

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

Councillors Simpson, Bell, T Clews, Dirveiks, Gosling, Hancocks, Hayfield, D Humphreys, Jarvis, Jordan, Morson, Moss, Parsons, H Phillips, Reilly and Rose.

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

3 APRIL 2023

The Planning and Development Board will meet on Monday, 3 April 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.

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

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. 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 6 March 2023** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Confirmation of Immediate Effect Article 4 Direction** - Report of the Chief Executive

Summary

This report seeks the Board's confirmation of the Article 4 Direction made on the 11 January 2023 following Member approval at Planning and Development Board dated 9 January 2023.

The Contact Officer for this report is Jennifer Leadbetter (719475).

- 6 **Government Consultation Permitted Development Rights** - Report of the Head of Development Control

Summary

The report seeks the Board's comments on a recent Government consultation on new permitted development rights.

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

- 7 **Government Consultation Planning Fees** - Report of the Head of Development Control

Summary

The Report responds to a Government consultation on a proposed increase in planning fees, changes to performance measures and to resourcing in Planning Departments.

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

- 8 **Scheme of Delegation – Enforcement** - Report of the Head of Development Control

Summary

The report seeks approval to add an Appendix on extending delegated powers following the Board's approval of the new Enforcement Plan.

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

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

Summary

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

- 9a **Application No: PAP/2023/0030 - 105 Mill Crescent, Kingsbury, Tamworth, Warwickshire, B78 2NW**

Two storey side and rear extensions with single storey rear extensions

- 9b **Application No: PAP/2023/0046 - Dafferns Wood, St Michaels Close, New Arley, Warwickshire**

Works to trees protected by Tree Preservation Order (713/002/03)

9c Application No: PAP/2022/0544 - Land 550 Metres East Of Vauls Farm, Astley Lane, Astley

Construction of a renewable energy generating solar farm together with transformers, inverters, control building, DNO substation, storeroom, security measures, associated infrastructure and works, landscaping and bio-diversity enhancements

9d Application No: CON/2023/0005 - Land to the East of Amington Hall Farm, B79 0ED

Temporary permission for erection of a 30 MW solar farm with ancillary infrastructure, security fence, landscaping with access off Laundry Lane

9e Application No: PAP/2021/0238 - Polesworth Working Mens Club, High Street, Polesworth, B78 1DX

Change of use of existing function room to provide bed and breakfast accommodation (25 bedrooms), including an additional mezzanine floor and elevation changes

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

10 Exclusion of the Public and Press

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

11 Failure to comply with breach of conditions notice – Report of the Head of Legal Services

The Contact Officer for this report is Ryan Lee-Wilkes (719290).

12 Request for Temporary Stop Notice - Report of the Head of Legal Services

The Contact Officer for this report is Ryan Lee-Wilkes (719290).

13 Tree Preservation Order Corley Moor - Report of the Head of Development Control

The Contact Officer for this report is Ian Griffin (719446).

14 **Woodland Preservation Order Atherstone-** Report of the Head of Development Control

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

6 March 2023

Present: Councillor Simpson in the Chair

Councillors Bell, Dirveiks, Gosling, Hancocks, Hayfield, D Humphreys, Jarvis, Jordan, Parsons, H Phillips, Reilly and Rose

Apologies for absence were received from Councillors T Clews, Morson and Moss

82 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor D Humphreys declared a Non-Pecuniary interest in Minute No 85b (CON/2023/0003 - Land on the corner of Merevale Lane, Atherstone) by reason of sitting on the Regulatory Board of Warwickshire County Council and took no part in the discussion or voting thereon.

Councillor Hancocks and Councillor Parsons declared an interest in Minute No 85f (PAP/2021/0238 - Polesworth Working Mens Club, High Street, Polesworth, B78 1DX). Both have been involved in the consultation process but have expressed no opinions during this process.

Note: Due to the number of members of the public who had attended in relation to Application No PAP/2021/0395 (Minute No 85d below) the Chairman proposed and the Board agreed to consider that item first.

83 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 6 February 2023, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

84 **Planning Enforcement Plan**

Following a review of the Council's existing Planning Enforcement Plan, the Head of Development Control asked the Board to adopt the new version and as a consequence, to recommend that the Council approves amendments to the Council's Constitution in respect of related delegated powers.

Resolved:

- a That the Planning and Enforcement Plan attached to the report of the Head of Development Control be adopted; and**

Recommendation to Council:

- b That the Council's Constitution be changed to reflect the necessary amendments to the Scheme of Delegation.**

85 Planning Applications

Town and County Planning Act 1990 – applications presented for Determination.

Resolved:

- a That in respect of Application No CON/2023/0004 (Hartshill Sewage Works, Woodford Lane, Hartshill, Nuneaton, CV10 0SA) the County Council be informed that there is no objection;**
- b That Application No CON/2023/0003 (Land on the corner of Merevale Lane, Atherstone) the County Council be informed that there is no objection to the proposal subject to the agreement of the Council's Environmental Health Officer;**
- c That Application No PAP/2022/0206 (81, Main Road, Austrey, Atherstone, CV9 3EG) be granted, subject to the conditions set out in the report of the Head of Development Control;**
- d That Application No PAP/2021/0395 (Land at the Southern End of Willow Close, Chapel End) be refused for the reason set out in the report of the Head of Development Control;**

[Speaker Simon Gilbert]

- e That Application No PAP/2022/0228 (Durnos Nurseries, Old Holly Lane, Atherstone, CV9 2HD) be granted, subject to the completion of the Unilateral Undertaking as described in the report together with the conditions set out as in the report of the Head of Development Control;**

[Speaker Max Whitehead]

- f That determination of the application No PAP/2021/0238 (Polesworth Working Mens Club, High Street, Polesworth, B78 1DX) be deferred for the following reasons:
- i) The Board requests further information so as to compare the number and timing of traffic movements into and out of the premises when it operated as a Club and under the present proposal; and
 - ii) The Board requests further details as to how the proposal would enhance the setting of the Conservation Area

[Speaker Andrew Upson]

86 **Tree Preservation Order – Land at the Wheatsheaf Inn, Station Road, Coleshill**

The Head of Development Control sought approval to make a permanent Tree Preservation Order in respect of a Lime tree and an Oak tree located at the Wheatsheaf Inn in Coleshill which came into force on 15 December 2022 and which would expire on 15 June 2023.

Resolved:

That the Tree Preservation Order for the protection of the lime and oak trees on land at the Wheatsheaf Inn, Station Road, Coleshill be confirmed.

87 **Tree Preservation Order – Dog Inn, Marsh Lane, Water Orton**

The Head of Development Control sought approval to make a permanent Tree Preservation Order in respect of a Eucalyptus tree located at the Dog Inn, Marsh Lane in Water Orton which came into force on 3 October 2022 and would expire on 3 April 2023.

It was proposed by Councillor Reilly and Seconded by Councillor Hancocks by way of an amendment;

That the recommendation be replaced by the following;

That the Tree Preservation Order for the protection of the Eucalyptus tree at the Dog Inn, Marsh Lane, Water Orton be deferred.

Upon being put to the meeting the Chairman declared the amendment to be lost.

Resolved:

That the Tree Preservation Order for the protection of the Eucalyptus tree at the Dog Inn, Marsh Lane, Water Orton be confirmed.

88 Appeal Update

The Head of Development Control brought Members up to date on recent appeal decisions.

Resolved:

That the decisions be noted.

89 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.

90 Confidential Extract of the Minutes of the Planning and Development Board held on 6 February 2023

The confidential extract of the minutes of the Planning and Development Board held on 6 February 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

3 April 2023

Report of the Chief Executive

**Confirmation of Immediate Effect
Article 4 Direction**

1 Summary

- 1.1 This report seeks the Board's confirmation of the Article 4 Direction made on 11 of January 2023 following Member approval at Planning and Development Board on 9 January 2023.

Recommendation to the Board:

That Members approve the confirmation of the Article 4 Direction, set out in Appendix B, which will be updated to come into effect from 11 July 2023 thus continuing protection indefinitely.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Article 4 Direction

- 3.1 The Board agreed to introduce an Immediate Effect Article 4 Direction at its meeting on 9 January 2023 on both the Water Orton Railway Station and the Water Orton Primary School. The report has been attached as Appendix A. The Council announced the Direction through local advertisement, site notices and also notices served on owners, occupiers and the Secretary of State, thus complying with notification procedures which allow the public and any interested parties to make representations during the consultation period of at least 21 days (which ended on the 3 February 2023). No representations were received from the public or owners/occupiers. The Secretary of State required further clarification on the justification for the Direction and a 'shapefile' of the sites for their records. These documents were submitted and no further comments have been subsequently received.

- 3.2 It is recommended that the Immediate Article 4 Direction should now be confirmed in order to extend the enforcement of the Direction indefinitely, otherwise the existing direction will expire on 11 July 2023. Although it is anticipated that in the longer-term, some protection from unwelcome or unjustified demolition will be afforded to unlisted buildings in the proposed extension of the Water Orton Conservation Area, this is not yet approved. Therefore, to maintain protection of these premises between the expiry of the Immediate Direction and until the amended Conservation Area is adopted, it is considered appropriate to continue

protection of the assets whilst they remain under threat. At the time it considers the proposed extension of the Conservation Area the Board can consider any implications to the Article 4 Direction,

- 3.3 Discussions have taken place with stakeholders responsible for the buildings which have resulted in positive dialogue and feedback, however given the current climate of cost savings and expenditure caps, it is pragmatic to provide additional protection to the assets as their loss would lead to a demonstrable impact on the historic fabric of the village including a detrimental loss of buildings of social significance to the local community.
- 3.4 Members are reminded of Sections 5 and 6 of the 9 January Board report. Section 5 outlines the inter-relationship between permitted development and Article 4 Directions, whilst Section 6 explains the process of making an Article 4 Direction. If the Direction is confirmed, the Council can review it further at a later date and modify or cancel it, meaning that account can be taken of any change in circumstances.

4 Duties and implications following the making of a Direction

- 4.1 An Article 4 Direction restricting demolition of the Train Station and former Primary School in Water Orton gives the Council additional powers over the future development and the use of land within it and has the following consequences:
- If the owner or occupier of either heritage asset demolishes them during the time the Direction is in force, they will be in breach of planning control and the Council can consider taking enforcement action against them.
 - If the owner or occupier wishes to do so, whilst the Direction is in force, they may make an application for consent to demolish and/or carry out any other development, in which case the Council must consider the application on planning merits taking account of material considerations.

5 Report Implications

5.1 Legal and Human Rights Implications

- 5.1.1 The legal process which must be followed when making an Article 4 Direction is referred to above. The process referred to in this report complies with the process in the General Permitted Development Order.

5.2 Environment, Climate Change and Health Implications

- 5.2.2 An Article 4 Direction is likely to have environmental and climate change benefits by ensuring that existing embodied carbon is prioritised over replacement with new structures, which require CO₂ consumption in their creation, transportation and management. Utilising and improving existing buildings is intrinsically a sustainable policy of action.

5.3 Human Resources Implications

5.3.1 The Heritage and Conservation Officer will be assisted during the consultation process by members of the Forward Planning Team.

5.4 Risk Implications

5.4.1 Subject to following the legal process as referred to above, there is minimal risk to the Borough Council in making the Direction. The requirement upon owners of the buildings set out in paragraphs 1 and 2 of Appendix A (Water Orton Rail Station and former Water Orton Primary School) is stated in section 7 above and is limited to their requirement to submit a planning application for development restricted by the Direction - namely demolition of the said buildings.

5.4.2 Furthermore, ongoing discussions with the owners are underway ensuring it is clear that the Borough Council will positively work with owners to ensure redevelopment of both designated assets.

The Contact Officer for this report is Jennifer Leadbetter (719475).

Agenda Item No 5**Planning and Development Board****9 January 2023****Report of the Chief Executive****Immediate Effect Article 4 Direction****1 Summary**

- 1.1 This report seeks the Board's Approval to make an Article 4 Direction that will remove current Permitted Development Rights for demolition impacting two buildings within the settlement of Water Orton, namely: the former Primary School and Water Orton Train Station. This action is in response to public feedback made during recent consultations regarding heritage assets in the village and also ongoing risks to the structures arising from proposed development.

Recommendation to the Board:

- ...
- a That Members approve the making of the Article 4 Direction, set out in Appendix A, with immediate effect and authorise the Head of Legal Services to issue the Direction;**
 - b That, if made, Members agree that the Article 4 Direction undergo a consultation process as itemised in paragraph 6.2 below; and**
 - c That, if made, Members agree to review the Direction prior to its 6 months expiry date to consider the necessity to confirm the Direction.**

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Introduction

- 3.1 The necessity for the protection of the two buildings listed in the recommended Article 4 Direction was highlighted during public consultation on the proposed extension to the Water Orton Conservation Area, which itself was a result of the public requesting its extension during the development of the Water Orton Neighbourhood Plan. Reasons given included that the existing Conservation Area designated in June 1983, no longer reflected the extent of heritage assets in the village. The report can be found at: https://www.northwarks.gov.uk/downloads/download/1574/conservation_areas_downloads

- 3.2 It is recommended that the Direction, if made, should take **immediate effect** rather than be consulted upon prior to its making, which is the alternative process for their creation. However, it is considered expedient on this occasion given a threat of possible demolition or partial demolition, of both un-designated heritage assets. Therefore, it is requested that a Direction with immediate effect is made with subsequent advertisement (outlined below) in line with Schedule 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

4 **Background**

- 4.1 Some protection from unwelcome or unjustified demolition is afforded to unlisted buildings in Conservation Areas within the GPDO and it is anticipated that in the longer-term, protection can be assured in this manner if Members approve the proposed extension of the Water Orton Conservation Area. However, the amended extension to the Water Orton Conservation Area is still being prepared for the Board to consider at its meeting next month, and therefore no immediate protection is in place unless or until Members approve that extension.
- 4.2 The need for protection of the Train Station and former Primary School arises due to current proposals for redevelopment of them and/or their immediate area, which may result in their total or partial loss.
- 4.3 This is considered unacceptable because they are key buildings in the settlement, adding significantly to the character of the proposed extended Conservation Area. Their loss would lead to a demonstrable impact on the historic fabric of the village including a detrimental loss of buildings of social significance to the local community.

5 **Permitted development and Article 4 Directions**

- 5.1 Permitted development as set out in the GPDO allows certain types of works to be undertaken without needing to apply to the Local Planning Authority (LPA) for planning permission. This is primarily because the works are of a scale or type that is generally not likely to have an unacceptable impact. This includes the right to demolish many buildings without consent.
- 5.2 An Article 4 Direction made by the LPA restricts the scope of permitted development rights and is focused on specific areas or buildings that are particularly sensitive to unrestrained changes or would have an unacceptable impact on the character of an area. This is especially relevant in areas of historic and heritage value. Article 4 Directions can increase the public protection of designated and non-designated heritage assets and their settings, but does not necessarily stop development but will ensure that applicants/owners have to follow a planning application process to justify it and present an opportunity for evaluation and assessment of the impacts of the proposals.

- 5.3 Removing the permitted development to demolish a building by use of an Article 4 Direction, ensures that these **non-designated heritage assets** can be protected under paragraph 203 of The National Planning Policy Framework (2021) (NPPF). This requires decision makers to take into account the significance of the impacted assets when determining planning applications which would otherwise not be required if Permitted Development Rights remain in place.

6 The process of making a Direction

- 6.1 The GPDO provides for two separate processes to be followed when making an Article 4 Direction. The first allows a Direction to be made which does not have immediate effect. This allows the public and any interested body to make representation during a consultation period of at least 21 days, requiring local advertisement and display of site notices, along with service on owners, occupiers and the Secretary of State. When this process has been followed the LPA must take into account any representations received when deciding whether to make the Direction.
- 6.2 Where however, the Direction relates to certain specified types of development, including demolition, an alternative procedure can be used allowing the Direction to be made without prior consultation and, once served on the owner and/or occupier, it will have immediate effect. Once served the consultation process must be followed and, within six months of making the Direction, the LPA must consider any representations and decide whether to confirm the Direction. If it does not do so, the Direction will cease to have effect after six months. If confirmed notice must be given of confirmation, including to the Secretary of State.
- 6.3 If the Direction is made on an interim basis and then confirmed the LPA can review it further at a later date and modify or cancel it, meaning that account can be taken of any change in circumstances.

7 Duties and implications following the making of a Direction

- 7.1 The making of an Article 4 Direction restricting demolition to the Train Station and former Primary School in Water Orton gives the Local Planning Authority additional powers over the future development and the use of land within it and has the following consequences:
- If the owner or occupier of either heritage asset demolishes them during the time the Direction is in force they will be in breach of planning control and the Council can consider taking enforcement action against them.
 - If the owner or occupier wishes to do so, whilst the Direction is in force they may make an application for consent to demolish them and/or carry out any other development, in which case the Council must consider the application on planning merits taking account of material considerations.

7.2 An Article 4 Direction which is made with immediate effect is in force for a period of six months. A review of the Direction should be undertaken within that time to assess if it is deemed necessary to confirm it and the consultation process is crucial to evaluating whether to make it permanent. The review of responses to the Water Orton Conservation Area review and any subsequent amendment to that Area will be a relevant factor in determining whether the Direction should be confirmed; e.g. if the assets are included in the Area they will be subject to other protection meaning that the Direction may no longer be required.

8 Report Implications

8.1 Legal and Human Rights Implications

8.1.1 The legal process which must be followed when making an Article 4 Direction is referred to above. The process suggested in the report complies with the GPDO.

8.2 Environment, Climate Change and Health Implications

8.2.2 An Article 4 Direction is likely to have environmental and climate change benefits by ensuring that existing embodied carbon is prioritised over replacement with new structures which require CO2 consumption in their creation, transportation and management. Utilising and improving existing buildings is intrinsically a sustainable policy of action.

8.3 Human Resources Implications

8.3.1 The Heritage & Conservation Officer will be assisted during the consultation process by members of the Forward Planning Team.

8.4 Risk Implications

8.4.1 Subject to following the legal process as referred to above, there is minimal risk to the Borough Council in making the Direction. The requirement upon owners of the buildings set out in paragraphs 1 and 2 of Appendix A (Water Orton Rail Station and former Water Orton Primary School) is stated in paragraph 7 above and is limited to their requirement to submit a planning application for development restricted by the Direction; namely demolition of said buildings.

8.4.2 Furthermore, efforts to speak with the owners have been made in advance of the meeting to ensure that it is clear that the Borough Council will positively work with owners to ensure redevelopment of both designated assets.

The Contact Officer for this report is Jennifer Leadbetter (719475).

Background Papers

Background Paper No	Author	Nature of Background Paper	Date
n/a			

NORTH WARWICKSHIRE BOROUGH COUNCIL

Town and Country Planning (General Permitted Development) (England)
Order 2015 (as amended) (The Order)

**IMMEDIATE DIRECTION UNDER ARTICLE 4 (1)
OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (AS AMENDED)**

WHEREAS North Warwickshire Borough Council (“the Council”) being the Council for the district of North Warwickshire and the appropriate local planning authority within the meaning of Article 4(5) of the Order, are satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on the buildings listed in paragraphs 1) and 2) below and shown edged red on the attached plans unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990.

- 1) Water Orton Rail Station, Marsh Lane, Water Orton B46 1NE;
- 2) Former Water Orton Primary School, Attleboro Lane B46 1SB (specifically the pre 1950s structures facing Attleboro Lane).

AND WHEREAS the Council consider that the development of the said description would constitute a threat to the amenities of their area and that the provisions of Article 4(1) and Paragraph 2 of Schedule 3 to the Order apply.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Order, **hereby direct** that the permission granted by article 3 of the said Order shall not apply to the development on the specified lands of the description set out in the first Schedule below.

THIS DIRECTION is made this 10th day of January 2023 under article 4(1) of the said Order and shall remain in force until 10th July 2023 (being six months from the date of this direction) and shall then expire unless it has been confirmed by the appropriate local planning authority before the end of this six month period.

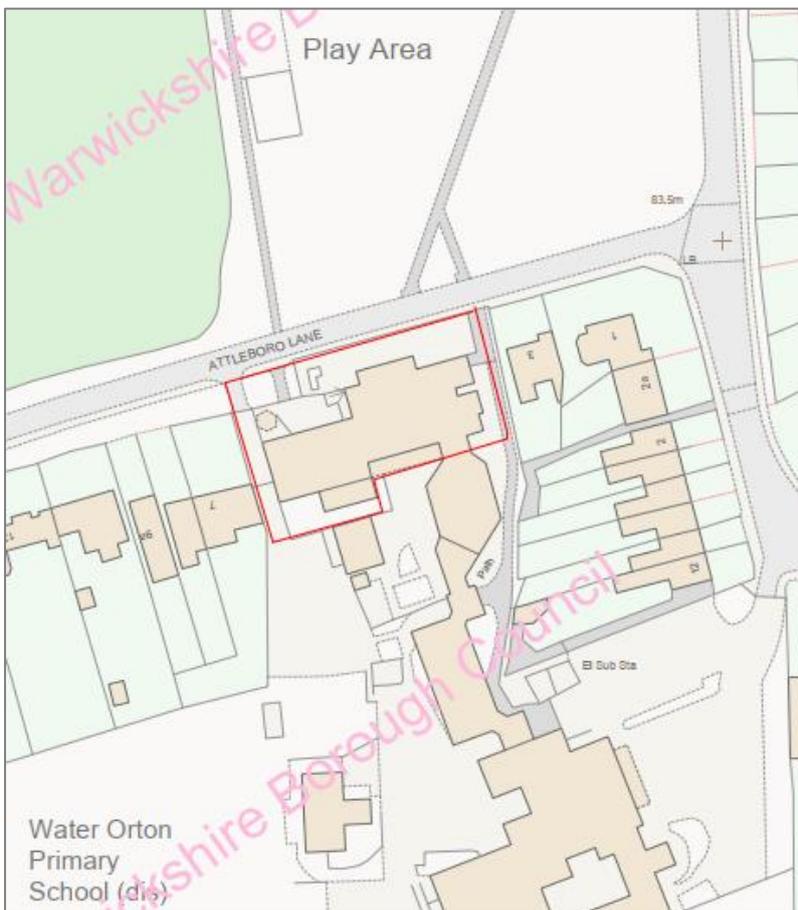
FIRST SCHEDULE

In respect of the land shown on the plan in the Second Schedule

Development by way of any building operation consisting of the demolition of a building comprised within Class B of Part 11 of Schedule 2 to the Order, and not being development comprised within any other Class.

Made under the Common Seal of the Council this 10th day of January 2023.

SECOND SCHEDULE



The Common Seal of
North Warwickshire Borough Council
Is hereunto affixed in the presence of:



Authorised Signatory

NORTH WARWICKSHIRE BOROUGH COUNCIL

Town and Country Planning (General Permitted Development) (England)
Order 2015 (as amended) (The Order)

**IMMEDIATE DIRECTION UNDER ARTICLE 4 (1)
OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (AS AMENDED)**

WHEREAS North Warwickshire Borough Council (“the Council”) being the Council for the district of North Warwickshire and the appropriate local planning authority within the meaning of Article 4(5) of the Order, are satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on the buildings listed in paragraphs 1) and 2) below and shown edged red on the attached plans unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990.

- 1) Water Orton Rail Station, Marsh Lane, Water Orton B46 1NE;
- 2) Former Water Orton Primary School, Attleboro Lane B46 1SB (specifically the pre 1950s structures facing Attleboro Lane).

AND WHEREAS the Council consider that the development of the said description would constitute a threat to the amenities of their area and that the provisions of Article 4(1) and Paragraph 2 of Schedule 3 to the Order apply.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Order, **hereby direct** that the permission granted by article 3 of the said Order shall not apply to the development on the specified lands of the description set out in the first Schedule below.

THIS DIRECTION is made this 11th day of January 2023 under article 4(1) of the said Order and shall remain in force until 11th July 2023 (being six months from the date of this direction) and shall then expire unless it has been confirmed by the appropriate local planning authority before the end of this six month period.

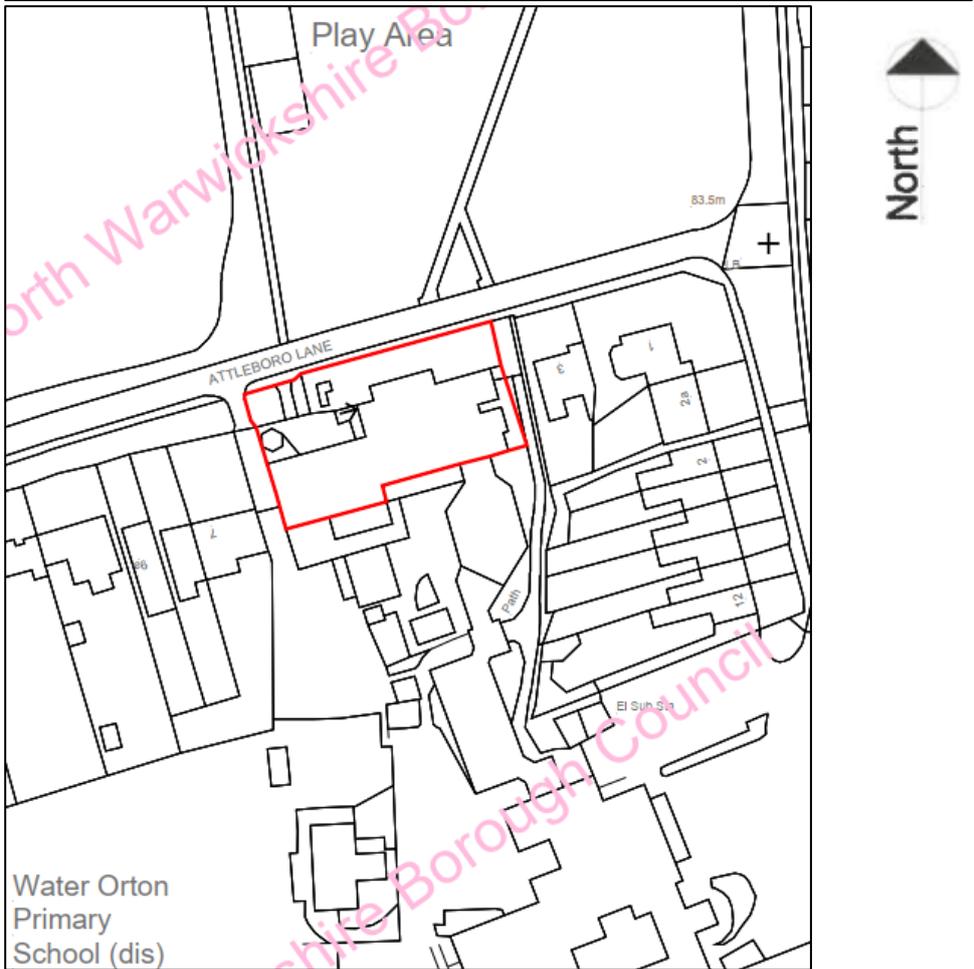
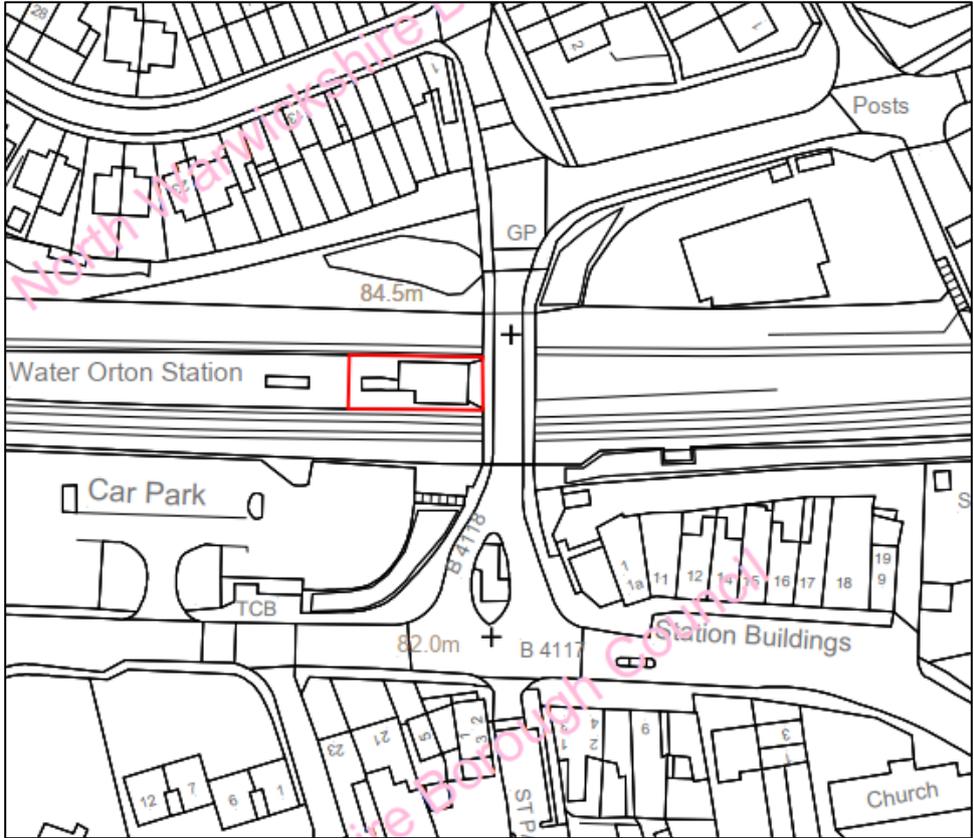
FIRST SCHEDULE

In respect of the land shown on the plan in the Second Schedule

Development by way of any building operation consisting of the demolition of a building comprised within Class B of Part 11 of Schedule 2 to the Order, and not being development comprised within any other Class.

Made under the Common Seal of the Council this 11th day of January 2023.

SECOND SCHEDULE



The Common Seal of
North Warwickshire Borough Council
Is hereunto affixed in the presence of:



Authorised Signatory

Dated

Agenda Item No 6

Planning and Development Board

3 April 2023

Report of the Head of Development Control

Government Consultation Permitted Development Rights

1 Summary

- 1.1 The report seeks the Board's comments on a recent Government consultation on new permitted development rights.

Recommendation to the Board:

That the Board responds to the Consultation Paper as follows together with any other comments it may wish to make:

- a The duration of the temporary camping proposal should only extend to the periods already covered by other temporary uses – 14 days;**
- b There is an objection to the extension of all of the solar equipment proposals in Conservation Areas. These should all be the subject of planning applications.**

2 Background

- 2.1 Members will be aware of the range of development that is granted planning permission by virtue of the General Permitted Development Order and thus where, as a consequence, no planning application is needed. These developments are known as "permitted development" and include a substantial amount of building and engineering operations. The range of development now covered by the Order has been increasing over recent years as it is the Government's objective to reduce as what it sees as the amount of "bureaucracy" for the public.

- 2.2 The current consultation covers four areas:

- A new right to support temporary recreational campsites,
- Changes to existing permitted development rights for solar equipment,
- Changes to existing rights for bodies to undertake work on behalf of a Local Authority and
- Changes to existing rights allowing the temporary use of buildings or land for film-making purposes.

3 The Proposals

3.1 Each of these will now be looked at in more detail.

a) Campsites

3.2 The Government is saying that there is now an increased demand for domestic holidays and thus local tourism needs to be supported.

3.3 The proposed new permitted development right would be to enable the temporary use of land for recreational campsites for tents and moveable structures. Caravans, motorhomes and campervans would be excluded and the maximum number of tents is suggested as being 30. The right would only enable camping on 60 days of the year. The right would also require on-site provision of temporary facilities for showers and toilets as well as for waste collection. The right would not apply to the curtilage of Listed Buildings, sites of special scientific interest, scheduled monuments, safety hazard areas and military storage sites.

3.4 Prior Notification of the use of such a site would be needed annually

3.5 Apart from seeking views on the principle of this right, the consultation also asks about what other matters should be considered – eg. traffic and highways.

b) Solar Equipment

3.6 There are already permitted development rights to allow the installation of this equipment on and within domestic and non-domestic premises. The rights for domestic buildings would now apply to flat roofed areas but be limited to 0.6 metres above that roof. There is also a proposal to remove the ban on solar panels on the wall of a domestic property which fronts a highway in a Conservation Area. In respect of stand-alone equipment in a domestic curtilage, the proposal is to allow such equipment within that curtilage in a Conservation Area.

3.7 In respect of non-domestic buildings, then the proposal is to increase the amount of equipment on the roofs of non-domestic buildings, and again the proposal would maximise deployment of panels on the roofs and walls of buildings in some protected areas – eg in AONB's and National Parks. This greater flexibility would also apply to stand-alone equipment.

3.8 To further maximise roll-out of solar equipment the consultation is seeking responses for the construction of solar canopies on non-domestic car parks. The Paper suggests that this might reduce pressure on the need to instal panels on greenfield sites. The suggestion is for a maximum height of four metres, no

panel within 10m metres of the curtilage of a house and no application in an AONB or National Park.

- 3.9 These cases however would need to involve the prior approval to the detail by the Local Planning Authority.

c) Local Authorities

- 3.10 Local Authorities too have permitted development rights for an array of works – lamp posts, litter bins and other street furniture. In order to support the roll-out of EV charging points, the proposal is to enable bodies working on behalf of an Authority to undertake EV works as permitted development, as if it were the Authority doing that same work.

d) Film-Making

- 3.11 In order to further assist this business, it is proposed to increase the maximum period of time that land and buildings can be so used from 9 to 12 months in any 27 month period. The maximum area of land too would be increased from 1.5 to 3 hectares and the maximum height of any equipment would move from 5 to 10 metres.

4 Observations

- 4.1 The proposed temporary camping use is similar to the permitted development rights for other temporary uses of land – motorcycle events and particularly car boot sales. It is not considered that this camping use would cause the adverse noise and highway issues that are associated with these two uses. However, there should be a minimum distance of any temporary camping sites from a dwelling and the Local Planning Authority should be consulted on highway issues given that in this Borough, these sites are likely to be in more isolated locations with a very rural highway network. There would be concerns too about damage to wildlife and bio-diversity particularly as bio-diversity net gain is now a statutory requirement. Additionally, the new right could take land out of agricultural use which doesn't align with the Government's objective of "food security" expressed in its other recent consultation papers.
- 4.2 There is real concern about the solar equipment proposals where they relate to Conservation Areas. This is considered to undermine the statutory duty that the Local Planning Authority has to conserve and enhance the character and appearance of these Areas. Additionally, it is hard to see how this relaxation meets the Government's objective of raising design standards and promoting "beautiful" places and buildings.
- 4.3 The same general consideration goes for solar canopies in car parks.
- 4.4 There is no objection to the other two suggestions.

5 Report Implications

5.1 Finance and Value for Money Implications

5.1.1 These developments would not carry a planning fee as no application would be necessary. However, there would be a cost involved in the monitoring of these rights – particularly in respect of any limitations imposed such as the number of tents in the camping case. These costs would be carried through existing budgets.

5.2 Environment, Sustainability and Health Implications

5.2.1 These proposals are being promoted so as to support local business connected to the economy and to reduce carbon footprint through the encouragement of renewable energy. The latter would align with the Council's climate action plan. However, there would also be dis-benefits in the undermining of the protection and conservation of heritage assets.

5.3 Links to the Council's Priorities

5.3.1 Overall, these suggestions may not align with the Council's priorities of protecting its rural character.

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

Agenda Item No 7

Planning and Development Board

3 April 2023

**Report of the Head of Development
Control**

**Government Consultation
Planning Fees**

1 Summary

- 1.1 The Report responds to a Government consultation on a proposed increase in planning fees, changes to performance measures and to resourcing in Planning Departments.

<p>Recommendation to the Board:</p> <ul style="list-style-type: none">a That the recommended changes to planning fees are welcomed;b That further discussions are held as to the matter of “ring-fencing” these increases; andc That the recommended changes to performance measures are not supported for the reasons set out in this report

2 Background

- 2.1 Recent reports have outlined the planning reforms currently being considered by the Government. One of the proposals is to increase the fees that accompany planning applications. These fees are set nationally and thus the Council has no control over their implementation. They were last increased in 2018.
- 2.2 A consultation paper has now been published which outlines the proposals in more detail. Apart from the fee increase there are other matters included in that Paper. Firstly, the performance measures by which the Government assesses whether a Local Planning Authority is “performing well” are reviewed, and secondly, there are some general questions about resourcing in Local Planning Authority services.
- 2.3 This report will first look at the proposals and then set out the issues that might arise for North Warwickshire.

3 **Planning Fees**

- 3.1 The paper recognises that present fee income does not cover the full cost of providing the planning application service. It quotes a national cost of £675 million in providing the service, but with a national fee income of £393 million. The development industry itself has drawn the Government's attention to under-resourced Planning Departments which they say is leading to delay. The paper also recognises that the full cost of the service should not fall on the local taxpayer as the outcomes benefit developers and land-owners.
- 3.2 The Paper proposes a substantial increase in fees:
- A 35% increase across the board for all major applications.
 - A 25% increase across the board for all other applications.
 - An annual inflation linked increase across the board, based on the Consumer Price Index.
 - Continuation of there being no fee attached to those applications which currently do not attract a fee – e.g. Listed Building and Tree Consent applications.
- 3.3 For the benefit of Members, examples of this would mean that the householder fee for applications such as extensions and outbuildings would rise from £206 to £258; an application for a single house would rise from £462 to £578 and the maximum fee for a major residential or commercial application would rise from £300k to £405k.
- 3.4 The paper also picks up on some of the other detail in the current fee system:
- The fee for a retrospective application would be double the normal fee, but householder developments would not be included.
 - The removal of the “free-go” arrangements whereby repeat applications are submitted, usually when an appeal has been lodged against non-determination. A suggested alternative would be to reduce the fee in this circumstance.
- 3.5 The paper also asks for a response to the issue of whether the additional income as a consequence of these fee increases, should be “ring-fenced” for the planning service.

4 **Local Planning Authority Performance**

- 4.1 The Paper makes it very clear that the proposals to increase fee income come with the expectation that the speed of decision-making would increase and that local planning authorities should “primarily be held to account for the number of planning applications that are determined within the statutory time periods, rather than through extension of time agreements”. The Title of the

Consultation Paper makes this explicit - “Stronger Performance of Local Planning Authorities supported through an increase in Planning fees”. The Government is concerned that extensions of time can mask instances where authorities are not meeting Statutory time periods. The existing measures are thus proposed for review.

- 4.2 There would also be a review of The Planning Guarantee. This allows for the refund of a planning fee where a determination has not been made within 26 weeks of submission of a valid application, if an extension of time has not been agreed with an applicant.
- 4.3 As a consequence of this general objective of seeking to increase the speed of decision making, the overall set of measures in order for the Government to assess this, is proposed to be extended with the introduction of new measures.
- 4.4 The proposals are set out below.
- Where the Statutory determination time period is 8 weeks, the Planning Guarantee would be set at 16 weeks, if no extension of time is agreed.
 - Where the Statutory determination time period is 13 or 16 weeks, the Planning Guarantee would be set at 26 weeks if no time extension is agreed.
 - The introduction of an “average speed of decision making” measure which would relate to different types of application.
 - The retention of the “quality of decision-making” measure being the % of appeals allowed following refusals by a Local Planning Authority.
 - The introduction of a new assessment to measure the % of extensions of time agreed for a variety of different types of application.
 - The introduction of a new assessment to validate planning applications.
 - The introduction of a new measure being the number of cases where the Planning Guarantee kicks in.
 - The introduction of a new measure being the % of delegated decisions made by an Authority as opposed to Committee decisions.
 - The introduction of a new measure being the % of Committee decisions to refuse against officer recommendation that are subsequently allowed at appeal.
 - The introduction of a series of new enforcement measures – the average number of weeks to respond to an alleged breach and the determination of a course of action; the average number of weeks to take that action and the number of cases that over six months old.
 - The introduction of a possible “customer experience” measure.

5 Local Authority Capacity and Capability

- 5.1 The Paper recognises that an increase in planning fees “is not enough to address the capacity and capability challenges faced by Local Planning Authorities”. Surveys have shown real difficulties for Authorities to recruit and

to retain experienced planners, and there being a significant shortfall in specialist skills within Planning Departments – particularly on viability, design, conservation and heritage, climate change and ecology. The surveys show that Authorities regularly rely on the recruitment of Agency staff to undertake these roles, or they share officers with these skills through shared service agreements with other Authorities. The Paper says that the new Levelling Up Bill has to promote a broader understanding of support for the planning profession. The paper asks for suggestions and experiences so as to take the matter forward.

6 Observations

6.1 It is proposed to look at these matters with particular reference to the North Warwickshire service.

a) Planning Fees and Resources

6.2 In round terms, the number of fee-earning applications validated for 2022/23 up to the end of Feb 2023 was 521 with 21 being major applications (say 4%). The income received from these validated applications was £490k with the majors accounting for £288k of that (say 58%). If the recommended % fee increases are added to these figures, then the fee income would rise from the £490k to £651k – an increase of £160k in round terms. This would by coincidence “meet” the 22/23 approved budget of £650k fee income. The gross expenditure for the whole Planning Control service so far this year, is estimated to be £765k with a nett expenditure of £136k. The additional income would thus have a significant impact in that more of the planning control service would be paid for by fee income. If looked at in respect of the whole Planning service – that is including Heritage and Conservation, the Forward Planning Service the cost of preparing the Local Plan, Local Land Charges and the charge for the Building Control Partnership, the increase whilst welcome, would still be far from recovering the cost of the Council’s planning service. That total gross cost is £1,196,051 and the nett cost is £527,411.

6.3 Colleagues in the Resources Division have indicated that this level of additional income - £150k – has already been included in the Corporate budget for 2024/25 and thus has had a helpful impact in off-setting the overall level of savings that the Council has to find. The same will apply in future years.

6.4 An annual inflation linked increase should sustain this level of income.

6.5 Moreover the number of planning applications received has been fairly steady over recent years. This is around 700 to which should be added other types of application such as Discharge of Condition applications and Prior Approvals. In total therefore there has been around 850 in recent years. The number of major applications within this total has however increased with the submission of residential applications on both allocated and non-allocated sites as well as

those for employment uses. These attract the largest fees and if planning permissions are granted in outline the subsequent reserved matters applications can result in significant fee income. The significance of the fee income from the majors can clearly be seen above – 58% of fee income. The outlook in this regard is positive as the largest strategic residential sites at Polesworth and Dordon and at Atherstone are yet to be the subject of planning applications. Similarly with the pressure on the Borough for increased employment development, there will be a continuing likelihood of new planning applications on non-allocated sites. As such, the fee increases outlined above have the potential to be sustained throughout the current Local Plan period – that is to 2033.

- 6.6 Members will be aware that there are current vacancies within the Development Control service and that there has been a turnover of Agency staff that has been brought in to cover past vacancies. The service also pays for outside technical expertise – particularly on viability matters for major applications where significant Section 106 contributions are involved, on landscape and visual impact advice such as the current involvement on employment applications, together with ecological advice on planning applications where appropriate from the County Council. The current budget allows for over £50k to be spent on these “professional services”. Any involvement in appeal work is over and above this.
- 6.7 There are also increasing pressures on delivering advice and guidance on planning applications with the statutory requirement later this year on bio-diversity net gain and within the Levelling Up and Regeneration Bill for the adoption of Local Design Codes. There is neither available in-house expertise on climate change considerations or infrastructure delivery.
- 6.8 As a consequence of these matters the suggested “ring-fencing” of this increased fee income is supported by Planning Officers – particularly given the scale of that projected increase. However, officers understand that any final response will be taken by the Council itself. A way forward might be to see how that additional income might benefit the Council as a whole, but with particular focus on the planning service. It was indicated above that particular skills were missing from the present service – ecology, design and climate change. Other Divisions and services may also benefit from the introduction of such skills within the Council’s establishment.

b) Performance

- 6.9 The suggestions set out in the paper – para 5.4 above – represent a considerable tightening of performance measures and a significant increase in their number. The degree of central control is thus substantially increased.

- 6.10 In short, the recommended measures would have significant impacts on the delivery of the planning control service.
- i) The Council is wholly reliant on the receipt of technical and statutory consultation responses from other Agencies and Bodies. These responses are regularly delayed and there are more than often repeat re-consultations needed as a consequence of the initial responses. Additionally, the priorities of these outside bodies are not the same as those of the Planning Control service.
 - ii) Even internal consultation and guidance is delayed, because of pressures in other Divisions where they have different priorities or resource issues.
 - iii) The service presently operates a positive approach to the determination of planning applications. There are regular meetings at pre-application stage and during the processing of applications whereby amendments are sought so as to achieve a “better” outcome. That process takes time. Extensions of time are agreed in the great majority of cases in order to promote this “positive” approach.
 - iv) The quality of submitted planning applications is often poor – leading to the need for additional clarification and a marked reluctance by some applicants to submit supporting evidence. Applications can remain unvalidated for several weeks.
 - v) Any increased pressure on a reliance for strict time periods will certainly increase the likelihood of refusals of planning permission with the subsequent increased workload associated with the appeal process.
 - vi) The refund of fees through the Planning Guarantee is not an incentive for good planning or positive outcomes.
- 6.11 This overall reliance on time periods does not sit comfortably with the NPPF’s requirement for Local Planning Authorities to approach decision making in a “positive and creative way” or with its objectives of “creating high quality, beautiful and sustainable places and communities”.

7 Report Implications

7.1 Finance and Value for Money Implications

- 7.1.1 The proposed fee increases would have yielded around a £160,000 increase in 2022/23. This figure is likely to be sustained throughout the period of the current Local Plan. The impact of this increase on the costs of both the planning control and the wider planning service is set out in the report. It would not cover the whole cost of the planning service, but it does benefit the Council as a whole.
- 7.1.2 As mentioned above, additional planning income of £150,000 has been included within the Medium Term Financial Strategy from 2024/25, reducing the net cost of the planning service. If the additional income is used instead to increase resources in the planning service, there will be a need to reduce expenditure elsewhere.

7.2 **Environment, Sustainability and Health Implications**

- 7.2.1 An increased reliance on the speed of decision making and the introduction of the proposed performance indicators, would not necessarily improve the positive outcomes that the Council seeks through its Development Plan.

7.3 **Human Resource Implications**

- 7.3.1 The increased fee income, if ring-fenced, would have a positive impact on the capacity of the planning service and it would provide an opportunity to attract a wider range of skills needed to deliver the economic development and planning objectives of the Council. Such skills could also become a new asset for the Council as a whole.

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

Agenda Item No 8

Planning and Development Board

3 April 2023

Report of the Head of Development Control

Scheme of Delegation – Enforcement

1 Summary

- 1.1 The report seeks the Board’s approval of an Appendix to the Scheme of Delegation for Determination of Planning Applications to be recommended to Council following the Board’s approval of the new Enforcement Plan.

Recommendation to the Board:

a That Council be recommended to adopt the attached Appendix to the adopted Scheme of Delegation in respect of the Determination of Planning Applications, referring to planning enforcement actions and the Constitution be amended accordingly; and

b That Council be recommended to amend the post titles in the existing scheme to match the current Council structure.

2 Background

- 2.1 Members will recall the recent approval of the updated Planning Enforcement Plan. This included extending delegated powers in respect of some enforcement action, subject to consultation with Members. This would follow the procedures already set out in the adopted delegation scheme for planning applications.
- 2.2 Members will also note that since the original Scheme was adopted there have been changes to the structure of the Council and the renaming of certain posts. It would therefore also assist to amend those titles to ‘tidy up’ the current scheme.

3 Draft Scheme

- 3.1 As a consequence, an Appendix to the adopted Scheme has been prepared and this is attached at Appendix A.

...

- 3.2 It is now recommended that if agreed, it be referred to Council to consider its adoption. The Board's approval is also sought to recommend that Council changes the job titles in the existing scheme to match the current Council structure.

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



North Warwickshire Borough Council

Appendix A - Scheme of Delegation

Appendix to the “Scheme of Delegation to the Assistant Chief Executive and Solicitor to the Council in respect of Determination of Planning Applications” dated November 2020, to also include Planning Enforcement actions.

April 2023

1. INTRODUCTION

- 1.1 This appendix to the current Scheme of Delegation to the Assistant Chief Executive and Solicitor to the Council in respect of Determination of Planning Applications dated November 2020, enables Officers to undertake certain planning enforcement functions without reporting first to the Council's Planning and Development Board. The legal basis for this delegation from the Board is contained in Section 101 of the Local Government Act 1972 as amended.
- 1.2 This delegation arises from the approval of the Council's updated Planning Enforcement Plan by the Board on the 6th March 2023. The Plan details the delegated powers under which the Head of Legal Services and the Head of Development Control, in consultation with relevant members as outlined below, will be able to authorise certain enforcement action.

2. THE PURPOSE OF DELEGATION

- 2.1 The purpose of the delegation is to:
- Help reduce the time taken to begin formal enforcement action when it is deemed expedient to do so.
 - Help the Council maintain a more flexible and responsive planning enforcement service. Specifically, when enforcement matters maybe time sensitive to stop further planning harm from occurring or to prevent time limit immunity.
 - Simplify procedures so as to concentrate efforts and resources where they are most needed.
 - Release staff time so that it can be redirected to focus on the enforcement investigations process, and
 - Leave the Board to focus its time and effort on the most significant matters that affect the wider planning service.

3. THE SCHEME OF DELEGATION

- 3.1 Specifically relating to Planning Enforcement matters and in accordance with Section 10 (Decision Making) of the 2023 Enforcement Plan, the Board will only take decisions in the most significant of enforcement cases. These will usually be:
- Subject to the view of the Head of Legal Services as to whether there is sufficient evidence and it being in the public interest to do so, the Board will consider the matter of prosecution proceedings
 - Taking Injunctive action

- Serving of a Stop Notice
- Commencement of direct action
- Serving of a Planning Enforcement Order
- Cases referred to it at the discretion of the Head of Development Control in consultation with the Chairman of the Board.

3.2 Consequentially, all other matters will be delegated to the Head of Legal Services and the Head of Development Control to authorise formal enforcement action/serving of notices. This is subject to the process detailed below in section 4.

4. MEMBER INVOLVEMENT

4.1 Members and Officers will work together to consider when formal enforcement action will be required. It is inevitable that Members will often become involved in the planning enforcement process when residents may bring potential breaches of planning control to their attention.

4.2 In order to maintain consistency for Members and Officers alike, a similar process to that as detailed within section 5 of the main Scheme of Delegation, and section 10.4 (Formal Action) of the Enforcement Plan will apply. Accordingly, if it is found to be expedient to take formal action, the following best practice guidelines will be followed:

- ❖ An officer's report will be prepared explaining the reasons why it is considered expedient to take formal enforcement action and this will recommend the most appropriate action to be taken.
- ❖ This report will be circulated to the following:
 - Chairman of the Planning & Development Board.
 - Vice-Chairman of the Planning & Development Board.
 - Planning Opposition Spokesperson.
 - Local Ward Members for where the breach is located.
- ❖ If **within 5 working days** of notification any of these Members request that the case be referred to the Board for consideration, they will state the reason(s) why delegated powers should not be used (in writing). The case will then be reported to the next available Board meeting.
- ❖ If no such request is received, the action detailed within the officers' report will then be followed through under delegated powers.

5. REVIEW

5.1 This appendix will be reviewed in line as appropriate with the main Scheme of Delegation.

Agenda Item No 9

Planning and Development Board

3 April 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, 22 May 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
9/a	PAP/2023/0030	1	105 Mill Crescent, Kingsbury, Tamworth, Warwickshire, B78 2NW Two storey side and rear extensions with single storey rear extensions	General
9/b	PAP/2023/0046	6	Dafferns Wood, St Michaels Close, New Arley, Warwickshire, Works to trees protected by Tree Preservation Order (713/002/03)	General
9/c	PAP/2022/0544	11	Land 550 Metres East Of Vauls Farm, Astley Lane, Astley, Construction of a renewable energy generating solar farm together with transformers, inverters, control building, DNO substation, storeroom, security measures, associated infrastructure and works, landscaping and bio-diversity enhancements	
9/d	CON/2023/0005	45	Land to the East of Amington Hall Farm, B79 0ED Temporary permission for erection of a 30 MW solar farm with ancillary infrastructure, security fence, landscaping with access off Laundry Lane	
9/e	PAP/2021/0238	49	Polesworth Working Mens Club, High Street, Polesworth, B78 1DX Change of use of existing function room to provide bed and breakfast accommodation (25 bedrooms), including an additional mezzanine floor and elevation changes	

General Development Applications

(9/a) Application No: PAP/2023/0030

105 Mill Crescent, Kingsbury, Tamworth, Warwickshire, B78 2NW

Two storey side and rear extensions with single storey rear extensions, for

Mr Tom Mear

Introduction

This case is referred to the Board at the request of a local Member concerned about the potential impacts of the proposal on the locality – particularly in respect of parking provision.

The Site

This is a detached house on the south side of Mill Crescent at its junction with the Coventry Road and opposite the former Kingsbury Mill premises. It is within a frontage of similar houses.

There is a frontage of semi-detached houses on the other side of Mill Crescent, but there are a couple of convenience shops immediately opposite with an associated small lay-by for customers.

A location plan is at Appendix A.

Background

Planning permission was granted in early 2022 for a two-bedroom detached house on land between the west side elevation of number 105 and the Coventry Road using a shared access with 105.

The approved plan is at Appendix B.

The Proposals

It is proposed to extend to two storeys on both sides of the existing property and to extend to the rear. The property has three bedrooms presently with a single bathroom. The proposal would have four bedrooms – three of which would have en-suites. There would be an additional bathroom.

It has been confirmed that the application is solely for extensions and alterations to provide accommodation for the applicant's family and for no other purpose.

There is an existing flat roofed garage and utility room on the east side of the house between it and the detached house immediately next door. This would be replaced with a two-storey side extension with a gable end facing the next-door property. It would also extend some 2.4 metres beyond the existing rear elevation, and this would appear as a small gable.

This would be replicated on the other side of the house – the western side facing the Coventry Road - again with it extending some 2.4 metres beyond the existing rear elevation with a small gable.

These two rear elements would be “brought” together at the rear with a new single storey flat roof extension extending some 4.8 metres back from the existing rear elevation.

Overall, there would be a new ridgeline running parallel to the road some 0.5 metres taller than the existing ridge which runs the other way.

Elevations of the existing and proposed are attached at Appendices B and C.

It can be seen that there would be no openings in either of the two new side gables.

There are neither any openings in the side gable of the neighbouring detached house. The plans show provision for two car parking spaces at the front of the property.

Representations

Kingsbury Parish Council – It objects for the following reasons:

- The internal arrangements suggest that the building could be used for a commercial purpose – ensuite bedrooms, two kitchens and a “reception”.
- The additional bedroom will add pressure for on-street parking

At the time of preparing this report, one representation had been received repeating the comments made above. The Board will be updated at the meeting on any others that might have been submitted.

Development Plan

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

Other Material Planning Considerations

The National Planning Policy Framework

Supplementary Planning Guidance: A Guide for the Design of Householder Developments 2003

Observations

The site is within the settlement on Kingsbury as defined by the Development Plan and thus there is no objection in principle here.

It is acknowledged that these are large extensions not only raising the height of the house but effectively tripling its volume and footprint. It would appear as a different building in the street scene. Nevertheless, the design and appearance of the extensions are in-keeping with the host property and the area generally. Moreover, a large property

on this prominent corner would not be out of place. It is considered that the proposals do accord with the relevant policies of the Local Plan as well as the NPPF and the Council's own Design Guidance.

There are no issues with unacceptable adverse impacts on neighbouring property. The rear gardens here are already overlooked by many other properties and the side extension does not impinge on the notional 45-degree line from the neighbouring property to the east. It would thus accord with the relevant Planning policy.

Turning to the matters raised by the representations.

Members will be aware that the change of use of a dwelling house to one in multiple occupation does not require any form of planning application as it would be permitted development if occupation is limited to six persons. Secondly, its use as bed and breakfast accommodation again would not require a planning application unless it is a material change in use. Moreover, the internal arrangements are not subject to planning control as they do not amount to "development" under planning legislation. The area marked as "reception" is a hallway and there are not two kitchens – just one large one. The application should therefore be determined in the basis of the application submitted – that is for extensions to an existing property – and not on the basis of speculation.

The Council's parking standard for this development as set out in the Development plan is for two spaces. Two are provided on-site and thus the proposal accords with the Local Plan.

The Board should also be aware that if this planning application is granted a permission, its implementation would prohibit the implementation of the 2022 permission for the single house to the side. Both permissions could thus not be taken up.

Recommendation

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

1. Standard three year condition
2. Standard plan numbers – the plans numbered
3. The extensions hereby approved shall be carried out in facing and roofing materials which match those on the existing property in colour, size and texture.

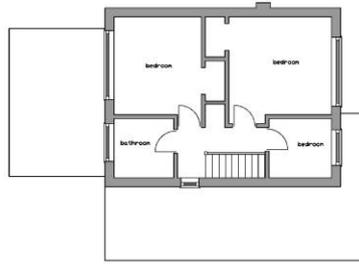
Reason: In the interests of the visual amenities of the area.

Notes:

1. The Local Planning Authority has met the requirements of the NPPF in this case through enabling a positive outcome.
2. Party Wall Act Informatives



EXISTING GROUND FLOOR LAYOUT PLAN (G100)



EXISTING FIRST FLOOR LAYOUT PLAN (G100)



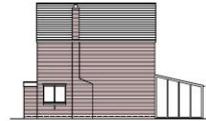
EXISTING FRONT ELEVATION (G100)



EXISTING REAR ELEVATION (G100)



EXISTING SIDE ELEVATION (G100)



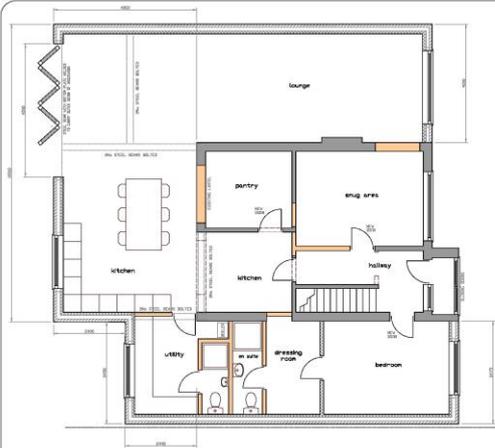
EXISTING SIDE ELEVATION (G100)

RECEIVED
23/01/2023
PLANNING & DEVELOPMENT
DEPARTMENT

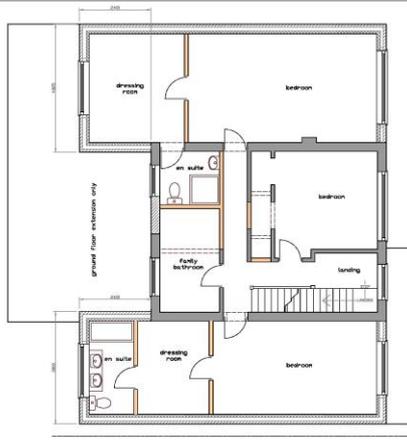
NOTES
ALL DIMENSIONS ARE
GIVEN IN MILLIMETRES

REV	DESCRIPTION	DATE
01	DATE - REVISIONS HERE	
02	DATE - REV. 1	
03	DATE - REV. 2	
04	DATE - REV. 3	
05	DATE - REV. 4	
06	DATE - REV. 5	
07	DATE - REV. 6	
08	DATE - REV. 7	
09	DATE - REV. 8	
10	DATE - REV. 9	
11	DATE - REV. 10	
12	DATE - REV. 11	
13	DATE - REV. 12	
14	DATE - REV. 13	
15	DATE - REV. 14	
16	DATE - REV. 15	
17	DATE - REV. 16	
18	DATE - REV. 17	
19	DATE - REV. 18	
20	DATE - REV. 19	
21	DATE - REV. 20	
22	DATE - REV. 21	
23	DATE - REV. 22	
24	DATE - REV. 23	
25	DATE - REV. 24	
26	DATE - REV. 25	
27	DATE - REV. 26	
28	DATE - REV. 27	
29	DATE - REV. 28	
30	DATE - REV. 29	
31	DATE - REV. 30	
32	DATE - REV. 31	
33	DATE - REV. 32	
34	DATE - REV. 33	
35	DATE - REV. 34	
36	DATE - REV. 35	
37	DATE - REV. 36	
38	DATE - REV. 37	
39	DATE - REV. 38	
40	DATE - REV. 39	
41	DATE - REV. 40	
42	DATE - REV. 41	
43	DATE - REV. 42	
44	DATE - REV. 43	
45	DATE - REV. 44	
46	DATE - REV. 45	
47	DATE - REV. 46	
48	DATE - REV. 47	
49	DATE - REV. 48	
50	DATE - REV. 49	
51	DATE - REV. 50	
52	DATE - REV. 51	
53	DATE - REV. 52	
54	DATE - REV. 53	
55	DATE - REV. 54	
56	DATE - REV. 55	
57	DATE - REV. 56	
58	DATE - REV. 57	
59	DATE - REV. 58	
60	DATE - REV. 59	
61	DATE - REV. 60	
62	DATE - REV. 61	
63	DATE - REV. 62	
64	DATE - REV. 63	
65	DATE - REV. 64	
66	DATE - REV. 65	
67	DATE - REV. 66	
68	DATE - REV. 67	
69	DATE - REV. 68	
70	DATE - REV. 69	
71	DATE - REV. 70	
72	DATE - REV. 71	
73	DATE - REV. 72	
74	DATE - REV. 73	
75	DATE - REV. 74	
76	DATE - REV. 75	
77	DATE - REV. 76	
78	DATE - REV. 77	
79	DATE - REV. 78	
80	DATE - REV. 79	
81	DATE - REV. 80	
82	DATE - REV. 81	
83	DATE - REV. 82	
84	DATE - REV. 83	
85	DATE - REV. 84	
86	DATE - REV. 85	
87	DATE - REV. 86	
88	DATE - REV. 87	
89	DATE - REV. 88	
90	DATE - REV. 89	
91	DATE - REV. 90	
92	DATE - REV. 91	
93	DATE - REV. 92	
94	DATE - REV. 93	
95	DATE - REV. 94	
96	DATE - REV. 95	
97	DATE - REV. 96	
98	DATE - REV. 97	
99	DATE - REV. 98	
100	DATE - REV. 99	
101	DATE - REV. 100	

SPB
BUILDING
DESIGN
Valley, Sutton Coldfield
0121 717 0000
info@spbdesign.co.uk



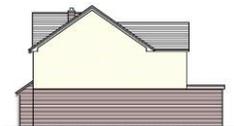
PROPOSED GROUND FLOOR LAYOUT PLAN (G100)



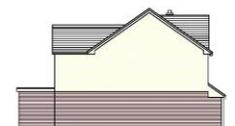
PROPOSED FIRST FLOOR LAYOUT PLAN (G100)



PROPOSED FRONT ELEVATION (G100)



PROPOSED SIDE ELEVATION (G100)

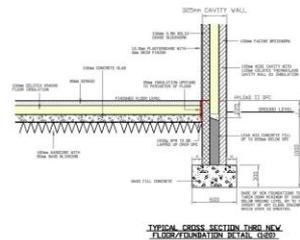


PROPOSED SIDE ELEVATION (G100)



PROPOSED REAR ELEVATION (G100)

NOTE
NEW ELECTRICAL INSTALLATION TO BE DESIGNED,
INSTALLED, INSPECTED AND TESTED TO BS7671:2018
BY A COMPETENT ELECTRICIAN REGISTERED WITH AN
ELECTRICAL CONTRACTORS ASSOCIATION APPROVED
BY THE SECRETARY OF STATE AND AN INSULATION
CERTIFICATE TO BE PROVIDED TO BUILDING CONTROL.



TYPICAL CROSS SECTION THRU NEW FLOOR/INSULATION DETAIL (G100)

RECEIVED
28/02/2023
PLANNING & DEVELOPMENT
DEPARTMENT

NOTES
ALL DIMENSIONS ARE
GIVEN IN MILLIMETRES

REV	DESCRIPTION	DATE
01	DATE - REVISIONS HERE	
02	DATE - REV. 1	
03	DATE - REV. 2	
04	DATE - REV. 3	
05	DATE - REV. 4	
06	DATE - REV. 5	
07	DATE - REV. 6	
08	DATE - REV. 7	
09	DATE - REV. 8	
10	DATE - REV. 9	
11	DATE - REV. 10	
12	DATE - REV. 11	
13	DATE - REV. 12	
14	DATE - REV. 13	
15	DATE - REV. 14	
16	DATE - REV. 15	
17	DATE - REV. 16	
18	DATE - REV. 17	
19	DATE - REV. 18	
20	DATE - REV. 19	
21	DATE - REV. 20	
22	DATE - REV. 21	
23	DATE - REV. 22	
24	DATE - REV. 23	
25	DATE - REV. 24	
26	DATE - REV. 25	
27	DATE - REV. 26	
28	DATE - REV. 27	
29	DATE - REV. 28	
30	DATE - REV. 29	
31	DATE - REV. 30	
32	DATE - REV. 31	
33	DATE - REV. 32	
34	DATE - REV. 33	
35	DATE - REV. 34	
36	DATE - REV. 35	
37	DATE - REV. 36	
38	DATE - REV. 37	
39	DATE - REV. 38	
40	DATE - REV. 39	
41	DATE - REV. 40	
42	DATE - REV. 41	
43	DATE - REV. 42	
44	DATE - REV. 43	
45	DATE - REV. 44	
46	DATE - REV. 45	
47	DATE - REV. 46	
48	DATE - REV. 47	
49	DATE - REV. 48	
50	DATE - REV. 49	
51	DATE - REV. 50	
52	DATE - REV. 51	
53	DATE - REV. 52	
54	DATE - REV. 53	
55	DATE - REV. 54	
56	DATE - REV. 55	
57	DATE - REV. 56	
58	DATE - REV. 57	
59	DATE - REV. 58	
60	DATE - REV. 59	
61	DATE - REV. 60	
62	DATE - REV. 61	
63	DATE - REV. 62	
64	DATE - REV. 63	
65	DATE - REV. 64	
66	DATE - REV. 65	
67	DATE - REV. 66	
68	DATE - REV. 67	
69	DATE - REV. 68	
70	DATE - REV. 69	
71	DATE - REV. 70	
72	DATE - REV. 71	
73	DATE - REV. 72	
74	DATE - REV. 73	
75	DATE - REV. 74	
76	DATE - REV. 75	
77	DATE - REV. 76	
78	DATE - REV. 77	
79	DATE - REV. 78	
80	DATE - REV. 79	
81	DATE - REV. 80	
82	DATE - REV. 81	
83	DATE - REV. 82	
84	DATE - REV. 83	
85	DATE - REV. 84	
86	DATE - REV. 85	
87	DATE - REV. 86	
88	DATE - REV. 87	
89	DATE - REV. 88	
90	DATE - REV. 89	
91	DATE - REV. 90	
92	DATE - REV. 91	
93	DATE - REV. 92	
94	DATE - REV. 93	
95	DATE - REV. 94	
96	DATE - REV. 95	
97	DATE - REV. 96	
98	DATE - REV. 97	
99	DATE - REV. 98	
100	DATE - REV. 99	

SPB
BUILDING
DESIGN
Valley, Sutton Coldfield
0121 717 0000
info@spbdesign.co.uk

General Development Applications

(9/b) Application No: PAP/2023/0046

Dafferns Wood, St Michaels Close, New Arley, Warwickshire,

Works to trees protected by Tree Preservation Order (713/002/03), for

Forestry - Warwickshire County Council

Introduction

This application is reported to the Board due to the site in question being in the ownership of the Council.

The Site

The application site is a woodland and lies to the West of New Arley. This is covered by a Tree Preservation Order (TPO) confirmed in 1983.

A Location Plan is at Appendix A which also includes the siting of the trees referred to below.

The Proposal

Permission is requested for works to be carried out to trees within the wood.

The works will consist of the following:

Tree No	Species	Age Class	Comments	Recommended works
04UV	Birch species (Betula sp.)	Over Mature	<ul style="list-style-type: none">• Dead.• Resting on fence.	Fell at ground level, leave in situ.
1NC3	Hazel (Corylus avellana)	Over Mature	<ul style="list-style-type: none">• Fair condition.• Multi stemmed.• Basal decay within coppice stool.• Low over garden/fence line.• Sulphur tuft at base	Fell at ground level to re-coppice.
2HQY	Hawthorn (Crataegus monogyna)	Over Mature	<ul style="list-style-type: none">• Poor condition.• Twin stemmed.• One dead stem, one live stem.• Heavily ivy clad with lean over gardens.	Fell at ground level, create habitat pile.
2HQZ	Hazel (Corylus avellana)	Mature	<ul style="list-style-type: none">• Good condition.• Multi stemmed.• Heavy lean over fence line.	Fell at ground level for re-coppicing.

2HRO	Holly (Ilex aquifolium)	Early Mature	<ul style="list-style-type: none"> • Dead. 	Fell at ground level, create habitat pile
2HR1	Ash/ Common Ash (Fraxinus excelsior)	Mature	<ul style="list-style-type: none"> • Fair condition. • Large sections of deadwood over boundary fence line. • Ivy clad stem. • At least 2m clearance from roofline at present. • On northern edge of ditch line. 	Deadwood removal 25 dia. & above north side over property / garden. Sever ivy, clear stem to 1.5m.
2HR2	Ash/ Common Ash (Fraxinus excelsior)	Mature	<ul style="list-style-type: none"> • Poor condition. • Extensive basal decay to north. • History of unsympathetic reduction work. • Buttresses to south are still in okay condition. • Crown dieback. 	Fell at ground level, create habitat pile.
2HR3	Ash/ Common Ash (Fraxinus excelsior)	Early mature	<ul style="list-style-type: none"> • Fair condition. • Twin stemmed. • Basal decay on main stem, though buttresses to east and west are large and in good condition. • Leans slightly away from houses. 	Fell at ground level, chip on site, leave timber
2HR4	Ash/ Common Ash (Fraxinus excelsior)	Over mature	<ul style="list-style-type: none"> • Fair condition. • Innonotus hisidus fungal fruiting bodies at 6m north at site of vertical cavity. • Sounding of trunk reveals probable hollow central stem 	Section fell at ground level, create dead hedge/windrow.
2HR5	Silver Birch (Betula Pendula)	Over mature	<ul style="list-style-type: none"> • Fair condition. • Multi stemmed. • Northern stem has died and failed at 4m above ground level. • Extensive basal cavity which will likely spread quickly due to being Birch. • Possible to retain southern stem but only short-term. 	Fell at 1m, chip on site, leave timber. Tree 2HR5 can be cut to 1.8m from ground level. (Email from WCC Trees 16/03/2023)
2HR6	English Oak (Quercus robur)	Early mature	<ul style="list-style-type: none"> • Fair condition • Twin stemmed • Basal damage on both stems, probably from fence installation, minimal decay at present and fair occlusion growth. 	Remove epicormic growth to 5m, to clear property by 2m.

2HR7	Silver Birch (Betula Pendula)	Mature	<ul style="list-style-type: none"> • Fair condition. • Cavity between northern buttresses, probed to 450mm indicating hollow central stem base. • Sounding is inconclusive and buttresses are in good condition. • Leans towards gardens. • Monitor condition annually. 	Monitor condition annually
2HR8	Ash/ Common Ash (Fraxinus excelsior)	Mature	<ul style="list-style-type: none"> • Fair condition. • Leans to south with asymmetrical crown with bias over gardens. • Deadwood throughout canopy. • Has been poorly tipped back from sheds 	Deadwood removal 25mm dia. & above south side, over property / gardens.
2HR9	Black Alder (Alnus glutinosa)	Mature	<ul style="list-style-type: none"> • Group of 34 trees. • Fair condition. • Branches touching out buildings. • Several stems have basal cavities, however the buttresses are all in decent condition at present. 	Prune/tip back by 3m from building.
2HRA	Hazel (Corylus avellana)	Mature	<ul style="list-style-type: none"> • Good condition. • Twin stemmed from 1m above ground level. • Low branches over boundary and rubbing on sheds. 	Crown lift to 4m over boundary.
2J5F	English Oak (Quercus robur)	Mature	<ul style="list-style-type: none"> • Good condition. • Multi stemmed. • 1 x largish 	Deadwood removal 25mm dia. & above.

Development Plan

The North Warwickshire Local Plan 2021 – LP14 (Landscape) and LP16 (Natural Environment)

Arley Neighbourhood Plan – ANP2 (Green Space Strategy)

Other Relevant Material Considerations

The National Planning Policy Framework 2021 – (the “NPPF”)

Representations

One letter of support has been received

Arley Parish Council - It asks that villagers close to Daffern Wood are made aware of the date of the work starting on the trees in the wood.

Observations

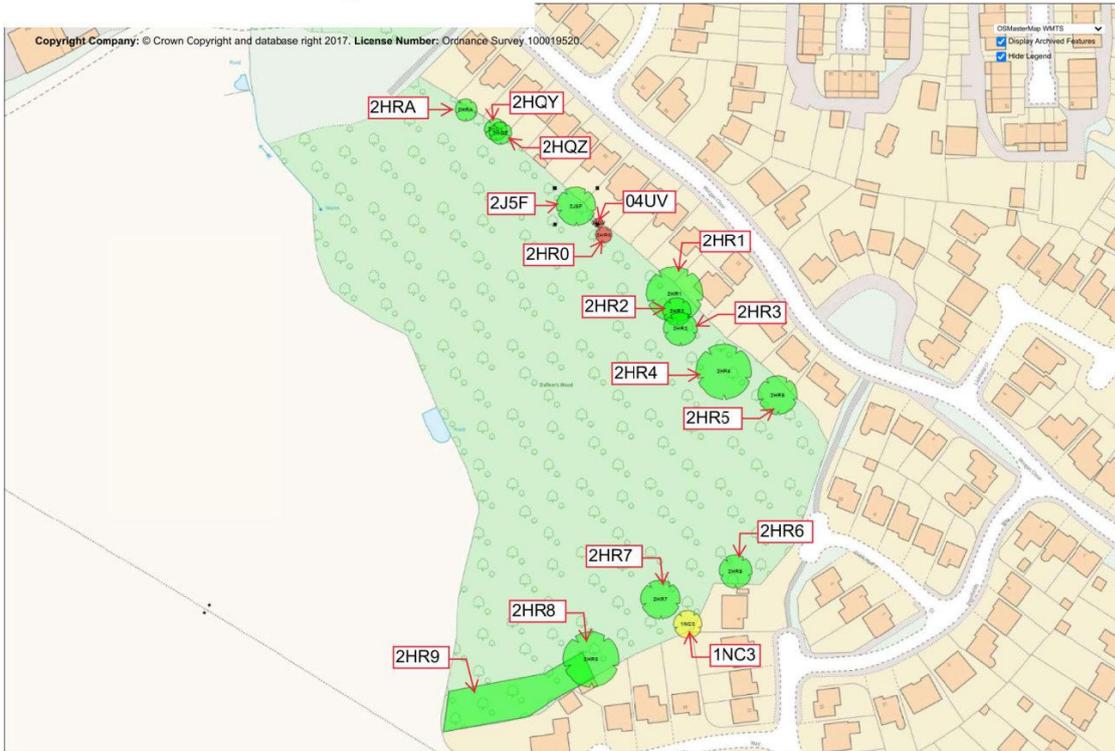
The reasoning behind the works to the trees is fully appreciated and is seen to be warranted given the condition of the trees and the potential risks to both people and property in close proximity to the wood. The works are required in order to maintain regular maintenance of this asset and will secure the continuing benefit to public amenity.

RECOMMENDATION

That Consent is **GRANTED** subject to conditions that the work be carried out within the next two years and that it be restricted to those works set out with in the application submitted on 02 February 2023 and the e-mail received from Warwickshire County Council Forestry on 10 February 2023.

Dafferns Wood - Tree Location Plan - Appendix A

Arbortrack



<https://web.arbortrack.com/index.asp?action=printmap>

1/1

General Development Applications

(9/c) Application No: PAP/2022/0544

Land 550 Metres East Of Vauls Farm, Astley Lane, Astley,

Construction of a renewable energy generating solar farm together with transformers, inverters, control building, DNO substation, storeroom, security measures, associated infrastructure and works, landscaping and bio-diversity enhancements for

Industria Solar Bedworth Ltd

1 Introduction

1.1 The receipt of this case was reported to the Board on 5th December and a copy of that report is attached at Appendix A.

1.2 The site location is illustrated at Appendix B

1.3 The Board resolved to visit the site and a note of this will be circulated prior to the meeting.

1.4 Since the date of the last report, the applicant has removed the mast from the proposal together with providing additional landscaping and amending the details of the access arrangements. Amended plans have been submitted to reflect this position --- see Appendices C and D.

1.5 As that report indicated, should the Board be minded to support the proposal, the case will need referral to the Secretary of State under the 2009 Direction. A refusal would not need to be referred.

1.6 There have been no changes to the Development Plan or to other material planning considerations since the date of the last report.

2. Consultations

Warwickshire County Council (Forestry) - No objection

Warwickshire County Council (Public Rights of Way) - No objection subject to conditions

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

Warwickshire County Council as Highway Authority – No Objection in principle, but amendments should be made to the access onto Astley Lane in order to improve safe ingress and egress. As indicated above, these have now been submitted leading to the withdrawal of the objection subject to conditions.

Warwickshire County Archaeologist – No objection subject to conditions

Ramblers Association - No objection on footpath grounds, but it objects on the impact on the Green Belt and the loss of agricultural land

Nuneaton and Bedworth BC - No objection

Warwickshire Police (Architectural Liaison) – No objection but have made detailed design comments

Birmingham Airport – No objection

Environment Agency – No comments

Environmental Health Officer – There was an initial objection as it had not been shown that there would be no unacceptable impacts, as there are several private houses close by. As a consequence, a fresh Noise Assessment has been undertaken and submitted.

There is now no objection subject to the imposition of conditions identifying noise thresholds at the most affected properties.

3. Other Material Planning Considerations

Climate Change Act 2008 (2050 Target Amendment) Order 2019

Energy Security Strategy 2012

UK Solar PV Strategy 2014

National Policy Statements EN1 and EN3

National Planning Policy Framework

North Warwickshire Climate Emergency

North Warwickshire Landscape Character Assessment 2010

British Energy Security Strategy 2022

4. Representations

4.1 Four objections have been received referring to:

- loss of agricultural land
- impact on the Green Belt
- additional traffic
- Adverse landscape impact
- Loss of habitat and the impact on wildlife
- Potential surface water flooding
- The visual intrusion of the tower
- CCTV protocols need to be adhered to
- Buildings should have solar panels on their roof
- Risks from leaks from the batteries

- Light and noise pollution
- How are the panels and batteries to be disposed?
- This is not a temporary development
- Meadowland is not appropriate mitigation – it should be trees

4.2 One of these covers a variety of other matters – this is attached in full at Appendix E.

4.3 Corley Parish Council objects and its letter includes many of the above matters, but majors on the adverse impact on the Green Belt which it considers should be protected

4.4 Craig Tracey MP has written pointing out the concerns expressed to him by the local community.

5. Observations

i) Green Belt

5.1 The site is in the Green Belt. Members will be aware that the construction of new buildings is defined by the NPPF as being inappropriate development in the Green Belt.

This would include the construction of all of the structures connected to the solar farm included in this proposal. As such, this proposal is harmful, by definition, to the Green Belt and should not be approved except in very special circumstances. In respect of “renewable energy projects”, the NPPF says that many of the elements of these projects will comprise inappropriate development, and thus the applicant has to demonstrate very special circumstances if such projects are to proceed. The NPPF continues by saying that such circumstances, “may include the wider environmental benefits associated with increased production of energy from renewable sources”.

5.2 The NPPF says that elements of these projects will comprise inappropriate development, but this definition not conclusive. This needs to be resolved from the outset. In this case the various elements associated with the proposal – the fences, panels and substations – are all built development and because of the size of the proposal, there is an underlying premise here that this can be reasonably said to constitute inappropriate development. In order to confirm this, it is necessary to see if the proposal as a whole would preserve the openness of the Green Belt and whether it would conflict with the purposes of including land within it. Members will be aware that there is no definition of openness in the NPPF, but Government Guidance provides four factors to look at. In respect of the first, then spatially, the proposal is large in terms of ground cover and there is also some height to many of these structures. The setting is wholly within open countryside. The land-form hereabouts is one of a small and shallow valley sloping towards the watercourse. This effectively means that the site sits on one side of a shallow “bowl”. There is built development along its northern boundary, but otherwise there is little built form hereabouts. There is woodland further to the east. The proposal would introduce new built development into this setting. However, despite its size, the new development structures are low in height and the existing topography helps to contain the site. The removal of the mast from the proposal is also significant in this context. Given all of these factors, the spatial impact on openness would be local in extent, not impacting on the wider landscape. The second factor is a visual one. Here there would be very limited impact on neighbouring scattered residential property

because of the topography, but not from the neighbouring farm units. There would also be a visual impact as the proposal would be visible from the public domain from the footpaths that run along the site boundaries. Again because of the topography, these impacts would be local rather than affecting wider visibility. As above, the removal of the mast is a benefit. Whilst the impact from the footpath would be transitory, that from residential property would not and this would be adverse. In terms of the third factor then there would be very little activity associated with the proposal once operational. Activity would thus be akin to that associated with the current agricultural use of the site.

Finally, the proposal is not permanent, albeit the “life” is said to extend to 40 years. In all of these circumstances, it is considered that the openness of the Green Belt would not be preserved. Additionally, there would be some conflict with one of the purposes of including land within the Green Belt – i.e., safeguarding the countryside from encroachment. In conclusion therefore, the proposal does constitute inappropriate development and substantial weight has to be given to this definitional harm. However, the actual Green Belt harm caused is limited rather than substantial for all of the spatial, visual and activity reasons set out above.

ii) Landscape Harm

5.3 The site is within the “Church End to Corley (Arden Hills and Valleys)” Landscape Character Area as defined by the 2010 North Warwickshire Landscape Character Assessment and Study. This is described as being “an elevated farmed landscape of low, rounded hills, steep scarps and small incised valleys. This landform combined with extensive hilltop woodland and tree cover creates an intricate and small-scale character, punctuated by numerous scattered farms and hamlets”. It continues by saying that “the majority of the character area is deeply rural and the tranquil Ancient Arden Landscape is apparent in the complex pattern of woodland, former wood pasture and heath, frequently sunken hedged lanes and scattered farms and hamlets”.

Additionally, “To the south of Ansley and New Arley, numerous hedgerow trees around larger semi-regular arable fields, combine to provide a sense of Parkland character towards Arbury Park located just to the east within the Nuneaton and Bedworth District”.

5.4 The previous report at Appendix A, identified the applicant’s conclusion that following an Impact Assessment, there would be a local, long term but reversible change in the landscape, but with proposed mitigation, the overall harm would only be slightly adverse. This impact would be local in extent and scale and thus not impact on the broad character as described in paragraph 5.3. This overall assessment is agreed. The site is in a wholly rural setting and is within an expansive open area of countryside that is elevated and has extensive views. The landscape here is thus sensitive to change.

However, the site is generally confined to one side of a noticeable valley, which Members saw on their visit. As a consequence, whilst there will clearly be change introduced through this proposal, that would not be prominent in the wider or middle-distant surrounding landscape and thus it is not considered to be significant. This is because the built development here is not of significant height and it is spread through existing fields where there is existing hedgerow cover. The loss of the mast from the proposal is of particular benefit here. The landscape is capable of enhancement too

through the mitigation measures including the strengthening of the hedgerow cover, which are likely to strengthen the overall landscape character.

5.5 Local Plan policy LP14 says that development should “conserve, enhance and where appropriate restore landscape character”. Additionally, “new development should as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies and strengthen visual amenity through further landscaping”. Whilst the proposal may not fully accord with these objectives, it is considered on balance, that the overall landscape harm caused will be local and thus “limited”.

iii) Visual Harm

5.6 The applicant’s assessment comes to a similar conclusion in respect of the visual impacts, for the same reasons.

5.7 Public footpaths run along the western and southern boundaries – the M337 and the M335. Although these paths follow the whole of these boundaries over their whole length making the development noticeable even with enhanced planting, that impact would be transitory.

5.8 It is unlikely that the site would be visible by drivers using Astley Lane because of the separation distances and particularly the topography. Whilst the panels in the field on the southern side of the site might be visible from the Lane, this would be a glimpsed view and very transitory.

5.9. It is agreed that the site is isolated with scattered residential property and thus the likelihood of adverse visual impact on residential occupiers is likely to be limited. Those most affected would be the grouping at Sole End. The development is some 100 metres distant with existing hedgerow cover. Because of these matters and particularly the topography, it is considered that any adverse visual impacts would be limited in extent – mainly confined to first floor rooms. Mitigation measures would assist here. Occupiers of the business units at Sole End Farm would however have open views from the very rear of the site. There too would be visibility from some parts of the Cow Lees Care Home.

These impacts can be mitigated through additional planting. Vaul’s Farm is the closest property and residents will experience open views into the bulk of the site because of the rising land on the northern side of the valley. Even with additional planting this impact would be significant. Taff’s Farm to the south is within a range of farm buildings and is some distance away. Visual impacts would be limited.

5.10 Overall therefore it is considered that adverse visual impacts with mitigation would be local in extent and limited in scale, but with greater impact on the properties closest to the site.

5.11 Local Plan Policy LP14 is again the most relevant policy here and the conclusion on visual impact is also one of limited adverse impacts.

iv) Heritage Impacts

5.12 There are a number of matters to consider here. Members will be aware that heritage harms are defined by the NPPF as being “substantial”, “less than substantial” or no harm. An assessment of the heritage impacts has to be considered in this context. The Council is under a Statutory Duty to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area in the determination of an application within such a designated Area. The nearest Conservation Area to this application site is that in Fillongley. Because of the separation distances and the intervening topography there is no inter-visibility with that Area or any of the buildings within it such that there is no heritage harm caused to its character or appearance.

5.13 The Council is also 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 possesses. There are a number of designated buildings in the vicinity – the closest being Astley Church and Astley Castle. The former is a Grade 1 Listed Building and the latter is Grade 2 star. Associated buildings such as the stable block and Lodge are Listed under Grade 2. In general terms this group of heritage assets is a kilometre and a half to the north-west of the application site. There is no direct impact on their architectural and historic fabric, or the special attributes of these buildings. However, their setting when treated cumulatively is of high significance. This is because of the combination of historic, architectural and landscape characteristics as well as their community and social value. In this case the prime significance of this group of buildings is the contained and compact settlement of Astley with its surrounding tree cover and the visibility of the Church within a wholly rural and open landscape. The proposal will have no direct impact on this setting because of the intervening separation, no inter-visibility, the topography, tree cover and the nature of the proposed development. As a consequence, appreciation of Astley in the overall landscape would still be retained. However, the combined heritage significance of this setting is of high value. The NPPF says that the more important the asset, the greater the weight that should be given to its conservation. Nevertheless, because of the factors identified above, it is considered that any harm to the setting of this group of assets would be at the lower end of less than substantial.

5.14 Arbury Hall and its Park are also heritage assets further to the north-east. Again, these are of high value – the Hall having a combination of Grade 1, 2 star and 2 Listed Buildings with the Park and Garden being registered as Grade 2 star. Again, there is no direct impact on any of these assets, because of the significant separation distances, intervening topography, woodland and the nature of the proposal. The assessment again rests on whether there is any harm caused to the setting of this group of high value assets. As with the Astley grouping, the significance of the Arbury group is substantial and thus great weight has to be given to its conservation. As with the Astley group, it is considered that any harms caused would be less than substantial and at the lower end of that scale.

5.15 Finally, it is necessary to look at whether there would be any direct impact on the heritage value of the site itself. The Warwickshire County Planning Archaeologist considers that there is a potential for the site to contain archaeological remains from the pre-historic, Roman, and Anglo-Saxon periods. However, he considers that this potential can be investigated pre-commencement rather than pre-determination. This

judgement is made on the basis of a phased trial trenching investigation proposed by the applicant together with his agreement to use construction methods that would avoid any below ground impacts should the fieldwork identify important archaeological remains requiring preservation in situ. This carries substantial weight.

5.16 Overall therefore it is concluded that the proposal would accord with Local Plan Policy LP15 in that it would cause less than substantial harm and that such harm would be at the lower end of that scale.

v) Ecology

5.17 The nearest statutory nature conservation site is at Ensor's Pool some 3.5 kilometres from the site, but this has no ecological or hydrological connections with the site. There are three Local Nature Reserves between 2.5 and 4 kilometres from the site – Bedworth Sloughs, Galley Common and Daffern's Wood, but as above, there is no connectivity between them and given the nature of the development, there is no adverse impact identified.

5.18 The site itself comprises three large arable fields bounded by hedgerows with a number of trees and a drainage ditch running along the southern boundary. It has a generally low overall ecological value and a limited variety of habitats. The proposals include a number of mitigation measures to ensure that there is bio-diversity nett gain associated with the development. These include strengthening existing hedgerows, creating 2.8 kilometres of new hedgerow, creating new meadow land and the provision of a new pond. As a consequence, the nett gain would be in excess of the statutory requirement. The site itself has poor quality foraging habitats for bats, but the adjacent plantation would not be affected by the proposal. The site contains suitable habitats for badger foraging and sett creation, but none have been identified. Providing the existing hedgerows are retained and strengthened and the panels are set away from the hedgerows, the proposal would not be harmful to badger activity. The site supports a wide range of bird species including barn owls, but the proposal would not cause harm to their continued presence. All water bodies within 250 metres of the site were evaluated for Greater Crested Newts. One of these was found to contain a low population of newts. No newt ponds are being lost through the development. However, in order to enhance the overall population and to increase the available habitat for the existing population, a new pond is proposed within the site as part of the mitigation measures.

5.19 Local Plan policy LP16 seeks to protect and enhance the quality, character and local distinctiveness of the natural environment as appropriate to the nature of the development proposed. A bio-diversity nett gain has been shown to be provided here. It is considered that the enhancements and the fact that the site is to be left uncultivated, provide the appropriate comforts to conclude that there will be no unacceptable level of harm.

vi) Highways

5.20 As recorded in Appendix A, all access would be gained from Astley Lane via improvements to the existing agricultural access track that already is in use. A temporary construction compound would be provided off this track. Construction traffic would be to and from the M6 via Heath Road and Astley Lane with all traffic arriving

from and leaving to the east. This would reduce throughout the four-month construction period – from around 60 two-way vehicle movements a day to 30 (both HG and LG) vehicle movements. Once operational, the site would average one visit a week.

5.21 The Highway Authority has not objected in principle but asked for changes to the access itself. These are not unreasonable and can all be achieved. The applicant has responded by submitting amended plans which has resulted in the County Council being satisfied. There is thus not considered to be an unacceptable highway impact with the proposal as it would then accord with Local Plan Policy LP29 (6).

vii) Agricultural Land

5.22 It is agreed that the land here would be taken out of agricultural production. As already indicated in Appendix A, only 15% of the site is good quality agricultural land – grade 3a. This would be still a harmful impact to be considered in the final planning balance. However, the land would not be permanently lost and there would be the opportunity for sheep grazing and resting the soils leading to their overall improvement.

In all of these circumstances it is not considered that significant harm would be caused.

viii) Other Matters

5.23 Following the receipt of additional information, the Lead Local Flood Authority is now satisfied subject to conditions, and this is of significant weight in concluding that there would be no unacceptable drainage impact

5.24 Further information requested by the Environmental Health Officer in respect of potential noise impacts has been submitted leading to there being no objection subject to conditions. These conditions would “mirror” those used on similar cases in the Borough.

5.25 Given the separation distances to residential property, the intervening topography and vegetation, it is considered that there would be no adverse impact on the residential amenity of occupiers.

5.26 It is of note that the Airport has not objected on potential glint and glare impacts. Similarly, the Fire and Rescue Service has not objected.

5.27 Many of the matters that are referred to in Appendix E are not planning matters.

ix) The Proposed Community Fund

5.28 The applicant is proposing a local community fund for use in Astley Parish. This would either be an annual £5,000 payment for the duration of the development, or a one-off £50,000 payment. The Parish Council has not yet responded.

5.29 Members should be aware that this is not a material planning consideration in the Board’s determination of this application. It is a “private” consideration between the Parish and the applicant.

x) Cumulative Impacts

5.30 It is necessary to assess whether there is any cumulative harm caused by this and other recent approvals. The two other approved sites are several kilometres apart and there is no visual intervisibility, highway or footpath network connection or nature conservation corridor or linkage between the two sites. In landscape terms they are located in different settings and with no overlapping impacts. There is thus no cumulative landscape harm. However, all of the sites are in the Green Belt and taken together there is an argument that the Green Belt is not being protected. However, the essential characteristics of the Green Belt as defined by the NPPF are its openness and permanence. There would be no cumulative loss of openness as each of the proposals has been shown to preserve openness and the proposals, although long-term are all time-limited and are all reversible. It is not therefore considered that cumulative harm should amount to a recommendation of refusal.

d) The Harm Side of the Planning Balance

5.31 From the above assessments it is considered that the “harm” side of the planning balance in this case comprises substantial definitional Green Belt harm, limited actual Green Belt harm, less than substantial heritage harm, and the loss of a small amount of good quality agricultural land.

e) The Applicant’s Case

5.32 The applicant’s case has to provide sufficient weight to amount to the very special circumstances needed to “clearly” outweigh the cumulative level of harm caused. He has put forward a number of considerations which he considers do carry that weight when treated together – see paragraph 4.14 of Appendix A. It is not proposed to repeat the case as set out in that Appendix.

5.33 A number of these relate to the need to increase renewable energy generation and to ensure its supply. The applicant says that energy generation from the site would be 16MWh of electricity a year – equivalent to the use of around 5200 homes. National Energy and Planning Policy fully support these objectives and Members are referred to Section 3 above, which identifies the relevant documentation. In a planning context, then the NPPF at paragraph 152 says that the “planning system should support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure”. More particularly at paragraph 158 it says that “when determining planning applications for renewable and low carbon development, 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”. This is complemented by Policy LP35 of the North Warwickshire Local Plan 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 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”. In respect of proposed renewable developments in the Green Belt, then the NPPF at paragraph 151, says that in respect of making a case for very special circumstances, applicants “may include the wider environmental benefits associated with increased production of energy from renewable sources”. Additionally, the most recent Supply

Strategy Statement from the Government reflects the focus on renewable sources, as well as sustaining its supply. As a consequence of all of these matters, it is considered that these considerations put forward by the applicant, carry substantial weight.

5.34 Further considerations revolve around the use of using the best available technology and good design. This revolves around maximising the productivity of the site for renewable energy whilst minimising visual and environmental harm. This is a relevant consideration as it assists in reducing land take and storing energy on site so as to release it to the grid as and when it might be needed. In so doing the design has retained existing field boundaries and tree cover and used ground levels to its advantage. If the renewable energy objective is acknowledged, then it is considered that that these “design” considerations should carry significant weight in order to reduce a range of potential adverse impacts.

5.35 The applicant considers that the impacts here will be reversible in that the site would be de-commissioned after 40 years. This is acknowledged as a consideration, but this period is lengthy and any residual impacts even if mitigated, would still be apparent throughout this time. As a consequence, this consideration can only be afforded moderate weight.

5.36 The final considerations revolve around bio-diversity gain and soil regeneration. It is considered that bio-diversity gain should be given weight, but this objective will become a mandatory requirement in any event next year. Soil regeneration is considered to be a benefit of some weight and farm diversification would accord with Local Plan Policy LP13. As such this set of considerations would carry moderate weight.

5.37 In conclusion therefore, the need to provide sustained renewable energy carries substantial weight and the employment of good design and the best available technology to do so, carries significant weight. Moderate weight is afforded to the timespan of the development and to the ecological benefits associated with the proposal.

f) The Final Planning Balance

5.38 The final planning balance is thus coming to a planning judgement on whether the weight to be given to the applicant’s case as summarised in paragraph 5.34 “clearly” outweighs the cumulative weight of the harms identified in para 5.28 above.

5.39 It is considered that it does for the following reasons.

5.40 It is recognised that solar farms may result in some landscape and visual harmful impacts, as well as being inappropriate development in the Green Belt. However national and local planning policy indicate that a positive approach should be taken, indicating that development can be approved in very special circumstances and those circumstances can include the benefits arising from renewable energy generation. Here, through a combination of topography, existing screening and landscape mitigation, the adverse effects on the openness of the Green Belt, landscape harm and visual impact would be localised and thus limited. Moreover, as the proposed mitigation progressively matures, there would be a reduction in these residual adverse impacts. Additionally, the bio-diversity gains are a significant benefit. Whilst there would be some localised harm, greater weight is attached to the overall societal and national benefit arising from the

need to tackle climate change through support of renewable energy generation and its sustainable supply. Material considerations here are the 40-year life of the project and the very recent Energy Supply Strategy. These would make it unreasonable to limit the life of the development to a shorter period when the technology and design of the proposal ensures a sustainable energy supply.

5.41 It was found that there was less than substantial heritage harm and that this was at the lower end within this definition. The NPPF says that even in this circumstance, the harm still carries great weight. It has to be weighed against the public benefits of the proposal. It is considered that the need to tackle climate change as recognised in legislation, national energy policy and Development Plan policy and the substantial benefits of the scheme, when taken together do outweigh the less than substantial harm to the heritage assets involved.

5.42 Whilst the proposal would take agricultural land out of active production, there would no loss of that land given the reversible nature of the proposal and there would be some enhancement through enabling the soil to improve.

5.43 The proposal would make a contribution to the objective of achieving an increase in renewable energy generation and ensure that this is a sustainable increase. When national and local plan policy is taken together as a whole, the proposal would not conflict with their objectives.

Recommendation

That, once agreement has been reached on the wording of “noise” conditions, this matter is referred to the Secretary of State under the 2009 Direction, as the Council is minded to support the grant of planning permission, subject to the following conditions and those agreed in respect of noise:

Standard Condition

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.

Defining Conditions

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents:
 - a) plan numbers NT15256/001C, 003D, 004, 005, 107A together with the CCTV details and plans for the control room, cable trenching, the customer substation, the DNO substation, the security fencing, the storage room, the transformer substation and the access road construction.

- b) Access plan number NT1526/601D and 602C together with the Technical Note NT15256/001.
- c) The Flood Risk Assessment (NT 15256 – Solar End Solar Farm FRA – Rev A) prepared by Wardell Armstrong and received by the Local Planning Authority on 20/12/22.
- d) The Construction Environmental Management Plan prepared by Wardell Armstrong dated October 2022.

REASON

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

- 3. The planning permission hereby granted shall be for a temporary period only, to expire 40 years after the date of the first commercial export of electrical power from the development. Written confirmation of the first export date shall be provided to the Local Planning Authority within one month after the event.

REASON

In order to confirm that this permission is for a temporary period only.

- 4. If the solar farm hereby permitted, ceases to operate for a continuous period of twelve months, then a scheme for the de-commissioning and removal of the solar farm and its ancillary equipment, shall be submitted in writing to the Local Planning Authority within six months of the cessation period. 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 de-commissioning period together with the temporary arrangements necessary at the access onto Astley Lane 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 define the scope of the permission and to confirm that this is for a temporary period.

- 5. The scheme as agreed in writing by the Local Planning Authority under condition 4 shall be implemented in full within twelve 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 3, 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.

Pre-Commencement conditions

6. Notwithstanding the approved plans contained in condition 2, prior to their erection on site, details of the proposed materials and finish, including colour, of all solar panels, frames, ancillary buildings, equipment, fences and enclosures shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details and shall be maintained as such for the lifetime of the development.

REASON

In the interests of appearance of the area.

7. Notwithstanding the submitted details, no works or development shall take place until an Arboricultural Method Statement and Scheme for the protection of any retained tree and hedgerow has first been agreed in writing by the Local Planning Authority. The Scheme shall include a plan showing details and positions of the ground areas to be protected areas and details of the position and type of protection barriers.

REASON

In the interests of the appearance of the area and to ensure that there is no avoidable loss of landscaping and bio-diversity enhancement.

8. No external lighting (other than low level lighting required on ancillary buildings during occasional maintenance and inspection visits) shall be erected/used on site unless details of that lighting are first submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and thereafter maintained in accordance with the approved details, for the lifetime of the development.

REASON

In the interests of the residential amenity of neighbouring occupiers.

10. No development shall take place on site including any site clearance or preparation prior to construction, until all three of the following have been completed.

i) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work over the whole site has been submitted to and approved in writing by the Local Planning Authority.

ii) The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken and 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 Local Planning Authority

(iii) An archaeological Mitigation Strategy (including a WSI for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. The Strategy should mitigate the impact of the proposed development and should be informed by the evaluation work undertaken.

REASON

In the interests of the potential archaeological value of the site

11.No development shall commence on site until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include demonstration of support of the scheme through detailed plans and calculations of the proposed attenuation system and outfall arrangements. The calculations should demonstrate the performance of the designed system for a range of return periods and storm durations including 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% climate change based on a discharge rate of no more than 2.03 litres per second.

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

REASON

To prevent the risk of increased flooding, to improve and protect water supply and to improve habitat.

12.No development shall commence on site until the whole of the access arrangements as shown on the approved plans together with the alterations to the highway verge crossing have all been laid out and constructed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

Pre-Operational Use conditions

13.There shall be no commercial export of electrical power from the site until a Drainage Verification Report for the installed surface water drainage system based on the Flood Risk Assessment approved under Condition 2 and the system as approved under Condition 11 has been submitted to and approved in writing by the Local Planning Authority. It should include:

- demonstration that any departures from the approved design is in keeping with the approved principles
- As-built photographs and drawings
- The results of any performance testing undertaken as part of the application process
- Copies of all Statutory Approvals such as Land Drainage Consent for Discharge
- Confirmation that the system is free from defects, damage and foreign objects.

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

REASON

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

14. There shall be no commercial export of electrical power from the site until a detailed site-specific maintenance plan has been submitted to and approved in writing by the Local Planning Authority. It shall include:

- The name of the party responsible, including contact name, address, email address and phone numbers
- Plans showing the locations of features requiring maintenance and how these should be accessed.
- Details of how each feature shall be maintained and maintained and managed throughout the lifetime of the development.
- Written in plain English

REASON

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

15. There shall be no commercial export of electrical power from the site until a Landscape and Ecological Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The details in that approved plan shall then be implemented on site and be adhered to at all times during the lifetime of the development.

REASON

In the interests of enhancing and protecting bio-diversity.

16. Within three months of the first commercial export of electrical power from the site until the extension to the access as shown on the approved plan has first been removed and the public highway verge crossing reduced in width and constructed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

Other Conditions

17. The Construction Environment Management Plan dated October 2022 and the amended details set out in the Technical Note from Wardell Armstrong dated October 2022 shall be adhered to at all times throughout the construction of the development.

REASON

In the interests of the residential amenity and in the interests of road safety.

18. Noise condition to be agreed as per the recommendation.

19. Within six months after the first commercial export of electrical power from the development hereby approved, the applicant shall undertake compliance noise monitoring. The applicant shall submit the results of the noise measurements undertaken in writing to the Local Planning Authority. The submission should confirm whether the specific sound levels from industrial/commercial sources within the development arising from the operation of the solar farm, meet the requirements set out in Condition 18. If the specified sound levels are exceeded, additional mitigation measures should be developed and implemented. Any such mitigation measures shall first be agreed by the Local Planning Authority in writing and permanently retained and maintained in proper working order for the duration of the operational life of the development.

REASON

To demonstrate compliance with condition 18 and thus to accord with Local Planning Policy LP29 and NPPF paragraph 174 so as to minimise adverse sound levels at neighbouring residential property.

20. The landscaping scheme as approved under Condition 2, shall be carried out within the first planting season following the date when electrical power is first exported, or as otherwise agreed within the approved scheme. If within a period of five years from the date of planting, any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies, then another of the same species and size of the original shall be planted at the same place.

REASON

In the interests of the appearance of the area and to ensure that this is maintained throughout the life of the permission.

21. No tree works or vegetation clearance shall take place during the bird nesting period (the beginning of March to the end of August inclusive) unless otherwise agreed in writing by the Local Planning Authority on submission of appropriate evidence.

REASON

In the interests of ensuring that the nature conservation value of the site is maintained

22. No gates shall be located within the vehicular access to the site during the construction and de-commissioning phases, so as to open within 20 metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

23. No security fencing shall be erected on or within 1 metre of any public footpath.

REASON

In the interests of ensuring access to the public footpath network

24. There shall be no vegetation planted within two metres of the edge of any public footpath.

REASON

In the interests of ensuring access to the public footpath network

Notes:

1. The Local Planning Authority has met the requirements of the NPPF in this case through engagement with the applicant in order to overcome technical issues so as to result in a positive outcome
2. Whilst the applicant has demonstrated the principles of an acceptable surface water management strategy for the site, further information is still required as set out in conditions 11 and 13.
3. The surface water management strategy should be treated as a minimum. Further consideration should be given to other details that might be appropriate on site.
4. The details to be submitted to discharge conditions 11 and 13 should be close to the level of detail suitable for tender or construction.
5. All public footpaths must remain open and available for public use at all times, unless closed by legal Order and so must not be obstructed by parked vehicles or by materials.
6. The applicant/developer must make good any damage to the surface of any public footpath caused during construction
7. Any disturbance or alteration to the surface of any public footpath requires prior authorisation from Warwickshire County Council as does the installation of any new gate or other structure on the footpath.
8. Attention is drawn to Sections 149, 151, 163 and 184 of the Highways Act 1980, the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.

General Development Applications

(7/c) Application No: PAP/2022/0544

Land South of Astley Lane, Bedworth

Construction of a renewable energy generating solar farm together with transformers, inverters, control building, DNO substation, store-room, mast, security measures, associated infrastructure and works, landscaping and bio-diversity enhancements for

Industria Solar Bedworth Ltd

1. Introduction

1.1 This report is brought to the Board in order to acknowledge its receipt, such that Members can review the proposals and the planning background prior to a full determination report being referred to the Board.

1.2 Members will be aware that the Board recently granted planning permission for two other solar farm applications in this same general area of North Warwickshire.

1.3 The cumulative impacts of these two recent consents with this current case will need to be assessed.

1.4 The proposal may fall under the 2009 Direction whereby there would need to be referral to the Secretary of State in the event that the Council was minded to support the proposal given its Green Belt location.

2. The Site

2.1 The site comprises three arable fields with a total of 28 hectares located around 100 to 125 metres south of Astley Lane – the C13 road – which runs from Astley to the north-west into Bedworth to the south-east. The land between the Lane and the site is essentially level and flat. Two of the fields which comprise the largest segment of the site are closest to Astley Lane and they are beyond this level ground. They slope noticeably down to water course – named as the River Sowe - which runs along their southern edge. The third much smaller field is to the south-west and is on the other side of the watercourse on the up-slope from it to higher land to the south. The difference in levels from the north -i.e. the level ground - to the water course is around 20 metres and from the south to the watercourse is around 5 metres. There is an overhead electricity line crossing the northwest corner of the easternmost field.

2.2 The setting of the site is rural being open countryside. There are a few residential properties fronting the south side of Astley Lane on the level ground referred to above and these are concentrated around Sole End Farm. This is a large range of former and current agricultural buildings many of which are now used for commercial purposes – known as the Sole End Farm Business Park. Further to the east along the Lane is the Cow Lees Care Home. To the west along the Lane are Soar End Farm – now a “book-farm” – and Wood Farm house. Astley village is about two kilometres to the west and the edge of Bedworth is around a kilometre to the east.

7C/19

2.3 On the other side of the valley are two isolated farmsteads – Vaul's Farm and Taff's Farm. The latter is accessed from Smorral Lane to the south whereas the former has access onto Astley Lane.

2.4 A public footpath – the M337 Coventry Way - runs alongside almost the whole southern site boundary running in an east/west direction. The M335 runs north/south from Smorral Lane and past Vaul's Farm, crossing the MJ337, to exit onto Astley Lane. Another path the M336 joins the M335 at Taff's Farm again running up from further east along Smorral Lane.

2.5 The site is illustrated at Appendix A.

2.6 The site along with those of the two recent permissions is at Appendix B.

3. The Proposals

3.1 The solar array would be oriented east/west across the whole site with the panels being angled so as to face south. These would be 2.7 metres off the ground at their highest and 800mm at their lowest. There would be a three and a half metre open corridor between the lines of panels as well as other "stand-off" distances from fencing, other structures, hedgerows and trees. In terms of dimensions of other infrastructure, then the transformers would measure 3 by 2.45 metres and be 2.6 metres tall; the substation would be 9.5 by 2.4 and 2.8 metres tall. The DNO substation would be 6.5 by 5.9 metres and 3.7 high. Additionally, there would be a store-room of 6 by 2.4 metres and 2.7 tall and a communication mast 1.2 metres wide and 20 metres tall. This mast would be located in the north-east of the site close to and behind the Sole End Farm range of buildings. A two metre tall perimeter security fence together with pole-mounted CCTV cameras would surround the site. All buildings are to be coloured dark green.

3.2 Access into the site would be from Astley Lane using an existing farm access up to Vaul's Farm. This would need

3.3 The point of connection to the grid would be at an existing substation on Woodlands Lane about 2 kilometres to the east and to route from the site would be within existing farm tracks and then in the highway.

3.4 The Construction compound would be in the far north-western corner.

3.5 A plan illustrating the layout is at Appendix C

3.5 In terms of landscaping then a mixture of wildflower meadow plants would be planted across the site; water tolerant wildflower meadow would be planted either side of the water course, a shade tolerant mix in the south-east outside of the site but in the same ownership, existing hedgerows would be retained but new ones planted so as to replicate the 1880 arrangement running down the slope together with a new pond in the north-east corner of the site. It is said that there would be a 250% biodiversity nett gain for habitats as a consequence and a 134% gain for hedgerows.

3.6 These are illustrated at Appendix D.

7C/20

3.7 The construction period is estimated last for four to five months. It is anticipated that there would be an average daily flow of some 61 two-way vehicle movements into and out of the site during the initial phase of construction.

3.8 The proposal would generate renewable energy to power 5225 homes per year over its 40-year life.

3.9 A Community fund is being proposed either as a one-off payment or an annual sum throughout the proposals 40-year operational life. It is suggested that this might be arranged through the Parish Council.

3.10 There is a significant amount of supporting documentation submitted and this is summarised below.

4. Submitted Documentation

4.1 A Transport Assessment describes the condition of the access onto Astley Lane and the characteristics and setting of that road. The construction phase is anticipated to last for four months with an average of 61 movements per day (34 HGV's and 27 Car and LGV's) in the first month reducing to 28 in the final month (1 HGV and 27 Car and LGV's). Construction traffic would be routed via Bedworth to the M6 Motorway. The existing access geometry will need improvement. Once operational, the site would attract around 50 visits a year by either a van or a 4x4 vehicle.

4.2 A Ground Conditions Survey concludes that the site has always been in agricultural use. It is also within a Coal Authority Low Risk Area. There were also some small infilled former pits within the north of the site possibly used previously for the quarrying of sandstone. Because of the age of the infill – probably pre-1950 - the potential risks of gas emissions and leachable contamination are low. Overall, the survey concludes that there is low geo-environmental risk.

4.3 A Preliminary Ecological Appraisal concludes that there are no significant ecological constraints to the development and that with appropriate mitigation measures and additional assessments, the ecological value of the site would not be adversely affected. The proposed measures of meadow grassland, new hedgerows and the pond would enhance the overall value. The site lies wholly outside of the designated Ensor's Pool SSSI being 3.5 km away. Due to the low impact nature of the proposal, the separation distance and there being no ecological connectivity, there would be negligible direct or indirect impact. Similarly, the same conclusion is reached in respect of the site being at least 2.5 km and 4km away from three Local Nature Reserves. The site however is adjacent to Black Fir's Spinney – a local wildlife site – but due to the low impact of the proposal, any impacts are considered to be negligible. No further surveys are considered necessary for badgers or bats due to the low intensity of the development and there being no loss of trees or hedgerows. However additional survey work is needed for great crested newts given there is a pond within 250 metres of the site.

4.4 The Great Crested Newt Survey as recommended above has been undertaken. This showed that there are no ponds being lost as a consequence of the proposal, but that there may be some disturbance to them during construction when they are not present in the nearby pond referred to above. This would not normally require mitigation, but with proposed bio-diversity enhancements being proposed on site, the

7C/21

opportunity is taken to provide an additional pond on site. The construction period is to be monitored by a qualified ecologist and one who is licensed to deal with newts and the creation of a potential new habitat for them.

4.5 An Environmental Management Plan describes in more detail how the bio-diversity enhancements are to be implemented and maintained.

4.6 A Noise Impact Assessment concludes that noise from the proposed development will cause a low impact at noise sensitive receptors and thus no mitigation is proposed. The report identifies these as being the residential properties along Astley Lane, Cow Lees Care Home, Taff's Farm, Vaul's Farm, Woodhouse Farm and the Astley Book Farm. The dominant existing noise source was found to be road traffic noise.

4.7 A Glint and Glare Assessment concludes that there would not generally be a material impact on residential properties around the site. However, two areas were identified where there may be some susceptibility to glint at certain times of the day – the northern portion of Astley Lane and the track to Vaul's Farm. The mitigation proposed in terms of proposed screening would have an impact in reducing this effect.

4.8 An Archaeological Appraisal indicates that an initial assessment has identified potential for archaeological remains from the medieval period onwards of agricultural use and it is suggested that a pre-commencement evaluation is the preferred way forward. The initial evidence does not suggest that the evaluation should be at pre-determination stage.

4.9 A Heritage Impact Statement identifies two Scheduled Ancient Monuments, a Grade 2 star and a Grade 2 Registered Park and Garden within five kilometres of the site, together with One Grade One, six Grade 2 star and 13 grade 2 listed buildings. It concludes that there is no direct impact on the fabric of any of these assets or their individual historic or architectural attributes. The main issue is the potential impact of the proposal on their settings both as individual assets and cumulatively. The Statement concludes that in general terms, due to the topography of the site, there is no intervisibility between these assets and the development and that the site is not within an area where the understanding of an asset might be prejudiced. Neither would there be any acoustic or lighting impacts on the settings. However, there are two instances that are identified. Views of the site would be possible from the top of the Astley Church tower. However, this is not a public viewpoint, but looking the other way, the tower would also have some visibility from the site. However, the Statement concludes that these would not be the "key" views of the tower. The other instance is that the site might have glimpsed and distant views from the lych-gate of the Corley Church. As above the Statement concludes that there would be no harm to the setting.

4.10 A Flood Risk Assessment identifies the majority of the site as being within Flood Zone 1. Surface water is to be discharged at four locations into the watercourse running along the southern boundary.

4.11 An Agricultural Land Classification Assessment says that the site is dominated by heavy textured soils which support land with mostly a Grade 3b (21 hectares – around 70%). The balance is made up of Grade 3a (3 hectares), Grade 2(1 hectare) and Grade 4 (3 hectares). The higher quality soils are lighter soils in the southwest of the site.

7C/22

4.12 A Landscape and Visual Impact Assessment concludes that the proposal would lead to a local, long term but reversible change in the landscape, but that with the proposed mitigation the overall harm would be slightly adverse. In respect of the visual impact the Assessment concludes that the whilst the site is relatively open but constrained by the topography and the surrounding vegetation. It is well screened from long and middle-distance views, but the greatest impacts would be at the local closer distances – from Vaul’s and Taff’s Farm, property on Astley Lane and users on the footpaths. With mitigation, this would be still be moderately adverse.

4.13 A Statement of Community Involvement describes the pre-application consultation undertaken by the applicant. Community engagement is said to have taken the form of an interactive website; letters to around 540 properties around the site and contact with the Astley Parish Council. Of the 23 respondents on the website, 19 were from local address points. The main issues raised were the impact of views, property prices, public health, wildlife, loss of agricultural land and the lack of community benefits. Overall, 55% approved the proposal, 27% were unsure or preferred not to say and 18% objected.

4.14 A Planning Statement draws together all of these matters and discusses them within the national and local planning context. In particular the Statement identifies the applicant’s considerations which are said to clearly outweigh the cumulative Green Belt and other harms caused so as to amount to the very special circumstances necessary to support the proposal.

These are:

- The proposal is for renewable energy generation in response to climate change.
- Energy security
- lack of alternative sites
- Temporary and reversible impacts
- Significant bio-diversity gain
- Resting the soil from intensive farming
- Positive economic impacts

5. Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP3 (Green Belt), LP14 (Historic Environment), LP15 (Landscape), LP16 (Natural Environment), LP29(Development Considerations), LP30 (Built Form) and LP35 (Renewable Energy and Energy Efficiency)

6. Other Material Planning Considerations

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

National Planning Practice Guidance – (the “NPPG”)

The North Warwickshire Landscape Character Assessment 2010

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

7C/23

7. Observations

7.1 As explained above, this report is an introductory report bringing the application to the attention of the Board at an early stage. It describes the site as well as the proposal. The relevant parts of the Development Plan are identified as well as a number of other material planning considerations.

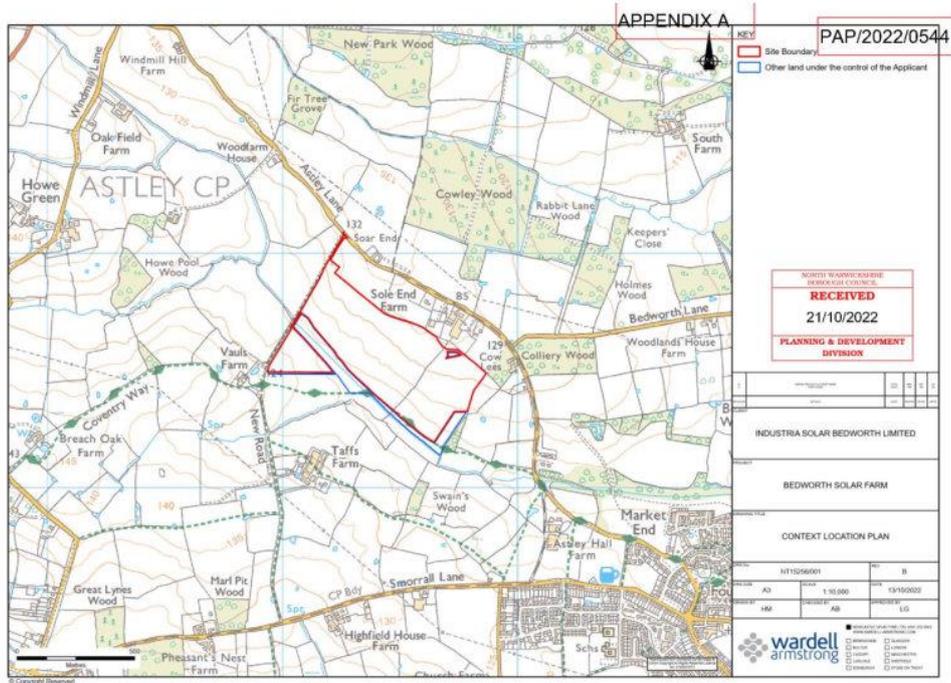
7.2 It is considered that the Board would benefit from looking at the site in order to best assess the impacts of the proposal.

Recommendation

That the report be noted and that Members visit the site prior to determination.

7C/24

9c/33



Appendix B



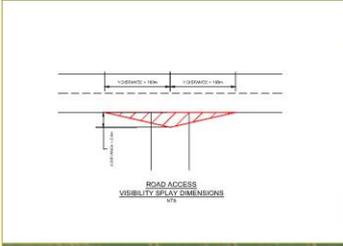
5E/36

5I/179

7C/26

9c/35

PAP/2022/0544



ACCESS ROAD VISIBILITY SPLAY SCALE: 1:500

DO NOT SCALE FROM THIS DRAWING

NOTES:

1. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METERS.
2. THIS DRAWING IS FOR INFORMATION ONLY. ALL DIMENSIONS SHALL BE CHECKED ON SITE.
3. DIMENSIONS SHALL BE CHECKED ON SITE AND SHALL BE ACCURATE TO WITHIN 100MM.

KEY:

- 2.4 x 1.8m VISIBILITY SPLAY
- PROPOSED VISIBILITY SPLAY
- EXISTING VISIBILITY SPLAY
- MARKET

RECEIVED 20/3/2023

PLANNING & DEVELOPMENT DIVISION

D	APPROVED FOR CONSTRUCTION IN RESPONSE TO THE CONDITIONS			
C	APPROVED FOR CONSTRUCTION IN RESPONSE TO THE CONDITIONS			
B	APPROVED FOR CONSTRUCTION IN RESPONSE TO THE CONDITIONS			
A	APPROVED FOR CONSTRUCTION IN RESPONSE TO THE CONDITIONS			

INDUSTRIA SOLAR BEDWORTH LTD.

BEDWORTH SOLAR FARM

PROPOSED SITE ACCESS ARRANGEMENTS

DATE	BY	CHKD BY
20/03/2023	WJ	WJ

wardell ATTITUDE

Opposition to Fillongley Solar Panels
February 2023

[REDACTED]

The following paper outlines why planning permission MUST be **refused** for the solar panel farm in Fillongley.

1. Solar Panels are inefficient

Whilst there are 3 different types of solar panels (Monocrystalline, Polycrystalline, and Thin-film) that range in efficiency they also vary in cost. In general, solar panels are rated to perform at peak efficiency between 59F (15C and 35C) and 95F. This means that the panels will be most efficient during the summer when electricity demand is at its lowest. Outside of this temperature range the efficiency by which the panels decrease does depend on the panel type but for every one degree above 25C the maximum efficiency will decrease by 0.38%. This means that as the temperatures in the UK in the summer months continue to rise the efficiency of the solar panel continues to reduce. (www.bostonsolar.us)

Notwithstanding the temperature range within which the panels operate they are only able to convert around 20% of sunlight into usable energy. Whilst this has increased from the previous 15% this still renders them highly inefficient. The most expensive solar panel conversion rate is only 23%. This means that even when they are working at full temperature capacity, they will still only be able to convert around 20% of the sunlight they capture anyway. Battery storage can improve the situation slightly but storing some of this energy for later use. This means that any houses that are alleged to benefit from the panels will still be heavily reliant on (fossil fuel power produced by) the National Grid.

A report by Netzerowatch.com states that 'it has been calculated that most UK solar farms will never get beyond 12% of their true capacity in the course of a year'. In April 2021, a month that was unusually sunny, dry and warm solar panels only contributed 7% to the National Grid. In December 2020 the contribution was a little as 0.67% of the total energy produced by the grid. (www.netzerowatch.com Solar farms: A toxic blot on the landscape)

In terms of the longevity of the efficiency of the panels manufacturers of the panels typically warrantee them to retain 80% of their 20% efficiency for around 20 years. This means that they will lose around 1% of their efficiency every year. (www.hazardouswasteexperts.com)

New research on the coming solar panel crisis along with rising blackouts from renewables, reinforces the inherent flaws in solar and other forms of renewable energy. Over-relying on solar panels and underestimating the need for nuclear and natural gas, resulted in California's blackouts in 2020. (www.forbes.com Dark Side of Solar? More reports tie panel production to toxic pollution)

A 140- acre solar park is said to only be capable of supplying electricity to about 9,000 homes. This is incredibly inefficient in comparison to off-shore wind farm. One wind turbine in the North Sea can power 18,000 homes.

2. UK relies too heavily on food importation; we should and need to be self-sufficient!

The UK currently only produces 60% of its domestic food consumption. In 2020 only 71% of the UK is used for agricultural production. Domestic production faces a number of long-term and short-term risks, including soil degradation, drought and flooding, diseases, risks to fuel and fertiliser supplies, and a changing labour market. (www.gov.uk United Kingdom Food Security Report 2021: Theme 2: UK Food Supply Sources). As more and more agricultural land is used to house solar panel farms clearly solar panels need to be added to that list.

The UK only produces a little over 50% of vegetables it consumed domestically, and only 16% of fruit. It is therefore not self-sufficient and has to rely heavily on imports. The consequence of this is that in February 2023 supermarkets are rationing vegetable purchases due to issues with production and importations from other countries. This is on top of increasing food costs. The UK must utilise its agricultural land and produce more of its own fruit and vegetables in order to become increasingly self-sufficient; the consequences of not doing this could be devastating for future generations. The reasons for the shortages are cited as, including, Brexit, cold weather in Spain and extreme weather in Morocco. (www.telegraph.co.uk Why are UK supermarkets rationing fruit and vegetables?).

We must improve food security in the UK and help to tackle austerity for both now and future generations. Producing home grown fruit and vegetables enhances the environment (human health, reducing pollution in the atmosphere, and for wildlife) and reduces the carbon footprint of imports. Growing our own fruit and vegetables and minimising importation would be arguably far more beneficial for the environment than the little return that solar panels may offer.

In spite of cold weather in the UK it is possible to grow fruits such as tomatoes in the winter (one of the fruits currently being rationed). According to experts these fruits can be grown in greenhouses in the winter. (www.express.co.uk 'Ideal place for them': How to grow tomatoes in winter successfully – it's essential'). This is, after all is how fruit and vegetables are produced in Spain in the winter months.

Taking away agricultural land prevents the UK from utilising its land to become self-sufficient in the growth and consumption of fruit and vegetables. Importing such high volumes of food is not environmentally sustainable and air miles contradict claims of caring for the environment and reducing our carbon footprint. Surely becoming self-sufficient in terms of food would be more helpful for our carbon footprint and to achieve this we need our arable land for farming. Use arable land for farming and not destructive solar panels.

3. Already far too much land has been lost to solar panels in North Warwickshire

153 acres of arable land in Nuneaton, land that should be used for growing food, has already been shamefully handed over for a solar panel farm. Notwithstanding the inefficiencies noted in this paper, all of this land has been lost in the interests of powering a mere 5,500 homes in North Warwickshire. (www.astleygorsesolarfarm.com). It's hard to

imagine how this can ever be approved or justified. This equates to mass destruction of countryside and desperately needed arable fields for the sake of some of the power (mostly during the summer months) for 5,500 houses.

4. UK government (PM Rishi Sunak) has vowed to prevent agricultural land from being used for solar panel farms.

The Prime Minister has stated that he will not support solar panels to be put on agricultural land. (www.telegraph.co.uk Rishi Sunak: We won't lose out best farmland to solar panels. 18 August 2022). Consenting to any planning request for a solar farm in Fillongley flies in the face to the Conservative governments policy. Surely a Conservative Council agrees with a Conservative government.

5. Agricultural land used for panels cannot always be returned to agriculture

Land is being taken out of cultivation at the rate of almost 100,000 acres per year. The yields from the land, due to global warming, are also declining meaning that arable land is more valuable than ever; food importation is contributing to climate change. The amount of arable land in the UK in 2018 stood at 14.8 million acres; the lowest since World War 2.

Solar panels can leak chemicals into the ground through poor manufacturing and extreme weather conditions. (www.unboundsolar.com Can Solar Modules Harm Underlying Soil?). Given that the UK is in the grip of increasing weather extremities, high winds, rainfall/flooding, water and drought it can only be concluded that such instances of toxic leaking through weather damage will become increasingly more common. (www.earth.org The Future of Extreme Weather Events and Climate Change in the UK).

Where toxic chemicals leak from the panels into the ground it can mean that the ground will no longer be suitable for arable use in the future. (www.discovermagazine.com Solar Panel Waste: The Dark Side of Clean Energy).

6. Threat to wildlife

Solar panels are responsible for the deaths of tens of thousands of birds every year. In 2016, a study in the US estimated that solar farms may kill nearly 140,000 birds annually. Whilst the study was unable to cite why this is the case a leading theory suggests that the birds mistake the glare of the panels for the surface of a lake and swoop in to land. (www.wired.com Why do solar farms kill birds? Call in the AI bird watcher)

Nesting pair of Red Kites – a protected species

The Red Kite became extinct in England in 1871 and in Scotland in 1879. Whilst reintroduction has been successful it is now a protected bird in the UK under the Wildlife and Countryside Act, 1981 (www.wildlifetrusts.org The Red Kite). There are nesting and breeding Red Kites in the fields/surrounding fields that are subject to the planning consent for the Fillongley Solar Panel farm.

Other bird species

This means that the panels would present a danger to all birds in the area, including but not limited to other protected birds such as, Buzzards, Kestrels, Hobby's and Owls (to name but a few of the birds in the area in question).

Bats

There are a number of bats in the area and the same can be said for them. Whilst the aforementioned study did not include bats it can be assumed that they will also mistake the glass for water, thereby resulting in their death. (www.cpreherts.org.uk The problem with solar farms). Bats are also seen over the land and are presumed to be nesting in that area. Bats are protected by national and international law. All species of bat, their breeding sites and resting places are strictly protected in England under the Wildlife and Countryside Act 1981.

Deer and Badgers

In addition to the birds in the area there is a great deal of other wildlife that will be affected. Transitory animals, such as deer, have their traditional routes blocked and can be driven onto the roads. There are also badgers present on the land and both badgers and their sets are protected under the Protection of Badgers Act 1991 in England and Wales.

7. Panels can leak toxic chemicals into the waterways

Studies have shown that that heavy materials in solar panels, namely lead and cadmium, can leach out of the cells and get into ground water this will have longer term effects on the land upon which they sit. These materials have been shown to have a detrimental effect on human health. (www.discovermagazine.com Solar Panel Waste: The Dark Side of Clean Energy). There are streams and waterways on the land in question.

8. The parts for the panels are immorally made by cheap labour

A major concern that is seldom highlighted, and a major issue that needs to be addressed, is that both the key materials and the panels themselves are being made by forced labour in Xinjiang province in China. (www.forbes.com Dark Side of Solar? More reports tie panel production to toxic pollution)

China has been reported to use 'forced labor in conditions that the U.S government representatives [...] describes as "genocide" and "slavery"'. Goldman Sachs, reported that 'the Chinese government admits that it operates "surplus labor" programs to relocate millions of people from their homes in Xinjiang. It simply denies that it uses coercion in such relocations. Whilst claims have been made that the process is being automated the truth is that the panel are simply too delicate and 'they can be easily broken if not handled properly'. (www.public.substack.com China Made Solar Cheap With Coal, Subsidies, And "Slave" Labor – Not Efficiency)

9. Carbon footprint of solar panels

Questions clearly remain about whether the production and waste of panels creates more pollutants than the fossil fuels they aim to replace.

The component parts and well as the panels themselves are made in Xinjiang province of China. "Xinjiang has become a major polysilicon production hub in China, as the industry requires extensive amounts of energy, and that makes relatively cheaper electricity and abundant thermal power..." The panels are then shipped around the world.

(www.public.substack.com China Made Solar Cheap With Coal, Subsidied, And "Slave" Labor – Not Efficiency). The carbon footprint for production is therefore high as are the air miles for shipping them around the world.

Notwithstanding these costs the manufacturing of solar panels often requires the use of several noxious chemicals. The panels require pure silicon because the crystal structure it forms is most conducive to letting electrons flow. Production commonly include, nitrogen trifluoride and sulphur hexafluoride, some of the most harmful greenhouse gasses around. Normally silicon can be recycled but the added chemicals of lead and cadmium make this very difficult. The lifespan of these panels is between 20 and 30 years and disposing of them is difficult. (www.discovermagazine.com Solar Panel Waste: The Dark Side of Clean Energy)

The toxic nature of solar panels makes their environmental impacts worse than just the quantity of waste. Solar panels are delicate and break easily and when they do they instantly become hazardous due to their heavy content. They are in fact classified as hazardous waste. (www.forbes.com Dark Side of Solar? More reports tie panel production to toxic pollution)

Research finds that solar panels in use degrade twice as fast as the industry claimed and another report found that panels have been suffering a rising failure rate even before entering service. (www.forbes.com Dark Side of Solar? More reports tie panel production to toxic pollution). Thereby potentially creating yet more waste.

The EU requires solar companies to collect and recycle their panels with these costs built into the build costs but as outlined about this carries a significant carbon footprint. A study published in *Harvard Business Review* (HBR), finds that the waste produced by solar panels will make electricity from solar panels four times more expensive than the world's leading energy analysts thought and will 'darken quickly as the industry sinks under the weight of its own trash'. (www.forbes.com Dark Side of Solar? More reports tie panel production to toxic pollution)

Most solar recycling plants simply remove the silver and copper from the cells and recycle the contaminated glass and plastic casing by burning them in cement ovens. 100% of the aluminium and 95% of the glass is used again. The temperature required to separate these parts of 500C, no doubt achieved by the use of fossil fuels; even the recycling process carries a heavy carbon footprint.

This is time-consuming and costly so most companies simply export the waste to third world countries. Most third world countries are unable to dispose of these correctly and they are placed in landfill and left to leach the metals into the ground. It is projected that by 2050 there will be 80 million tons of solar waste.

It has been reported in *Forbes* that solar panels aren't in fact clean but rather produce 300 times more toxic waste than high-level nuclear waste. In contrast to nuclear waste, which is safely stored, solar panel waste risks exposing the countryside and air to toxic chemicals. (www.forbes.com Dark Side of Solar? More reports tie panel production to toxic pollution)

10. They are ugly and a blot on the landscape

It cannot be disputed that these solar panel farms present a 'blot on the landscape'. They destroy the aesthetics of the natural beautiful landscape. This landscape is enjoyed by our communities, with people visiting from out of area to enjoy the walks.

11. There are numerous brown filled sites and roofs that could be utilised instead.

If the Council disregards the heavy environmental and humanitarian cost associated by these panels, it should at least only consent to planning for brown filled sites.

Conclusion

In conclusion it is irrefutable that solar panels present a significant carbon footprint. They arguably inflict as much damage onto the environment as they seek to remove, if not much more. Allowing these corporate companies, with an interest in financial gain, to destroy the environment by establishing solar panels must be stopped.

'The idea that humankind should turn our gaze away from urgent problems like genocide, toxic waste, and land use impacts because they complicate longer term concerns is precisely the kind of unsustainable thinking that allowed the world to become dependent on toxic solar genocide panels in the first place'. (www.forbes.com Dark Side of Solar? More reports tie panel production to toxic pollution)

One can only conclude that any Council that grants planning for these solar panel farms has a flagrant disregard for the environment, humanity and the future of the planet. The carbon footprint and humanitarian cost is far greater than any benefit these panels can possibly provide to the environment. The measly amount of energy that these panels actually produce can in no way be considered 'green' when their carbon footprint is examined.

General Development Applications

(9/d) Application No: CON/2023/0005

Land to the East of Amington Hall Farm, B79 0ED

Temporary permission for erection of a 30 MW solar farm with ancillary infrastructure, security fence, landscaping with access off Laundry Lane, for

REPO Ltd

Introduction

This application has been submitted to the Tamworth Borough Council which has invited this Council to submit representations to it as part of its determination of the application.

The Site

This is 55 hectares of agricultural land on land to the east of Amington Hall Farm, to the west of Shuttington and north of Alvecote. As can be seen from the location plan at Appendix A, it is to the north of the lakes on the northern side of the Shuttington Road/Polesworth Road and extends further north and is bounded to the east by Bridleway.

The site comprises thirteen fields which are bound by hedgerows containing hedgerow trees with a larger woodland to the north known as The Decoy – a local Wildlife Site and an Ancient Woodland. It has is generally sloping southwards towards the river Anker and is undulating over the site. The surrounding land however is however much higher, particularly to the north and east towards Shuttington and to the south beyond Alvecote.

A public footpath – the T109 – bisects the site running from Bridleway in the south-east of the site to Amington Hall Farm in the west. A further footpath – the T111 - runs north/south along the western boundary of the site running from the Shuttington Road to the A453 at Statfold. The T114 runs along the eastern boundary. There is a line of overhead cables and pylons to the east of the site.

The northern most portion of the site is within the Amington Hall Conservation Area which extends much further to the east. Amington Old Hall and Amington Hall are both Grade 2 Listed Buildings. Alvecote Pools and Alvecote Meadows Nature Reserve are immediately to the south being recognised Nature Reserves and Sites of Special Scientific Interest.

The Proposals

These are very similar to the details and layouts seen in the applications that have been submitted to this Council and the layout here is illustrated at Appendix B.

Development Plan

The North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations) and LP30 (Built Form)

Other Material Planning Considerations

The National Planning Policy Framework

The North Warwickshire Landscape Character Assessment 2010

Observations

It will be for the Tamworth Borough Council to assess the final planning balance here and so the Board's remit is to consider what impacts there might be on North Warwickshire's interests from a planning perspective. The landscape and visual impacts will need to be assessed, but the prime concern is the potential impact on the Sites of Scientific Interest at Alvecote. In this case that will be whether the solar panels would interfere with the flight of any birds and secondly to ensure that any discharge or leachate from the site and its operation would not adversely affect the water quality in the area. There is also a question as to whether the proposal would be likely to attract or enable the introduction of any "invasive" flora or fauna on the site that might be incompatible with the protected habitats to the south.

In terms of the landscape impact then the site adjoins the "Anker Valley" Landscape Character Area in North Warwickshire. This describes a visually open and broad indistinct river valley becoming more pronounced at Polesworth. It is a predominantly agricultural landscape, but this varies as a result of the mix of settlements and their associated uses as well as the busy transport corridors of the M42 and the A5 together with the West Coast main line and a network of well used lanes. There are wide views across the valley but views out of the valley are generally contained.

The site is low lying within that broad and visually open indistinct river valley as it continues towards Tamworth. It is still within a rural setting. The site is made up of a large number of relatively small fields within this low-lying area and thus the landscape impact would be contained and local in extent – particularly if the boundary hedgerows are strengthened. Given the low height of the proposals there would not be a significant change to the overall landscape character, being very largely a proposal that would be absorbed into its setting.

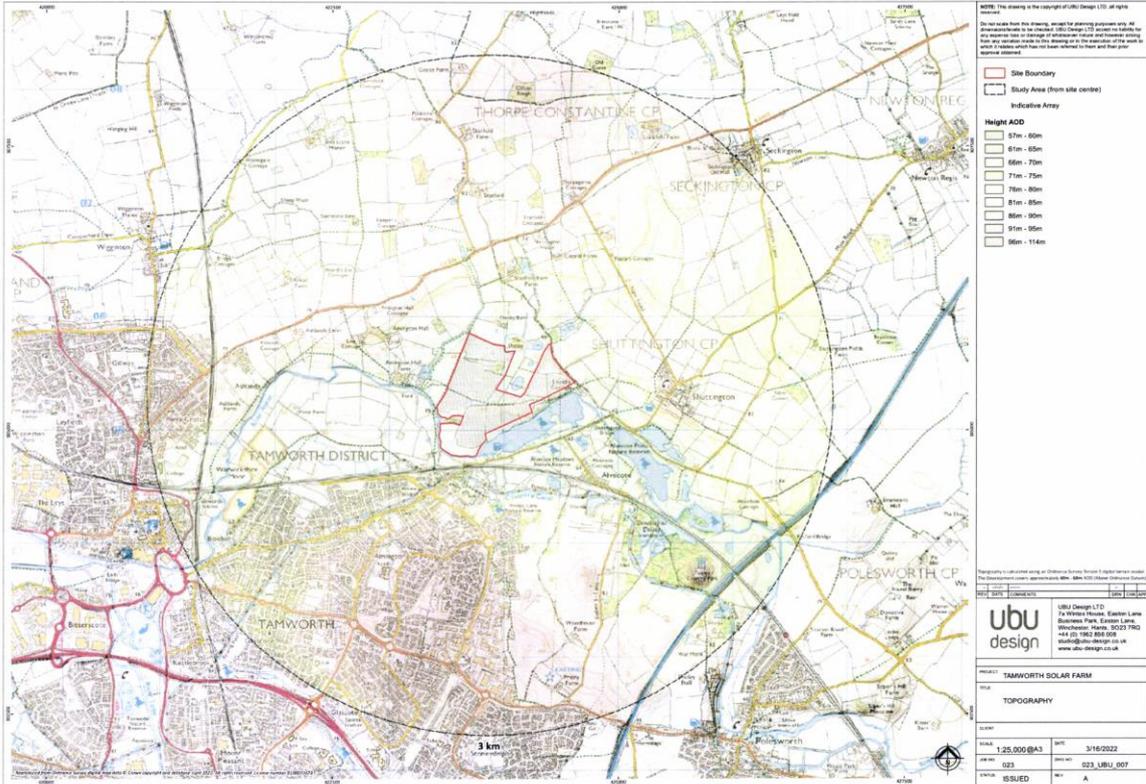
In terms of its visual impact, then as above, the site is not clearly visible from any viewpoint in North Warwickshire – even from the closest higher ground at Shuttington – although there may be limited visibility of the northern portion of the site from the upper floors of houses in Milner Drive. It is neither visible from the surrounding local road network because of the topography and substantial screening from roadside hedgerows and small wooded areas. However, well-used footpaths cross and run alongside the site such that the proposals will have a significant visual impact to those who walk these paths. That however is a matter for Tamworth to assess. As far as the visual impact on North Warwickshire is concerned, then it is considered that this would be limited.

Recommendation

That Tamworth Borough Council be informed that this Council has significant concerns about the potential impact of the proposal on the nature conservation assets at Alvecote. These are:

- The interference of flight patterns of birds using the Alvecote Pools SSSI and associated land
- The potential for discharges and leachates from the site to harm the water quality of the nature conservation assets and
- The potential for the site to attract flora and fauna that might be invasive such that they harm the ecological balance on the nature conservation assets.

APPENDIX A
Figure 6 Topography



24

APPENDIX B



General Development Applications

(9/e) Application No: PAP/2021/0238

Polesworth Working Mens Club, High Street, Polesworth, B78 1DX

Change of use of existing function room to provide bed and breakfast accommodation (25 bedrooms), including an additional mezzanine floor and elevation changes, for

Mr Paul Owens - Westbourne Leisure

Introduction

The application is referred back to the Board following a second deferral at its March meeting.

The previous report is attached at Appendix A

Background

The last deferral was requested in order that the applicant could provide some numbers in terms of the use of the car park and also to see what measures could be introduced to enhance the scheme further because of its location in the Polesworth Conservation Area.

The applicant has supplied a note in respect of car parking. Whilst it outlines the anticipated use, it doesn't provide clarification of the historical use of the car park when it was associated with the use of the premises when its fully operational as a Club. The note is at Appendix B.

A further plan has been submitted to show additional planting, hard surfacing, white lining and low level lighting. The Plan is at Appendix C

This additional information has been passed to the Parish Council and any comments will be reported verbally at the meeting.

Observations

The plan shows an improvement and can be supported.

Whilst there is no information submitted in respect of former car park patronage, Members will be aware from previous reports that there is no highway objection and the car parking number accords with Development Plan policy for the combined mix use.

Recommendation

- A) That planning permission be granted as set out in the report dated 6 March but that the recent plan be added into Condition 2 and
- B) That a Local Liaison Group be set up as also outlined in the March report.

General Development Applications

(6/f) Application No: PAP/2021/0238

Polesworth Working Mens Club, High Street, Polesworth, B78 1DX

Change of use of existing function room to provide bed and breakfast accommodation (25 bedrooms), including an additional mezzanine floor and elevation changes, for

Mr Paul Owens

Introduction

This application was referred to the Board at its December meeting, but determination was deferred to enable clarification of the proposal through the submission of more detail and to undertake a site visit.

A copy of the previous report is at Appendix A

Additional Information

Following the December Board meeting, the applicant has submitted an updated plan which shows that the 25 rooms are all capable of accommodating a double or two single beds. Disabled accommodation and access are also illustrated. This is at Appendix B.

Additionally, the applicant organised two “drop-in” sessions for local residents in order to explain how the proposed accommodation might look and how it would be managed and operated with reference to the applicant’s other ventures, where similar Club premises have been found an alternative use. These “drop -in” sessions were held at the Polesworth Club itself on the 9th and 12 February. The applicant has submitted an outline of the content of that exhibition together with a summary of the feedback. This is attached at Appendix C.

The summary says that well over a 150 people attended. There were 23 written responses of objection, which in general terms repeated the matters already raised and summarised in Appendix A. There were eight responses in favour of the proposals including some if conditions could be attached prohibiting certain categories of occupancy.

This Appendix has been circulated to Local Members, the Parish Council and to the speaker who represented the objectors at the last meeting. Any comments received will be reported at the meeting.

Observations

There has been no change to the Development Plan since the referral of this case to the Board in December and neither has there been any change to other material planning considerations which might need assessment in the determination.

The main issues raised at the December meeting were the need for greater clarity on the nature and management of the introduction of the bedroom accommodation and secondly, the potential impact on the heritage value of the setting.

In respect of the first of these, then the updated plan is welcome. Appendix C explains the proposed management of the rooms in more detail. The feedback from the events in Polesworth generally reflects the position as set out in the previous report in terms of the content of the representations previously received and reported in Appendix A. Officers have previously supported this proposal in principle as an appropriate use for this building and it is considered that the supplementary clarification now submitted, adds weight to the recommendation. In order to reflect this in the grant of any planning permission, the amended plan should supersede that already submitted and referred to in Condition 2 of the original recommendation, and an additional condition should be imposed requiring a Management Plan to be submitted and approved for the implementation of the operation of the new rooms. It would be anticipated that this would follow the description set out in Appendix C. The recommendation below reflects this and also includes the setting up of a small liaison group whereby any concerns and questions expressed by the local community following the implementation of any planning permission, can be discussed with the applicant. A local Member should perhaps also be involved.

The second issue related to the perception that the ambience of the setting here would change if a planning permission was implemented. Notwithstanding the matters raised in the last report in this respect, it is considered that the matters raised above should allay those concerns.

Notwithstanding the "drop-in" sessions held by the applicant, it is clear that whilst these events did help to explain the proposal in more detail, there are still local misgivings about the proposal.

The Board is aware that it should determine this application on its planning merits and thus whether it accords with Development Plan policy or not. Any refusal should be based on planning reasons and cite the evidence which leads to that position. The Board will understand that it is not appropriate to condition the occupancy of the proposed accommodation.

Recommendation

A) That planning permission be **GRANTED** subject to the conditions attached in Appendix A as amended by:

1. Substitution of a plan number in Condition 2 to reflect the submission of the new plan, and
2. The addition of the following pre-commencement condition

"No development shall commence on site until a Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall particularly outline how the bedroom accommodation is to be managed in terms of the booking procedures, the policy on the length of stay

and how and where it is to be advertised and marketed. The use hereby permitted shall only continue in accordance with the approved Plan”

REASON

In order to prescribe the use hereby permitted.

- B) That a local Liaison Group is set up between representatives of the applicant and the local community together with those representing the Parish Council and Borough Council in order to discuss concerns and issues that might arise from the proposed use.

6f/43

9e/53

APPENDIX A

General Development Applications

(7/b) Application No: PAP/2021/0238

Polesworth Working Mens Club, High Street, Polesworth, B78 1DX

Change of use of existing function room to provide bed and breakfast accommodation (25 bedrooms), including an additional mezzanine floor and elevation changes, for

Mr Paul Owens

Introduction

This application is referred to the Board at the request of local Members who are concerned about the impacts of the proposal on the area.

The Site

This Club is located on the north side of High Street about 75 metres east of its junction with Bridge Street within the town centre of Polesworth. It is a large flat roofed building dating from the 1960's with a strong linear character to its front elevation and a single storey rear extension. It is set back from the road with front and side car parking.

Immediately to the west is a fish and chip shop and beyond that, the new residential conversion at the former Nethersole School. To the east is the Spread Eagle Public House with the Co-op retail outlet beyond and then residential property. Opposite the site are the Polesworth Abbey Gate House, the Health Centre and other mixed-use premises.

There are residential properties to the rear of site in Nethersole Street.

The general location is illustrated at Appendix A and the existing elevations are at Appendix B.

The Proposals

The property has a lawful use within a mix of local community uses under Class F2 and as a "commercial, business and service use" under Use Class E of the 2021 Use Classes Order. The application is to change this lawful use to mixed use retaining a use under F2 as well as introducing a new Hotel use within Use Class C1 of the same Order.

The present club has two large bars together with two function rooms at ground floor level. The proposal would involve reusing the larger function room by adding a mezzanine floor so as to provide 11 single bedrooms as bed and breakfast accommodation. In addition, the entire premises would be renovated so as to include an additional 14 single bedrooms at first floor level, a refurbished manager's flat as well as new disabled facilities. The existing bars at ground level would remain together with the smaller of the two function rooms for use by guests as well as existing club members. It

7B/8

6f/44

9e/54

is said that the accommodation would create a new revenue stream to underpin the club's future.

The would be very little in the way of external alteration.

The internal changes, elevations and site layout are at Appendices C D and E.

Background

Use Class F2 includes some shops, community halls and meeting places as well as swimming pools and skating rinks

Use Class C1 includes hotels, boarding and guest houses

The site is in the Town Centre defined for Polesworth by North Warwickshire Local Plan Policy LP 21.

The site is also within the Polesworth Conservation Areas designated in 1995

There are a number of Listed Buildings in the locality of the site.

Consultations

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

Environmental Health Officer – No objection as previous concerns regarding noise emitted from the Public House have been addressed through a variation to its premises licence. The Noise Assessment submitted provides increased confidence that noise is unlikely to constitute an adverse impact. The proposed development may be integrated effectively with existing businesses.

Representations

Polesworth Parish Council – It objects because

- The use is not appropriate for the Conservation Area and
- It doesn't represent quality development or an acceptable standard of accommodation.

There are 28 objections from local residents referring to:

- The standard of accommodation is poor not benefitting tourists
- It will become a hostel
- Overlooking from bedrooms
- It will introduce more traffic
- Parking will overspill onto the road which is already obstructed
- This will add to existing anti-social behaviour in the area
- There are existing noise issues
- There ambience and character of the Conservation Area will be adversely affected

7B/9

6f/45

- There are existing access points into property at the rear which appear not to be safeguarded.

There are two supporting representations

Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP15 (Historic Environment), LP21 (Services and Facilities), LP29 (Development Considerations), LP30 (Built Form) and LP34 (Parking)

Other Material Planning Considerations

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

The Polesworth Conservation Area Designation Report 1995

Observations

a) Introduction

This site is within the settlement boundary defined for Polesworth as defined by the Development Plan and its Policy LP2. New development is supported here where there is already a wide range of local services and facilities, as well as access to public transport. Moreover, the site is within the defined town centre of Polesworth and Policy LP21 supports commercial, business and service uses in such a location. The proposed mixed use would fall squarely within this range of uses. It is for these policy reasons that the principle of supporting this proposal is acknowledged.

b) The Proposed Use

The present lawful use of the premises covers a wide range of uses including its use for the community as well as for commercial uses including those where food and drink can be consumed on the premises. The extent of the E and F2 Use Classes means that a wide variety of different uses and activities could be undertaken here without the need for any reference to the Local Planning Authority. Being in the town centre, this is appropriate and an approach which is supported by the NPPF as a consequence of greater flexibility sought by the Government through the new 2021 Use Classes Order. The introduction of the bed and breakfast accommodation – which would take up some 66% of the premises - is considered very likely to reduce the scale and amount of activity that could take place if the present uses were fully re-introduced, or other uses within the same Use Classes were accommodated here. The existing club use will continue, but on a much smaller scale. Overall, therefore it is considered that the impacts may very well be less than under any “fall-back” position, as the proposal has a material residential element. Indeed too, the use is probably more appropriate here where there are other commercial and business uses as well as on-site parking space, rather than being within a wholly residential area.

7B/10

6f/46

9e/56

c) Highway Impacts

Local Plan policy LP29(6) requires that safe and suitable access is to be achieved for new development proposals. The NPPF points out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. It is of substantial weight that the Highway Authority has not objected. This is because the existing access arrangements and the established lawful use of the premises are a material fall-back position. The proposed use may well result in less traffic using the access and the site, than if used to its full potential under the fall-back position. The proposal is thus considered to accord with the relevant planning policies.

Local Plan policy LP34 requires parking provision commensurate with the Council's Standards. The proposed layout for the site shows 37 spaces. This would be an over-provision of some ten spaces in respect of the proposed new use. However, the existing lawful use would still operate, albeit on a reduced scale. That use is more likely to attract pedestrian visitors. Overall, it is considered on balance that this would be sufficient. It is of weight that the Highway Authority does not object and requires a planning condition for a Car Park Management Plan which would address operational issues such as preventing the site being used by the public. Members will be aware of such conditions from elsewhere in the Borough – at similar premises in Coleshill and at a new shop in Hartshill.

d) Heritage Impacts

Local Plan policy LP15 requires the quality, character, diversity and local distinctiveness of the historic environment to be conserved or enhanced.

The site is in the Polesworth Conservation Area. In assessing the merits of a development proposal, the Council is under a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of an Area. Here the significance of the Area is that it covers the whole of the town centre and its environs exhibiting the historic, architectural and community evolution of the town through many years, evidenced by the character and appearance of its layout, built fabric and its commercial/business and community uses. Of particular significance is the historic and community link to the Abbey and its associated buildings and open spaces.

The proposed use is within a building which itself has a lawful use that might well be seen as not being compatible with this latter characteristic. The proposed use is considered to introduce a residential element to this building and thereby reduce the scale of its lawful use. There indeed will still be vehicular and pedestrian activity here, as there would be if the present use was fully continued. Additionally, whilst the external appearance of the building would not be materially changed, there would be some betterment. It is considered on balance, that the proposal would cause less than substantial harm to the character and appearance of the Area, if any at all. This has to be balanced against any public benefit that might arise from the proposals. That benefit would be to retain a use for the building such that it would not fall into disrepair or remain vacant for some time. This would harm the appearance of the Area. Additionally, the proposal has the benefit of introducing a preferred use – mainly a residential use. These benefits would outweigh the less than substantial harm caused.

7B/11

6f/47

9e/57

There are a number of Listed Buildings nearby. The Council is under a Statutory Duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There are four listed buildings close by in High Street. Directly opposite is the Grade 2 star 14th Century Abbey Gate House and the adjoining Grade 2 star 16th Century house at number 22. The former has its upper part being a probable rebuild from the 17th Century. Their significance lies in their historic association with the former Abbey and now the current church as its main gateway entrance. Their architectural significance lies in the retention of the contemporaneous retention of their historic fabric and built form. They also have a strong community linkage to the former Abbey and the current Church and its open setting beyond the arched gatehouse. The proposal will have no direct impact on the fabric of these assets or on their individual historic or architectural attributes. It is the impact on their setting that is more important. As indicated above, the application site has a lawful use which would not normally be seen as being compatible with the quiet and restrained ambience around the Church and its extensive open setting. Indeed, there are other uses in the immediate area too and thus the setting is one which is very busy with day and night-time activity. The proposal's impact would be likely to be of benefit, given that there is a material residential element involved, with a reduction in the use as an active social club. There is thus unlikely to be any harm caused to the significance of the two buildings.

The former Nethersole School and its associated buildings is to the west. It is a Grade 2 Building which was completely rebuilt in 1818. Its significance lies in its historic connections to the Nethersole Family and its architecture reflects its age. There is a strong community significance being the retention of an early Victorian School building. It has recently been converted to two apartments. As above and because of its distance from the site there is no harm caused to these characteristics. The setting too would not be affected.

Polesworth Congregational Church is a Grade 2 Listed Building on the other side of the road. Its significance lies in the retention of an early Victorian Chapel exhibiting contemporaneous architectural characteristics, but also the strong community link in the settlement of the non-conformist tradition. Again, there would be no direct impact on the asset and similarly the setting would not be materially harmed for the reasons set out above in respect of other assets here.

Other Listed buildings are some distance away with no intervisibility between them and the site.

Some of the representations received speculate about the nature of the occupiers of the proposed new rooms, but as the Board is aware this is not a planning consideration that should be given any weight.

Overall, it is considered that the Local Plan policy would be satisfied as the historic environment would be preserved.

e) Amenity Impacts

Local Plan policy LP29 (9) requires all developments to avoid and address any unacceptable impacts on neighbouring residential amenity. It is not considered that there would be any greater impacts than those likely to be caused through continuation of the existing lawful use or indeed any other use that could be accommodated here

7B/12

6f/48

within the same Use Class as the existing building. Indeed, there could well be less activity and less noise as the lawful use is reduced in scale. However, there would be a new residential use and that might lead to overlooking of adjoining property. The bedroom windows on the front would mainly overlook the car park, the road and the health centre. The Abbey Gate House would also be visible, but the separation distance is some 30 metres. The bedroom windows in the east would overlook the garden of the Spread Eagle Public House and the rear gardens of the residential properties in Abbey Croft – some 35 metre distant. The bedrooms in the north elevation would face the rear of properties in Nethersole Street – a distance of 45 metres. In all of these instances it is considered that the separations would not lead to unacceptable harm given the guidance distance of 22/23 metres between the rear of residential property.

The representations have also referred to queries about rear access to properties in Nethersole Street. This is a private matter between the owner of the site and those residents as there is no public access or public rights of way that are affected. Private arrangements are not material planning considerations.

Overall it is considered that the proposal would accord with policy LP29(9).

f) Noise Issues

There is no issue with noise emissions from the proposal given the extent and scope of the lawful use here. If anything, that may well reduce. The issue here is that set out in para 187 of the NPPF – the agent of change matter.

Here the site immediately adjoins the Spread Eagle Public House and its beer garden. The issue is whether the proposed use would lead to “unreasonable restrictions” being placed on the Licence of the Public House, because of an increased number of complaints coming from the occupiers of the proposed bedrooms about noise coming from the Public House and its beer garden.

Paragraph 187 reads,

“Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where an operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or “the agent of change”) should be required to provide suitable mitigation before the development has been completed”.

There have already been complaints lodged with the Council concerning noise emissions from events at the Public House. This led to formal action being taken under the Environmental Protection Act leading to variations in the Licence for the premises. As such the noise issue was resolved, but this background is a material planning consideration in the assessment of the current application – the proposal being “an agent of change” which could lead to further complaints notwithstanding the varied Licence. The proposal would lead to eleven bedrooms facing the beer garden of the Public House. As a consequence, a Noise Impact Assessment was requested from the applicant, and this was submitted after the date of the varied Licence. Environmental Health Officers involved in the formal action referred to above, have reviewed this Assessment and do not object to the proposal.

7B/13

6f/49

Substantial weight is given to this response as it takes account of the background and the current application. The proposal based on this conclusion, would be unlikely to result in "unreasonable restrictions" being placed on the adjoining use. However, para 187 does infer the inclusion of "suitable mitigation" being applied to the proposed development. In this case a planning condition requiring a specification for the glazing and ventilation of the eleven windows would be appropriate and proportionate.

g) Conclusion

The representations received fall into two groups – those referring to potential direct impacts such as parking noise and additional traffic and then secondly, to speculation about how the development might be used. It is considered that when assessed against the relevant planning policies that the potential adverse impacts are not significant, with little evidence to show that they would be unacceptable. The "speculative" concerns in the second set of representations are not material planning considerations. The potential impact on the setting of the Conservation Area and the notable Listed Buildings in the Area is understood. However existing lawful uses here including that of the application site itself mean that this is not a quiet area at night or in the day. The proposal does have the potential to reduce the level of that activity and also to ensure that the building does not become vacant or partially vacant and thus fall into dis-repair which would affect the character and appearance of the Area. On balance the proposal can be supported.

Recommendation

That planning permission be GRANTED subject to the following conditions:

1. Standard Three year condition
2. Standard plan numbers condition – the location plan and plan numbers 1120/02A; 04A, 06B and 07.
3. The car park associated with this site shall only be used as a customer and staff car park in connection with the development hereby approved. For the avoidance of doubt, there shall be no outside storage on the car park of any materials, plant, equipment or structures including containers other than that directly related to the approved use.

Reason:

To ensure that the car park remains available for the use of the premises only so as to prevent on-street car parking.

4. There shall be no HGV parked, stored or kept on the car park other than those directly related to the approved use.

Reason:

To ensure that the car park remains available for the use of the premises only so as to prevent on-street car parking.

7B/14

6f/50

9e/60

Pre-Commencement Conditions

5. No development shall commence on site until details of all of the facing materials to be used have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

Reason:

In the interests of the visual amenity of the area.

6. No development shall commence on site until full details of the glazing and ventilation specifications for the eleven windows within the east elevation have been submitted to and approved in writing by the Local Planning Authority. The windows installed shall only be those that accord with the approved specifications.

Reason

In order to reduce the risk of noise impacts.

7. No development shall commence on site until a Car Park Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall show how the car park is to be managed and operated to ensure compliance with condition (3) above and show how the car park is to be made secure. The Plan that is subsequently approved by the Local Planning Authority shall then be implemented in full and maintained at all times.

Reason:

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

8. The development hereby approved shall not be brought into use until the window specifications have been fully installed as under condition (6)

Reason:

In order to reduce the risk of noise impacts.

9. The development hereby approved shall not be brought into use until the whole of the car park has been laid out and completed as approved under condition (3) and the approved Car Park Management Plan under condition (7) has been commenced.

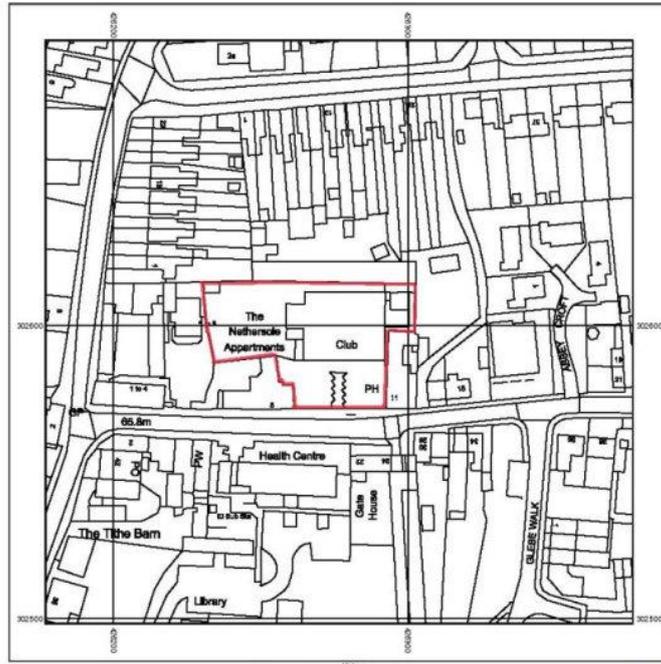
Reason

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

7B/15

6f/51

9e/61



Scale: 1:1250



Supplied by: National Map Centre
 License number: 100031961
 Produced: 14/04/2021
 Serial number: 33409

POLESWORTH SPORTS & SOCIAL CLUB
 HIGH STREET
 POLESWORTH
 TAMWORTH

Plot centre co-ordinates: 426276,302598
 Download file
 Project name: supson_polesworth

© Crown copyright and database rights 2021. OS 100031961

NORTH WARWICKSHIRE
 BOROUGH COUNCIL
RECEIVED
 20/04/2021
 PLANNING & DEVELOPMENT
 DIVISION

7B/16

6f/52

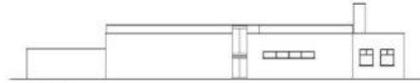
9e/62

PAP20210231

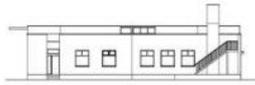
APPENDIX B



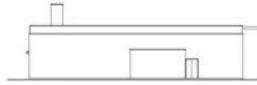
Existing Front Elevation



Existing Side Elevation



Existing Side Elevation



Existing Side Elevation



UPSON & CO.

ARCHITECTS

1000 ...

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

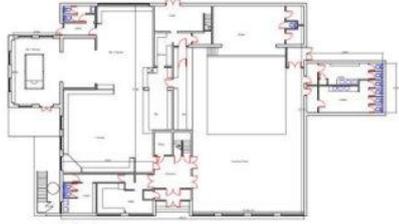
... ..

... ..

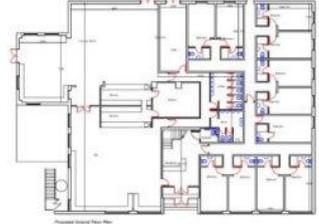
... ..

4000 ...
20541021

APPENDIX C



Existing Second Floor Plan



Proposed Second Floor Plan



UPSON & CO.

ARCHITECTS

1000 ...

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

4000 ...
20541021

7B/17

6f/53

9e/63

APPENDIX C

Polesworth Club Presentation

There were two meetings with the locals of Polesworth, on Thursday 9th and Sunday 12th February 2023 these were two different groups of local residents.

On Thursday 9th February there were tables of ten arranged in the function room and I went from table to table to discuss any concerns they may have had regarding the proposals. I had a lap top with me and showed to each table in turn illustrations of other venues operated by Westbourne Leisure. Most of the concerns were centred around the type of clientele that the proposal would attract. People were under the impression that we would be housing refugees, illegal immigrants, and the homeless. I underlined that this was totally against the company's business plan I also stated that to book a room it was a requirement to have a home address and personal ID and that the maximum stay for any one period was 16 days. This session was from 5pm. to 8pm. and 92 people attended.

On Sunday 12th February I addressed the whole room in three sessions, and the manager from the Liberal House was also present to assist in operational questions. Approximately 70 people attended in total and this session lasted from 5pm. to 8.15pm.

On both occasions, as stated above, the initial reaction of the locals was one of scepticism about the type of customer we were hoping to attract and the kind of operation that we would be running.

There were 23 written responses expressing views against the scheme ranging from car park issues to drainage but mostly concerns regarding the type of customer. In addition there were 8 written response in favour of the scheme albeit with conditions. Some of the locals referred to the fact that the application was for a C2 category, when in fact it was for C1 as stated on the application form.

I went on to outline that that a food offer will be operating for breakfast and evening meals , and that the bar will show sky and BT sports and be driven with all local teams in mind, which was also perceived to be attractive . It was also emphasised that the function room will also be available for hire.

Finally I pointed out that a figure of 2 million was proposed for the development including a complete refurbishment of the facility which would enable the club element to be retained, which would other wise not be sustainable, also the meetings were something I volunteered on behalf of Westbourne to allay any fears the locals might have.

Overall, I think it is fair to say that most people's worries are because they were not aware of the high standard of the premises that we operate and that we are not catering for homeless or refugees.

Karen Stevens
Operations Director
Westbourne Leisure

Existing and Proposed Vehicle Movements Polesworth Social Club

Currently, from Monday to Friday, there are 10 to 15 spaces used during the day. At weekends however there can be as much as 15 to 25 vehicles parked without consideration which would suggest that the car park is full.

It should be noted that the existing carpark has very little spaces marked out and parking is haphazard. In addition the car park is also used by persons not attending the venue.

The proposal not only provides for the existing car park to be resurfaced but also marked out in accordance with the approved plans which provide 37 spaces. The car park management plan will provide car park supervision at weekends and provide parking for customers for the venue including those staying for bed and breakfast which could also include those attending functions. On function days priority for overnight accommodation would be given to those attending the function.

It is envisaged that on average the occupancy rate throughout the year would be between 60-70%, based on similar venues, which, on average would require 15-17 spaces. It is also worth noting that some of the local social club customers will arrive on foot or by other means of transport.

WESTBOURNE LEISURE

Agenda Item No 10

Planning and Development Board

3 April 2023

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

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

Agenda Item No 11

Failure to comply with breach of conditions notice – Report of the Head of Legal Services

Paragraph 7 - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Agenda Item No 12

Request for Temporary Stop Notice - Report of the Head of Legal Services

Paragraph 6a - to give under any enactment a notice under or by virtue of which requirements are imposed on a person

Agenda Item No 13

Tree Preservation Order - Report of the Head of Development Control

Paragraph 2 – Information which is likely to reveal the identity of an individual; and

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

Agenda Item No 14

Woodland Preservation Order - Report of the Head of Development Control

Paragraph 2 – Information which is likely to reveal the identity of an individual;
and

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

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

The Contact Officer for this report is Julie Holland (719237).