSUE
Project Number	4854/GD/19/002
Project Version	8

**COMPASS ASSOCIATES LIMITED**  
 CHARTERED ARCHITECTS  
 100, WATERLOO STREET, SUITE 1000  
 OTTAWA, ONTARIO K1P 0H1  
 TEL: 613 237 1111  
 FAX: 613 237 1112  
 WWW.COMPASSASSOCIATES.COM







Elevation From Lake

1:125

**Project:** New Training Facility for Warrickshire Fire Service  
**Client:** Warrickshire Fire Service  
**Location:** Warrickshire County Council

**Drawn by:** D.J.G. **Checked by:** Oct 20 **Plot Size:** A1  
**Scale:** 1:125

**Drawing Title:** Elevation From Lake  
**Planning Issue:** PLANNING ISSUE  
**Drawing Number:** 4854/G/19/007

**COMPOSITE ARCHITECTURE LIMITED**  
**CHARBRED ARCHITECTS**  
 100, The Quadrant, Warrick, Staffs, B96 3AB, UK  
 Tel: 01827 525251 Fax: 01827 525252  
 www.composite-architecture.co.uk

Printed or electronic copies of the drawings shall be deemed to be true and correct copies of the original drawings. The client shall be responsible for ensuring that the drawings are used for the intended purpose and for any errors or omissions. Corporate Architecture Ltd. does not accept any liability for work not undertaken by it, or for any errors or omissions in the drawings or any other documents prepared or received in connection with the drawings.

Copyright © Corporate Architecture Limited

Project Name	New Training Facility for Warrickdale Fire Service		
Client	Warrickdale Fire Service Warrickdale Fire Station Cotton Road Warrickdale Midlothian EH21 8DY		
Site	Warrickdale Fire Service Warrickdale County Council		
Scale	1:50	Sheet No.	A1
Drawn by	DJC	Checked	Aug 19
Project Title	Proposed Training Building		
Drawing Title	PLANNING ISSUE		
Drawing No.	4854/G/19/005	Revision Number	1

South West Elevation

North East Elevation

South East Elevation

North West Elevation



SOLID TIMBER FENCING (5M HIGH FENCE SHOWN)

REV:		REVISION DESCRIPTION:		DATE:		BY:	
Date: 03.09.20		CORPORATE ARCHITECTURE LIMITED CHARTERED ARCHITECTS		Date:		BY:	
Scale: NTS		Yerrill House, 1 Trimban Way, Market Harborough, Leicester, LE16 7ZY Tel: 01858 462476 Email: office@corporatearchitecture.co.uk Website: www.corporatearchitecture.co.uk		Status: PLANNING		Rev: A	
Drawn by: DJG		Checked by:		Drawing No: 4854/G/19/006			
Title: New Training Facility for Warwickshire Fire and Rescue EA Depot Lea Marston		Client: Warwickshire Fire and Rescue Warwickshire County Council					

DEFINED SCALE SET AT A3 ONLY

**18.00 Very Special Circumstances for developing on the green belt site**

- 18.01 The WF&R Service has examined several possible locations for this facility and these have been assessed and scored against the following criteria:
- Public safety and response
  - Operational efficiency
  - Training demands
  - Flexibility / future proof
  - Training quality
  - Strategic alignment / Partnership approach
  - Value for public money
- The Lea Marston site has been determined using the WF&RS criteria to be the best location for locating the proposed facilities.
- 18.02 *A major factor in the site selection of the site at the DEFRA Facility is the close proximity to the new Fire & Rescue Training Facility located at Kingsbury Waterpark. WFR&S were able to acquire a redundant council owned building and site that met part of their overall training needs. Also, the Kingsbury Waterpark Training Building will provide a much-needed benefit to the local residents as its space will be offered for some community use such as public meetings etc. The Kingsbury Waterpark Site is not large enough to accommodate all the facilities needed but the facility will provide a number of related activities. These activities include road collision rescue training, high level rescue utilising an existing structure from the former outdoor pursuit centre use, and a domestic cold smoke house training simulator. As well as a providing other training activities within the redundant building.*
- The very special circumstance of locating an existing redundant facility in the area was a major factor in the consideration of the proposed location of a complementary site that is relatively close by. This is an important consideration in the search for a site for the Hot Smoke House Simulator in the locality of Kingsbury Waterpark.*
- Warwickshire County Council Strategic Assets Team, reviewed the surrounding area, to include the Country Park from the wider perspective, to see if there was any more suitable sites that the subject site proposed. They found several areas that may have been suitable, however from initial discussions with the Planning Department at Warwickshire County Council, the sites found were discounted from a planning perspective.
  - *A further consideration in the site selection is that WFR&S already carry some limited shared training on the Lea Marston site in partnership with DEFRA. This being a unique relationship that would not be available elsewhere.*
- 18.03 Although a green belt site the proposed facility is within a DEFRA Environment Agency depot that currently houses office accommodation, large storage buildings and welfare facilities. There is also the presence of existing large mechanical plant in the form of the redundant crane. The fact that the site is already populated with existing buildings and large mechanised plant which is not normally found at green belt location is a unique and can be considered a very special circumstance.
- 18.04 The site is located on an area previously used for mining and significant landfill material had been previously deposited here and the specific location can be considered as brown field. National Government policies encourage the reuse of brown field sites.
- 18.05 The site will utilise existing carparking facilities previously constructed on the site

- by DEFRA. This is a unique benefit that can be only be brought about by using this site.
- 18.06 This proposal represents a good use of public money, there are no land purchase costs and the arrangement will attract only a very small rental charge due to the mutually beneficial WFRS / EA partnership. This is a unique benefit that can only be brought about by using this site.
- 18.07 As noted above WFR&S and DEFRA work in partnership and share training related activities relating to the existing use of the DEFRA Depot as a major incident response unit. WFR&S and DEFRA are keen to expand their existing joint training exercises.
- 18.08 This site is in close proximity to the new Warwickshire Fire & Rescue Training Facility at Kingsbury Waterpark nearby will result in a greater use of resources, less travel and efficient use of staff time and ensure better staff welfare. As there is a scarcity of available sites close to the Kingsbury Waterpark site this can be considered a very special circumstance. The Kingsbury Waterpark training facility previously approved by Warwickshire County Council as a Planning Authority offers training to WFR&S that is closely related to the training at this facility.
- 18.09 The site has an existing road infrastructure and utilities already in place which is very beneficial to WFR&S. Although a training facility the fire service will need to respond to emergencies if the need arises. The proximity to a good road network is very beneficial and a very special circumstance.
- 18.10 There is good existing site security into the DEFRA Depot which is important as this facility will be generally vacant when training exercises are not being carried out.
- 18.11 This option represents an efficient use of public money to provide the facilities that are needed. There are no land purchase costs and the arrangement will attract only a very small rental charge due to the mutually beneficial WFR&S / DEFRA partnership. This a very special circumstance of WFR&S locating their training facility here.
- 18.12 The area selected for the Minerva unit is located at the rear of the site which places it away from the large lagoons and local wildlife the area is already populated with industrial buildings and infrastructure therefore there will be minimal harm to the green belt or local wild life.
- 18.13 The location means that WFRS fire appliances and staff remain within Warwickshire and have easy access to local motorway network which enable them to maintain emergency fire cover across the county whilst they are training, currently their emergency vehicles and staff must leave the county for this type of training. There is no risk of environmental contamination due to the design of the facility. The space available on the Lea Marston site is greater than that available at alternative sites which allows for greater flexibility and more efficient use of the Minerva fire house.
- 18.14 The proposed facilities will provide significant benefits to the community in that there will be great improvements to the training facilities for the Warwickshire Fire and Rescue Service. This will result in improved fire extinguishment and fire rescue relating to domestic buildings including houses and tower blocks as well as commercial and public buildings.

- 18.15 The initial findings of the Grenfell Tower Fire Report have shown "Systemic Failures" by the London Fire Brigades in its response to the 2017 blaze. Whilst WF&RS was involved in the initial findings has meant that WF&RS need to improve on their training. The training facility here provides much better opportunity for improved training than previous sites looked at by WFR&S.

**19.00 Conclusion**

- 19.01 The Grenfell Tower blaze in 2017 reinforces the need to ensure WFR&S provides very high-quality fire and rescue training. The "fire house" proposed on the site is designed to simulate conditions of larger buildings such a tower blocks during a fire. The benefit to the community in terms of having an emergency service that can carry out this fire and rescue training themselves is a very special consideration.
- 19.02 The location of the facility on the DEFRA site proves significant value of public money. The location of the new training facility within the DEFRA Depot is a very special consideration for the benefit of the local community.
- 19.03 The partnership training with DEFRA would not be available on other sites away from the area. This is a very special circumstance.
- 19.04 The site itself is in close proximity to the new training facilities at the nearby Kingsbury Waterpark where linked fire and rescue training will be carried out. This is a very special consideration.
- 19.05 In conclusion there a number of very special circumstances that should taken into consideration when determining the application.

07/09/2020

Email - Sally Panayi - Outlook

Re: NWB/19CC013 - DEFRA Minerva site, Lea Marston - Protected species report

David Lowe <davidlowe@warwickshire.gov.uk>

Mon 07/09/2020 10:47

To: Sally Panayi <sallypanayi@warwickshire.gov.uk>; Planning Ecology <planningecology@warwickshire.gov.uk>

Cc: Barbara Golding <barbaragolding@warwickshire.gov.uk>

Sally

Thank you for forwarding the amended plans and other associated documents to me for consideration of the above application.

As you will be aware WCC Ecological Services have been in protracted discussions with the applicant and their ecological consultants to ensure that there is sufficient data, analysis and interpretation to evaluate the impacts of this development on the onsite and surrounding biodiversity. Any significant impacts would then need to be avoided, mitigated for or as a last resort compensated for. I am satisfied that due process has been followed and that we are now in a position to support the proposal, although conditions will be required to regulate the activities on site to make it acceptable in planning terms.

#### Background

The proposed application is within a Local Wildlife Site the lake of which is of national importance for certain bird populations such as gadwall. The LWS citation summaries the main lake's interest as a LWS 'as it holds nationally important numbers of wildfowl, particularly Gadwall, Pochard, Tufted Duck (the fifth largest concentration in Great Britain) and Smew (cf. British Trust for Ornithology organised Wetland Bird counts –WeBs)'. The terrestrial habitat 'contains a high diversity of vascular plants within its mosaic of habitats, with the majority associated with the grassland and wetland areas. A total of 196 species was recorded during the survey, including species typical of wet and dry semi-improved grassland such as Yarrow, Common Knapweed, Common Centaury, Marsh Thistle, Meadow Cranesbill, Meadow Vetchling, Common Birdsfoot-trefoil, Musk Mallow, Great Burnet, Lesser Stitchwort and Red Clover. A huge variety of habitats and sub-habitats occur within the site ranging from open water through marginal swamp, to willow scrub, wet and dry semi-improved grassland, mown grassland, tall herb, ruderal areas, bare substrates, wet ditches, rock piles and both closed and open plantation woodlands'.

It is noted that the Environment Agency has a facility adjacent to the lake on the west that is used to test flood equipment or an infrequent basis and the railway to the east with regular usage.

#### Discussion & Conclusions

Overwintering and Summer bird surveys have been carried out to map the presence and distribution of the species using the lake at these times. This has been used to classify their population and areas of use to determine any likely impacts on these populations resulting from this application.

**Conclusions:** There is a potential that regionally and nationally important species will be disturbed by the activities on the application site; primarily through humans being visible as they use the facility. This, however, can be fully mitigated for through the erection of a suitably sized fence as detailed on Drawing No. 4854/G/19/006 at a height of 2.5m to screen human activity as well as construction and operational constraints regulated using conditions.

An otter survey found a spraint on the central spit c.100m from the application site and other spraint areas but no suitable resting habitat on the application site.

**Conclusions:** There is a potential for otters to be disturbed on the spit. This, however, can be fully mitigated for through the erection of a suitably sized fence as detailed on Drawing No.

<https://outlook.office.com/mail/inbox/id/AAMkADE0NJUzNTBkLTc5ZTEiNGUzYS1hMDQ0LTQ4ZWY1NTkzYzVhMQBGAAAAAC3TeBpwE2ISL%...> 1/4

4854/G/19/006 to screen human activity with conditions for construction and operation activities.

The site is suitable for reptiles and amphibians and are likely to be present. It is usual practice to survey for these species, however, as the site comprises of 0.2ha of a site that is 58.7ha (albeit 50% water) it was considered that these species could be covered by reasonable avoidance measures using a conditions. There were no suitable bat features found on site.

No Biodiversity Net Gain assessment has been carried out for the site although this has been discussed. It has been noted that there will be a loss and that this will need compensation. The habitats are not of significant value to require avoiding especially in context of the wider site.

**Conclusions:** The biodiversity loss will need to be compensated for and this can be covered through a condition as it is known that there are suitable locations nearby that could be used for compensation be that on WCC owned site or another.

Other regulatory considerations include:

- The approach road is not to be lit and all lighting must be contained within the site - i.e. zero additional lux above current background levels. This will ensure that there are no impacts on bat commuting or foraging routes or the water body Local Wildlife Site.
- No visible persons are to be allowed above the 2.5m fence line for training purposes associated with the training facility - to reduce the impact of human visual disturbance on the Local Wildlife Site.
- Any airborne and waterborne particulates generated through the operation of the development other than vehicular movements are to be captured and disposed of offsite or in sensitive manner - to avoid impacts onto or into the Local Wildlife Site

#### Conditions

##### **Construction and Environmental Management Plan**

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

*Reason: To ensure that protected species are not harmed by the development*

##### **Landscape and Ecological Management Plan**

The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the County Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

*Reason: To ensure that mitigation measures to protect the Local Wildlife Site and protected and important species are maintained and habitat is maintained to deliver a net biodiversity gain in accordance with NPPF.*

##### **Lighting**

<https://outlook.office.com/mail/inbox/id/AAMkADE0NjUzNTBkLTc5ZTEiNGUzYS1hMDQ0LTQ4ZWY1NTkzYzVhMQBGAAAAAAC3TeBpwE2ISL%...> 2/4

The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the County Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the County Planning Authority expects all lux resulting from the lighting fixtures are contained within the site boundaries.

*Reason: To ensure that mitigation measures to protect the Local Wildlife Site and protected and important species are maintained and habitat is maintained to deliver a net biodiversity gain in accordance with NPPF.*

#### **Biodiversity Net Gain**

Before the commencement of development, the net biodiversity impact of the development shall have been measured in accordance with the DEFRA biodiversity offsetting metric as applied by Warwickshire County Council ("the County Council") in the area in which the site is situated at the relevant time and, if the measures for on-site mitigation approved in accordance with Condition 9 of these conditions are not sufficient to prevent a net biodiversity loss, arrangements to secure measures on another site which ensure that there is no net biodiversity loss as a result of the development shall have been submitted to and approved in writing by the County Planning Authority. Unless those arrangements comprise a proposal to enter an agreement with the County Council under which the County Council will secure the implementation of suitable measures, the submitted arrangements shall include:

1. Proposals for off-site offsetting measures;
2. A methodology for the identification of any receptor site(s) for offsetting measures;
3. The identification of any such receptor site(s);
4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).

The written approval of the County Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the arrangements or any variation so approved.

*Reason: To ensure a biodiversity net gain in accordance with the NPPF*

**Occupation Management Plan** - to cover visible persons above the 2.5m fence.

The development hereby permitted shall not commence until an Occupation Management Plan is submitted and approved by the Local Authority that covers operational procedures aimed at avoiding and mitigating impact on the adjacent Local Wildlife Site. The development shall not be carried out in full accordance with such approved details unless agreed by the local authority. In discharging this condition the County Planning Authority expects the plan to cover the limiting of any part of any person or persons to appear above the 2.5m exterior fencing for training purposes plus regular inspections and repair times of the 2.5m fence and any other mitigation measure that would eliminate or reduce impacts on the Local Wildlife Site.

*Reason: To ensure that mitigation measures to protect the Local Wildlife Site and protected and important species are deliver in accordance with the Local Plan.*

I hope the above is helpful and am available to discuss any concerns you or the applicant may have.

Thanks

**David Lowe B.Sc Hons MCIEEM BES**  
**Team Leader, Ecology, Historic Environment & Landscape**  
**Planning Delivery**

<https://outlook.office.com/mail/inbox/id/AAMKADE0NjUzNTBkLTc5ZTEiNGUzYS1hMDQ0LTQ4ZWY1NTkzYzVhMQBGAAAAAAC3TeBpwE2ISL%...> 3/4

07/09/2020

Email - Sally Panayi - Outlook

Environment Services  
PO Box 43  
Warwick  
CV34 4SX  
Tel: 01926 418076



Planning Authority  
of the Year

---

**From:** Sally Panayi <sallypanayi@warwickshire.gov.uk>  
**Sent:** 14 August 2020 08:30  
**To:** Planning Ecology <planningecology@warwickshire.gov.uk>  
**Cc:** David Lowe <davidlowe@warwickshire.gov.uk>; Barbara Golding <barbaragolding@warwickshire.gov.uk>  
**Subject:** NWB/19CC013 - DEFRA Minerva site, Lea Marston - Protected species report

Dear Both,

Please find attached the final version of the Protected Species Report for the proposed Fire Training facility at Lea Marston which I have now received.

I would be grateful for your comments by 7th September.

Kind regards,

Sally

Sally Panayi  
Planning Assistant  
Planning Delivery  
Environment Services  
Communities Directorate  
Warwickshire County Council

Tel: 01926 412692  
Email: [sallypanayi@warwickshire.gov.uk](mailto:sallypanayi@warwickshire.gov.uk)  
Web: [www.warwickshire.gov.uk](http://www.warwickshire.gov.uk)

<https://outlook.office.com/mail/inbox/id/AAMkADE0NjUzNTBkLTc5ZTEtNGUzYS1hMDQ0LTQ4ZWY1NTkzYzVhMQBGAAAAAAC3TeBpwE2ISL%...> 4/4

Date: 28 September 2020  
Our ref: 322470  
Your ref: NWB/19CC013



Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Sally Panayi  
Warwickshire County Council

**BY EMAIL ONLY**

Dear Sally

**Planning consultation:** Amended plans and additional information - New fire and rescue training centre with various fire and smoke simulators, modular building and parking.  
**Location:** Land DEFRA, Environment Agency Midlands, Lea Marston Depot, Coton Road, North Warwick, B76 0BX. at Kingsbury Junction, Coventry Road, Sutton Coldfield, Kingsbury

Thank you for your consultation on the above dated 04 September 2020 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

**NO OBJECTION**

Based on the amended plans and additional information submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

**Whitacre Heath Site of Special Scientific Interest**

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

**Other advice**

Further general advice on the consideration of protected species and other natural environment issues is provided in our previous response dated 10<sup>th</sup> of October 2019 (our ref 295240).

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 02082256013.

Yours sincerely

Yana Burlachka  
Planning for a Better Environment Team – West Midlands



10<sup>th</sup> November, 2020

Application Ref: NWB/19CC013

Dear Sally,

Re: DEFRA - Environment Agency Midlands, Lea Marston Depot, Coton road, North Warwick, B76 0BX

Proposal: New fire and rescue training centre including 'fire house' simulator', modular training and welfare building and ancillary parking and facilities.

Warwickshire Wildlife Trust is a wildlife conservation charity and our comments relate to the protection and enhancement of wildlife and the natural environment affected by this proposal. The Wildlife Trust has the following comments regarding this outline application, with our policy emphasis **underlined** in our response, where appropriate.

**Planning Policy Background**

North Warwickshire Local Plan March 2018.

Chair  
Crishti Waring  
Chief Executive  
Ed Green

**Warwickshire Wildlife Trust**  
Brandon Marsh Nature Centre  
Brandon Lane, Coventry, CV3 3GW  
☎ 024 7630 2912 ✉ enquiries@wkwtr.org.uk

A company limited by guarantee.  
Registered in England No: 585247  
Registered Charity No. 209200. VAT No. 670 3187 40



[www.warwickshirewildlifetrust.org.uk](http://www.warwickshirewildlifetrust.org.uk)

Policy LP14 Landscape states within identified landscape character areas development will conserve, enhance and where appropriate, restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. Specific landscape, geo-diversity, wildlife and historic features which contribute to local character will be protected and enhanced.

It is not considered that the proposal as set out will conserve and enhance the landscape character of the area.

#### Local Policy LP31 Development Considerations

States that development: 'Should ...avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution'.

'Protect the quality and hydrology of ground or surface water sources so as to reduce the risk of pollution and flooding, on site or elsewhere'.

One of the main objectives of the plan in 5.3 is also 'limiting adverse impacts on bio-diversity and ecology assets'. The application as set out does not appear to meet these policy requirements.

The application is set within the allocated Green Belt and isn't considered to meet any of the requirements of Policy 'LP3 Green Belt' such as a replacement dwelling or part of an existing settlement in its remote location. The policy also states that: 'Relevant planning consideration, such as the sustainability of the location; landscape and visual appearance or impact...and impacts on general amenity will all be considered'. The application in its current form does not appear to fully address these issues.

Also whilst the site is noted as brownfield it is considered that there is no history of built form of this scale and intensity in this location, adjacent to an important water source.

The Ecology Report notes that 'notable species which have the potential to be impacted by the scheme include, Cetti's warbler, large numbers of waterfowl (tufted duck (108) and mute swan (144)). According to the surveys wintering birds Gadwall, wigeon and tufted duck were also recorded within waterbodies 1 and 1a, with peak counts of 101, 161 and 403. These important species would clearly be impacted by development directly adjacent to the watercourse. They also connect to and support wider wintering populations such as those that use Whitacre heath SSSI as well as other waterbodies throughout the Coton Pools and Kingsbury Water Park potential Local Wildlife Site, important allocations which could all be impacted.

The site is made up of a semi-improved grassland habitat which would be removed as part of the proposal impacting local biodiversity and flora and fauna. The application is also located directly adjacent to the River Tame and next to an important potential *Local Wildlife Site - Kingsbury Community Wetland*, where species and habitats would clearly be impacted. It is also noted that Natural England requested further information regarding the impact the scheme could have on the breeding birds at a SSSI (Whitacre Heath) present within 0.5km.

The new building is considered to have an impact on the surrounding wildlife and important aquatic habitat of the River Tame directly adjacent to the proposed site. The impact of light pollution and noise on protected species including birds, bats, gulls, ducks amongst many more would be significant for this location which is host to 10,000s of important species and is a key site for wider green and blue infrastructure corridors.

There is also serious concern that human activity, noise and light on the site could impact breeding birds, particularly water breeding birds.

WWT are concerned regarding the impact of human activity on birds in flight and high in trees, as it was noted that 'the presence of EA personnel and other contractors close to the weir caused birds to move away from the disturbance'. Whilst it is appreciated that a higher fence has been proposed this is still considered to have little impact in terms of bird in flight and the noise/ light impacts on the protected species and wildlife in the area.

WTT is surprised to read results of the noise assessment that state that 'adverse noise effects at the nearest receptors are most unlikely' and note that this is only 'based on the information available'.

The Wildlife Trust is also concerned that there is not enough evidence of the necessary compensation for this biodiversity loss, in line with local and national policy.

#### **National Planning Policy Framework 2019 (NPPF)**

**Paragraph 174** '*Habitats and Biodiversity*' requires plans to:

*"Protect and enhance biodiversity" and "safeguard components of local wildlife-rich habitats and wider ecological networks..."*

*"...identify and pursue opportunities for securing measurable net gains for biodiversity."*

**Paragraph 175** emphasises the importance of protecting '*irreplaceable habitats*' from potential loss or deterioration.

*“When determining planning applications, local planning authorities should apply the following principles:*

*c) development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists...”*

**Paragraph 127** *“Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place...”*

**Paragraph 149** also emphasises the importance of taking *“a proactive approach to mitigating and adapting to climate change”*.

### **Natural Environment and Rural Communities Act 2006**

Section 40 of the NERC Act stipulates a ‘*duty to conserve biodiversity*’ and requires that:

*“The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity... Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.”*

<http://www.legislation.gov.uk/ukpga/2006/16/section/40>

### **Supporting Documents**

The Wildlife Trust would also reference a number of important supporting documents that should inform any potential redevelopment of this site, notably:

*Warwickshire (Arden) Landscape Guidelines*

---

<https://apps.warwickshire.gov.uk/api/documents/WCCC-863-667>

*Warwickshire, Coventry and Solihull Green Infrastructure Strategy*  
<https://www.warwickshire.gov.uk/greeninfrastructure>

### **WWT Planning Assessment**

There is a clear commitment by Government to leave the environment in a better state than it inherited it and to facilitate nature's recovery via providing net gains to biodiversity. This is reflected within the NPPF (2019) and the Government's 25 Year Environment Plan.

The Wildlife Trust has concerns regarding the proposal in the green belt, adjacent to the River Tame, as well as a potential Local Wildlife Site and within 0.5km of a SSSI. WWT also has serious concerns reading the impact of noise, light pollution and the intensification of human activity on the protected species and wildlife that clearly use the area.

The application doesn't appear to fulfil all of the required tests to be an exception site in the green belt, and seems to contravene Local Policy LP31 Development Considerations states that development: 'Should ...avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution'.

There will also be an obvious impact on the protected species and wildlife that use the site and surrounding watercourse in terms of noise, light pollution and human activity, which it is considered will be impacted contrary to national and local policy, despite fencing mitigation.

There also appears to be limited information as to why such a facility needs to be adjacent to an important water course for protected species and in a green belt location.

Therefore, in its current form, it is the considered view of Warwickshire Wildlife Trust that this full application contravenes local and national planning policy. On balance, therefore, the Trust at this stage cannot support the application.

I hope that you may find these comments helpful and please contact me if you have any further queries regarding this response.

Yours Sincerely,

Jennie Johnson

Planning and Biodiversity Officer

Sally Panayi  
Warwickshire County Council  
PO Box 43  
Warwick  
Warwickshire  
CV34 4SX

**Our ref:** UT/2020/118870/01-L01  
**Your ref:** NWB/19CC013  
**Date:** 03 November 2020

Dear Madam,

**NEW FIRE AND RESCUE TRAINING CENTRE INCLUDING 'FIRE HOUSE' SIMULATOR', COLD 'SMOKE HOUSE' SIMULATOR, MODULAR TRAINING AND WELFARE BUILDING AND ANCILLARY PARKING AND FACILITIES**

**DEFRA - ENVIRONMENT AGENCY MIDLANDS, LEA MARSTON DEPOT, COTON ROAD, NORTH WARWICK, B76 0BX**

Thank you for referring the above application to the Environment Agency. We apologise for the delay in replying and trust that our comments will still be taken into consideration.

The Environment Agency has no objections to the proposed development but wishes to request the following conditions.

Flood Risk

**Condition**

The development shall be carried out in accordance with the submitted flood risk assessment undertaken by Wood Environment & Infrastructure Solutions UK Limited dated September 2020 reference 42234-WOOD-XX-XX-RP-OW-0003\_S0\_P02 and the following mitigation measures it details:

- All new buildings and flood sensitive development shall be located outside of the flood plain.
- Finished floor levels shall be set in accordance with Table 5.1 of the Flood Risk Assessment.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reasons**

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

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

**Condition**

The proposed planning permission will only be acceptable if the following planning condition is included.

- There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of watercourses, unless agreed otherwise in writing by the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason**

To maintain access to the watercourse for maintenance or improvements to provide for overland flood flows and to *avoid adverse impact on flood storage*.

Water Quality**Condition**

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

**Reason**

To ensure that the proposed development does not harm the water environment in line with paragraph 170 of the National Planning Policy Framework

*Advice to applicant*

The proposed activities may require an Environmental Permit from us under the Environmental Permitting (England and Wales) Regulations 2016. Any pollution prevention measures in relation to the proposed activity will be enforced via this permit.

The applicant should be aware that there is no guarantee that a permit will be granted. We therefore ask the applicant / developer to contact the Environment Agency on 03708 506 506 for a pre-application discussion.

Further information regarding the need, and applying, for an Environmental Permit can be found on our website: <https://www.gov.uk/topic/environmental-management/environmental-permits>.

Yours faithfully

**Paul Gethins**  
**Planning Specialist**

Direct dial 020 3025 3075  
Direct e-mail [paul.gethins@environment-agency.gov.uk](mailto:paul.gethins@environment-agency.gov.uk)

End

2

Your ref: NWB/19CC013  
Our ref: WCC001655 R2/FRM/SW/003  
Your letter received: 22/10/2020



Mrs Jasbir Kaur  
Strategic Planning & Development Manager  
Warwickshire County Council  
Shire Hall  
Warwick  
Warwickshire, CV34 4RL

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

Tel: 01926 412982

[FRMPlanning@warwickshire.gov.uk](mailto:FRMPlanning@warwickshire.gov.uk)

[www.warwickshire.gov.uk](http://www.warwickshire.gov.uk)

**FAO Sally Panayi**

02 November 2020

Dear Mrs Kaur,

**PROPOSAL:** New fire and rescue training centre including 'fire house simulator', cold 'smoke house' simulator, modular training and welfare building and ancillary parking and facilities.

**LOCATION:** DEFRA - Environment Agency Midlands, Lea Marston Depot, Coton road, North Warwick, B76 0BX

**APPLICANT:**

Warwickshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 22 October 2020. Based on the information submitted the LLFA has **No Objection** subject to the following condition.

**Condition:**

The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA), Drainage Strategy & Operation & Maintenance Manual and in particular the following mitigation measures detailed within the documents:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to 2 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the Drainage Strategy of 135m<sup>3</sup> and/ or in accordance with 'Science Report SC030219 Rainfall Management for Developments'.
- Surface water is to be provided via a minimum of two trains of treatment and water from training exercises is to be collected separately using the proposed Firewater Tank for disposal in accordance with the submitted SuDs Operation and Maintenance Manual.



*Working for  
Warwickshire*

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

**Reason**

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

**Advisory**

Any connection or alteration to a statutory main river will require an Environmental Permit from the Environment Agency.

Yours sincerely

*Sophie Wynne*

Sophie Wynne  
Planning & Sustainable Drainage Engineer

---

Approved Documents:

- Flood Risk Assessment\_Minerva Fire and Rescue Training Facility\_42234-WOOD-XX-XX-RP-OW-0003\_S0\_rev P02
- Drainage Strategy\_Warwick Fire Stations:Lea Marston Depot\_071300-CUR-00-XX-RP-C-0002\_rev V01
- Email from applicant\_NWB/19CC013 – DEFRA site, Lea Marston\_dated 22/10/2020
- SuDs Operations and Maintenance Manual\_Warwick Fire Stations: Lea Marston Depot\_071300-CUR-LM-XX-RP-C-00004\_rev V01

Sally Panayi  
Warwickshire County Council  
PO Box 43  
Warwick  
Warwickshire  
CV34 4SX

**Our ref:** UT/2020/118870/01-L01  
**Your ref:** NWB/19CC013  
**Date:** 03 November 2020

Dear Madam,

**NEW FIRE AND RESCUE TRAINING CENTRE INCLUDING 'FIRE HOUSE'  
SIMULATOR', COLD 'SMOKE HOUSE' SIMULATOR, MODULAR TRAINING AND  
WELFARE BUILDING AND ANCILLARY PARKING AND FACILITIES**

**DEFRA - ENVIRONMENT AGENCY MIDLANDS, LEA MARSTON DEPOT, COTON  
ROAD, NORTH WARWICK, B76 0BX**

Thank you for referring the above application to the Environment Agency. We apologise for the delay in replying and trust that our comments will still be taken into consideration.

The Environment Agency has no objections to the proposed development but wishes to request the following conditions.

Flood Risk

**Condition**

The development shall be carried out in accordance with the submitted flood risk assessment undertaken by Wood Environment & Infrastructure Solutions UK Limited dated September 2020 reference 42234-WOOD-XX-XX-RP-OW-0003\_S0\_P02 and the following mitigation measures it details:

- All new buildings and flood sensitive development shall be located outside of the flood plain.
- Finished floor levels shall be set in accordance with Table 5.1 of the Flood Risk Assessment.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reasons**

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

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

**Condition**

The proposed planning permission will only be acceptable if the following planning condition is included.

- There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of watercourses, unless agreed otherwise in writing by the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason**

To maintain access to the watercourse for maintenance or improvements to provide for overland flood flows and to *avoid adverse impact on flood storage*.

Water Quality**Condition**

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

**Reason**

To ensure that the proposed development does not harm the water environment in line with paragraph 170 of the National Planning Policy Framework

*Advice to applicant*

The proposed activities may require an Environmental Permit from us under the Environmental Permitting (England and Wales) Regulations 2016. Any pollution prevention measures in relation to the proposed activity will be enforced via this permit.

The applicant should be aware that there is no guarantee that a permit will be granted. We therefore ask the applicant / developer to contact the Environment Agency on 03708 506 506 for a pre-application discussion.

Further information regarding the need, and applying, for an Environmental Permit can be found on our website: <https://www.gov.uk/topic/environmental-management/environmental-permits>.

Yours faithfully

**Paul Gethins**  
**Planning Specialist**

Direct dial 020 3025 3075  
Direct e-mail [paul.gethins@environment-agency.gov.uk](mailto:paul.gethins@environment-agency.gov.uk)

End

2

**Jeff Brown**

---

**From:** Sally Panayi <sallypanayi@warwickshire.gov.uk>  
**Sent:** 10 November 2020 12:47  
**To:** Jeff Brown  
**Subject:** NWB/19CC013 - DEFRA Lea Marston Depot - Consultation responses  
**Attachments:** NWB19CC013 - EA response 03.11.20 - 118870.pdf; NWB19CC013 - Flood Response 02.11.20-WCC001655 R2\_FRM\_SW\_003.pdf

Dear Jeff,

I am writing to update you on consultation responses received for the Lea Marston application.

Please see attached for your information the Environment Agency and the Local Lead Flood Authority responses.

I have not yet had a response from the Warwickshire Wildlife Trust. They were sent the amended details on 3rd November with a request for a response by 17 November, so I would hope to be able to forward you their comments after that date.

Kind regards,

Sally

Sally Panayi  
Senior Planner  
Planning Delivery  
Environment Services  
Communities Directorate  
Warwickshire County Council

Tel: 01926 412692  
Email: [sallypanayi@warwickshire.gov.uk](mailto:sallypanayi@warwickshire.gov.uk)  
Web: [www.warwickshire.gov.uk](http://www.warwickshire.gov.uk)

This transmission is intended for the named addressee(s) only and may contain confidential, sensitive or personal information and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy or use it, or disclose it to anyone else. If you have received this transmission in error please notify the sender immediately. All email traffic sent to or from us may be subject to recording and/or monitoring in accordance with relevant legislation.

**Agenda Item No 4**

**Planning and Development Board**

**11 January 2021**

**Report of the  
Head of Development Control**

**Government Consultation Public  
Service Infrastructure**

**1 Summary**

- 1.1 The report introduces a consultation paper from the Government proposing a “fast-track” system for dealing with planning applications for public service buildings.

**Recommendation to the Board**

**That the Board agrees its response to the consultation paper as set out in this report, together with any additional comments that Members raise and submit to the Head of Development Control before the end of the consultation period on 28<sup>th</sup> January 2021.**

**2 Background**

**a) Introduction**

- 2.1 The Government published a consultation paper in early December 2020 setting out proposals designed to:

- i) deliver public service buildings – e.g. schools and hospitals - more quickly through the planning system with a streamlined process, and to
- ii) introduce a simpler process for business premises to become new homes so as to boost town centres through brownfield development.

- 2.2 The proposals follow on from the recent Planning White Paper which proposed planning by Zones so as to speed up the delivery of new development. The current consultation paper also arises from the changes that are happening in town centres because of changing shopping habits; the consequences of the pandemic and the “levelling-up” agenda in order to deliver new infrastructure.

**b) Public Service Infrastructure**

- 2.3 The Paper refers to the recent Spending Review which set out the Government’s long-term programme for investment in public service

infrastructure – e.g. hospitals, schools, colleges and prisons. The Paper suggests that one of the key issues in delivering this infrastructure is securing planning permission, “which can often take significant time, leading to project delays and cost increases”. So the Paper proposes measures to “speed up” this process. They are:

i) To increase permitted development rights for extensions to existing buildings. This would mean extensions to be permitted development if they are no more than 25% of the footprint of buildings on site or up to 250 square metres whichever is the greater. The current % increase is also 25%, but of the “original” buildings on site, not the “current” buildings. Additionally, the height limit would be increased from 5 to 6 metres except where within 10 metres of the site boundary. Sports and playing fields will continue to be protected. These rights would apply to schools, colleges, hospitals and be introduced for the first time for prisons. The MOD Estate will be the subject of further consideration.

ii) Where a full planning application is needed for proposed public service infrastructure – e.g. a new school – the proposal is to ensure faster delivery. New Secondary legislation would be introduced to modify the process for these planning applications - a shorter determination period and different consultation requirements. These changes would apply to new “major” developments for schools, hospitals, further education colleges and prisons on sites of over a hectare and/or more than 1000 square metres in size. The determination period for these applications would be 10 weeks and the legislation would require their prioritisation. The Paper foresees the need for further guidance to applicants and statutory consultees so as to require active pre-application engagement in order to resolve issues before submission. In respect of consultation then the legislation would require shortening of the statutory periods – from 21 to 14 days – for both the public and for statutory consultees. The Government acknowledges that this presumes that there has been pre-application consultation by the applicant.

iii) Post-permission matters are also to be prioritised – e.g. subsequent reserved matters consents and the discharge of conditions. Performance of these applications is to be monitored by the Government.

#### c) **Housing Delivery**

2.4 Members will be familiar with the existing permitted development rights that enable conversion of some office space to residential units. The Government has introduced new “quality requirements” recently to ensure that this “benefit” has regard to nationally described space standards.

2.5 Additionally, Members will be aware that from September 2020, the Use Classes Order was substantially changed, to further de-regularise changes of use between the former retail, office and business use classes, by subsuming them into one overall new Use Class - Class E.

2.6 The Paper expands on the new “rights” introduced in para 3.4 by proposing that they would also apply to the new E Use Class. Hence buildings with lawful use within this Class – e.g. retail, smaller office uses, indoor sports premises and restaurants - could change to residential without the need for a full planning

application. The Prior Approval procedures however would still apply to this “right”. This would, the Paper argues, increase the delivery of residential units; use brown field land and bring people back into town centres in particular. Conditions would apply to this benefit and the matters to be considered under the prior approval procedure would be expanded, as would the level of detail needed to be submitted. For instance, there would be some protection for public houses; theatres and music venues. The associated planning fee would also increase, such that it would apply to the number of new residential units proposed and not as now, just a single fee for the whole application.

### **3 Observations**

3.1 Whilst the principle of speeding up the delivery of new public infrastructure is one that can be supported, there are several matters that need to be addressed. These arise from experience in dealing with such cases.

- a) The Local Planning Authority determining these applications is often not the Authority in which the development is to be located.
- b) In many cases, applicants do not adequately engage early enough with the local community, or indeed at all.
- c) From experience, applicants are very reluctant to amend or modify a proposal to meet local responses in respect of layout, scale, design, appearance and highway considerations. Conflict and opposition is thus often “built-in” at this early stage.
- d) Designs and appearance of buildings is often “set” by the applicant, leaving no room for local settings and characteristics to be considered.
- e) The detail and information accompanying pre-application discussion is often insufficient to assess a proposal.
- f) Statutory consultations even at pre-application stage, are often severely delayed.
- g) Highway considerations are not fully worked through.
- h) Future proofing proposals is often not considered.

3.2 Members will be aware that new infrastructure is to be provided which is associated with the allocations set out in the emerging Local Plan. Master planning those allocations is underway and thus the necessary community engagement is being built-in to their delivery. However, there may well be issues arising where replacement and/or new infrastructure is needed, where it is not associated with large allocations of land. The matters raised in 3.1 above will be likely to arise if there is no early engagement.

3.3 Whilst welcomed in principle, it is considered that the focus here should be on statutory requirements being applied to applicants in respect of active and early pre-application engagement and to consultees in respect of early involvement and timely responses, rather than to the Local Planning Authority.

3.4 The general approach to re-using buildings in town centres and elsewhere for new residential use through conversion is again something that can be supported in principle rather than to leave property vacant and dis-used. It will also assist in delivering new houses without the need to develop green field land. The issue here is to ensure appropriate amenity and living standards are adhered to, as recognised rather belatedly by the Government.

**4 Report Considerations**

**4.1 Financial and Value for Money Implications**

4.1.1 There are unlikely to be any financial implications although there may be increased fees received associated with the new Prior Approvals.

**4.2 Sustainability and Environment Implications**

4.2.1 The quality of new development may decline unless applicants are prepared to review proposals in the light of community engagement.

**4.3 Links to Council Priorities**

4.3.1 There may be some impact of the Council’s priorities of retaining the Borough’s rural character and its heritage assets.

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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**MINUTES OF THE LOCAL  
DEVELOPMENT FRAMEWORK SUB-COMMITTEE**

**26 November 2020**

Present: Councillor Reilly in the Chair.

Councillors Chambers, T Clews, D Humphreys, M Humphreys and Osborne.

Councillors Bell, Farrow and Lebrun were also in attendance.

**7 Disclosable Pecuniary and Non-Pecuniary Interests**

There were none declared at the meeting.

**8 Local Plan Progress**

The Chief Executive updated Members on progress with the Local Plan.

**Resolved:**

**That progress with the Local Plan, as outlined in the report of the Chief Executive, be noted.**

**9 Solihull Local Plan Reg 19 Draft Submission Plan October 2020 – Consultation**

The Chief Executive informed Members of the consultation on the Solihull Local Plan Draft Submission Plan.

**Resolved**

**That the response to the consultation on the Solihull Local Plan Reg 19 Draft Submission Plan October 2020, be delegated to the Forward Planning and Economic Development Manager in consultation with the Chairman and Opposition Spokesperson.**

D Reilly  
Chairman