

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

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

For the information of other Members of the Council

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

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

4 SEPTEMBER 2023

The Planning and Development Board will meet on Monday, 4 September 2023 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

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

AGENDA

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

REGISTERING TO SPEAK AT THE MEETING

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

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

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

The Council Chamber has level access via a lift to assist those with limited mobility who attend in person however, it may be more convenient to attend remotely.

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

- 4 **Minutes of the meeting of the Board held on 7 August** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

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

Summary

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

- 5a **Application No: PAP/2023/0006 – Land 50 Metres West of 55, Warton Lane, Austrey**

Outline application for residential development of two detached houses (self build) with access to be considered all other matters reserved, including change of use of land.

5b **Application No: CON/2023/0018 - Hall Hill Cottage, Fivefield Road, Coventry, CV7 8JF**

Outline permission with all matters reserved save for access, for the demolition of existing dwelling and associated agricultural units and the erection of up to 40 residential dwellings (Use Class C3) with parking and associated works. Resubmission of OUT/2022/3246).

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

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

5d **Application No's: PAP/2022/0259 and PAP/2022/0267 - Caravan Site, Croxall Farm, Hoggrills End Lane, Nether Whitacre, B46 2DA.**

a) PAP/2022/0259 – Creation of twelve additional motorhome/caravan pitches in former rally field (pitches 15 – 26) with eastern and northern extensions to existing access track, additional hedge planting and creation of woodland picnic area.

b) PAP/2022/0267 – Variation of condition 4 of PAP/2018/0496 dated 21/1/2019 relating to amendments to use of pitches 1 to 4 inclusive for longer term use up to 60 days with no return for 30 days.

5e **Application No: PAP/2023/0076 - Arden Livery And Menage, Tippers Hill Lane, Fillongley, CV7 8DJ**

Conversion of existing western stable block into a three-bedroomed single-storey dwelling house; demolition of existing hay stores to the south side of the stable yard, provision of hard-surfaced parking area and improved access/turning area.

5f **Application No: PAP/2022/0374 - Land North Of Stone Cottage, Lower House Lane, Baddesley Ensor**

Construction and operation of a solar PV farm plus ancillary infrastructure and equipment, landscaping and access.

6 **Planning Fees and Performance - Report of the Head of Development Control**

Summary

This report updates the Board on a Government consultation from earlier in the year on a proposed increase in planning fees and a corresponding change in the performance framework for taking planning decisions.

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

7 **Further Permitted Development Changes Consultation Paper – Report of the Head of Development Control**

Following the Secretary of State’s announcement at the end of July about a longer-term plan for new housing, his department has published a consultation paper on proposed changes to “permitted development” rights in order to increase the amount of housing. The Board is invited to submit its comments.

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

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

7 August 2023

Present: Councillor Simpson in the Chair

Councillors Bates, Bell, Chapman, Clews, Fowler, Hayfield, Humphreys, Jarvis, Osborne, Parsons, H Phillips, Ridley, Ririe, Turley and Whapples

Apologies for absence were received from Councillors Dirveiks (Turley), Gosling (Substitute Osborne) Hobley (Substitute Whapples) Reilly (Substitute Clews).

23 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Ririe declared a pecuniary interest in Minute No 27a (Application No: PAP/2023/0135 – 14 Newborough Close, Austrey, Atherstone, CV9 3EX) and took no part in the discussion and voting thereon.

Councillor Ridley declared a non-pecuniary interest in Minute No 26 (Submission of Dordon Neighbourhood Plan for Referendum) by reason of being a Member of Dordon Parish Council and Dordon Neighbourhood Plan Working Group and took no part in the discussion and voting thereon.

Councillor Humphreys declared a non-pecuniary interest in Minute No 27e (Application No: CON/2023/0015 Crown Aggregates Ltd, Mancetter Road, Hartshill) by reason of sitting on the Regulatory Committee for the County Council and took no part in the discussion and voting thereon.

24 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 10 July 2023, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

25 **Budgetary Control Report 2023/24 Period Ended 30 June 2023**

The Corporate Director – Resources detailed the revenue expenditure and income for the period from 1 April 2023 to 30 June 2023. The 2023/2024 budget and the actual position for the period, compared with the estimate at that date, were given, together with an estimate of the outturn position for services reporting to the Board.

Resolved:

That the report be noted.

26 **Submission of Dordon Neighbourhood Plan for Referendum**

The Chief Executive Informed Members of the progress of the Dordon Neighbourhood Plan and sought approval for a formal referendum to take place, in accordance with regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Resolved:

That the Dordon Neighbourhood Plan (as amended) be taken forward to referendum.

27 **Planning Applications**

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

Resolved:

- a **That Application No PAP/2023/0135 (14 Newborough Close, Austrey, CV9 3EX) be approved, subject to the conditions set out in the report of the Head of Development Control;**
- b **That Application No PAP/2023/0259 (Church Farm, New Street, Baddesley Ensor, Atherstone, CV9 2Y) be noted and a site visit be arranged prior to the determination of the application;**
- c **That in respect of Application No CON/2023/0017 (Land off Woodlands Lane, Bedworth) the Council has no objection but that the Nuneaton and Bedworth Borough Council be requested to ensure that there is a significant landscaped perimeter to the site.**
- d **(i) That Application No PAP/2022/0259 (Caravan Site, Croxall Farm, Hoggrills End Lane, Nether Whitacre, B46 2DA) of and**
(ii) That Application No PAP/2022/0267 (Caravan Site, Croxall Farm, Hoggrills End Lane, Nether Whitacre, B46 2DA)

That determination of both applications be deferred in order to enable the Board to visit the site and to be satisfied with the implementation of the 2019 planning permission.

Speaker – Stewart Elliott

- e **That in respect of Application No CON/2023/0015 (Crown Aggregates Ltd, Mancetter Road, Hartshill) Warwickshire County Council be deferred and the Head of Development Control request a time extension to the consultation from Warwickshire County Council as it wishes to see the**

consultation response from the Environmental Health Officer.

- f That Application No PAP/2022/0371 (Land North East of Brockhurst Farm, Lindridge Road, Sutton New Hall, Birmingham) be approved, subject to the conditions set out in the report of the Head of Development Control and the completion of a Section 106 Agreement based on the draft Heads of Terms as set out in the report.

Speakers: Richard Parkin and Jonathan Davies.

- g That in respect of Application No PAP/2023/0306 (Owen Square, Owen Street, Atherstone, CV9 1RR) the works proceed without the need to make a Tree Preservation Order;

28 Permitted Development Changes

The Head of Development Control notified the Board of changes to Permitted Development Rights following a recent Government consultation.

Resolved:

That the report be noted.

29 Tree Preservation Order – Springfield, Wall Hill Road, Corley Moor

The Head of Development Control notified the Board of a Tree Preservation Order which had been placed on a English Oak, located at Wall Hill Road, Corley. The Order came into force on 6 April 2023 and lasts six months (6 October 2023). Authority was now sought to make the Order permanent.

Resolved:

That the Tree Preservation Order for the protection of one tree on land at Springfield, Wall Hill Road, Corley Moor be confirmed and made permanent.

30 Appeal Update

The Head of Development Control brought the Board up to date with recent Appeal decisions.

Resolved:

That the report be noted.

31 **Exclusion of the Public and Press**

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act, namely that it relates to enforcement action which may be taken against an individual.

32 **Exempt extract of the Minutes of the meeting of the Planning and Development Board held on 10 July 2023**

That the exempt extract of the Minutes of the meeting of the Planning and Development Board held on 10 July 2023, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

M Simpson
Chairman

Agenda Item No 5

Planning and Development Board

4 September 2023

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 9 October 2023 at 6.30pm in the Council Chamber

6 **Public Speaking**

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

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
5/a	PAP/2023/0006	1	<p>Land 50 metres west of 55 Warton Lane, Austrey</p> <p>Outline application for residential development of two detached houses (self-build) with access to be considered, all other matters reserved including change of use of land</p>	General
5/b	CON/2023/0018	14	<p>Hall Hill Cottage, Fivefield Lane, Coventry</p> <p>Outline permission with all matters reserved save for access, for the demolition of existing dwelling and associated agricultural units and the erection of up to 40 residential dwellings (Use Class C3) with parking and associated works. Resubmission of OUT/2022/3246)</p>	General
5/c	PAP/2023/0314	17	<p>Land North-west of Newton Regis Village Hall, Austrey Lane, Newton Regis</p> <p>Outline application for the erection of up to 39 dwellings (all matters reserved except for access)</p>	
5/d	<p>PAP/2022/0259</p> <p align="center">and</p> <p>PAP/2022/0267</p>	22	<p>Caravan Site, Croxall Farm, Hoggrills End Lane, Nether Whitacre, B46 2DA</p> <p>PAP/2022/0259 – Creation of twelve additional motorhome/caravan pitches in former rally field (pitches 15 – 26) with eastern and northern extensions to existing access track, additional hedge planting and creation of woodland picnic area.</p> <p>PAP/2022/0267 – Variation of condition 4 of PAP/2018/0496 dated 21/1/2019 relating to amendments to use of pitches 1 to 4 inclusive for longer term use up to 60 days with no return for 30 days.</p>	

5/e	PAP/2023/0076	44	<p>Arden Livery And Menage, Tippers Hill Lane, Fillongley, CV7 8DJ</p> <p>Conversion of existing western stable block into a three-bedroomed single-storey dwellinghouse; demolition of existing hay stores to the south side of the stable yard, provision of hard-surfaced parking area and improved access/turning area</p>	
5/f	PAP/2022/0374	54	<p>Land North Of Stone Cottage, Lower House Lane, Baddesley Ensor</p> <p>Construction and operation of a solar PV farm plus ancillary infrastructure and equipment, landscaping and access</p>	

General Development Applications

(5/a) Application No: PAP/2023/0006

Land 50 Metres West Of 55, Warton Lane, Austrey,

Outline application for residential development of two detached houses (self build) with access to be considered all other matters reserved, including change of use of land, for

Mr Aaron Eidukas

1.Introduction

1.1 This application is reported to the Board because a Section 106 Agreement is included within the proposals.

2.The Site

2.1 This is a small paddock at the junction of Warton Lane with Bishops Cleeve on the southwestern edge of Austrey. It is bounded by the two roads which have strong hedgerows with many trees, as have the other boundaries. There is open agricultural land to the rear and a dwelling house Saddlers Cottage - to the north with more substantial housing on the opposite side of both road frontages. That to the south is more modern housing, but there is a detached property – Bishops Cottage opposite the site, as well as Flavel House - a Grade 2 Listed Building.

2.2 The site is illustrated at Appendix A.

3. The Proposals

3.1 This is an outline planning permission for the erection of two detached self-build houses with a shared access off Warton Lane. All other matters are reserved for later determination, but illustrative plans show how the site might be divided and how two large dwellings might be accommodated.

3.2 A Flood Risk and Drainage Statement has been submitted. Whilst the site is Flood Zone One which is the area least at risk from fluvial flooding there have been historic surface water issues further to the north along Warton Lane. It is thus proposed that finished floor levels will be designed to reduce and direct all overland surface water flows away from the dwellings and use soakaways and attenuation features to intercept runoff so as discharge at greenfield rates. Foul water would drain to the existing foul sewer to the north of the site.

3.3 A Preliminary Ecological Appraisal describes the site as being a field of semi-improved grassland subject to frequent mowing with a poor species composition and with ecologically poor value perimeter hedgerows and some hedgerow trees. There are no statutory designated sites within two kilometres of the site, but four notable habitats are present within this distance. The report indicates that there would not be any direct impact on these due to the small scale and distance of the proposed development from them and the intervening physical barriers. No protected plant species were recorded.

There is a small pond off-site to the south, but this has low water quality and there are no connections to it from the site making it not suitable for newts or other amphibians. The surrounding trees have limited potential for roosting bats and there is limited potential for the hedgerows and trees being used for foraging. There was no evidence found for the presence of protected species.

3.4 A Bio-Diversity Net Gain Assessment concludes that there would be a net loss of habitat as a consequence of the proposals. This is to be mitigated through an off-site contribution.

3.5 A Heritage Statement identifies nearby heritage assets as being the Grade 2 Listed Building at Flavel House and Saddlers Cottage as a non-designated local heritage asset. The significance of the former is derived from its age, vernacular architecture, and the contribution it makes to the morphology and history of the area. The property has a striking frontage symmetry, but post-construction alterations and substantial changes at the rear, together with new housing have greatly diminished the setting of the asset. The significance of Saddlers Cottage is again derived from its age and architecture. It was likely occupied by a saddler given the stables and other outbuildings here and the application site may have at one time been associated with it as a paddock. The Statement concludes that the proposal would cause less than substantial harm to these assets, given the small scale of the proposal and its low density. It concludes that this would be outweighed by the benefit of creating two new houses.

3.6 A Planning Statement draws these matters together within a planning policy context.

3.7 The proposed layout and drawings are at Appendix B.

4. Background

4.1 An equivalent planning proposal was refused permission in 2022 on planning policy grounds and the lack of evidence to show that the proposal would not cause adverse harm in respect of its impact on local heritage assets, the ecological value of the field and the local surface water situation.

4.2 The documentation referred above has been submitted in order to address the omission of technical evidence mentioned in the recent refusal.

5. Representations

5.1 Fourteen letters of support have been received referring to the fact that the proposal is only for two buildings and thus will have limited impact.

5.2 Nine letters of objection have been received referring to the following matters:

- The site is outside of the village's development boundary.
- There has been too much housing in the village.
- There will be harm caused to the setting of the listed building.
- It is not in keeping.
- It destroys the rural character of the village.

6. Consultations

Warwickshire Planning Archaeologist - No objection subject to conditions

Warwickshire County Council as Highway Authority – No objection subject to the access being moved more centrally.

Warwickshire County Council as Local Lead Flood Authority – It required more details. These have been submitted and it now advises that conditions would be necessary in order to require more extensive details and investigations.

Warwickshire Ecologist – It initially lodged an objection requiring a full bio-diversity assessment which was then submitted. This showed a net loss. The current requirement is for there to be no net loss and there are no mitigation measures proposed on site. As a consequence, in line with the NPPF, a bio-diversity off-setting financial contribution is sought through a Section 106 Agreement. This is calculated in line with WCC and Government guidance to be £20,021.

Environmental Health Officer - No objection subject to standard conditions.

7. Development Plan

The North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP2(Settlement Hierarchy), LP5 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP14 (Landscape), LP16 (Natural Environment), LP29 (Development Considerations) and LP30 (Built Form)

Austrey Neighbourhood Plan – AP1 (Hedgerows); AP5 (Building for Life), AP6 (Renewable Energy), AP8 (Five Minute Walk) and AP 10 (Windfall Sites)

8. Other Material Planning Considerations

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

The North Warwickshire Landscape Character Assessment 2010

9. Observations

a) The Principle

9.1 Policy LP2 of the 2021 Local Plan says that development in the Borough will be proportionally distributed in accordance with the Borough’s settlement hierarchy. Austrey is defined as a Category 4 settlement within that hierarchy. The Policy continues by saying that in Category 1 to 4 settlements, development within settlement boundaries will be supported in principle. Development that is directly adjacent to settlement boundaries may also be acceptable, including that which would enhance the vitality of rural communities, provided that such development is proportionate in scale and otherwise compliant with the policies in the plan and national planning policy considered as a whole. In respect of Category 4 settlement, then development will be supported in principle within the settlement boundary of Austrey. It continues by saying

that development directly adjacent to the boundary may however also be acceptable. A development will be considered on its merits, having regard to other policies in the plan and where development would enhance or maintain the vitality of rural communities provided that it is proportionate in scale to the relevant settlement. In the case of Category Four settlements, the policy says that this may also be for windfall housing usually on sites of no more than ten units at any one time depending upon viability, services, and infrastructure deliverability. Outside of settlement boundaries – Category 5 of Policy LP2 – development will not generally be acceptable, but some may be, if it would enhance or maintain the vitality of rural communities under this Category.

9.2 This application site is outside of the Austrey settlement boundary as defined by the Local Plan. The representations refer to this being a potential refusal. This is understood, but it is not necessarily a reason for refusal given the full content of Policy LP2. It is first necessary to establish whether the site is directly adjacent to the settlement boundary. In this case it is not. There are three reasons for this conclusion. Firstly, the boundary here runs along the back of the pavements to Warton Lane and Bishops Cleeve on the opposite side of the roads, to the site. In other words, the site is separated from the boundary by the road and its verges. Secondly, spatially the site is a distinct separate planning unit unconnected to the village's present built form. Thirdly, visually the site is viewed as part of an area of countryside that runs up to Warton Lane. This area is larger than just the site. The site is thus visually not part of the built form of the village.

9.3 It is considered therefore that the site should be treated under the circumstances set out for Category 5 locations and a refusal in principle is thus a significant possibility.

9.4 It is acknowledged that a different view may be taken in the assessment of whether the site is directly adjacent to the settlement boundary here. If it is considered that it is, it is still necessary to see if the proposal aligns with the full content of Policy LP2 in respect of Category 4 settlements. It is considered appropriate to run through the “tests” set out therein, on the assumption that the site might be considered to be “directly adjacent” to the boundary.

b) The First Test

9.5 The first “test” is to have regard to the other policies in the 2021 Local Plan. There are several to be assessed in the determination of the application and it will be necessary to establish whether there is significant and demonstrable harm caused to them if any are to outweigh the general approach set out in Policy LP2.

i) Policies LP1 and LP14 – Quality of Development and Landscape

9.6 The NPPF requires new development to be sympathetic to local character and history, including the surrounding built development and landscape setting to create places that are safe and accessible with a high standard of amenity, and which will function well. This is reflected in Policies LP1 and LP14 of the Local Plan. The former requires all development to demonstrate a high quality of sustainable design that positively improves a settlement's character and appearance as well as the

environmental quality of an area. LP14 requires development to conserve, enhance and where appropriate to restore landscape character.

9.7 The site is within the “No Mans Heath to Warton (Lowlands)” Landscape Character Area as defined by the North Warwickshire Landscape Character Assessment 2010. The key characteristics are described as being “a well-ordered agricultural landscape with scattered farmsteads and nucleated hill-top village – including Austrey – each with prominent church spires. The villages include both vernacular buildings and more recent development connected by a network of minor roads and lanes typically bordered by wide grass verges some with hedges. A distinctly rural landscape”. The first of the landscape management policies put forward, is that “any new development should reinforce the existing development pattern of the rural villages” and a further point is to, “conserve the historic field pattern”.

9.8 The proposal does not accord with the policy requirements, given the physical characteristics of the site and the character of the landscape as described above.

9.9 This site is a distinctive open corner at the entrance to and exit from the village which is characterised by substantial hedge boundaries and tree cover. It, together with the open nature of the land to the immediate west provides open views of the countryside beyond from Warton Lane. The site provides a definite divide between a rural setting beyond the road and the built-up area on its other side. The hedgerows and tree cover are the dominant landscape characteristic here. The scale of the proposal would permanently remove the whole of this setting and destroy this divide or boundary. Not only would the houses dominate the landscape and introduce urban built form with all of its vehicular and human activity into a presently open area, but they would also be out of scale with the surrounding residential development and thus remove the distinctive landscape characteristic here with its essential hedgerow and tree attributes. The development would be an isolated and self-contained development with no visual, spatial or harmonisation of design with the appearance of the surrounding built development.

9.10 Additionally, it is not considered that the design of the houses – particularly Plot 1 – is at all in-keeping with the built form of this part of the village and nor does the design have any coherent approach, being a mixture of inappropriate characteristics. They do not positively improve the character or appearance of this part of the village. The proposal would not accord with the policy requirements set out above.

ii) Policy LP16 – Ecology

9.11 Policy LP16 says that the quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced as appropriate, so as to minimise impacts on and provide net gains for bio-diversity. This approach is supported within Section 15 of the NPPF.

9.12 At the present time the requirement is for there to be no nett loss of bio-diversity arising from a development. If mitigation cannot be achieved on site, then there is a Government and County Council metric approved which calculates a financial

equivalent of the loss. This can then be paid to a “broker” such as The Environment Bank, or to the County Council, for either to undertake bio-diversity improvements on other sites. In this case the applicant has elected to make the payment to the County Council. This would be achieved through a Section 106 Agreement should permission be granted. In these circumstances, the proposal would accord with current guidance and thus no harm would be caused.

iii) Policy LP29 (11 and 12) – Drainage

9.13 The policy requirements here in general terms, are to reduce the risk of flooding on site or elsewhere. Members will be aware that there were drainage issues in this section of Warton Lane when proposals were considered a little further to the north because of the low ground levels and the capacity of the network at the point of discharge.

9.14 This is the reason why the Lead Flood Authority was consulted. It has concerns as it has not yet been proven that infiltration is a suitable means of surface water management and that if not, how any Sustainable Drainage feature could be designed and maintained on land that is not in private ownership. Grampian conditions will therefore be required such that this information is submitted prior to any work being undertaken on site.

iv) Policy LP 15 – Heritage

9.15 The Council is under a Statutory duty to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. This duty is reflected in Local Plan Policy LP15 which seeks to conserve or enhance the historic environment in the Borough. This is supported by Section 16 of the NPPF. Flavel House is a Grade 2 Listed Building on the opposite side of the road to the site. Its significance as referred to by the applicant, is as a retained 18th Century residence with the external characteristics of that period and its evolution in the history of the village form. It has an imposing presence in the street frontage and its setting is much enhanced by its outlook and the open space beyond. It is acknowledged that this significance is materially reduced, because of the more modern development encroaching on its setting and the works undertaken at its rear. However, the dominant front elevation remains its most significant characteristic and it features strongly in the street scene because of the open nature of the land in front of it. The proposed development would remove that open outlook and encroach on the setting of this heritage asset. Similarly with Saddlers Cottage, the setting and its historic association are its most important attributes. It is considered that the grouping of the two assets adds to the distinctiveness of this part of the village.

9.16 The NPPF advises that the greater the value and significance of the asset, the greater degree of harm will be caused. In this case, it is considered that this means that less than substantial harm is caused. Nevertheless, this still carries significant weight in the final assessment and that has to be balanced against any public benefits that are considered to arise as a consequence of the proposal. This will be considered below in the final planning balance.

v) Policy LP29 (9) – Residential Amenity

9.17 This policy requires all new development avoid and address unacceptable impacts on neighbouring amenities arising from new developments by reason of overlooking, noise, light, air quality and other pollution. It reflects Section 12 of the NPPF. Whilst this proposal is in outline, with no submitted details of scale or appearance, the illustrative plans do show a potential outcome based on there just being two dwellings here. They would be large, out of scale with surrounding development and it is considered that they would dominate the setting. However, without full details of design and appearance it would be appropriate in this instance to condition any planning permission, so as to mitigate any potential materially adverse impacts.

vi) Policy LP29 (6) – Highways

9.18 This policy requires the provision of a safe and suitable access. It is supported by Section 9 of the NPPF. In this case the Highway Authority has not lodged an objection subject to revisions to the location of the access. These matters can be conditioned, should planning permission be granted. As such, it is considered that the proposal could fully accord with this policy.

vii) Policy LP 30 – Built Form

9.19 This Local Plan policy requires all new development to respect and reflect the existing pattern, character, and appearance of its setting. This is supported by Section 12 of the NPPF. This proposal does not accord with this approach. The setting of the site is one being on the edge of settlement where built development meets open countryside. This is emphasised here because of the site being on an approach into the village, being visible when leaving the village and because it's on a conspicuous corner. There is modern two storey development to the south-east, but to the east is Bishops Cottage, to the north-west is an open gap and then Saddlers Cottage, with open land to the west and south-west. There is no uniform pattern, character, or appearance to this setting. It is certainly not wholly residential in character and there are two distinctive traditional cottages within this setting, each within their own distinct curtilages. The proposal would close off the openness of this setting, reduce visibility of open countryside, increase the degree of encroachment into open countryside and substantially change the whole character of this corner site because of the potential scale and mass of the two new houses, together with all of the vehicular and human activity associated with them. Additionally, the proposal does not reflect the appearance and scale of the traditional cottages here because of the of the potential over-powering and dominant presence that the two new buildings would bring. In particular therefore the proposal offends points (a), (b), (d), (e) and (f) of Policy LP30.

viii) Policy LP7 and LP8 – Housing Development and Windfall Allowance

9.20 New housing development in the Borough should also make serviced plots available for self-build opportunities to address relevant demand identified in the Council's Register at the time of the planning application, unless that would be unfeasible on account of the nature of the development, its scale or viability.

Significantly, if the opportunity is not taken up the development can be taken up as general housing. The current application would accord with this policy. The Council's Register as at August 2021 showed 35 entries. The majority of these are for detached houses with four bedrooms. The preferred locations are wide ranging including the Borough's larger settlements as well as in its rural villages. As such this proposal would align with this "need". The proposal would also be considered to contribute to the "windfall allowance" policy which identifies 60 houses a year thus aligning with Policy LP8. As such, this proposal would accord with the policy requirements. Policy LP7 also expects housing to be at a net density of no less than 30 per hectare in order to make the best use of land. The proposed density here is around 8 per hectare. Moreover, the Council as at March 2022 does have a five-year housing land supply. The proposal therefore does not accord with this policy.

ix) Conclusion on the First Test

9.21 It can be seen above that the proposal fails to accord with Local Plan policies LP1, LP7 (in part), LP14, LP15, LP29 (9, 11 and 12) and LP30. It is considered that the cumulative harm caused is significant. It does however accord with policies LP29(6) and LP8 together with LP7 (in part). This alignment is also considered to be significant.

c) The Second Test

9.22 The second test is whether the proposal would enhance and maintain the vitality of rural communities, provided that it is proportionate in scale to the relevant settlement. In this case an additional two properties are considered to be proportionate to the size of Austrey. The outcome of the test therefore relies on an assessment on the vitality of the rural community. In this case the addition of two houses is not considered to have a material impact on maintaining the viability of the services or facilities in Austrey. As a consequence, it is not considered that the proposal would provide a benefit of any weight under this second test.

d) The Planning Balance

9.23 The view taken above on the principle of this case was that the site is within a Category 5 location within the defined settlement hierarchy of the Development Plan and that the proposal would not align with the approach set out in such a location in Local Plan policy LP2. However, the alternative of treating the proposal under Category 4 has also been assessed. This approach has found significant cumulative harm as well as there being no material benefit to the vitality of the village. This would also be the case under Category 5. On the other hand, the proposal does offer an opportunity for self-build provision which is supported in the Development Plan, and which would meet the identified need in the Council's Register. However, the Council does have a five-year housing land supply. In assessing this balance, it is considered that the cumulative level of harm including the heritage harm, outweighs the benefit because the harms would be permanent and demonstrable, and the degree of the benefit is minor. The greater public benefit is the retention of this site as open land contributing to the

character and distinctiveness of this part of the village and to the importance of retaining the strategic spatial planning policy as set out in Policy LP2.

Recommendation

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

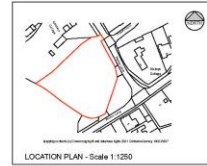
1. Notwithstanding the provision of a policy compliant proposal for self-build housing, it is considered that the proposal does not accord with Policy LP2 of the North Warwickshire Local Plan 2021 causing cumulative landscape, heritage and visual harm resulting in a development that is not in keeping with the character and local distinctiveness of this part of the village. As such the proposal does not accord with Policies LP1, LP2, LP14, LP15, LP29 and LP30 of the North Warwickshire Local Plan 2021.

Notes

1. Notwithstanding the investigations undertaken to overcome a number of matters raised by various consultation responses, it has not been possible to overcome the main spatial planning policy objection here. As a consequence, the Local Planning Authority has met the requirements of the NPPF in this case.

APPENDIX A

PAP/2023/0006



RECEIVED
09/01/2023
PLANNING & DEVELOPMENT
SECTION

NOTE: THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS AND SPECIFICATIONS. ANY CHANGES TO THIS DRAWING MUST BE APPROVED BY THE ARCHITECT/PLANNING OFFICER IN WRITING.

ALL DIMENSIONS ARE IN METERS. DIMENSIONS SHOWN ON THIS DRAWING ARE THE DIMENSIONS OF THE WORK AS SHOWN. DIMENSIONS OF MATERIALS AND COMPONENTS SHALL BE AS SPECIFIED IN THE DRAWING. DIMENSIONS SHALL NOT BE USED TO DIMENSIONAL TOLERANCES UNLESS SPECIFICALLY NOTED OTHERWISE.

PROJECT	Site #1
CLIENT	Warton Lane
DATE	09/01/2023
SCALE	1:100
DATE	09/01/2023

APPENDIX B

PAP/2023/0006

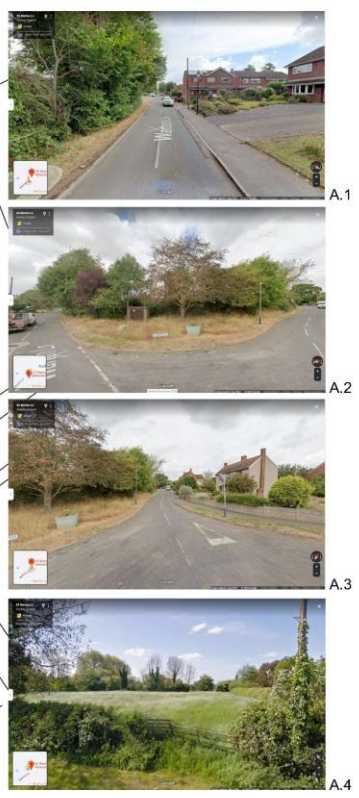


RECEIVED
09/01/2023
PLANNING & DEVELOPMENT
SECTION

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PROJECT	Site #1
CLIENT	Warton Lane
DATE	09/01/2023
SCALE	1:200
DATE	09/01/2023





Site location relative to Austrey



General Development Applications

(5/b) Application No: CON/2023/0018

Hall Hill Cottage, Fivefield Road, Coventry, CV7 8JF

Outline permission with all matters reserved save for access, for the demolition of existing dwelling and associated agricultural units and the erection of up to 40 residential dwellings (Use Class C3) with parking and associated works. Resubmission of OUT/2022/3246) for

Seven Homes

Introduction

This is an outline application that has been submitted to the Coventry City Council, which has invited representations from this Council as part its assessment prior to determination. It is the re-submission of an earlier application which was withdrawn in order that an archaeological investigation could be undertaken along with further highway surveys.

The Site

This is 1.45 hectares of land bounded by Fivefield Road to the south and Tamworth Road to the west. There is agricultural land to the north which separates the site from the Horse and Jockey Public House and the Corley Cricket Club. To the north-east is Halls Yard Wood – an Ancient Woodland. It predominantly comprises agricultural land along with stables, agricultural buildings and a dwelling – Hall Hill Cottage.

A location Plan is at Appendix A

The Proposals

These are as outlined in the header to this report. An illustrative layout is at Appendix B which shows access off the Tamworth Road. Of the 40 houses proposed, 10 would be affordable.

Background

The site is part of the residential allocation of land known as the Keresley Sustainable Urban Extension in the City Council's Local Plan. It has therefore been released from the Green Belt. The City's Local Plan Policy H2.1 applies, together with a more detailed policy setting out the principles for master planning the whole allocation, namely Policy DS4 (Part C). This allocation is for 3100 homes.

Warwickshire County Council as Highway Authority has objected to the proposal concerned about the safety and suitability of the proposed access.

Development Plan

North Warwickshire Local Plan 2021 – LP2 (Settlement Hierarchy); LP3 (Green Belt), LP14 (Landscape), LP29 (Development Considerations) and LP30 (Built Form)

Other Material Planning Considerations

The National Planning Policy Framework

Observations

Given the allocation in the City Council's Local Plan and the current development of land within the allocation further to the south and north-east, there is no objection in principle to the release of this land.

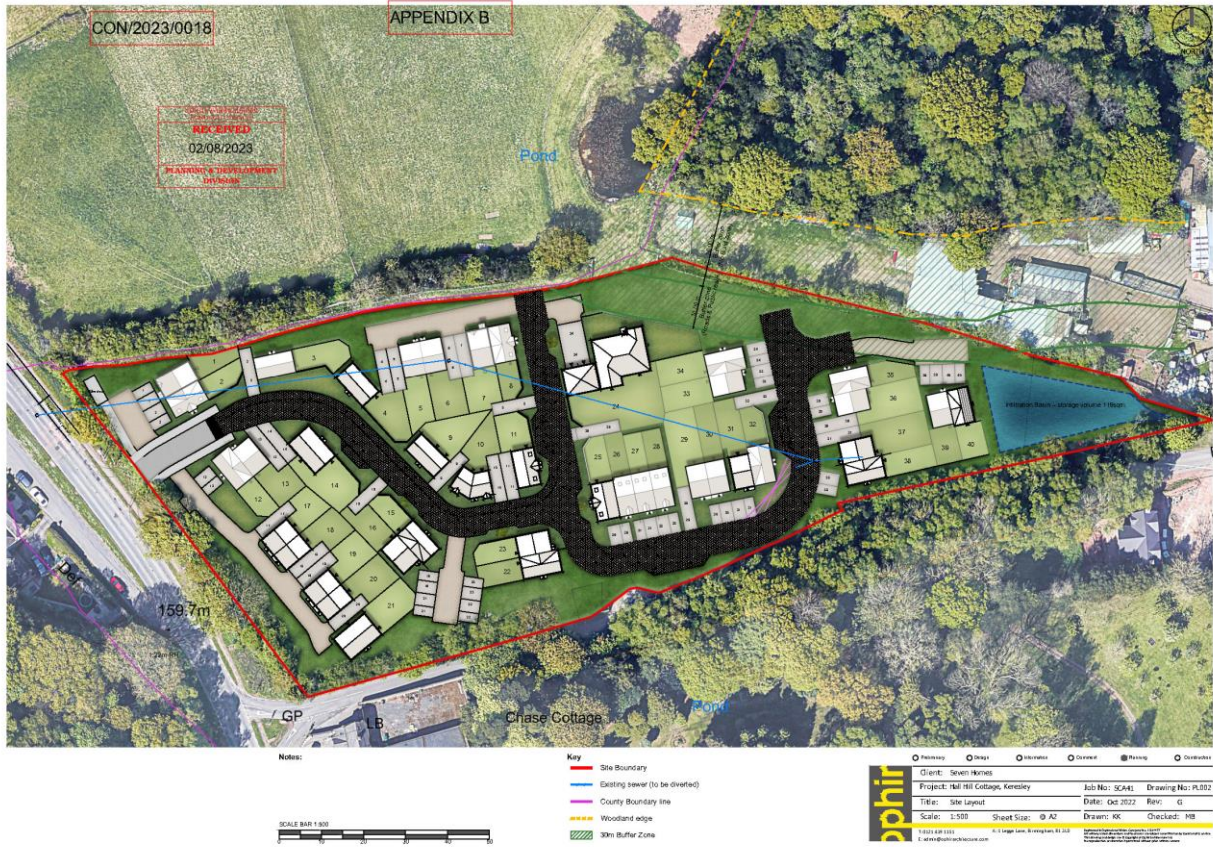
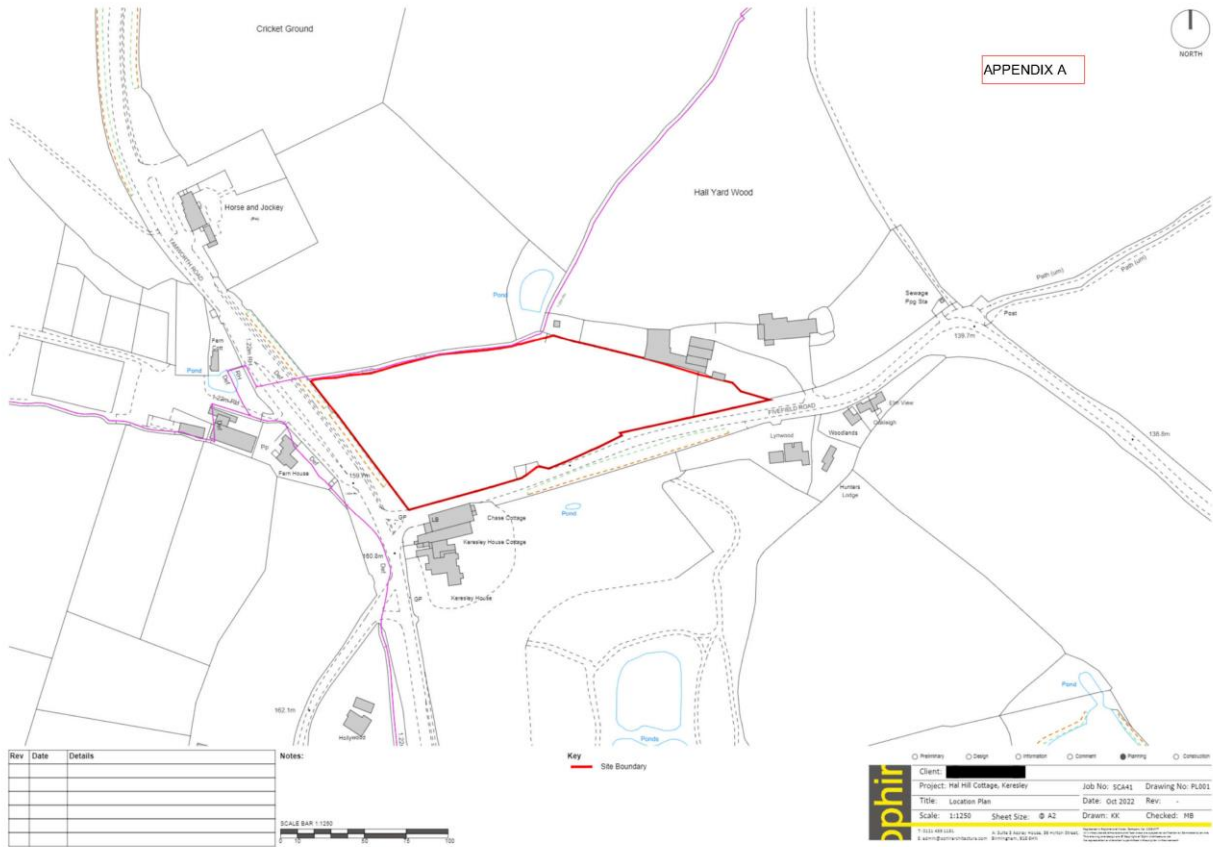
It is considered that the main concern will be to ensure that there is substantial "green" barrier along the site's northern boundary so as to make a clear demarcation between the built-up area of the new development in the allocation and the rural character of the land in North Warwickshire immediately to the north of the site. This would be supported by the City Council's own policy DS4, which states, that development should ensure that there are "new defensible boundaries to the Green Belt", as well as policy LP14 of the Council's own Local Plan which says that development, "should conserve and enhance landscape character".

It does not appear from the illustrative layout that sufficient regard has been paid to these requirements as the hedgerow that is shown, is not on-site but in the adjoining field, and there is the potential for the site to extend into that field. There should be a firm defensible boundary along the whole of the northern boundary.

The highway objection from the County Council will need to be dealt with by the City Council.

Recommendation

That the City Council be notified of the concern expressed in this report.



General Development Applications

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

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

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

Walton Homes Ltd

1.Introduction

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

2. The Site

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

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

2.3 A location plan is at Appendix A.

3.The Proposals

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

3.2 The application is also supported by several documents.

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

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

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

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

3.6 A Preliminary Ecological Appraisal describes the site as being an arable field with species poor hedgerows. It has no statutory or non-statutory designation, but it does lie within the impact zone of two SSS1's – the River Mease around 3.4 km to the north and Alvecote Pools 4 km to the south – but there is not considered to be any impact on these sites due to the separation distances and the lack of water course connections. There are no designations within a kilometre of the site, but three non-designated areas are close by – Newton Gorse within 10 metres of the eastern site boundary; Newton Regis churchyard 0.4 km to the southwest and Sandy Lane Spinney located 1 kilometre to the northwest. The site is also within a Nitrate Vulnerable Zone which is an area being at risk from agricultural nitrate pollution. Survey work shows several bat roosts within a kilometre of the site, but no records of notifiable mammals, birds, amphibians or reptiles. The Appraisal concludes that due to the open nature of the field, the lack of sheltering opportunities and the regular agricultural disturbance, the field itself has negligible ecological potential. The hedgerows around its edge contain limited species and are ecologically significant only in terms of connectivity. There is a dry ditch along the western hedgerow boundary and this has moderate value due to the connectivity it provides. In view of this assessment, the appraisal recommends that the development would not have a material impact, but that a Bio-Diversity Assessment is needed in order to advise on mitigation measures to ensure that there is net gain rather than net loss. That assessment has been undertaken. It shows that without mitigation there would be a 45% loss overall. On-site mitigation measures would provide 10% gain, a hedgerow gain of 40% and a watercourse gain of 12%. These measures include new fruit tree planting within the central open space to create a community orchard, new trees within both shared and private spaces and the creation of a new dry ditch along the entrance drive and open space boundaries.

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

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

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

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

4. Background

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

5. Development Plan

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

6. Other Material Planning Considerations

The National Planning Policy Framework

The Designation Report for the Newton Regis Conservation Area

The North Warwickshire Landscape Character Appraisal 2010

The Annual Monitoring Report --- 31 March 2022

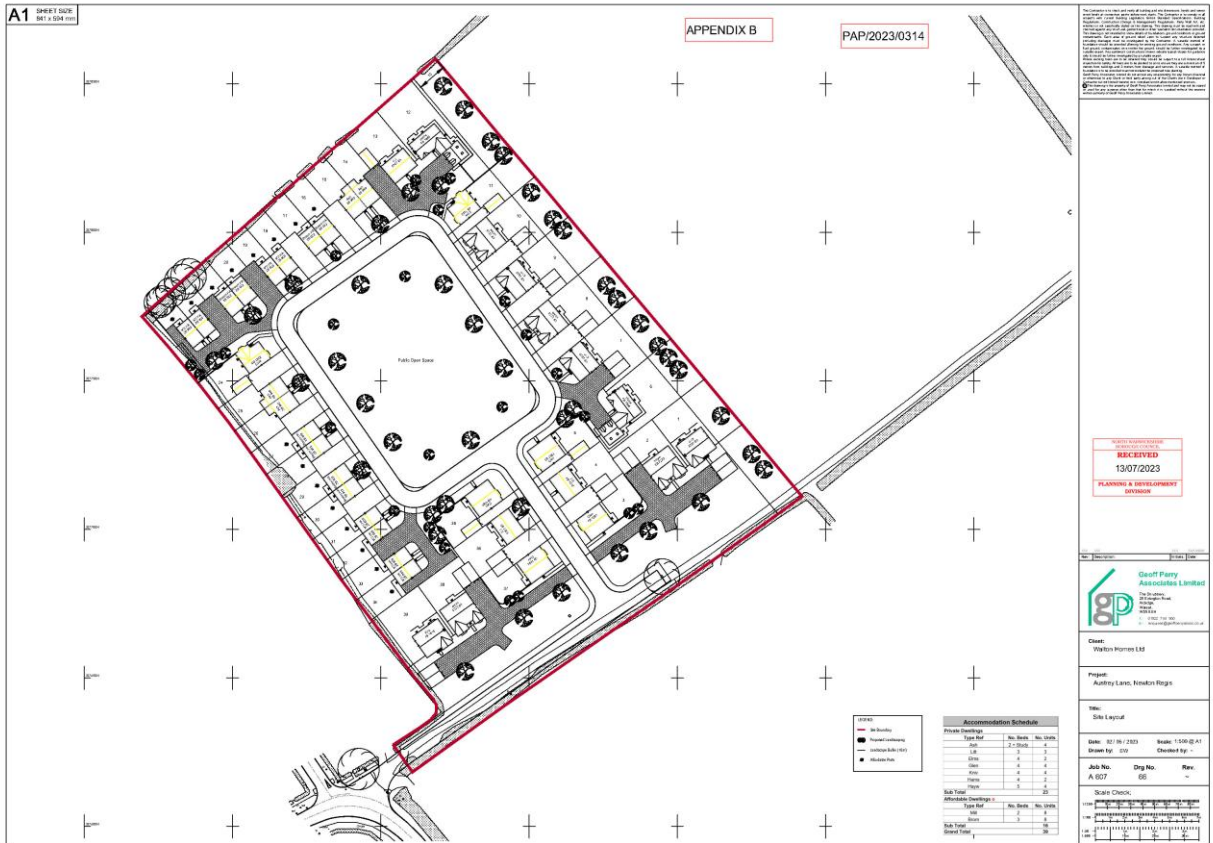
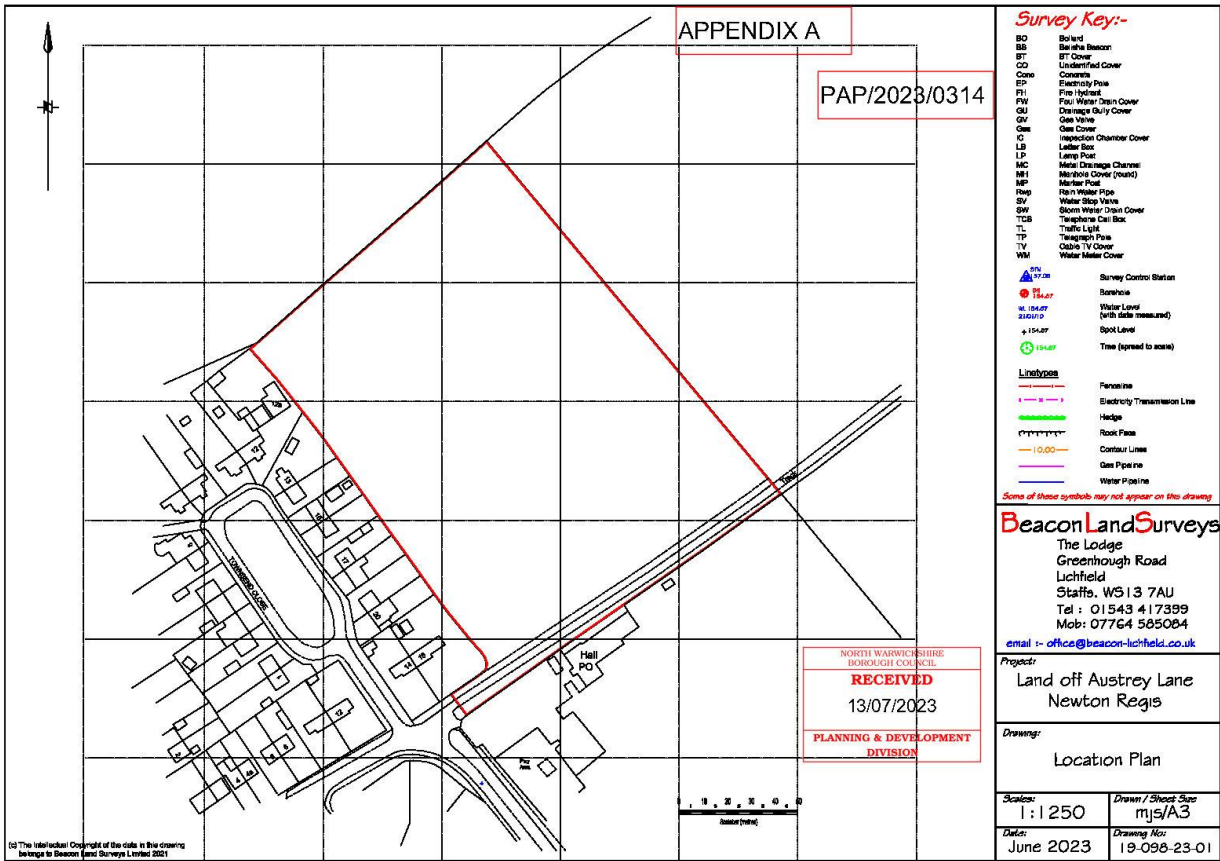
Appeal Decision APP/R3705/W/21/327381

7. Observations

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

Recommendation

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



General Development Applications

(5/d) Application No: PAP/2022/0259 and PAP/2022/0267

Caravan Site, Croxall Farm, Hoggrills End Lane, Nether Whitacre, B46 2DA.

- a) PAP/2022/0259 – Creation of twelve additional motorhome/caravan pitches in former rally field (pitches 15 – 26) with eastern and northern extensions to existing access track, additional hedge planting and creation of woodland picnic area.**
- b) PAP/2022/0267 – Variation of condition 4 of PAP/2018/0496 dated 21/1/2019 relating to amendments to use of pitches 1 to 4 inclusive for longer term use up to 60 days with no return for 30 days.**

both for Mr and Mrs B and S Lewis

Introduction

These applications were referred to the last meeting of the Board when determination was deferred so that Members could visit the site. A copy of the previous report is at Appendix A. The visit will take place on 25 August and so a note will be circulated at the meeting, given that publication of this report is before the date of the visit.

Observations

At the last meeting, Members also raised issues relating to alleged breaches of planning conditions attached to the extant approval here – PAP/2018/0496 dated 21/1/19. These matters are being followed through.

Members are reminded that the “track record” of an applicant, or a land-owner is not a material planning consideration in respect of the determination of a planning application. The current cases should be dealt with on the planning merits of each proposal when assessed against the Development Plan.

However, if breaches of conditions are confirmed, then there are procedures in place to remedy these.

The two recommendations remain as set out in Appendix A. If the recommendation is agreed in respect of the application to extend the occupancy of four of the pitches, then the conditions attached to that permission will need to be updated from Appendix A, so as to reflect what is on site as some of the works required have already been implemented.

Recommendations

As set out in Appendix A but that, should planning permission be granted for application PAP/2022/0267, the final wording of the conditions be delegated to officers in consultation with the Chairman and Opposition Spokesperson.

General Development Applications

(7/d) Application Nos: PAP/2022/0259 and PAP/2022/0267

Caravan Site, Croxall Farm, Hoggrills End Lane, Nether Whitacre, B46 2DA

a) PAP/2022/0259 - Creation of Twelve Additional Motorhome/Caravan Pitches in Former Rally Field (Pitches 15-26) with Eastern and Northern Extensions to Existing Access Track, Additional Hedge Planting and Creation of Woodland Picnic Area

b) PAP/2022/0267 - Variation of condition no: 4 of planning permission PAP/2018/0496 dated 21/01/2019 relating to amendments to use of pitches 1 to 4 inclusive for longer term use of up to 60 days, with no return for 30 days

both for Mr and Mrs B and S Lewis

Introduction

The proposals are brought before the Board because of local Member's concerns about the potential impacts of the proposals.

The Site

The application site comprises of a farm located in open countryside on the north side of Hoggrill's End Lane. This is a working arable farm, growing maize as the principal crop.

The land in question is relatively flat and is bounded by mature hedgerows to the north and east. The south of the site is contained by recently planted hedges. The access point is also off the highway to the south where there is the existing range of farm buildings and dwellings. There are dispersed residential properties in the wider area.

There are public footpaths which border the site at the north-east corner of the field.

The farmhouse was formerly a Grade II Listed Building but was delisted following extensive renovation of the building in the early 1970s.

The site location is at Appendix A which also illustrates the public footpaths.

The Proposals

a) PAP/2022/0259

The site already has planning permission for fourteen hard standings for motorhomes, caravans or trailer tents. Four of these are positioned in a line directly behind the existing farm building group, another three along part of the south side of a track running west to east immediately to the north of those pitches, and seven opposite these on the north side of the same access track. These are shown on Appendix B

The current proposal is to add another twelve new hard standings immediately to the north, six to either side of a new extension of the access track running west to east, parallel with the existing track. These are shown on Appendix C.

The reason for the proposal is said to be “that the existing campsite is already popular with campers who enjoy a quiet, rural setting with simple facilities at a lower price. With the easing of restrictions following two years of COVID-19 lockdown restrictions, the demand for campsites of this kind in an attractive rural location is rising again and the owners wish to take full advantage of this upsurge whilst at the same time further enhancing the site itself by the addition of more planting and establishing a woodland picnic area.”

The existing and new access tracks would be linked by a new eastern loop, beyond which a new landscaped area is proposed, to be called ‘Jubilee Wood’, consisting of mixed native species tree planting interspersed with small glades containing picnic benches – see Appendix C

b) PAP/2022/0267

This is described in the header to this report. The location plan is shown at Appendix E

The proposal would seek revise the use of four pitches following an approval in 2019. There would be no change to the site layout or access, but the proposed stay would be for an extended period of time for up to 60 days with no return within 30 days. The permission is for up to 28 days with no return within 14 days. The condition also restricts occupation to “holiday/leisure and touring” purposes.

Background

The site had on occasions been used for caravan rallies under permitted development rights pertaining to the temporary use of the land.

Planning permission was granted in 2019 for the change of use of agricultural land to a caravan park to allow mix of 14 touring caravan and tent pitches, together with the formation of hard-standings, a new building to accommodate toilets, washing and showering facilities as well as a waste water disposal facility. The Notice is attached at Appendix D. Details of the toilet block were subsequently approved but work has not yet been completed.

Planning permission was granted in 2017 for the change of use of four agricultural buildings to three residential units.

Development Plan

The North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP14 (Economic Regeneration), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment) and LP29 (Development Considerations)

Other Relevant Material Planning Considerations

National Planning Policy Framework 2021 - (the "NPPF")

National Planning Practice Guidance – (the "NPPG")

Caravan Sites and Control of Development Act, 1960

General Permitted Development Order 2015 as amended.

The draft Nether Whitacre Neighbourhood Plan

Consultations

a) PAP/2022/0259

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

Environmental Health Officer – No objection subject to conditions

Warwickshire Fire and Rescue Services – No objection subject to conditions

b) PAP/2022/0267

None received.

Representations

a) PAP/2022/0259

Nether Whitacre Parish Council – It objects referring to the following matters:

- The expansion of the site will permanently have an adverse impact on the openness of the Green Belt
- The site is more visible than the existing from both the Lane and the footpaths.
- There will be an adverse impact on the residential amenity of neighbouring occupiers because of the increased disturbance and activity from vehicles and humans.
- Where will the existing rallies now go?
- Are the drainage facilities adequate?
- The existing planning conditions are not adhered to.

Three objections have been received which repeat the matters raised above.

b) PAP/2022/0267

The Nether Whitacre Parish Council objects for the following reasons:

- The condition has already been breached.
- The site should remain as a touring/leisure site and the variation will enable residential occupation.

7d/74

➤ Impact upon the Green Belt

Five objections have been received which re-iterate the matters raised above.

Observations

It is proposed to deal with the two applications in turn, taking the proposed extension of the site first.

a) 2022/0259

i) Green Belt

The site lies within the Green Belt. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is thus first necessary to establish whether this proposal is inappropriate development and thus that it would carry the presumption of refusal. The NPPF offers guidance in this respect. The proposal is for the change of use of land and the NPPF says that the material change in the use of land (including use for outdoor sport or recreation) in the Green Belt is appropriate development, and thus is not harmful to it. It thus carries a presumption of support. However, this definition is conditional. For a change of use proposal to be appropriate, it has to preserve the openness of the Green Belt and also not conflict with the five purposes of including land within the Green Belt. Therefore, it is necessary in this case to assess whether the current proposal satisfies both of these conditions. Each will be taken in turn.

There is no definition of "openness" in the Green Belt, but in planning terms it is generally taken to mean the "absence of development". However, the NNPG does provide guidance on how to assess the impact on openness. There are four elements to review. The first is the spatial element. Here there would be a larger area of land covered by the proposed change of use. This is a material increase by fact and by degree almost doubling the area of the existing site. It is also an extension into an area of existing open land which is not contained by other built development or by the topography of the area. The proposal will involve its use by caravans, tents, vehicles, additional hard-standings and the developments associated with the picnic area. This would be available all year round. There would thus be a spatial change in the area. However, the scale of this change would be limited given the size of the site and the nature of the development proposed. The second element is a visual one. It is noted that the northern, eastern and western boundaries of the site are relatively open within the landscape and they give way to open countryside. There are two public rights of way that cross land to the north of the site - the M394 to the east of the field and the M396 to the west. The site will be visible from these paths. Additionally, the extended site is visible from the road and houses on Hoggrills End Lane. Nevertheless, the impact visually on users of the paths and drivers on the road would be transitory. Hence the visual impact again would be limited. The third element is to assess the activity associated with the proposed use. Here that will involve both vehicular and human activity over the whole site potentially throughout the year. Vehicles will come and go and there will be the human activity around the site connected with the leisure use of the site. There are private residential properties close by not connected to the site and the site itself is in a quiet area with little in the way of high ambient noise levels such as from busy roads or more densely populated areas. The impact from activity is thus

7d/75

considered to be moderate. The final element is whether the use is a permanent one or temporary. It is the former here. If all of these four assessments are put together it is considered that the cumulative impact on the openness of the Green Belt here is moderate.

Turning to the second condition, there are five purposes of including land in the Green Belt. Some of these are not relevant in this case. The one which the proposed use may conflict with, is the purpose that says the Green Belt is "to assist the safeguarding of the countryside from encroachment". This could apply here given the permanent nature of the use. However, because of its scale, the degree of conflict is limited.

When the conclusions from these two conditions are added together it is concluded that the proposed use will have a moderate adverse impact on the openness of the Green Belt but limited conflict with the purposes of including land within it. As a consequence, the proposed use is inappropriate development in the Green Belt. This will thus be placed on the harm side of the final planning balance.

ii) Other Harms

In coming to a full assessment of the "harm" side of the planning balance, it is also necessary to see if there are any other harms that should be added to the moderate Green Belt harm found above. With there being no objection from the Highway Authority there is no evidence to support an adverse highway impact.

The increase in visitors would lead to additional noise from visitors and from vehicles. The site plan shows the caravans would be sited to the north of the approved pitches. A new woodland is proposed to the east, which lies behind existing residential properties. The woodland would be for picnics and recreational use. This would inevitably lead to greater public use of this land which would increase the likelihood of disturbance to residents in the immediate area. So as well as the greater use of the site as a whole by more vans and people that would extend closer to existing residential property. This will cause some conflict with Local Plan policy LP29 (9). Whilst the Environmental Health Officer has not objected, the policy relates to amenity rather than to the likelihood of nuisance and thus it is considered that in planning terms there will be an adverse impact and that is considered to be moderate because of the proximity of the site to private houses.

The application site is located close to the north elevation of the Grade II Listed '*The Old House*'. The Council is under a statutory duty to assess the impact of the proposal on the historic and architectural characteristics of the listed property as well as its setting. There will be no direct impact on the fabric of this building or within its curtilage. However, there will be, on its setting. The significance of this heritage asset is the retention of a substantial timber framed 16th Century house set in its own curtilage and retaining both external and internal contemporaneous architectural characteristics. Its historic value is enhanced by its rural setting. There will be an impact on the setting of this asset. However, the land to its rear will be a new woodland area and this would not give rise to substantial harm to the setting. The use of that woodland on a regular basis will impact on the rural ambience of the setting but this again would be less than substantial.

7d/76

5d/27

Given the proposal will include new woodland and hedgerows it is not considered that there would be ecological or landscape harm.

Adequate fire and sanitary facilities will be controlled by the Council acting as the Licensing Authority under the Caravan Sites and Control of Development Act, 1960. The 2019 approval included such facilities.

iii) The Harm Side of the Planning Balance

As a consequence of these matters it is considered that the harm side of the final planning balance comprises the moderate Green Belt harm, the moderate harm to neighbouring residential amenity and the less than substantial heritage harm.

iv) The Applicant's Case

It is now necessary to assess the applicant's case to understand the planning considerations and planning benefits that are being put forward to support the proposal. These will then be placed on the other side of the planning balance.

The considerations put forward was set out earlier in this report. This would find support in Local Plan policies LP13 which supports the introduction of new uses for the purposes of farm diversification and also policy LP11 which supports and encourages rural businesses. These policies are supplemented by the NPPF which supports a prosperous rural economy and within that, sustainable rural tourism. Additionally, the NPPF says that beneficial uses in the Green Belt include opportunities for outdoor sport and recreation.

The applicant also can benefit from the permitted development rights available for the temporary use of land. These include the use of land for caravan rallies and use as a touring caravan site for up to five vans.

In these respects, the applicant's considerations and benefits are considered to carry significant weight.

v) The Final Planning Balance

It is now necessary to address the final planning balance. This is best set out in the form of a question - do the considerations put forward by the applicant "clearly" outweigh the cumulative level of harm caused in order to amount to the very special circumstances needed to support the proposal?

It would appear that this is the case. However, the policy support of the proposals as outlined above is not unconditional. In the case of LP11, the support is conditional on there being "no significant and demonstrable harm on the character of the area". LP13 is conditional upon there being "no adverse impacts arising from increased noise" and that there would be "no adverse impact on the character of the surrounding natural or historic environment." Whilst the NPPF supports beneficial uses in the Green Belt, that too is conditioned as set out above in this report.

7d/77

5d/28

The “fall-back” position here arising from the permitted development rights does carry weight. However, they are materially different to the proposal in that this is for the permanent use of the land and it is the harms arising from that which are weighted on that side of the balance.

In these circumstances it is considered that the weight to be attributed to the policy support for the proposal is weakened, such that it does not “clearly” outweigh the cumulative harm caused. As a consequence, this proposal is recommended for refusal.

b) 2022/0267

This proposal seeks to increase the occupancy period of four of the permitted pitches from 28 to 60 days with no return within 30 rather than 14 days. These four pitches are those closest to the Lane and the existing range of farm buildings where there is already full residential use arising from conversions in 2017.

The issues involved here are limited to identifying if there are any potential adverse impacts arising as a consequence of this extended time given that the use is already permitted.

The main concern raised in the representations is that the proposal could lead to permanent residential use of the caravans. However, Appendix D shows that there are other conditions attached to the permission here – Condition 4 defines the occupancy, Condition 10 supplements this and condition enables the occupancy to be monitored. These are conditions that are applied for these uses throughout the Brough and enable breaches to be identified and evidence to be gained for potential enforcement action. The use of conditions is thus the appropriate and proportionate response to these representations. The Board is also reminded that even under the current terms of Condition 4, there could be extensive use of all four caravans throughout the year such that permanent residential use could occur.

Given their location and the final point made above, it is not considered that there would be material adverse harm to neighbouring residential amenity.

There are no other harms that are likely to arise give the extant planning permission for the four pitches.

Recommendations

a) PAP/2022/0259

That planning permission be refused for the following reasons:

1. The site is located within the Green Belt. The proposal is considered to be inappropriate development by virtue of its adverse impact on the openness of the Green Belt by virtue of its setting, size, the number of pitches proposed, the associated infrastructure and the associated additional human and vehicular activity. The matters raised by the applicant are not of sufficient weight to clearly outweigh the Green Belt harm caused. Accordingly, the proposals do not accord with Policy LP3 of the North Warwickshire Local Plan 2021 as supported by Section 13 of the National Planning Policy Framework.

7d/78

2. It is considered that the twelve additional plots with the increased number of vehicles and people will lead to the loss of residential amenity for neighbouring occupiers. The proposal would thus not satisfy Policy LP29 (9) of the North Warwickshire Local Plan 2021 as supported by the National Planning Policy Framework.

Notes

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections. However despite such efforts, the planning objections and issues have not been satisfactorily addressed. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.
1. The applicant is reminded that the conditions of planning permission PAP/2018/0496 still apply to the existing site.

b) PAP/2022/0267

That planning permission be granted subject to the following conditions:

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans;
557/222/01 entitled 'Location and Site Plan' received by the Local Planning Authority on 26 May 2022

418/216/01 Rev E entitled 'Location and Site Plan' received by the Local Planning Authority on 18th December 2018 - related to condition 6.

418/216/02 entitled 'Toilet Block' received by the Local Planning Authority on 29th November 2018.

REASON

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

3. The maximum number of the combination of touring caravans or tents on the site at any one time shall not exceed fourteen (14 no.) in total.

7d/79

REASON

In the interests maintaining the openness of the Green Belt and in the interests of neighbouring amenity

4. The use of pitches 1 to 4 inclusive shall be for longer term use of up to 60 days with no return to the site for at least 30 days thereafter by any of the same party/occupier. The use of pitches 5 to 14 inclusive shall be solely for holiday/leisure or touring purposes and occupation of any touring caravan, motorhome or tent shall be restricted to maximum period of 4 weeks only (28 days) with no return to the site for at least 2 weeks (14 days) thereafter by any of the same party/occupier.

REASON

In the interests of the amenities of the area., and to ensure the site is operated as a tourism and leisure caravan site in accordance with adopted planning policies

5. The materials as approved under DOC/2022/0083 related to the toilet block shall only be used.

REASON

To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

6. Hedges shall be planted along the southern and western boundary where indicated on plan reference 418/216/01 Rev E entitled 'Location and Site Plan' received by the Local Planning Authority on 18th December 2018 prior to the commencement of the use of the development hereby in accordance with details to include species and heights that have been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area

7. The approved drainage plans for the disposal of surface water and foul sewage as covered by DOC/2022/0083. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

8. The use and development hereby approved shall not be in operation until vehicular access to the site shall be surfaced and drained in accordance with details to be submitted to and approved in writing by the District Planning Authority for a distance of 15 metres into the site, as measured from the near edge of the public highway carriageway.

REASON

7d/80

To ensure adequate access in the interests of highway safety

9. The use hereby approved shall not commence until the retrospective vehicular track to the east of the site is removed and the land restored to its former condition within three calendar months and retained thereafter, to the satisfaction in writing of the Local Planning Authority.

REASON

To avoid the over development of the site and the impact on residential amenity

10. For the avoidance of doubt, this permission shall specifically not allow this site to be used for the storage of caravans and mobile homes by any person whomsoever.

To prevent the unauthorised use of the site in this Green Belt location.

11. A register of visitors and touring caravans visiting the site including arrivals dates and departure dates shall be maintained and made available for inspection by officer of the Local Planning Authority at 24 hours notice.

REASON

To enable the site operation to be monitored.

12. No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.

REASON

To safeguard the character and appearance of the area.

13. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any development to the satisfaction of the Local Planning Authority.

REASON

In the interests of Public Safety from fire and the protection of Emergency Fire Fighters

Notes

1. 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

2. For the avoidance of doubt, the permitted associated hardstanding is that within the red-line application site on the plan reference plan reference 418/216/01 Rev E entitled 'Location and Site Plan', and 557/222/01 entitled 'Location and Site Plan'
3. No burning shall be carried out on the site.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through application discussions, seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.
5. The applicant must read this permission in conjunction with PAP/2018/0496, and to DOC/2022/0083, and ensure that all of the conditions have been met and complied with. The toilet block should be completed at the earliest opportunity.
6. The applicant is reminded that the register of users under condition 11 of the 2018 application must be maintained.
7. The applicant is reminded that condition, 6, 9 and 9 are pre commencement and should be undertaken as soon as possible
8. Before carrying out any work, you are advised to contact or check on the Line search before you dig website <https://Lsbud.co.uk> to which you are able to check potential proximity of pipes / cables or utility infrastructure below or over ground. It is the developer's responsibility to contact relevant providers before work commences. You can register on the LSBUD website to carry out a free search on postcode or spatial area.
9. The applicant is encouraged to ensure that any demolition, construction works and deliveries do not cause nuisance to neighbouring properties and their occupiers. It is recommended that works are restricted to between 0800 and 1800 hours on weekdays, and 0800 and 1300 hours on Saturdays, with no demolition, construction works and deliveries on Sundays or recognised public holidays.
10. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £116. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.

Appendix A – 2022/0259 – Site location plan



PROW extent in area

7d/83

5d/34

Appendix B – 2018 Application approved site plan



Site plan.
Scale 1:500



Appendix C – proposed site plan - PAP/2022/0259





North Warwickshire
Borough Council

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

Date: 21 January 2019

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

DECISION NOTICE

Major Full Planning Application

Application Ref: PAP/2018/0496

Site Address

Croxall Farm, Hoggills End Lane, Nether Whitacre, B46 2DA

Grid Ref: Easting 422208.04
Northing 291850.66

Description of Development

Change of use of agricultural land to caravan park to allow mix of 14 no. touring caravan and tent pitches, with formation of additional hardstanding, together with new building to house male and female toilets, washing and showering facilities and a waste water disposal facility.

Applicant

Mr Bryan Lewis

Your planning application was valid on 11 September 2018. It has now been considered by the Council. I can inform you that:

Planning permission is **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.

Authorised Officer: 

Date: 21 January 2019

Page 1 of 5

7d/86

5d/37

- The development hereby approved shall not be carried out otherwise than in accordance with the plan reference 418/216/01 Rev E entitled 'Location and Site Plan' received by the Local Planning Authority on 18th December 2018 together with the plan referenced 418/216/02 entitled 'Toilet Block' received by the Local Planning Authority on 29th November 2018.

REASON

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

- The maximum number of the combination of touring caravans or tents on the site at any one time shall not exceed fourteen (14 no.) in total.

REASON

In the interests maintaining the openness of the Green Belt and in the interests of neighbouring amenity.

- The pitches indicated on the plan reference 418/216/01 Rev E entitled 'Location and Site Plan' received by the Local Planning Authority on 18th December 2018 shall be occupied solely for holiday/leisure or touring purposes and not for permanent residential occupation. The occupation of any touring caravan or tent shall be restricted to a period of four weeks only for any single let and there shall be no return to the site within two weeks thereafter by the same occupier.

REASON

To ensure the site is operated as a tourism and leisure caravan site only in accordance with adopted planning policies.

- The development hereby permitted shall not be commenced until details of the materials to be used for the toilet block are submitted and approved in writing by the Local Planning Authority.

REASON

To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

- Hedges shall be planted along the southern and western boundary where indicated on plan reference 418/216/01 Rev E entitled 'Location and Site Plan' received by the Local Planning Authority on 18th December 2018 prior to the commencement of the use of the development hereby in accordance with details to include species and heights that have been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

Authorised Officer: _____



Date:

21 January 2019

Page 2 of 5

7d/87

5d/38

7. The development hereby permitted shall not be commenced until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

8. The use and development hereby approved shall not be in operation until vehicular access to the site shall be surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority for a distance of 15 metres into the site, as measured from the near edge of the public highway carriageway.

REASON

To ensure adequate access in the interests of highway safety.

9. The use hereby approved shall not commence until the retrospective vehicular track to the east of the site is removed and the land restored to its former condition within three calendar months and retained thereafter, to the satisfaction in writing of the Local Planning Authority.

REASON

To avoid the over development of the site and the impact on residential amenity.

10. For the avoidance of doubt, this permission shall specifically not allow this site to be used for the storage of caravans and mobile homes by any person whomsoever.

REASON

To prevent the unauthorised use of the site in this Green Belt location.

11. A register of visitors and touring caravans visiting the site including arrivals dates and departure dates shall be maintained and made available for inspection by officer of the Local Planning Authority at 24 hours notice.

REASON

To enable the site operation to be monitored.

12. No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.

REASON

To safeguard the character and appearance of the area.

Authorised Officer: _____



Date: 21 January 2019

APPEALS TO THE SECRETARY OF STATE

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

PURCHASE NOTICES

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

NOTES

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

Authorised Officer: _____



Date:

21 January 2019

INFORMATIVES

1. 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

2. For the avoidance of doubt, the permitted associated hardstanding is that within the red-line application site on the plan reference plan reference 418/216/01 Rev E entitled 'Location and Site Plan'.
3. No burning shall be carried out on the site.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

Authorised Officer: _____

[Redacted Signature Box]

Date:

21 January 2019

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7d/90

5d/41

Appendix E – Site location plan for PAP/2022/0267 and the site plan



Site plan.

Scale 1:500



7d/91

5d/42



Location plan.

Scale 1:1250



7d/92

5d/43

General Development Applications

(5/e) Application No: PAP/2023/0076

Arden Livery And Menage, Tippers Hill Lane, Fillongley, CV7 8DJ

Conversion of existing western stable block into a three-bedroomed single-storey dwelling house; demolition of existing hay stores to the south side of the stable yard, provision of hard-surfaced parking area and improved access/turning area, for

Mr and Mrs M and J Langley

1. Introduction

1.1 This application is referred to the Board at the request of the local Member expressing concern about the impacts of the proposal on the Green Belt.

2. The Site

2.1 This a single storey stable block comprising nine stables and a tack room, together with a yard and hay-store to the south side of Tippers Hill Lane – a single track country lane – behind a roadside hedgerow. The building has masonry walls, fabricated timber trusses and a tiled pitched roof. The setting is one of open countryside with a scattering of other farm buildings and residential property.

2.2 There is a menage and other stables a little way to the east.

2.3 The site is illustrated at Appendix A.

3. The Proposals

3.1 It is proposed to convert the stable block into a three-bedroom single storey house whilst demolishing the existing hay-store which stands immediately to the south as well as providing an improved access and parking arrangement.

3.2 These proposals are illustrated on Appendix B.

4. Background

4.1 The stable block was present on the site in 2006 as evidenced by aerial photography with the hay store appearing before 2013.

4.2 The menage was also present in 2006 with the stables to the east being present in 2016.

5. Consultations

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

Environmental Health Officer – No objection subject to conditions

6. Representations

Fillongley Parish Council – It objects because:

- There is no planning permission for the stables. It considers that the eastern section of the stables was constructed after 2015.
- The residential conversion of stables to a dwelling is not an “exceptional” circumstance.

7. Development Plan

North Warwickshire Local Plan 2021 – LP2 (Settlement Hierarchy); LP3(Green Belt), LP13 (Rural Employment), LP29 (Development Considerations) and LP30 (Built Form)

Fillongley Neighbourhood Plan

8. Other Material Planning Considerations

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

9. Observations

a) Green Belt

9.1 The site is in the Green Belt. It is thus necessary to establish whether the proposal is appropriate or not appropriate development in the Green Belt as inappropriate development carries a presumption of refusal. The NPPF provides that definition. In this case, the proposal is for a material change of use of land as well as being the re-use of a building. The NPPF at paragraph 150 (d) and (e) says that such proposals are not inappropriate subject to a number of conditions. These are that the proposal should preserve openness, not conflict with the purposes of including land within the Green Belt and that the building should be of a permanent and substantial construction. In this case the building satisfies these two criteria in that it is structurally sound and capable of conversion without demolition and the need to rebuild. In respect of the openness condition, then the site is an active stables and yard with the daily activity associated with such a use. Additionally, the proposal includes the removal of a hay store. As such it is considered that the activity arising through its conversion would be less than that now being experienced and that the limited scope of the curtilage and the loss of the other building will preserve, if not improve openness in the locality. The proposal would not conflict

with the five purposes on including land within the Green Belt as the proposal makes use of an existing building and site without encroaching onto existing open land or new countryside. As such, the proposal is considered to be appropriate development in the Green Belt. The presumption is thus to support the proposal.

b) Other Development Plan Policies

9.2 There is support elsewhere in the Development Plan.

9.3 Policy LP13 of the Local Plan deals with proposals involving the re-use of rural buildings such as here. Whilst the policy identifies a preferred use for a rural business or service, the policy also says that tourism and locally affordable housing provision may be appropriate. The policy therefore lends some weight to a potential residential use.

9.4 The overall character of the proposed conversion is wholly acceptable and would not harm the appearance of the rural character. It is also noteworthy that the residential curtilage is small. The proposal would thus satisfy Local Plan policy LP30.

9.5 There is also unlikely to be any detrimental impact on the amenities of neighbouring residential property given the activity associated with the existing equestrian use and the separation distances. As such Local Plan policy LP29(9) is satisfied.

9.6 As the Highway Authority has no objection, Local Plan policy LP29 (6) is satisfied.

9.7 Additionally, Members will be aware of the permitted development rights that run with agricultural buildings – Class Q of Part 3 to Schedule 2 of the General Permitted Development Order 2015 as amended. This permits the residential conversion of agricultural buildings subject to certain conditions. It is of weight that if this building had been a farm building such as the one to be demolished, then it would have benefitted from this permitted development right. The same right would apply to nearby agricultural buildings along the Lane here.

9.8 Given this background, these matters add weight to supporting the proposal. It is accepted that the site is outside of a settlement boundary defined by the settlement hierarchy in Local Plan Policy LP2. Members will be aware however that most Class Q conversions are outside of settlement boundaries and that the existing stables use is dependant solely on private transport. Local services and facilities are not that distant in New Arley. Moreover nationally, appeal decisions relating to conversions away from settlements point to the site needing to be “isolated” for weight to be given to a refusal referring to an unsustainable location.

c) Other Matters

9.9 The Parish Council has raised two matters.

9.10 Firstly, the objection in respect of the Green Belt does not reflect the actual content of both national and local planning policy as set out in paragraph 9.1 above.

There has been no assessment to show that this is not appropriate development.

9.11 Secondly, the history of the site and the current buildings here could carry weight. However, the whole stable building and the hay store are “lawful” due to the passage of time – well over the four-year period set out in the legislation. It has to be pointed out too that had retrospective applications been submitted, they would have been recommended for approval in principle, given that equestrian uses are wholly appropriate in a rural area.

d) Conclusion

9.12 The proposal is considered to be in accordance with the Development Plan and thus that without there being significant and demonstrable harms identified, the proposal can be supported. The conditions recommended below include the removal of permitted development rights for further works to the building and within its curtilage.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan, the existing and proposed floor plans and sections, titled Drg-01-A1 (Existing Plans and Elevations) received by the Local Planning Authority on 23 February 2023 and Drg-02-Rev A-A1 (Proposal Plans and Elevations) received by the Local Planning Authority on 14 June 2023.

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 facing brickwork and roof tiles of a similar style, colour and texture to those present on the existing building.

REASON

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

4. For the avoidance of doubt, this permission is for conversion of the existing building as indicated upon the approved plans, along with the insertion of windows and doors in the positions shown, removal of existing hay stores to the south side of the stable yard and blocking up of existing openings where necessary. It specifically does not grant permission for demolition and reconstruction of the building.

REASON

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

5. The development shall not be occupied until the existing access has been resurfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.

REASON

In the interest of Highway Safety.

Pre-commencement

6. No works other than demolition shall take place until a contaminated land assessment has been undertaken. If the assessment identifies potential contamination a further detailed investigation shall be carried out and details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of development.

REASON

In the interests of the safe habitation of the property.

7. In the event that contamination is found under condition 7, at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON

In the interests of the safe habitation of the property.

8. Where remediation works have been carried out in pursuance with the preceding conditions 7 and 8, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.

REASON

In the interests of the safe habitation of the property.

Pre-occupation conditions

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

REASON

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

10. Prior to first occupation of the dwelling hereby approved, details of the electric vehicle charging bays, each with an electric vehicle charging point, to be provided in accordance with the Council's standard (Parking Standards SPD) shall be submitted and approved in writing by the local planning authority. The details shall include signs and bay markings indicating that bays will be used for parking of electric vehicles only whilst being charged. Prior to first occupation the electric charging points and bays shall be installed in accordance with the approved details and shall thereafter be maintained for the life of the development. The frequency of the charging points should match the number of dwellings.

REASON

In the interests of facilitating sustainable travel and reducing air pollution

11. Prior to first occupation of the dwelling hereby approved, details of the bat and bird boxes shall be submitted to and approved by the Local Planning Authority in writing. Such details should be based on section 5 of the preliminary ecology appraisal [dated February 2021]. The approved measures shall be implemented in full prior to first occupation of the development and thereafter maintained as such.

REASON

In order to safeguard protected species from undue disturbance and impacts, and in order to secure an overall biodiversity gain.

12. Any gas boilers provided must meet a dry NO_x emission concentration rate of <40mg/kWh. The specification of the gas boiler(s) shall be submitted to and approved in writing by the Local Planning Authority before they are fitted, and the approved specification shall be implemented prior to the first occupation of the development.

REASON

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

On-going

13. No development whatsoever within Classes AA, A, B & E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, shall commence on the land shown edged red on the approved plan, without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenities of the area and to ensure that any harm to the Green Belt is fully assessed.

14. No development whatsoever within Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or in any provision equivalent to that Part in any statutory instrument revoking and re-enacting that Order with or without modification, shall commence on the land shown edged blue on the approved plan, without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenities of the area and to ensure that any harm to the Green Belt is fully assessed.

Notes

1. 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.
2. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work or call 0800 688 588.

3. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with six other Councils under the Central Building Control Partnership. For further information please see Central Building Control - Come to the experts (centralbc.org.uk), and https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations ; guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>
4. Condition number 5 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirement necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Street Works Act 1991 and all relevant Codes of Practice.

Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days' notice will be required. For works lasting longer than 10 days, three months' notice will be required.

5. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
6. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g., street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

7. In the event that contamination is found under condition 7, at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Where remediation works have been carried out in pursuance, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.
8. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £116. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.
9. Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to SNN@northwarks.gov.uk. For further information visit the following details on our website https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information
10. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

General Development Applications

(5/f) Application No: PAP/2022/0374

Land North Of Stone Cottage, Lower House Lane, Baddesley Ensor,

Construction and operation of a solar PV farm plus ancillary infrastructure and equipment, landscaping and access, for

Fields Form Solar Ltd

Introduction

This application was referred to the Board's June meeting, but determination was deferred in order for a site visit. This site visit was carried out on 22 July 2023. A note is attached at Appendix A.

For convenience the previous report is attached in full at Appendix B. It should be considered as an integral part of this further report.

Additional Information

An amended landscape mitigation plan has been submitted by the applicant following the June meeting. This is at Appendix C. It indicates the provision of substantial tree planting along the southern boundary of the site close to Lower House Lane. To the rear of Stone Cottage, the mitigation indicates three rows of trees, which are expected to be heavy standard trees (3-4 metres in height) when planted.

Consultations

Baddesley Ensor Parish Council have commented that the planning application was discussed at their meeting on 9 August 2023. There was insufficient time to arrange a meeting with the applicant. They are in agreement with the application on the conditions that an Annual Community Fund of £20,000 for Baddesley and Wood End is in place and agreed by the applicant.

Representations

One further letter of objection has been received raising the following additional points:

- The latest amended plan provides minor concessions to our objections to the desecration of the Setting of the Grade Two listed building.
- Although the buffer zone behind Stone Cottage has been slightly increased it is not sufficient area to protect the setting.
- An additional ten metres away and 10 metres to the right would be reasonable and would take the development out of the setting.

Observations

From a planning perspective the amended landscape mitigation scheme is helpful in terms of further reducing harm to the landscape – particularly from along Lower House

Lane. Visually too, the extent and impact will be improved by the additional landscaping along the southern boundary. In terms of the impact on the existing residents, there are sufficient distances between the panels and existing residential properties. In fact, the Borough has previously approved solar schemes which are much closer to adjoining neighbouring residential property than the proposal. The provision of heavy standard landscaping would lessen the moderate adverse impacts of the visual impact.

From a heritage impact, the landscape mitigation scheme further reduces the harm to the setting of the listed building, which is still considered to be less than substantial harm in respect of the NPPF guidance. As Members aware too from the NPPF this harm has to be weighed against the public benefits of the proposal before a heritage refusal reason is to be considered. This assessment is considered in the June report and below.

In terms of other matters, the offer of a Community Fund and the Parish Council's acceptance of that or not, is not a material planning consideration in the determination of this application. It carries no weight in the assessment of the final planning balance and it wholly a private matter between the Parish Council and the applicant.

As indicated in the report from June's meeting, there is substantial weight given to the need for the development from a climate change perspective. Given the national and local policy in providing renewable energy and increased emphasis on climate change, it is considered that these factors are of sufficient weight to outweigh the limited and moderate harms caused in this instance. Based on this, it is considered that the proposal is in accordance with the Development Plan and the NPPF when taken together as a whole. Planning permission should be granted for the proposal.

Recommendation

As set out in Appendix B, with a variation to condition 2 to accommodate the revised plan numbers.

APPENDIX A

PAP/2022/0374

Land at Lower House Lane, Baddesley

Site Visit – 22 July 2023 at 1000

Present: Cllrs Fowler, Gosling, Philips, Ridley and Wright together with J Brown

1. Members met at the end of Manor Close in Baddesley where they were shown plans of the proposed solar farm.
2. From here the site was pointed out together with the location of Stone Cottage, Baddesley Farm and the line of Lower House Lane. The lie of the land the tree and vegetation cover were noted. The extent of the Birch Coppice estate was also appreciated.
3. Members then drove to Stone Cottage in Lower House Lane where they were joined by Mr Cole, the owner of the Cottage and two representatives of the applicant.
4. Here they walked along the footpath that runs alongside the Cottage. From here they could see the site.
5. In particular the extent of the site was pointed out, the line of the former railway line, the slopes and levels of the land and the existing tree cover. The extent of the curtilage of the Cottage was also seen.
6. The buildings at the Birch Coppice estate were also noted.
7. Members were again referred to the plans as submitted so that they could place the proposals in context.
8. Whilst here the applicant indicated that they had prepared amended plans to show a greater amount of tree planting particularly at the rear of the Cottage.
9. Members were reminded that these plans had not been formally submitted and thus at this time, do not form part of the application.
10. Mr Cole repeated the comments that he had made at the Board meeting whilst addressing the Board. Members were thus able to relate these to the actual setting of the Cottage on site.
11. Members then returned to the Cottage and the visit ended around 1040.

General Development Applications

(5/a) Application No: PAP/2022/0374

Land North Of Stone Cottage, Lower House Lane, Baddesley Ensor,

Construction and operation of a solar PV farm plus ancillary infrastructure and equipment, landscaping and access, for

Fields Form Solar Ltd

1. The Site

- 1.1 This site amounts to 10.7 hectares of agricultural land to the south of the former Baxterley Colliery rail line beyond the current Birch Coppice Business Park and west of Lower House Lane (Appendix A).
- 1.2 To the west of the site are two large blocks of woodland planting. To the south of the site boundary is Lower House Lane, where some isolated residential dwellings are located. Lower House Lane leads to the A5. The site is approximately 4.5km northwest of Atherstone, 2km west of Baddesley Ensor, and 0.9km north-east of Wood End. The site is approximately 2.4km southeast of Junction 10 of the M42.
- 1.3 The site drops gently north towards the old railway line and the wider landscape is undulating. The site, and individual field parcels therein, benefit from strong hedgerow boundaries with tree plantations to the immediate west and the disused railway line having an established linear tree belt.
- 1.4 The backdrop to the site is the large Birch Coppice Industrial Estate, which is to the north of the site, characterised by large distribution centres and warehouses.
- 1.5 There are two public footpaths which dissect the site, one heading north into the Birch Coppice Business Park, with the other heading west from Lower House Lane towards the footpath north of Wood End. These footpaths are also shown on Appendix B.

2.The Proposal

- 2.1 This is for the construction of a photovoltaic installation with a maximum capacity of up to 5MW which would generate sufficient electricity for around 1500 houses, together with associated infrastructure and biodiversity enhancements on the land.
- 2.2 The key elements of the scheme include arrays of solar PV panels They are non-reflective and are arranged and positioned in a north-south alignment. They will be approximately 1.3 to 1.8m tall at the top of the frame (0.3m high) depending on their orientation. The solar panels will vary their rotation correlating to the position of the sun in the sky. The panels will only be at a maximum height for a short period of the day. The nature of the panels are such they can be removed

easily when the site is not longer needed. The life time of the application is estimated to be 40 years and require limited ongoing servicing and maintenance.

- 2.3 The proposal also includes associated infrastructure such as substations, transformers and inverter systems which are not expected to exceed 2.67 metres in height. CCTV will be mounted on 4m high poles. The solar farm will be enclosed by a 2m deer fence, with the compound enclosed by 2.4m steel mesh fencing. The point of connection to the Grid is at the substation 0.5 km to the southwest located off Lower House Lane.
- 2.4 The overall layout is at Appendix B
- 2.5 The Landscape Mitigation Plan is attached at Appendix C and illustrates the strengthening of the existing field boundaries and enhancements around existing ponds.
- 2.6 The development will be accessed via Lower House Lane, with a maintenance track leading into it, constructed so that vehicles can access the substation. This will be a 4 metre wide gravel track. The construction period is expected to last for six months with a total of 22 two-way movements a working day of which 2 would be deliveries.
- 2.7 Along with the application, the following documents have been submitted

Planning Statement
Design and Access Statement
Heritage Assessment
Geophysical Survey
Glint and Glare Study
Ecology Impact Assessment
Biodiversity Impact Assessment
Ground Conditions Phase 1 Desk Study
Flood Risk Assessment
Design and Access Statement
Landscape and Visual Impact Assessment
Transport Statement
Construction Traffic Management Plan
Arboricultural Impact Assessment
Noise Assessment
Geophysical Survey

3. Background

- 3.1 In 2015 an application for the erection of ground mounted solar panels with an electrical output of approximately 4MW along with associated infrastructure, landscaping and ancillary structures, was refused planning permission. A copy of the Notice is at Appendix D and the refused plan is at Appendix E.

4. Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management) and LP35 (Renewable Energy and Energy Efficiency)

5. Other Relevant Material Considerations

National Planning Policy Framework 2021 - (the "NPPF")

North Warwickshire Landscape Character Assessment 2010

National Policy Statements EN1 and EN3

Energy White Paper: Powering Our Net Zero Future (December 2020)

National Infrastructure Strategy (November 2020)

The Electricity Storage Facilities (Exemption) (England and Wales) Order 2020

North Warwickshire Borough Council - Full Council 22nd October 2019

Clean Air Strategy (2019)

The Committee on Climate Change's report 'Net Zero – the UK's contribution to stopping global warming' (May 2019).

British Energy Security Strategy 2022

Energy Security Bill 2022

NWBC Supplementary Planning Guidance: Air Quality SPD

6. Consultations

Birmingham Airport - No objections

Warwickshire Police – No objections

Warwickshire County Council as Lead Local Flood Authority - It initially objected to the proposal, but a number of amendments were made such there is now no longer an objection subject to conditions.

Warwickshire County Council (Footpaths) - No objection subject to a series of conditions and notes safeguarding footpath routes.

Warwickshire County Council (Highways) – No objections subject to a conditions

Warwickshire County Council (Archaeology) – Initially objected to the proposal, but following further works there are now no objections subject to conditions

Warwickshire County Council (Trees) – No objection

North Warwickshire Environmental Health Officer – No objections subject to conditions

7. Representations

Two letters of objection have been received raising the following points:

- The application is the same as that previously refused under PAP/2015/0614.
- Application is smaller but policy has not changed position.
- Impact on listed buildings
- Highway safety
- CCTV will impact invade privacy of the residential dwellings
- Actuators enabling solar panels to aligned in optimum positions are noisy
- If allowed would set a precedent in the future on agricultural land.
- The road is unsafe, there have been a number of accidents within the last year.
- High fencing an eye sore to existing properties.
- Glare off the solar panels.

8 Observations

a) Introduction

- 8.1 Perhaps the main consideration in the assessment of the application is whether the current proposal overcomes the previous reasons for refusal in 2015. In determining that application, the Council concluded that the public benefits arising from the renewable energy development did not outweigh the harm to landscape character, the setting of heritage assets and to the potential archaeological interest in the site. This latter concern, at that time, had not been thoroughly investigated.
- 8.2 Since the previous decision, there have been a number of material changes.
- 8.3 Firstly in particular and of substantial weight, is the adoption of the 2021 Local Plan. Policy LP35 explicitly refers to renewable energy projects saying that they will be supported where they respect the capacity and sensitivity of the landscape and community to accommodate them.
- 8.4 Secondly, the National Planning Policy Framework has also been updated on more than one occasion. This now says that "the planning system should support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure". It also says that when determining planning applications, "local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy", and importantly, "approve the application if its impacts are (or can be made) acceptable."

- 8.5 Thirdly, Government policy through the more recent publications referred to above in Section 5, reflects its focus on renewable sources, as well as on sustaining its supply.
- 8.6 Additionally, the applicant has made material revisions to the 2015 proposal. In summary these are:
- Undertaking an Archaeological Impact Assessment – within the Heritage Statement referred to above.
 - A reduction in the area covered by the panels through the removal of the field alongside Lower House Lane and immediately to the west of Stone Cottage – compare Appendix B and E.
 - A series of enhanced mitigation measures including strengthening of existing field boundaries as well as perimeter planting and widened buffers alongside the footpaths and centrally around the pond – compare Appendix C and E.
- 8.7 These matters will now be taken forward into the final assessment of whether the current proposal overcomes the refused scheme.

b Landscape impact

- 8.9 The site does not contain any statutory landscape designations. The Borough's 2010 Landscape and Character Assessment shows the site falling within the "Tamworth–Urban Fringe Uplands" landscape character area. This is summarised as "an indistinct and variable landscape with relatively flat open arable fields and pockets of pastoral land, fragmented by restored spoil heaps, large scale industrial buildings and busy road and bordered by the settlement edges of Tamworth, Dordon and Kingsbury and with wooded horizons to the south." It continues by drawing attention to the mining legacy with remnant restored spoil heaps, referring to the one at Birch Coppice described as being "particularly large and a visual detractor within the local area, the base of which is now encircled by large modern industrial units". Although farmland makes up a significant proportion of the landscape, much of this land has "a run-down character, with gappy, poorly managed hedgerows". Tree cover is low, but there are woodland blocks to the south. In overall terms the value of the landscape here is concluded to be of "local" significance.
- 8.10 The applicant's Landscape Visual Impact Assessment concludes that there would be limited change to the landscape. He says that the development site is located on a northern facing and sloping piece of land within a small valley surrounded by higher land. He suggests that as indicated on the Landscape Plan at Appendix C, strengthening of planting through hedgerow and tree planting will re-enforce existing field boundaries and provide perimeter screening. The removal of the field immediately alongside Lower House Lane from the proposal further benefits the proposal. His view is that as a consequence, the impact on the landscape will be reduced from "moderate" in the 2015 scheme to "limited" under the current proposal.
- 8.11 It is considered that weight should be given to this change as the proposal does now better "fit" into the landscape. However, it was considered previously that the overall landscape character could be affected through the cumulative impact of

the proposal together with the large-scale commercial buildings that are present in this urban fringe landscape. It is thus necessary to re-assess the cumulative impact. The Landscape Character description refers to "an indistinct and fragmented landscape" with "fields and pockets" of pastoral land. Previous concerns indicated that the proposal would lead to further fragmentation of the landscape resulting in there being less pastoral land and a greater proportion of urbanising influences. It is considered that this still applies, but that the weight that can be given to it is reduced, because of the removal of the front field and the substantial increase in new landscaping. Additionally, it is also of weight that the former railway line, which has regenerated naturally, will also be strengthened on its application site side. In other words, its value in the landscape will be enhanced as a firm visual and physical feature separating the site and Birch Coppice.

- 8.12 It is in all of these circumstances, that it is concluded that the current proposal would give rise to "limited" local landscape harm.
- 8.13 Local Plan Policy LP14 says that development "should look to conserve, enhance and where appropriate, restore landscape character as well as promote a resilient functional landscape". Given the conclusion above there would not be compliance with this policy, but the degree of harm caused would be limited.

c) Visual Amenity

- 8.14 As with the landscape character issue, it is agreed that visual amenity impacts would be local in extent. Both the amenity of residents and visitors travelling past the site will need to be addressed. There would be a negligible impact on drivers using the Birch Coppice estate roads as they are already within an urban environment. There would be a low impact on motorists using Lower House/Boulters Lane due to the removal of arrays from the adjoining field, the intervening hedgerows and trees, the additional planting and the transitory nature of the impact. There are a number of public footpaths – the AE58, AE59, AE60 and AE61- which cut through or are close the site. Pedestrians using the paths over the site and from the one extending down from Hill Top in Baddesley, would experience adverse visual impacts because the proposal would be clearly visible as the paths adjoin or pass through the development. However, the proposals include strengthened hedgerow and tree planting which will reduce the overall extent of the development. The experience too would be transitory, and the proximity of the Birch Coppice buildings would still be apparent. Overall, it is considered that the impact for walkers would be "limited".
- 8.15 In terms of residents, then the closest panels in the direct line of sight from Cope's Rough Lodge would be some 70 metres distant. When the surrounding hedgerows are grown to three metres then there should be no view from ground level windows, but first floor windows would overlook the site. Intervening hedges and trees would lessen any impacts. Overall, there is considered to be a moderate impact here. Stone Cottage is to the south of the site and there is hedgerow and tree screening and there is an offset to rear of this property now. However, there would be moderate adverse impacts from the property's side windows. Baddesley Farm is on the opposite side of the road and higher windows would overlook the site. There would be moderate adverse impact.

Overall, there would be moderate adverse impacts. All of these impacts would be long term, although allowing for peripheral planting to grow taller, these would be lessened.

- 8.16 The residential properties at the far western end of Hill Top and Manor Close in Baddesley will have partial and limited views of the far northern section of the proposed site. Given the very wide panoramas already visible from these locations, the additional impact of the development would be limited and proportionally would not amount to a material increase in the urbanising features within that wide landscape.
- 8.17 It cannot be argued that the development would not be visible within the general vicinity of the site and thus when all of the above matters are taken together it is considered that the proposal will have moderate visual harm.
- 8.18 Local Plan policy LP1 says amongst other things, that development should "integrate appropriately with the natural environment protecting rights of way where appropriate" and "demonstrate a high quality of design that positively improves the quality of an area". It is considered that the proposal would not accord with this policy, but that the harm caused would be moderate.

d) Heritage Impact

- 8.19 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of their Conservation Areas. Section 66(1) of the same Act places a statutory obligation on local authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.20 With regards the NPPF, chapter 16 sets out the government's advice on conserving and enhancing the historic environment. Paragraph 199 advises great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para 200 states that any harm to or loss of significance of a designated heritage asset (from its alteration, destruction or from development within its setting) requires clear and convincing justification. Para 202 states that where there is less than substantial harm to a designated heritage asset, then that harm has to be weighed against the public benefits of the proposal.
- 8.21 There are no Conservation Areas affected here. However, the site lies in close proximity to three Grade 2 Listed Buildings – Stone Cottage and an associated outbuilding together with Baddesley Farm. There are no other designated heritage assets within a kilometre of the site's boundaries.
- 8.22 Stone Cottage is a mid to late 18th Century stone building formerly divided into two, reflecting both internal and external contemporaneous characteristics. The outbuilding is late 18th Century. Their heritage significance derives from this physical fabric evidential of the vernacular style of the time; their grouping and

their historic value as being remnants of the rural economy. The cottage is surrounded by gardens enclosed by mature trees and hedgerows. This provides a strongly defined immediate setting contributing to its significance. The wider agricultural land surrounding this curtilage—that containing the application site—was once part of the same landholding in the late-18th and mid-19th Centuries. The building's wider setting therefore does contribute to its significance. The proposed development is unlikely to adversely impact on the principal factors contributing to this overall significance – the architectural detail; the grouping, the road facing principal elevations and the well defined immediate curtilage. However, there would be limited harm to the wider setting through the removal of the agricultural characteristic of the location.

- 8.23 Baddesley farmhouse is believed to be 17th Century, but it was re-faced and extended in the 18th Century. There are contemporaneous internal and external architectural features. Its principal significance is thus as a vernacular farmhouse illustrating its historic and architectural interest. The farmhouse is within a working farm complex and this together with an enclosed garden contributes to its overall setting and thus its significance. The wider area includes agricultural land maintaining a link to the farmhouse and thus is historic significance. However, there is no historic link to the land on the other side of the road. The proposed development is unlikely to adversely impact on the principal factors contributing to the significance of the asset itself nor on the immediate setting. There would be limited harm to the wider setting removing the agricultural characteristic of the location.
- 8.24 The scheme does differ from that of the previous 2015 application and removes an area to the west of Stone Cottage and north of Baddesley Farm. The landscape offset and buffers to the north of Stone Cottage also reduce the impact. As such the intervening planting and topography reduce the intervisibility between the site and the heritage assets. Whilst Stone Cottage and Baddesley Farmhouse would each experience limited harm, it is considered that the cumulative impact would be greater. The applicant considers that both properties are in separate ownership and have separate land holdings. As such, any grouping is therefore incidental and does not particularly contribute to the heritage interest of the buildings. Shared setting it is said is a term generally used for a connected group (e.g. the house and outbuilding at Stone Cottage could be considered to have a shared setting) rather than for disparate assets that have no evidential or historic association, but are located within a similar area. Here the applicant is saying that shared setting relates at most, to the rural landscape generally. This is acknowledged, but the two assets are close to each other and they have similar architectural and historic characteristics. As such, it is considered that the cumulative heritage harm caused is less than substantial, rather than there being no cumulative harm.
- 8.25 As a consequence of all of these assessments, it is considered that the overall level of harm to these existing heritage assets would be less than substantial.
- 8.26 The previous reason for refusal in 2015 related to there being no archaeological site evaluation undertaken. That has now been completed and the County Archaeologist is satisfied that the proposal can continue subject to the inclusion

of pre-commencement conditions. As such this particular reason for refusal would no longer be appropriate.

- 8.27 Overall, it is considered that the current proposal would cause less than substantial heritage harm. As indicated earlier – para 8.20 - this harm has to be weighed against the public benefits of the proposal and this assessment will be undertaken in the final planning balance below.

e) Ecological Impacts

- 8.28 The site currently has an ecological value and thus the applicant has submitted an Ecological Impact Assessment as well as a Biodiversity Impact Assessment. Members will know that the Local Plan Policy LP15 as well as the NPPF require there to be bio-diversity gains as a consequence of new development proposals. The habitat enhancements now proposed within and around the site show a biodiversity gain of around 25.3%.

f) Flood risk

- 8.29 The main concern of flood risk resulting from the scheme is the area of impermeable hardstanding associated with the supporting infrastructure of the road. The proposal indicates that surface water run-off can be managed and mitigated on site and not be increased. The Local Lead Flood Authority initially objected. However, during the course of the application this was withdrawn, subject to conditions relating to the submission of a detailed surface water drainage scheme to be submitted along with a maintenance plan. As a consequence, it is not considered that there is a material flooding risk.

g) Agricultural Land

- 8.30 This land is all graded 3b in terms of its classification and is thus not the best and most versatile land. As Members are aware from other such proposals, the land will not be permanently lost from agricultural use and the quality of the soils will improve over time as they left untouched.

h) Other Issues

- 8.31 The Highway Authority has no objection to the proposal and has suggested conditions to improve the access on Lower House Lane. The applicant has agreed to change the bell-mouth access to a dropped kerb verge crossover. The size of the access will be large enough for articulated vehicles during construction. Post construction, the access will be narrowed as larger vehicles will not be required to access the site. Therefore, the proposal is in accordance with Development Plan Policy and the NPPF.
- 8.32 While also relevant in terms of landscape impact, the effects of glint and glare on road users as well as aircraft safety have been assessed and there have been no objections from Birmingham Airport. No comments have been received from East Midlands Airport or the Civil Aviation Authority.

8.33 As Members are aware when looking at similar proposals elsewhere in the Borough, there have been concerns about the noise impact from the operational equipment on these sites. The Environmental Health Officer has on each occasion recommended a series of conditions based on maximum thresholds at identified residential properties. Similarly here, there is no objection in principle and the matter can be conditioned through a pre-commencement planning condition requiring a Noise Impact Assessment and subsequent agreement on the relevant noise thresholds.

i) The Harm Side of the Planning Balance

8.34 From the above, the harm side of the planning balance includes the limited landscape harm, the moderate visual harm and the less than substantial heritage harm.

j) The Applicants Considerations

8.35 The applicant has put forward what he considers are the benefits and arguments in support of the proposal which would lie on the opposite side of the planning balance. This substantially rests on the need for renewable energy sources and the National and Local planning policy support for proposals that deliver them. This was outlined in the introductory section above in paragraphs 8.4 and 8.5, and he refers to the other material planning considerations again outlined above – section 5. This proposal would form an important component for sustainable energy supply and more particularly it would align with the updated energy security strategies which are now in place. In short, he is saying that the benefits of the proposal are even more significant than they were in 2015 and he provides the evidence to support that position.

8.36 In addition to the Council's own Local Plan Policy LP35, he refers to the Council declaring a climate emergency and setting out an action plan to address the Council's impact on climate change which aligns with national planning objectives and to take a more proactive approach to adapting to climate change, including moving to a low carbon economy. The proposal will support this as well as the Climate Change Emergency declared by Warwickshire County Council in July 2019.

8.37 Another benefit identified would be the bio-diversity net gain that would arise.

8.38 It is considered that when treated together, these considerations carry substantial weight.

k) The Final Planning Balance

8.39 The starting point in this report was the 2015 refusal and the central issue identified was whether there were material differences to warrant a reconsideration of that decision with the current proposal. It is considered that there are.

8.40 There has been a significant change in the content of the proposal with the removal of the arrays from the field that is most visible and closest to a heritage asset, together with significant increases in both site and perimeter landscaping.

Moreover, the concern over the potential archaeological value of the site has been resolved. As such the proposal has changed for the "better", in that the combined level of harm has reduced in weight. On the other hand, the weight to be given to the case for supporting the proposal has significantly increased given the changes to the national and local planning background against which the proposal has to be considered.

- 8.41 From the evidence submitted, there is substantial weight given to the need for the development from a climate change perspective. Given the national and local policy in providing renewable energy and increased emphasis on climate change, it is considered that these factors are now of sufficient weight to outweigh the limited and moderate harms caused in this instance. Based on this, it is considered that the proposal is in accordance with the Development Plan and the NPPF when taken together as a whole. Planning permission should be granted for the proposal.

Recommendation

That planning permission be GRANTED subject to the following conditions:

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered :
Site layout 003C 22/05/2023
Location Plan 14/07/2022
Landscape mitigation Plan PL03 22/05/2023
Solar panels details received 20/03/2023

REASON

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

Pre-commencement conditions

3. No development shall commence until details of the substation, transformers, invertors system, internal road, point of connection, CCTV, lighting and perimeter fencing details have been submitted including details of colour and materials, have all been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and retained for the life of development, unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests the visual amenity of the area and in accordance with policy.

4. Notwithstanding the submitted details prior to the commencement of any works, a Construction Management Plan shall be submitted in writing to and approved by the Local Planning Authority. Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

REASON

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

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

REASON

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

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

objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON

To ensure a net biodiversity gain in accordance with NPPF

7. The propose development site shall be built in accordance with the approved FRA and Drainage Strategy (SHF.3007.003.HY.R.001.A September 2022) and in particular the following mitigation measures:
 - a. Solar panels to be mounted a minimum of 150mm above the 0.1 AEP flood level as per the Environment Agency Risk of Flooding from Surface Water map.
 - b. Each solar panel will maintain a gap between each individual panel to allow for surface water to run off at multiple points on to the vegetation below to prevent the concentration of run off.
 - c. While it is accepted runoff may not increase given typical solar farm design, the concentration of runoff along the drip-edge of panels can lead to erosion issues, therefore it is important that the sites vegetation is well maintained, through grazing or light mowing where necessary.
 - d. Filter drains shall be incorporated into the scheme to capture runoff, reduce erosion and aid infiltration, in accordance with indicative drainage layout (SHF.3007.003.HY.D.012).

REASON

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

8. The development hereby approved shall not be brought into use until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should:
 1. Provide the name of the party responsible, including contact name, address, email address and phone number
 2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
 3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
 4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

REASON

To ensure the future maintenance of the sustainable drainage structures.

9. No development shall commence until temporary three-way signals have been installed fronting the site to control traffic flows. The signals shall be retained throughout the construction period on the site.

REASON:

In the interests of highway safety.

10. Access for vehicles to the site from the public highway (Lower House Lane C7) shall not be made other than at the position identified on the approved drawing number WA5260-1PD providing a dropped kerbed verge crossover access no less than 6.0 metres in width. The access to the site shall be surfaced with bound material for a distance of 20 metres, as measured from the near edge of the public highway carriageway. During demolition and construction no gates shall be hung within the vehicular access to the site as to open within 20 metres of the near edge of the public highway carriageway and shall not be closed when the workforce are on site. Post construction the gates shall be located to the original position 12 metres from the near edge of the public highway carriageway.

REASON:

In the interests of highway safety.

11. No development shall commence until the construction compound has been constructed providing a turning area within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear, and providing off-street parking. No vehicles associated with the development shall park on the public highway.

REASON:

In the interests of highway safety.

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

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The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

REASON

To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of LP15 of the adopted North Warwickshire Local Plan, coupled with the requirements of paragraphs 194 - 198 of the National Planning Policy Framework 2021.

15. No development shall commence until a plan and details have been submitted and approved which indicating any works involving disturbance or alteration of the surface of any public footpath; and the exact position of fencing, gates or landscaping within 5 metres of the footpaths that cross the site. The development shall be carried out in accordance with approved details.

REASON

To ensure the protection of the public footpath and its users.

16. Notwithstanding the submitted noise impact assessment no development shall commence until a noise impact assessment has been submitted and approved in writing by the local planning authority, which includes the specific sound level from industrial/commercial sources within the development arising from the operation of solar farm equipment including the solar inverter stations, transformers, battery storage, heating ventilation and air conditioning equipment as well as the operation of the vertical farm including any associated coolers and air handling units, at day time and night time.

REASON

To avoid significant adverse impacts on health and quality of life, to mitigate and minimise adverse impacts on health and quality of life and where possible contribute to the improvement of health and quality of life at noise sensitive receptors. [NPPF paragraph 174, NPPF paragraph 185, Noise Policy Statement for England 2010 and PPG on noise].

17. Within six months of the commissioning of the new development hereby permitted, the applicant shall undertake compliance noise monitoring. The applicant shall submit the results of the noise measurements in writing to the Local Planning Authority. The submission should confirm whether the specific sound level from industrial/commercial sources within the development arising from the operation of the solar farm and vertical farm meet noise condition 16. If the specific sound level from industrial/commercial sources within the development operational noise limits set up in noise impact assessment 16 are exceeded, additional mitigation measures should be developed and implemented. Any additional mitigation measures shall be permanently retained and maintained in proper working order for the duration of the operational life of

the development. The assessment should be carried out by a suitably qualified professional.

REASON

To demonstrate compliance with noise condition 21 and promote the aims and objectives of planning policy and guidance as well as national noise policy and planning (and noise) guidance to avoid significant adverse impacts on health and quality of life, to mitigate and minimise adverse impacts on health and quality of life and where possible contribute to the improvement of health and quality of life at noise sensitive receptors.

18. All hard and soft landscape works as shown on the approved plan shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the use of the development hereby approved being brought into use, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON

To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy.

19. The development and construction shall be carried out in accordance with the Arboricultural Method Statement 16/09/2022.

REASON

To ensure the protection of the existing trees in the vicinity of the development.

20. The development hereby approved is granted for a limited period only expiring 40 years after the date on which electricity is first generated by the installation, on or before which date the solar panels and associated buildings, structures, tracks and fencing shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, permission has been granted for an extended period pursuant to an application made to the Local Planning Authority in that regard. The array operator shall inform the Local Planning Authority within 10 working days of the first date on which electricity is first generated.

REASON

In the interests of the visual amenities of the area, so not to risk redundant equipment, structures, buildings and boundary treatments being left in place in

perpetuity, compromising the productive use of the land and the character and appearance of the area thereafter.

21. Within six months of the cessation of the first export of electrical power from the site, a scheme for the de-commissioning of the solar farm and its ancillary equipment shall be submitted to the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall also include the details of the management and timing of the de-commissioning works, together with a traffic management plan to address any likely traffic impact issues during the decommissioning period, and an environmental management plan to include details of the measures to be taken during the de-commissioning period to protect wildlife and habitats as well as details of site restoration measures. For the avoidance of doubt, the landscape planting and bio-diversity improvements approved under this permission shall all be excluded from this condition.

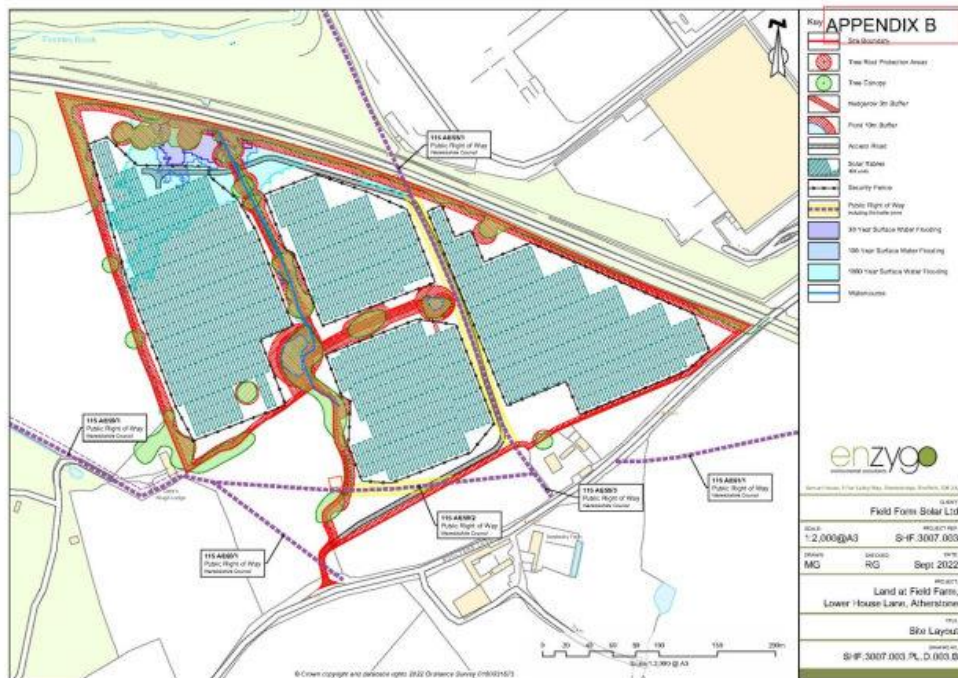
REASON

In order to confirm that this permission is for a temporary period only and to ensure the re-instatement of the land following expiration of this period.

22. The scheme as agreed in writing by the Local Planning Authority under condition 21 shall be implemented in full within six months of the cessation of the site for the commercial export of electrical power, whether that cessation occurs under the time period set out in Condition 21, but also at the end of any continuous cessation of the commercial export of electrical power from the site for a period of twelve months.

REASON

In order to ensure the satisfactory re-instatement of the land.







North Warwickshire
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Date: 15 December 2015

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

DECISION NOTICE

Major Full Planning Application

Application Ref: PAP/2015/0614

Site Address

Land North of Stone Cottage, Lower House Lane, Baddesley Ensor,
CV9 2QB

Grid Ref: Easting 425550.68
Northing 298799.42

Description of Development

Erection of ground mounted solar panels with an electrical output of approximately 4MW along with associated infrastructure, landscaping and ancillary structures

Applicant

Mr Scott Newhouse - Blue Planet Solar

Your planning application was valid on 7 October 2015. It has now been considered by the Council. I can inform you that:

Planning permission is **REFUSED** for the following reasons:

1. Notwithstanding the support given in the Development Plan for renewable energy projects and the likelihood of a Community Trust in this case, it is considered that the greater public benefit in the Council's view is the protection of the landscape character in this particular area of the Borough. The proposed development is considered to have moderate harm to landscape character; visual amenity and to the setting of heritage assets, which when combined have sufficient weight to override the support referred to above. As a consequence the proposal does not accord with Policies NW11 and NW13 of the North Warwickshire Core Strategy 2014.
2. The proposed development is not supported by a thorough archaeological site evaluation which would enable a detailed assessment of the character and extent of any archaeological deposits of importance likely to be threatened to be considered and thus allow a full assessment to be made of the impact of the development. This approach is supported by saved policy ENV16 of the North Warwickshire Local Plan 2006; Policy NW14 of the Core Strategy 2014 and the National Planning Policy Framework.

Authorised Officer: _____

Date: 15 December 2015

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APPEALS TO THE SECRETARY OF STATE

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

NOTES

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

Authorised Officer: _____

Date:

15 December 2015

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APPENDIX E

(11) **Application No: PAP/2015/0614**

Land North Of Stone Cottage, Lower House Lane, Baddesley Ensor, CV9 2QB

Erection of ground mounted solar panels with an electrical output of approximately 4MW along with associated infrastructure, landscaping and ancillary structures, for

Mr Scott Newhouse - Blue Planet Solar

Introduction

The receipt of this application was referred to the Board at its November meeting and it was resolved that the site be visited prior to determination.

A copy of the previous report is attached at Appendix A for convenience. The site visit has been organised, but will take place after publication of the agenda for this December Board meeting and thus a record of that visit will have to be circulated at the meeting itself.

Additional Information

Since the last report there have been three additional matters which Members should be aware of.

The first is that a supplementary appraisal was prepared in respect of the potential visual and landscape impact arising from the proposed development using the end of the roads at Hill Top and Manor Close in Baddesley Ensor as the "receptor" locations together with the public footpath that runs from here to Lower House Lane. This concludes that, "the proposed solar panels in Field 3 would be partially visible from these locations, surrounded by trees. The scale of visual effect is assessed as low to low/medium. The geographic extent would be low/medium and the duration of the effect would be long term". The overall level of visual effect is considered to be minor".

The supplementary report is at Appendix B

The second relates to the prospect of a Community Trust. The applicant has confirmed that the applicant aims to set up a trust or a share-buying scheme by which the community would benefit directly from the proposal. This is similar to other schemes that they have undertaken.

The third relates to an amended plan. This was submitted to take account of the Warwickshire Footpaths Section. There is no material change to the overall layout or appearance of the proposal. The amendment just retains the definitive line of public paths through the site. Appendix C is a copy of this amended plan.

Representations

Four letters of objection have been received. The matters referred to include:

- The industrialisation of this part of North Warwickshire
- Impact on the setting of heritage impacts
- Alteration in the character of the immediate area
- This will not enhance or protect the landscape character
- Noise and Construction traffic
- The site has been land-filled in the past

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- Panels should be placed on the rooves of the industrial buildings
- Detrimental Visual impact
- Potential for Birch Coppice to spread

Consultations

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

Warwickshire County Council as Lead Flood Authority – No Objection

Warwickshire County Council Public Rights of Way – No objection

Warwickshire Police – No objection subject to standard advice

Birmingham Airport – No comments received

Environmental Health Officer – No objection subject to conditions

Warwickshire Museum – Objection as the scheme is not supported by a proper and detailed assessment of the extent of any archaeology deposits which could be threatened by the proposal.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW10 (Development Considerations), NW11 (Renewable Energy), NW12 (Quality of Development), NW 13 (The Natural Environment), NW14 (The Historic Environment), NW15 (Nature Conservation) and NW17 (Regeneration)

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 10 (Agriculture and the Rural Economy); ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Building Design), ENV14 (Access Design), ENV16 (Listed Buildings), ECON8 (Farm Diversification), TPT1 (Transport Considerations) and TPT2 (Traffic Management)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (the "NPPF")
 National Planning Practice Guidance 2014 – (the "NPPG")
 Meeting the Energy Challenge White Paper 2007
 The UK Renewable Energy Strategy 2009
 UK Solar PV Strategy
 Government's Written Statement 2015

Observations

a) Introduction

The site is not in the Green Belt.

Planning policy in respect of renewable energy projects is found in the Development Plan and the National Planning Policy Framework. The latter supports "the transition to a low carbon future" and the "encouragement of the use of renewable resources" as guiding principles. It also says that "small scale projects provide a valuable contribution to cutting

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greenhouse emissions". The National Planning Policy Framework therefore concludes that Local Planning Authorities should have a positive strategy to promote energy from renewable sources and "approve applications if their impacts are or can be made acceptable". The relevant policy in the Core Strategy is NW11 which says that "renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. In particular they will need to be assessed on their individual and cumulative impact on landscape quality, sites or features of natural importance, sites or buildings of historic or cultural importance, residential amenity and the local economy". This reflects the approach of the National Planning Policy Framework where it says that, "when determining applications, local planning authorities should approve the application if its impacts are acceptable unless material planning considerations indicate otherwise. The Government's NPPG on renewable energy projects again reflects this approach. In general terms this reiterates the commitment to increasing the amount of energy from renewable technologies. In respect of solar farms the guidance identifies a number of factors which will need to be assessed. These include whether the land is green field or brown field; the agricultural grading of the land, bio-diversity impacts, the effect of glint and glare, the need for additional infrastructure, the visual impact, the effect on landscape character together with the impacts on heritage assets.

The common theme running through these documents is that the presumption is in favour of the grant of planning permission unless the impacts are so significant that they cannot be mitigated or made acceptable through design or planning conditions. This therefore is the starting point for the assessment of this application.

It is proposed to deal with all of the matters raised by the NPPG. The most significant matters in respect of this particular case are those relating to visual impacts; the impact on landscape character and thirdly on heritage assets. Before addressing these, a number of other matters will be dealt with.

b) Agricultural Land

It is agreed with the applicant that this land is Grade 3b. As such there is no harm arising from consideration of this particular issue. The land will be put to pasture thus enabling some agricultural use. Members will also be aware that the proposal is reversible and time limited to 25 years.

c) Drainage

Given the advice of the Local Lead Flooding Authority there is no objection here in principle.

d) Bio-Diversity

There is no evidence submitted in rebuttal of the conclusions found in the applicant's own ecological survey which recommends that there is a good opportunity here to enhance bio-diversity within and around the site – the peripheral zones; the additional tree planting, the introduction of pasture and the installation of nesting boxes. Suitable conditions, including a further badger survey can protect the management of existing flora and fauna. There is no material adverse impact here.

e) Construction

The Environmental Health Officer has not raised any issues in respect of the construction management plan. This was to be expected given the temporary nature of the construction period (11 to 12 weeks); the limited amount of work and the nature of that work to be undertaken.

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f) Access Arrangements

The Highway Authority has not raised objection whether the proposal is operational or during the construction period. Suitable conditions are recommended including the need for temporary signalisation during construction.

g) Noise, Glint and Glare

The Environmental Health Officer raised concern about the proximity of one of the substations to an existing residential property. This can be resolved through an appropriately worded condition. It is noteworthy that he has raised no issue in respect of glint and glare.

h) Residential Amenity

There are few residential properties directly affected by the proposed development. However there are two that adjoin the site – Cope's Rough and Stone Cottage – and a third that is on the opposite side of the road – Baddesley Farm. All occupiers have objected to the proposals. Additionally residents at the end of the cul-de-sac in Hill Top and Manor Close at Baddesley were included in the applicant's appraisal. An objection has been received from one of these occupiers too.

These objections cover a number of issues as outlined above and these are dealt with in the various sections here. Their main objection is considered to be the visual impact on the outlook from their properties. This will be explored further in the subsequent section. It is considered that other harm to residential amenity through noise, pollution or overshadowing would be limited.

i) Landscape Character

Dealing first with the likely impact on landscape character then it is agreed that the site lies in the "Tamworth –Urban Fringe Uplands" landscape character area as defined by the North Warwickshire Landscape Character Assessment. As such the base-line against which to assess impact are the key characteristics defined in this Assessment for this area. This is best summarised as "an indistinct and variable landscape with relatively flat open arable fields and pockets of pastoral land, fragmented by restored spoil heaps, large scale industrial buildings and busy road and bordered by the settlement edges of Tamworth, Dordon and Kingsbury and with wooded horizons to the south." Attention is drawn to the mining legacy with remnant restored spoil heaps, referring to the one at Birch Coppice described as being "particularly large and a visual detractor within the local area, the base of which is now encircled by large modern industrial units". Although farmland makes up a significant proportion of the landscape, much of this land has "a run-down character, with gappy, poorly managed hedgerows". Tree cover is low but there are woodland blocks to the south. In overall terms it is agreed with the applicant that the value of the landscape here is of "local" significance.

It is first necessary to ask whether or not the landscape character as defined above would be altered as a consequence of this proposal – in other words could it be accommodated without changing that character. It is considered that there are factors that suggest that it could. These are the low height of the arrays; retention of the existing field pattern, ground levels and surrounding hedgerows and enhancement with additional planting. Moreover the slope of the land is towards the south within a small valley with surrounding higher land. Whilst the site itself is 11 hectares (28 acres) in extent, it still would be a small element within the overall landscape area and the development is reversible. However there is one factor that suggests that the proposal would affect the overall landscape character – and this

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is the cumulative impact of this proposal together with the other non-agricultural elements on the character of this urban fringe landscape. The character description refers to "an indistinct and fragmented landscape" with "fields and pockets" of pastoral land. It is considered that this proposal would be a further step in fragmenting that landscape even further resulting in there being less pastoral land and a greater proportion of urbanising influences. It would thus add to its "indistinctiveness" whereas Development Plan policy is set to enhance and protect local distinctiveness – NW13 of the Core Strategy. Of particular weight in coming to this conclusion are the adjoining Birch Coppice estate and the significance of the former colliery line in providing a very firm visual and physical boundary between urban and rural landscape characteristics. It is thus considered that for these reasons the cumulative impact of the proposal carries greater weight than the mitigating matters raised earlier in this paragraph. It is considered that there would be harm to the landscape character hereabouts and that that harm would be moderate.

j) Visual Amenity

As with the landscape character issue it is agreed that visual amenity impacts would be local in extent. Both the amenity of residents and visitors travelling past the site will need to be addressed. There would be a negligible impact on drivers using the Birch Coppice estate roads as they are already within an urban environment. There would be a low impact on motorists using Lower House Lane due to intervening hedgerows and trees; additional planting and the transitory nature of the impact. Pedestrians using the public footpaths over the site and from the one extending down from Hill Top in Baddesley would experience high adverse impacts because the proposal would be clearly visible as the paths adjoin or pass through the development. Regardless of the proximity of the Birch Coppice buildings, this would be an immediate and additional adverse impact even though it would be transitory.

In terms of residents then the closest panels in the direct line of sight from Cope's Rough Lodge would be some 70 metres distant. When the surrounding hedgerows are grown to three metres then there should be no view from ground level windows but first floor windows would overlook the site but intervening trees would lessen any impacts. Overall there is considered to be a moderate impact here. Stone Cottage is to the south of the site and there is hedgerow and tree screening. However there would be moderate adverse impacts from the property's side windows. Baddesley Farm is on the opposite side of the road and higher windows would overlook the site. There would be moderate adverse impact. Overall therefore there would be moderate adverse impacts. All of these impacts would be long term although allowing peripheral planting to grow taller would mitigate them.

The residential properties at the far western end of Hill Top and Manor Close in Baddesley will have partial and limited views of the far northern section of the proposed site. Given the very wide panoramas already visible from these locations, the additional impact of the development would be limited and proportionally would not amount to a material increase in the urbanising features within that wide landscape.

In planning terms Members will be aware that there is no provision to protect private views or outlooks – this is why there is no such reference in Policy NW10 of the Core Strategy. Appeal decisions provide a useful indicator here and recent cases suggest that the visual impacts of new development on the outlook from a private property should be "overwhelming to the degree that a property would become widely regarded as an unattractive and unsatisfactory place to live" in order to give rise to a refusal. This is the "test" that is likely to be applied here if there is an appeal. It is suggested that this situation would not arise here.

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k) Heritage Impacts

There are no designated heritage assets in the site. There are three Grade 2 Listed Buildings close by – Stone Cottage and an associated outbuilding together with Baddesley Farm. There are no other designated heritage assets within a kilometre of the site's boundaries.

The applicant's submitted evidence suggests that there may be a low likelihood of archaeological interest here. However the response from the Warwickshire Museum suggests that this evidence has not been thoroughly based on a full assessment as there has been no site evaluation. It thus raises an objection until further analysis is undertaken. As a consequence this objection would align with the approach taken in saved policy ENV16 of the Local Plan. Without the more detailed evidence available it is not possible to assess the impact of the proposal on the potential heritage of the area in respect of its archaeological interest. There is thus non-compliance with the NPPF.

The remit of the Council in assessing the impact here on the listed buildings is to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. In all three cases here it is considered that the material issue is to assess the impact of the development on the setting of the buildings.

Stone Cottage is a mid to late 18th Century stone building formerly divided into two, reflecting both internal and external contemporaneous characteristics. The outbuilding is late 18th Century. Their heritage significance derives from this physical fabric evidential of the vernacular style of the time; their grouping and their historic value as being remnants of the rural economy. The cottage is surrounded by gardens enclosed by mature trees and hedgerows. This provides a strongly defined immediate setting contributing to its significance. The wider agricultural land surrounding this curtilage – that containing the application site - was once part of the same landholding in the late-18th and mid-19th Centuries. The building's wider setting therefore does contribute to its significance. The proposed development is unlikely to adversely impact on the principal factors contributing to this overall significance – the architectural detail, the grouping, the strong road facing principal elevations and the strongly defined immediate curtilage. However there would be limited harm to the wider setting removing the agricultural characteristic of the location.

Baddesley farmhouse is believed to be 17th Century but it was re-faced and extended in the 18th Century. There are contemporaneous internal and external architectural features. Its principal significance is thus as a vernacular farmhouse illustrating its historic and architectural interest. The farmhouse is within a working farm complex and this together with an enclosed garden contributes to its overall setting and thus its significance. The wider area includes agricultural land maintaining a link to the farmhouse and thus is historic significance. However there is no historic link to the land on the other side of the road. The proposed development is unlikely to adversely impact on the principal factors contributing to the significance of the asset itself nor on the immediate setting. However there would be limited harm to the wider setting removing the agricultural characteristic of the location.

As a consequence of these assessments it is considered that the overall level of harm to these existing heritage assets would be moderate. Whilst Stone Cottage and Baddesley Farmhouse would each experience limited harm, it is considered that the cumulative impact would be greater. This is because of the proximity of the two assets to each other and their similar architectural and historic characteristics. In particular it is their shared setting of the wider agricultural surrounding land that adds more weight here.

Additionally there is the objection raised by the Museum leading to a refusal reason.

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l) Conclusions

The introduction pointed out that both the NPPF and the Development Plan support renewable energy projects in principle, provided that there is no overall significant harm caused. The assessment of the various factors above, points to there being moderate harm to landscape character; visual amenity and to the setting of heritage assets. The issue for the Board is thus to see whether the combination of these impacts is of sufficient weight to override that support.

In this case it is considered on balance that it is. Development Plan policy NW13 requires the quality, character, diversity and local distinctiveness of the natural environment to be protected and enhanced. Policy NW11 says that renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. In particular it is the individual and cumulative impacts that will need to be considered. The combination of the impacts here does not achieve these objectives. In particular it is the fact that the proposal here oversteps a significant visual and physical marker in the landscape character of the area – the former railway line. This provides an evident boundary between the urban features found on its northern side and the rural features on its southern side. The development would in the language of the landscape character assessment, further fragment this area and significantly increase the proportion of urbanisation in this urban fringe area. This is supplemented by the consequential visual amenity impacts on the most immediate residential occupiers and the wider agricultural setting of two heritage assets. The Council is already acting to define the Meaningful Gap between Tamworth and Polesworth and Dordon as required by Development Plan policy NW19. It is not suggested that this site is in that Gap, but that issue raises the role of the Council in maintaining the balance between new urban development; the retention of settlement identity and the protection of the rural character particularly along an urban fringe.

Moreover the objection from the Museum and the uncertainty about the impact on archaeological assets is supported by Development Plan policy.

Recommendation

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

1. "Notwithstanding the support given in the Development Plan for renewable energy projects and the likelihood of a Community Trust in this case, it is considered that the greater public benefit in the Council's view is the protection of the landscape character in this particular area of the Borough. The proposed development is considered to have moderate harm to landscape character; visual amenity and to the setting of heritage assets, which when combined have sufficient weight to override the support referred to above. As a consequence the proposal does not accord with Policies NW11 and NW13 of the North Warwickshire Core Strategy 2014"
2. "The proposed development is not supported by a thorough archaeological site evaluation which would enable a detailed assessment of the character and extent of any archaeological deposits of importance likely to be threatened to be considered and thus allow a full assessment to be made of the impact of the development. This approach is supported by saved policy ENV16 of the North Warwickshire Local Plan 2006; Policy NW14 of the Core Strategy 2014 and 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/2015/0614

Background Paper No	Author	Nature of Background Paper	Date
1	Mr McCabe	Objection	18/10/15
2	Mr and Mrs Roberts	Objection	17/10/15
3	D Snow	Objection	30/10/15
4	Mr Cole	Objection	21/10/15
5	Warwickshire Museum	Consultation	19/10/15
6	Case Officer	E-mail	20/10/15
7	Applicant	E-mail	23/10/15
8	Warwickshire Police	Consultation	28/10/15
9	Warwickshire Rights of Way	Consultation	28/10/15
10	Warwickshire County Council Highways	Consultation	30/10/15
11	Environmental Health Officer	Consultation	16/10/15
12	Environmental Health Officer	Consultation	3/11/15
13	Warwickshire Museum	Consultation	6/11/15
14	Case Officer	Letter	10/11/15
15	Applicant	E-mail	11/11/15
16	Applicant	Amended plans	5/11/15
17	Applicant	E-mail	17/11/16
18	Warwickshire County Council (Flooding)	Consultation	23/11/15
19	Warwickshire Museum	Consultation	24/11/15

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.

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(13) Application No: PAP/2015/0614

Land North Of Stone Cottage, Lower House Lane, Baddesley Ensor, CV9 2QB

Erection of ground mounted solar panels with an electrical output of approximately 4MW along with associated infrastructure, landscaping and ancillary structures, for

Mr Scott Newhouse - Blue Planet Solar

Introduction

This application is reported to the Board for information at this time. A further determination report will be produced in due course. This current report will describe the proposals and identify the relevant Development Plan policies applicable to the application.

The Site

This amounts to 12.45 hectares of agricultural land to the south of the former Baxterley Colliery rail line beyond the current Birch Coppice Business Park and west of Lower House Lane. Wood End is some 900 metres to the west. Fields Farm and Baddesley Farm are located on the other side of Lower House Lane. There is scattered residential property to the south – noticeably Cope's Rough which adjoins the site to the south-west, the Wood End Leisure Park and Stone Cottage to the south-east. Beyond this there are large woodland areas. The far western end of Baddesley Ensor – Hill Top and Manor Close - is further to the east and on higher ground than the application site.

The site has a distinct slope running south to north with a height difference of around 25 metres.

There are public footpaths crossing the site – the AE59 and AE60 – which run essentially east/west through the whole site and a further one skirts the eastern boundary – the AE58.

The site is illustrated at Appendix A.

The Proposals

This is a proposal for a solar farm to generate renewable electricity for a period of 25 years. The ground mounted panels would have an electrical output of around 4MW along with associated infrastructure, landscaping and ancillary structures. It is said that this would provide annual power for around 1216 residential properties. The associated development includes power inverter stations, transformer stations, security fencing and associated access gates. Gravelled roads are also proposed within the development for access and maintenance.

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The panel layout would run east/west across the whole site. The arrays are ground mounted and would be around 0.7 to 2.4 metres high so as to give a 25 degree angle to maximise solar gain. The arrays would be blue/black matt coloured and treated with a coating to minimise solar glare. They would be 8.5 metres apart. Three inverter/transformer buildings would be located throughout the site – each being a pre-cast concrete building, 5 by 3 by 3 metres tall. The substation would be at the far south western corner of the site – 6 by 2.4 by 3.5 metres tall. The development would link to the National Grid to the south of the site via an underground connection.

A deer fence of two metres in height would be erected around the perimeter and be supported on wooden poles. Gaps will be retained for the movement of animals. CCTV cameras would be pole mounted at regular intervals along this fence.

A Landscape and Bio-Diversity Plan has also been prepared to ensure that existing vegetation and new planting is managed appropriately. Existing trees are to be coppiced in order to reduce over-shadowing and the main features of the proposals include retention of existing hedgerows at three metres in height; additional trees to be added to hedgerows where appropriate, wildflower and grass sward planting in the fields and the addition of bat boxes, habitat piles and pond management.

A temporary construction compound is to be located in the far south western corner with direct access onto Lower House Lane. Construction is likely through an 11/12 week period and HGV deliveries are estimated to amount to some 125 movements in that time.

The proposed arrangements as set out above are shown at Appendix B.

A cross section through the site is shown at Appendix C

There are several supporting documents that accompany the application.

The Transport Assessment says that construction will take around 11 or 12 weeks with a start being made in the Spring of 2016. The development would be completed in one phase. The assessment indicates a likely 125 deliveries in that period – 250 actual movements – with a frequency of around three or four a day. Smaller and lighter vehicles would amount to some ten movements a day. All access to the construction compound would be via an upgraded existing field gate access onto Lower House Lane and the routes taken would be to the north to the A5. A wheel wash would be provided.

An Arboricultural report says that trees are largely limited to the northern boundary of the site alongside the railway line embankment with others as individual specimens around the perimeter or within the hedgerows in the site itself – eighteen in total together with nine other small groups of trees and eight lengths of hedgerows. The trees do "shade" the panels and if the maximum capability of the site is to be achieved, the eighteen individual trees would have to be removed. Hedgerows are around 2 metres tall and would not affect overall capability if kept at this height.

An Agricultural Land Classification Assessment concludes that due to the soil structure and texture the site is Grade 3b. This is described as moderate quality land capable of producing moderate yields of a narrow range of crops or lower yields of a wider range such as grass which can then be grazed.

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A Habitat Survey concludes that the site is characterised by arable land, poor semi-improved grassland bordered by ditches, hedgerows and woodland with a single pond. The report concludes that the proposed development would be unlikely to have any adverse impacts on a nearby SSSI – Kingsbury Wood 1.8 km away – or on the nine Local Wildlife Sites around the site. Retention of as many of the hedgerows and trees is recommended together with enhancements such as nesting boxes and bat boxes. A pre-commencement badger survey is recommended and mitigation measures installed. The bio-diversity enhancements proposed in the perimeter corridors will be a positive step.

A Heritage Statement concludes that the development proposals will have no physical impact on any known heritage assets. There is a low-level of prehistoric activity in the local landscape and no specific evidence suggests that the site is thus affected. Roman activity is likely to be concentrated to the north. The site appears to have formed part of the agricultural hinterland of the surrounding farmsteads and village settlements of the medieval period. There is evidence of ridge and furrow from photographs but on-site work suggests that modern plough work has removed these features. The hedgerows may well represent historic boundaries and thus should be retained. There are three Grade 2 Listed Buildings within a kilometre of the site – Stone Cottage; Stone Cottage outbuildings and Baddesley Farmhouse - but none would be adversely affected with only small levels of harm to their setting.

A Landscape and Visual Assessment states that the site is in the "Tamworth – Urban Fringe Farmlands" designation as defined by the North Warwickshire Landscape Character Assessment. This is described as being an undulating landform with predominantly open arable land part of a fragmented landscape comprising a complex mix of agricultural, industrial and urban fringe land uses, heavily influenced by the adjoining settlements and highway network. Views are said to be generally "internal" contained within the wider landscape by peripheral settlements, woodland and landform. It concludes that the overall effect on the existing landscape would be adverse but to a minor degree; the effects of new planting, both for trees and hedgerows would be beneficial with the overall effect on the character of the landscape as being adverse but to a minor degree. In terms of visual impact then publically accessible views from the footpaths would be heavily affected but would be transitory and of moderate impact in longer term views. Impacts from the surrounding scatter of residential property is said to be adverse but only to a moderate degree.

A Planning Statement incorporates a Design and Access Statement. This sets out the planning policy background identifying Saved Policies of the 2006 Local Plan and the 2014 Core Strategy. Attention is also drawn to the relevant sections of The National Planning Policy Framework and to the same in the National Planning Practice Guidance. Specific Guidance on Solar PV projects is also referenced. The overall conclusion is that the development would bring significant benefit outweighing any harm

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW10 (Development Considerations), NW11 (Renewable Energy), NW12 (Quality of Development), NW13 (The Natural Environment), NW14 (The Historic Environment), NW15 (Nature Conservation), NW17 (Regeneration),

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Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 10 (Agriculture and the Rural Economy); ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Building Design), ENV14 (Access Design), ENV16 (Listed Buildings), ECON8 (Farm Diversification), TPT1 (Transport Considerations), TPT2 (Traffic Management).

Other Material Planning Considerations

The National Planning Policy Framework 2012

The National Planning Practice Guidance 2014

Meeting the Energy Challenge White Paper 2007

The UK Renewable Energy Strategy 2009

UK Solar PV Strategy

Government's Written Statement 2015

Observations

As with other such projects Members will have to balance the likely harm created by this proposed development on a number of factors against the general support that is outlined in a number of material planning considerations specifically related to renewable energy projects and for solar projects in particular. The future report to the Board will address that balance. In the interim it is strongly recommended that the Board undertakes a site visit to and around the site in order that Members have a better understanding of the development and how it might impact visually and on the character of the local landscape.

Recommendation

That Members visit the site and its surroundings.

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BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0614

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	7/10/15

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.

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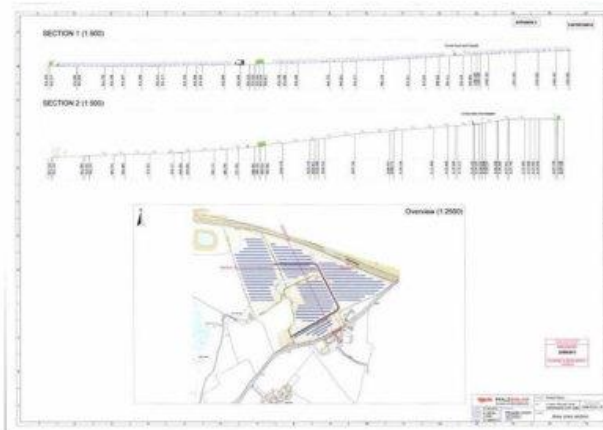


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**PROPOSED SOLAR FARM AT
FIELDS FARM, LOWER HOUSE LANE
BADDESLEY ENSOR, WARWICKSHIRE**

**LANDSCAPE & VISUAL IMPACT APPRAISAL
ADDENDUM**

Prepared for:
Blue Planet Solar

Prepared by:
Allan Moss Associates Ltd
Culmeyre House
Holmer Lane
Telford
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October 2015

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1.0 ADDITIONAL VISUAL RECEPTORS

- 1.1 North Warwickshire Council's Case Officer has made a request for additional visual receptors to be assessed on the western edge of Baddesley Ensor at Hill Top/Manor Close.
- 1.2 There are approximately 7 or 8 dwellings at Hill Top/Manor Close with potential middle distance views of Field 3. These properties are approximately 850-920m away from the application site at an elevation of 130m AOD.
- 1.3 In addition there is a public footpath that runs from Hill Top to Lower House Lane with a similar view.
- 1.4 The Visual Receptor Plan (Appendix 1) has been updated to include these receptors. The view from the footpath is illustrated in Photograph 11 (Appendix 2).

2.0 VISUAL IMPACT ASSESSMENT

- 2.1 An addendum to the Summary of Assessment of Visual Effects (Table 17) has been provided below summarizing the visual impact assessment for these additional receptors.
- 2.2 The users of the public footpath have been assessed as having Medium/High susceptibility to change in the same way that the other footpaths were assessed. The occupants of residential properties at Hill Top/Manor Close have been assessed as having Medium susceptibility on the basis that these are properties on the edge of an existing urban area. In both cases the value of the views are of Local Level value.
- 2.3 The proposed solar panels in Field 3 would be partially visible from both these receptor locations, surrounded by trees. The scale of visual effect is assessed as Low to Low/Medium. The geographical extent would be Low/Medium and the duration of effect would be Long Term in both cases.
- 2.4 The overall level of visual effect is considered to be Minor adverse in both cases.

**Allan Moss BA (Hons), BPL, MRTPL, Dip LA, CMLI
October 2015**

Table 17 (Addendum): Summary of Assessment of Visual Effects

Effect	Sensitivity of Visual Receptor		Magnitude of Visual Effect			Level of Visual Effect
	Visual Intensity Value	Visual Receptor Susceptibility	Scale of Visual Effect	Geographical Extent	Duration & Reversibility	
Ref Public Views:						
13 Footpath from Hill Top to Lower Gleane Lane Walkers <i>Private views</i>	Local	Medium/High	Low to Low-Medium adverse	Low/Medium	Long Term	Minor adverse
14 Overlooks of Hill Top/Mouse Chase Residents/Visitors	Local	Medium	Low to Low-Medium adverse	Low/Medium	Long Term	Minor adverse

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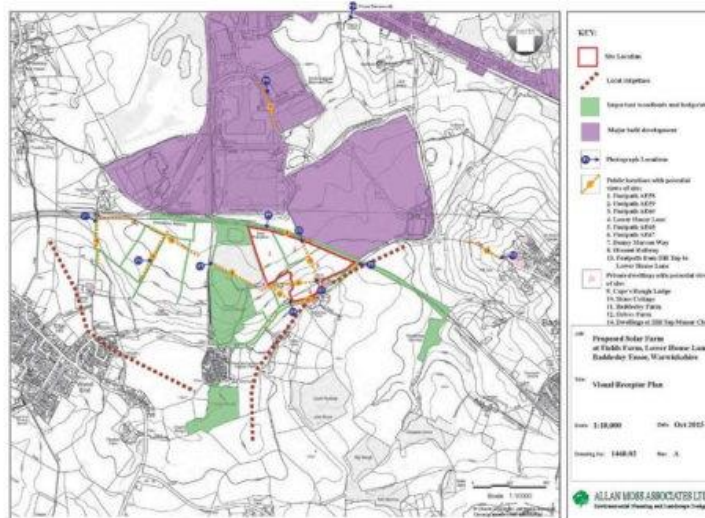
APPENDIX 1

Visual Receptor Plan Rev A

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APPENDIX 2

Photograph 11

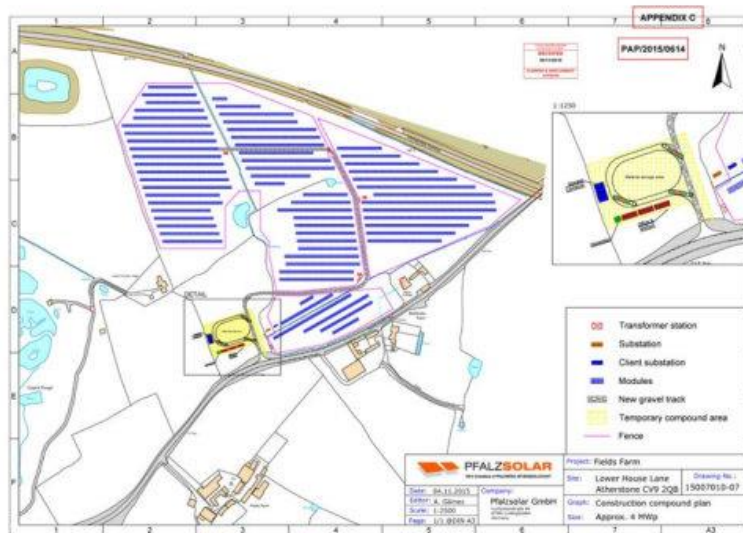
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Photograph 11: View from footpath from Hill Top to Lower House Lane looking westwards.



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Agenda Item No 6

Planning and Development Board

4 September 2023

Report of the Head of Development Control

Planning Fees and Performance

1 Summary

- 1.1 This report updates the Board on a Government consultation from earlier in the year on a proposed increase in planning fees and a corresponding change in the performance framework for taking planning decisions.

Recommendation to the Board

That the report be noted.

2 Background

- 2.1 Members will recall that a report on a proposed increase in planning fees was considered by the Board a few meetings ago. It supported the recommended increase. The Government has now laid the appropriate draft Statutory Instruments before Parliament with a view to introducing the increase from the 1 April 2024.
- 2.2 Additionally, the Government has responded to its consultation on proposed changes to the performance measures for the handling of planning applications as a consequence of the increase in fees.

3 Fee Increases

- 3.1 As was proposed, the average fee increase across the broad range of different planning applications is to rise by 25%. Fees for major applications are to rise by 35%. As indicated in the previous report, it is estimated that the additional income generated by these increases in the first year – 2024/25 - would be around £150k. The Regulations also allow for annual increases in these fees in line with the CPI inflation index from the previous September. However, any increase will be capped at 10%. In the event of deflation, the fee will not be adjusted. Additionally, there is advance notice that fees may well be reviewed again in three years' time.
- 3.2 On the matter of “ring-fencing” the increase to planning authority departments, the Government has decided not to take this forward in legislation but expects that Local Planning Authorities will protect “at least the income from the planning fee increase for direct investment in planning services”.

- 3.3 There were several other more detailed matters raised in the initial consultation paper and the Government has responded by:
- The issue of “double-fees” for retrospective applications will be reviewed later.
 - The exemption from fees for repeat applications has been removed.
 - There will be a fee for Prior Approval applications submitted by the Crown.

4 Performance

- 4.1 As Members are aware, the Government has set performance targets for the time taken to determine planning applications as well as identifying “appeal overturns” as a measure of the quality of decision-making. In return for the increase in planning fees, the Government had re-visited these targets and proposed to extend them.
- 4.2 In particular there is the Planning Guarantee, which means that refunds of fees can be claimed by the applicant if decision making times are not met. The proposal was to reduce the time for such claims on all non-major applications from 26 to 16 weeks. This proposal has been agreed, but this can be subject to an applicant agreeing longer extensions of time with the Authority.
- 4.3 The consultation paper asked whether there should be new extended performance targets involving both quantitative and qualitative measures. The Government has responded by saying that it is its intention to produce a new performance framework, but after further consultation and research.

5 Observations

- 5.1 The increase in fees is very welcome and as indicated above, this will have a significant financial impact. It is also beneficial that there is to be an annual increase and thus the increase should be sustained.
- 5.2 It is interesting to note that a revised new performance framework has been delayed. The responses to the consultation strongly outlined the recognised shortage of planning officers as well as in related professions such as ecology, highways and design; difficulties in recruiting to vacancies and the delays in receiving consultation responses. This appears to be one of the reasons why there is no immediate introduction of a new performance regime. In other words, there appears to be recognition that delays are often outside the control of a Planning Authority.
- 5.3 Members are probably not fully aware of the Planning Guarantee. There have been very few refunds payable because of the use of pre-application work, early and pro-active engagement with applicants and the use of extensions of time. However, it is something that Members should be aware of in the decision-making process.

6 **Report Implications**

6.1 **Finance and Value for Money Implications**

- 6.1.2 It is estimated that an average 25% increase in planning fees across the board would raise £150k to £160k in 2024/25. This would be sustained after this period through further increases matching the CPI index of inflation at September each year and capped at 10%. The changes to the Planning Guarantee may “blunt” some of this benefit.

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

Agenda Item No 7

Planning and Development Board

4 September 2023

**Report of the
Head of Development Control**

**Further “Permitted Development”
Changes Consultation Paper**

1 Summary

- 1.1 Following the Secretary of State’s announcement at the end of July about a longer-term plan for new housing, his Department has published a consultation paper on proposed changes to “permitted development” rights in order to increase the amount of housing. The Board is invited to submit its comments.

Recommendation to the Board

That the matters outlined in this report and any others raised by the Board be referred to the Department of Levelling Up, Housing and Communities.

2 Background

- 2.1 Members will recall the consultation from a few months ago concerning proposed changes to the preparation of Local Plans and for the delivery of new housing. The Secretary of State made a major announcement at the end of July with the objective of increasing the delivery of new housing. One of the approaches towards this objective is to enable greater flexibility to support housing delivery through exempting changes of use of existing non-residential buildings to residential use, from the need to submit a full planning application. In other words, “permitted development” rights for some changes would be extended. The Government has published a further consultation paper setting out its proposals which can be found at: [Consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/consultation-on-additional-flexibilities-to-support-housing-delivery-the-agricultural-sector-businesses-high-streets-and-open-prisons-and-a-call-for-evidence-on-nature-based-solutions-farm-efficiency-projects-and-diversification). The consultation seeks views on 88 specific points relating to these proposals however, those referred to below are considered to be the most relevant.
- 2.2 The Consultation paper however extends beyond the objective of increasing housing delivery as will be seen below.

3 **The Consultation Paper**

3.1 The paper covers the following areas:

- Changes that allow for the change of use to dwellings
- Changes that allow agricultural diversification and development on agricultural units.
- Changes that allow non-domestic extensions and the erection of new industrial and warehouse buildings.
- Changes that allow for the temporary use of land for markets to operate for more days.
- Changes that allow for new and extended public buildings.
- The application of Local Design Codes to certain permitted development rights.

3.2 Members will be aware that the removal of permitted rights exempts the need for the submission of a full planning application. However, the changes set out below will still require the submission of applications for “prior approval” for the proposed changes. The Council’s remit in these cases is just to assess the proposals under a specified number of matters which differ for each proposed change. In other words, although permission is granted in principle, the prior approval application asks whether the Council will want to approve details under those specified matters before the development can go ahead.

4 **Changes of Use to Dwellings**

4.1 The Government says that changes in consumer behaviour have presented challenges for retailers in town centres and the way in which high streets are now used. Residential uses it is said, can help diversify and create more resilient high streets. Additionally, as such uses are found elsewhere, changes in out-of-town locations can also support the delivery of additional houses in all locations. There are a number of changes proposed.

a) Class E Buildings

4.2 There is an existing permitted development right, introduced in 2021 to change Use Class E buildings to residential use. Class E includes shops, restaurants, offices, gyms and light industrial buildings. This right is subject to certain conditions – the impact of noise on new residents and flood risk, as well as a maximum floor area of 1500 square metres and that the premises have had to be vacant for a three-month period prior to conversion. So as per para 3.2 above, the prior approval application will ask if the Council wants to approve details related to noise and flooding impacts prior to work commencing, provided that the other conditions are also satisfied.

4.3 The consultation asks whether the floor area threshold should be doubled or removed all together and whether the required vacancy period is also removed.

4.4 In Conservation Areas, the prior approval of the Council is also required for the impact of the proposed change of the ground floor of a Class E building on the character or sustainability of the Conservation Area. The paper asks whether this too should be relaxed.

4.5 All changes of Listed Class E Buildings will always require full Listed Building Consents.

b) Class C1 Buildings

4.6 Class C1 buildings include hotels, boarding houses and guest houses. The proposal is to include the change of use of these buildings to dwelling houses as a new permitted development right. The prior approval application would cover matters such as the impact on the local tourism industry and whether a floor area threshold should apply. The paper makes it clear that the change would be for C3 dwelling houses alone, and not for a change to an HMO or for short term lets.

c) Betting Offices and Pay Day Loan Shops

4.7 Two existing permitted development rights allow hot food takeaways, betting offices and pay day loan shops, laundrettes, amusement arcades and casinos to be converted to houses subject to a 150 square metre threshold. It is proposed to double this floor area, but laundrettes would be “excluded” from the existing right given that they provide a “valuable community service in certain areas”.

d) Changes to Mixed Uses

4.8 An existing permitted development right enables existing premises within the Use Classes set out above to change to a mixed use, including up to two flats on the upper floors whilst retaining the commercial ground floor use. This differs from the situation in (a) above as that relates to the whole building. The proposal is to double the number of flats subject to noise impacts and the application of minimum space standards.

e) Agricultural Buildings

4.9 The existing Class Q permitted development right was introduced in 2014 and extended in 2018 in order to increase the number of new homes permitted through the conversion of agricultural buildings. The right is presently subject to a number of conditions and limitations including the type of building that can benefit and the maximum size and number of new houses that can be delivered. The proposals suggest extending the right to allow more homes. At present the existing right allows for the delivery of either up to 3 larger homes within an overall floorspace of 465 square metres, up to 5 smaller homes each no greater than 100 square metres or up to 5 homes of different sizes but within these space definitions. The proposals are to increase sizes and numbers. Hence there would be a maximum floor space of either 100 or 150

square metres per home, with a 1000 square metre maximum total, so leading potentially to a maximum of 10, new 100 square metre houses.

- 4.10 At present the permitted development right under Class Q does not allow for any extensions to the new houses resulting from the conversion. The consultation proposes that some rear extensions might be permitted – a depth of four metres, single storey and running across the width of the existing rear elevation – but only where the land is “previously developed land”. Other permitted development rights now available to conventional houses would not apply and it would not apply retrospectively of houses already provided under Class Q.
- 4.11 In order that Class Q rights provide homes to an appropriate space standard, the right would not apply to smaller agricultural buildings – to be set at 37 square metres.
- 4.12 The paper also suggests that the Class Q right could apply to National Parks and AONB’s, which is currently not the case.
- 4.13 In order that “more buildings may benefit and therefore more homes could be delivered”, the paper suggests that buildings either on, or not on agricultural units that may not have been solely used for agricultural purposes would also be able to benefit from the new rights – e.g. a former agricultural building on an existing farm unit, or one which is no longer on such a unit, that may now have an alternative use. This would not apply to buildings converted to farm shops, or to buildings that are less than ten years old.
- 4.14 The paper also says that the intention is that the new right applies only to where the existing building is “already suitable for conversion” without rebuilding works or where the proposal is for demolition and then rebuild.
- 4.15 The current Class Q right only applies to agricultural buildings. “To further support rural communities through the delivery of more homes”, the paper suggests the extension of the right to forestry and equestrian buildings. This would also be the subject to the “ten-year” use as set out above.

5 Supporting Agriculture

- 5.1 In order to “further support the rural economy by providing greater flexibilities around changes of use of existing buildings to commercial uses”, existing permitted developments rights are proposed to be extended.
- 5.2 At present agricultural buildings can benefit from changes of use to commercial, business and service uses such as shops, offices, storage and hotels. In order to “create more opportunities for rural diversification and supporting the rural economy”, the paper suggests extending this right to both forestry and equestrian buildings, extending the range of new uses so as to include outdoor sports, recreation or fitness uses – but excluding motor sports - and the processing of food for sale that is produced on the farm holding.

- 5.3 Apart from expanding the range of new uses, the paper also proposes increasing the size of the buildings that might benefit, from 500 to 1000 square metres.
- 5.4 Additionally, there are permitted development rights which enable agricultural development for the core purposes of farming the land. It is being proposed to increase the size of new buildings and extensions that might benefit from 1000 to 1500 square metres for buildings on holdings of less than 5 hectares, and for extensions on holdings of over 5 hectares to increase by 25% in volume.

6 Non-Domestic Extensions

- 6.1 At present Class E Buildings – those in commercial, business and service use – benefit from rights enabling them to expand. It is proposed that these are increased to either 200 square metres or a 100% increase whichever is the lesser – up from the present 100 square metres and 50%.
- 6.2 Class B8 Buildings – those in the warehouse, logistics and storage sectors – benefit from permitted development rights. It is proposed to increase the size of new buildings benefitting from the right from 200 to 400 square metres. In terms of extensions, then the right would be increased from 1000 square metres or 50% (whichever is the lesser) to 1500 square metres or 75% (whichever is the lesser).

7 Markets

- 7.1 There are permitted development rights associated with the temporary use of land for “markets” – up to 14 days in any calendar year. The consultation paper says that “markets are one of the tools which can boost local growth, create more resilient and thriving centres and support local businesses”. In order to ensure that these “economic benefits are maximised”, it is proposed to increase the frequency of such uses to 28 days in the calendar year.

8 Public Buildings

- 8.1 In 2021, existing permitted development rights which allow for the erection, extension or alteration of public buildings such as schools and hospitals was amended to apply to prisons with a closed perimeter. It is now proposed to amend this right so as to include open prisons.

9 Design Code

- 9.1 Members will be aware that one of the proposals within the new Planning Reforms is to make it mandatory for each Local Planning Authority to adopt such a Code which will become part of its Development Plan. It is being suggested that where an Authority has adopted such a Code, any development that would be “permitted development” requiring prior approval on the grounds of design or external appearance, would not then need to be submitted, provided it accorded with that Code.

10 **Observations**

- 10.1 Members will appreciate that the changes to enable residential use through increased permitted development rights is directly related to the Government's proposals on the calculation of housing needs and how they should be delivered. This was taken further in the recent announcement by the Secretary of State to focus new housing in urban areas and in cities. This has to be achieved either by redevelopment or through conversion and extension of existing buildings. The permitted development changes are said to enable this as quickly and as flexibly as possible. However, these permitted development extensions may have different impacts and consequences in rural areas such as North Warwickshire. The Council has not seen many residential conversions to date in its towns or in its high streets as a consequence of current permitted development rights. However, Members will be familiar with the numbers in respect of current planning applications for proposed residential changes of use for agricultural and equestrian buildings as well as for some outbuildings. The Board too will be familiar with the representations that are received describing the adverse environmental, highway and sustainability impacts if such proposals are allowed.
- 10.2 Members too may well agree that the balance between an evidence based and tested Development Plan approach to new housing and new housing being provided through a more uncontrolled approach via permitted development could materially alter the character of rural areas, as a consequence of these proposals.

11 **Report Implications**

11.1. **Financial and Value for Money Implications**

- 11.1.2 Increased numbers of prior approval applications will generate less planning fee income than that coming from full planning applications.

11.2 **Environmental, Sustainability and Public Health Implications**

- 11.2.2 Increased levels of housing in rural areas generated in an uncontrolled manner will have adverse highway, environmental and sustainability implications as well as on the character and appearance of the rural nature of the Borough.

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