

OFFICER'S OBSERVATIONS

General Development Applications

Heart of England Ltd, Meriden Road, Fillongley

Application Ref: PAP/2011/0317

Description of Development: Outline application for a new three storey hotel and function room building, comprising 608.3 sq.m of hotel floorspace, 195.3 sq.m of office floorspace and 487.6 sq.m of D2 (Assembly and Leisure) floorspace and the erection of new glazed link to existing conference centre, seeking the approval of access, layout and scale, with landscaping remaining as a reserved matter.

Application Ref: PAP/2011/0261

Description of Development: Erection of a new 287sq.m. D2 (Assembly and Leisure) building within a new woodland clearing, comprising a visitor centre with a refreshments counter, male and female toilet and showers, a disabled shower room, a baby changing room and store rooms.

Application Ref: PAP/2011/0229

Description of Development: The formation of an off-road adventure trail for use by 4x4 vehicles and quad bikes, including the planting of new woodland and the importation 10,000 cubic metres of inert material to form boundary bunds, soil structures and vehicle obstacles. The formation of new internal access roads and the retention of existing internal access roads. The filling of a borrow pit through the Importation of a further 10,000 cubic metres of inert material and the formation of conservation pools.

Application Ref: PAP/2010/0324

Description of Development: Change of use of 0.82 Ha of land from recreational use to use as a caravan and camping site, incorporating, the formation of an internal access road, the erection of boundary fencing and gates, the installation of a drinking water tap and the formation of a toilet and shower compound with a new bio-digester.

Application Ref: PAP/2011/0133

Description of Development: Variation of condition no: 4 of planning permission FAP/2002/7800 (PFILXX/1381/2002/FAP) from 'All structures; materials and equipment used in connection with the use hereby approved shall be removed from the fields immediately following any event and shall be stored inside the building included under this permission.' to now read "Any moveable structure, material or equipment placed on the land shall, during the days 1st April to 30th September be allowed to remain for that period. For the remainder of the year, from 1st October to 31st March, all moveable structures, materials and equipment shall be removed from the land and stored within a building whenever not in active use for the purposes of the permitted recreational use of land".

Application Ref: PAP/2011/0131

Description of Development: Variation of condition no: 6 of planning permission PAP/2007/0503 from 'All structures, materials boats, equipment, craft and apparatus

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used in connection with the use hereby approved shall be removed from the fields immediately following any event and shall be stored inside the buildings at Old Hall Farm, Wall Hill Road, Fillongley.' to now read "Equipment placed in field that is not permanent shall during the months from 1st April to 30th September be allowed to remain for that period. For the remainder of the year from 1st October 31st March any mobile equipment used will be removed after the relevant event and will be sorted accordingly for re-use".

Application Ref: PAP/2011/0132

Description of Development: Variation of condition no: 3 of planning permission PAP/2007/0503 from 'For the avoidance of doubt; the recreational use of the land shall be limited to the following activities, unless otherwise agreed in writing by the Local Planning Authority: Team games, Archery, Electronic shooting, Ball games, School educational visits, Tug of war games, Inflatables games, Rambling/Walking, Orienteering. The recreational use of the land shall expressly exclude: All motorised activities, including quad biking, karting and off road driving, All shooting type activities, including clay shooting and paint balling (but excluding archery and electronic shooting).' to now read 'Any activity within the areas approved within the permissions referred to shall not generate a noise level of more than 70 dbA at any point on the perimeter of the boundary of the entire site and shall expressly exclude the use of shooting guns with gunpowder'.

Application Ref: PAP/2011/0134

Description of Development: Variation of Condition no: 2 of planning permission FAP/2002/7800 (PFILXX/1381/2002/FAP) from 'For the avoidance of doubt; this approval does not authorise any recreational or leisure use involving motorised vehicles of any character or nature; nor the use of any shooting activity of whatever kind; unless otherwise agreed in writing by the District Planning Authority.' to now read "Any activity within the areas approved within the permissions referred to shall not generate a noise level of more than 70 dbA at any point on the perimeter of the boundary of the entire site and shall expressly exclude the use of shooting guns with gunpowder".

Application Ref: PAP/2010/0289

Description of Development: Retention of change of use to mixed recreational and forestry use

Application Ref: PAP/2010/0269

Description of Development: Retrospective application for change of use from private accommodation (C3) to mixed use of private accommodation and part guest house (C1)

Application Ref: PAP/2010/0281

Description of Development: Retrospective application for Listed Building Consent for works to facilitate the change of use from private accommodation (C3) to mixed use of private accommodation and part guest house (C1)

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INTRODUCTION

These applications are reported to Board because they together amount to major development, relating to a site which has a planning history with which Members will be familiar. The proposals should be treated together and are accompanied by a proposed legal agreement.

THE SITE

The site is a former farm which comprises a Grade II listed farmhouse; a range of former agricultural buildings which have been reused in association with a conference centre/restaurant/recreational events business use, land and a lake which benefits from planning permission to be used for the purposes of recreation, as well as further land which is former farm land and an ancient semi-natural woodland. This is all located on the south side of the Meriden Road, (the B4102), and Wall Hill Road just south of the M6 Motorway bridge over the B4102. This is 2.5 kilometres south of Fillongley and about a kilometre west of Corley Moor. The area is designated Green Belt. The entire holding amounts to 160 acres.

The site is accessed off Meriden Road (access approved 28 October 2004) and also, in an unauthorised manner, from a second access off Meriden Road. The former access to the farm, off Wall Hill Road, is now primarily used for access by staff.

The land slopes down from the south west to the north east, with the land form of a small valley. There are hedgerows and trees within the remaining field boundaries. A public footpath (the M 292) crosses the site from east to west skirting the present lake, and a second runs along the eastern site boundary (the M293). The two public rights of way run through the applicants land holding and through some of the application sites.

There are three or four residential properties to the north east of the holding on Wall Hill Road. The closest of these is about 100 metres from the main complex of buildings and 250 metres from the lake. Four or five other residential properties lie on the north-west side of the Meriden Road between it and the motorway. These are 100 metres from the main entrance and 350 metres from the lake. There are more residential properties at Corley Moor, being are some 700 to 800 metres from the lake to the east.

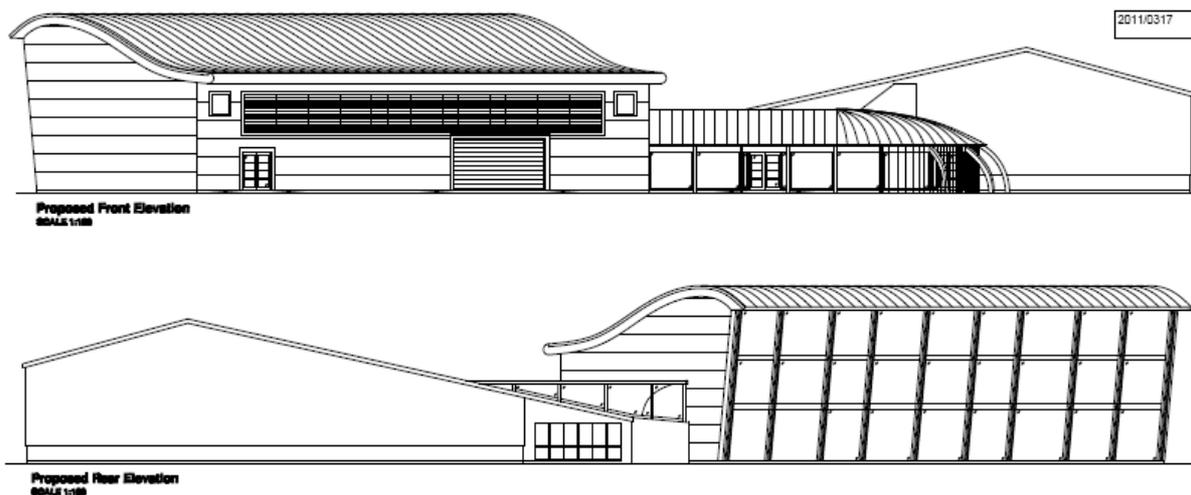
THE PROPOSALS

PAP/2011/0317 (Hotel and Function Room)

This application proposes the erection of a new three storey hotel. It is an outline application and it is indicated that approval is sought for access, layout and scale, with appearance and landscaping to be treated as reserved matters.

The indicative plans show a three storey building with a swept roof and glazed single storey link to the existing former farm buildings which are now used as a conference centre – see plan extracts below.

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The building would comprise of a function room and an office at ground floor, 12 en-suite bedrooms and an office at first floor and a further 3 bedrooms at second floor, which would be designed such that they could have the dual function as small function rooms. The applicant confirms that the maximum sleeping capacity of the hotel would be 30 people in 15 rooms, on the basis of 2 per room. At its maximum height the building would be 9.825m and at its lowest point it would be 6.6m.

The proposal would involve the demolition of a group of former farm buildings which are now used for storage purposes in association with the Heart of England business. The buildings in question are partly clad and partly brick with semi circular roof structures. The existing buildings have a maximum height of 7.4m on one bay, with a minimum height of 3m. They are shown below.



The buildings to be demolished amount to 2418 cubic metres in volume, whereas the proposed buildings to be erected would amount to 4791 cubic metres, making a net additional volume of 2373 cubic metres.

The overall footprint would be 28.424 metres long by 17.424 metres deep (at ground level), with the depth including front and rear roof overhangs, of 20.115 metres.

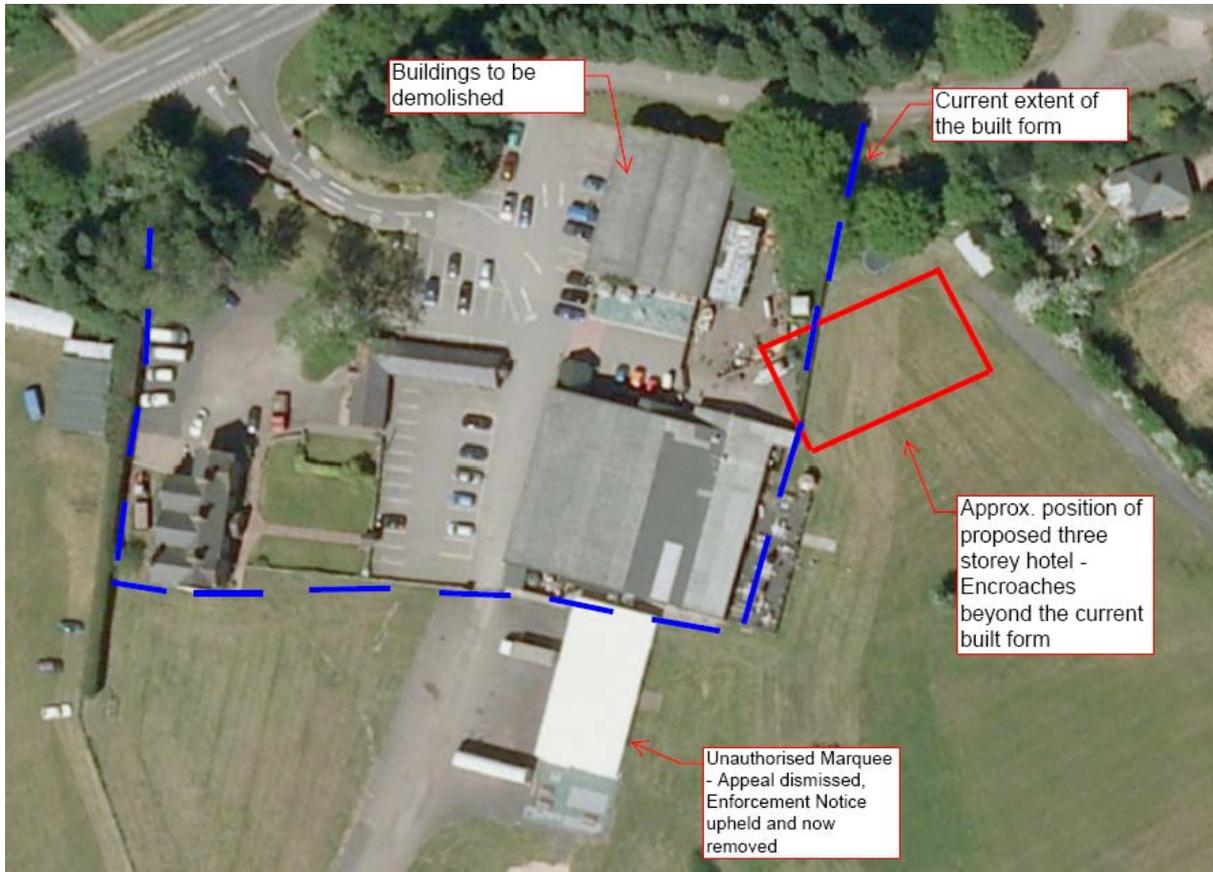
The new building is proposed to be erected at the position outlined in red on the illustration below. This land is adjacent to (east of) the group of former farm buildings but would lie mostly on open grassland beyond the current extent of the built form.

The proposed hotel would lie to the south-west of Moor House Bungalow. The built form of the new building would be approximately 27m from the nearest point of the bungalow and 13m from the boundary of its garden. A hedgerow which incorporates trees divides the two properties.

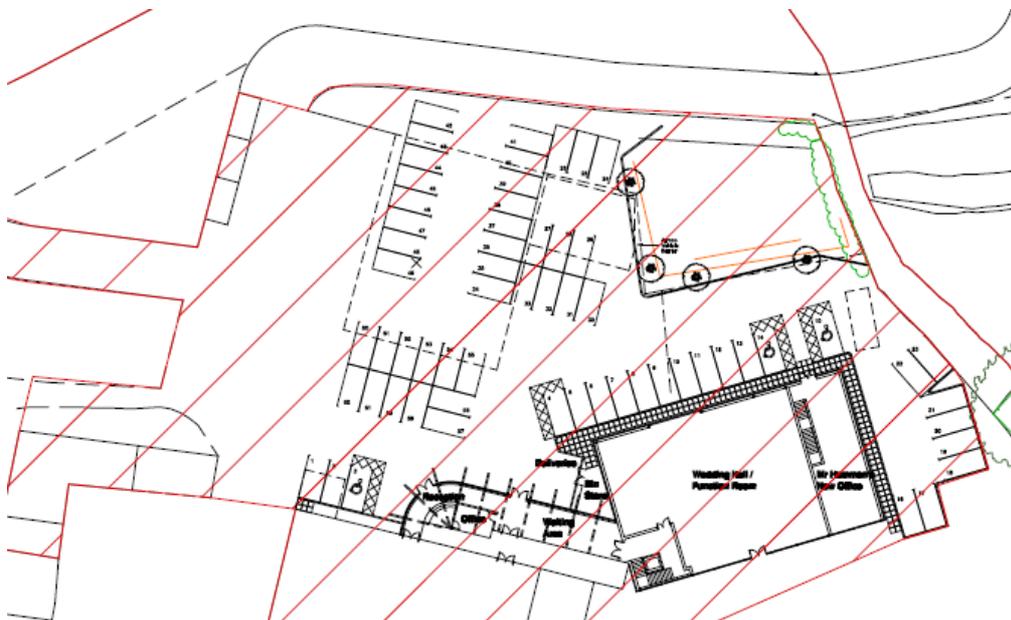
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Mature trees and other vegetation lie to the north (bordering Wall Hill Road) and a hedgerow runs off in a south-easterly direction towards the lake area.

The applicants land, including the recreational lake, lie to the south, with the land sloping down towards the lake. The public footpath M292 runs east to west at a position approximately 110 metres south of the south-east corner of the proposed building.



Vehicular access to the site would be via the existing main site entrance on Meriden Road and the site layout would be revised to provide car parking for 62 cars, as set out below:



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The existing offices at the site would not be demolished, but would remain and be used for storage purposes.

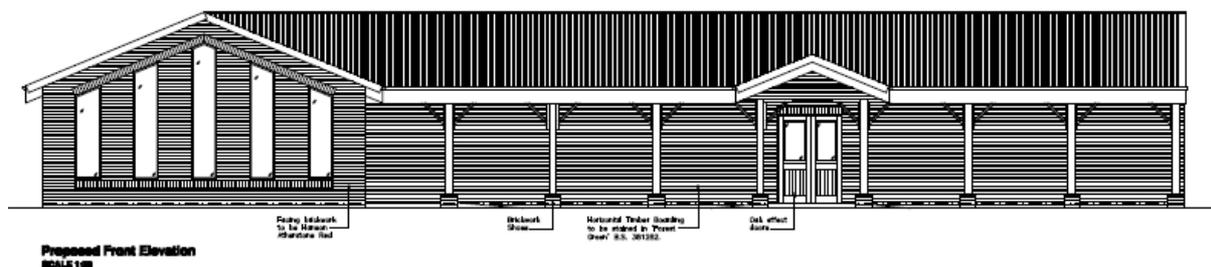
The former farmhouse has been converted to provide hotel accommodation offering seven bedrooms. This conversion and re-use is currently unauthorised but is the subject of one of the retrospective applications now to be considered. The applicant argues that the new hotel would build upon an identified need for wedding and conference/events visitors to stay overnight. He advises that to satisfy visitors' overnight accommodation needs, customers now often have to be bussed out to other guest houses or hotels further afield. The proposed 'hotel', which would consist of 'Travelodge'-style bedrooms, would make provision for more guests to stay on site for longer. The applicant argues that this would increase the viability of the overall business, retain current staffing levels and the quality of services offered, together with removing the need for additional journeys to other hotels.

Though the application was revised to make the appearance of the building a reserved matter, the application seeks approval for the scale and layout of the proposed hotel. The Design and Access Statement argues that it is not desirable that the proposed hotel be designed or clad to resemble another modern agricultural building with corrugated metal cladding and a functional or even industrial appearance or that it be a building which is a 'pastiche' of older buildings on the site. Instead, the applicant indicates that he proposes '*an unashamedly modern structure of some visual interest and architectural quality, whilst at the same time keeping the building within modest limits and not overwhelming the other buildings in the group.*' The Design and Access Statement illustrates examples of modern clad and heavily glazed buildings.

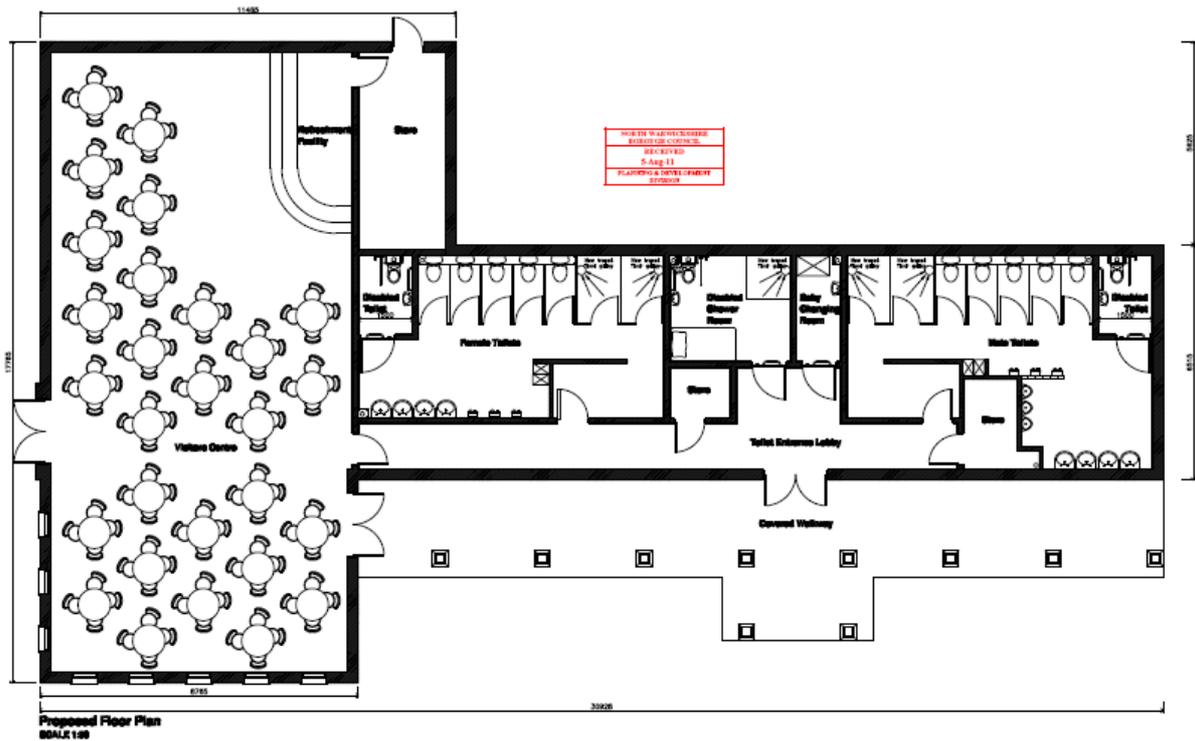
PAP/2011/0261 (New Visitor Centre in Woodland Clearing)

To erect a new building within the existing woodland for the purpose of D2 use (Assembly and Leisure). It is proposed to be single storey, clad in timber and with a coated steel roof and used as a visitor centre. It would include one projecting arm clad in facing brickwork and the whole structure would sit on a raft foundation. The applicant indicates that the Visitor Centre would basically be one large, undivided room, except for the refreshment counter in one corner, affording it maximum flexibility for layout and different types of usage. It is shown to include a toilet and shower wing comprising 12 toilets, 4 shower cubicles and a disabled persons' shower room, a baby changing room and two store rooms.

The dimensions of the proposed building would be as follows: 30.928m long overall and 17.765m wide at the widest point. It would be a 'T' shaped building, with the Visitor Centre as the shorter wing, measuring 17.765m by 8.765m, plus a store room extension on its south-western side, measuring 5.625 by 2.7m. The long arm of the 'T' would be the toilet and shower block, which is 22.163m long by 6.515m wide and is fronted by a walkway of the same length and 2.7m wide, together with a projecting portico in front of the entrance doors, which projects out a further 1.722m and is 4.153m long. The overall height of the building from ground to roof ridge is shown to be 5.331m. The overall internal floor space (ignoring partitions) is 315.29m² and the external area or footprint totals 382.29 m².



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It is indicated that the building is to be provided for visitors to 'Heart Park' and also for corporate visitors using the Conference and Events Centre who engage in activities within the park or woodland.

The Visitor Centre would be used as an assembly point for schoolchildren upon their arrival (where they can be given safety briefings and other information) and to provide teaching posts, especially for wet weather activities.

It would also serve as a base for events taking place within the woodland, where instructions can be given for team games or sporting activities, for example. It includes facilities for serving hot and cold refreshments and would include the sale of refreshments, which the applicant indicates would be ancillary to the building's other uses.

The applicant advises that 10,000 school children visited the woodland in 2011 and that 12,000 school children have already booked to visit the site through the schools programme in 2012.

The applicant indicates that all visiting schoolchildren would arrive on buses or coaches; that they would be dropped off at a position close to the visitor centre and that the coaches would then move to the parking area adjacent to the conference centre building.

The photograph below shows the woodland in the vicinity of the proposed Visitor Centre

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The photograph below shows the edge of woodland at the position where access to the proposed building would be achieved.



The plan below shows the proposed location of the Visitor Centre:

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The applicant advises that the proposed building is sited within the woodland, but close to its edge, in order to minimize the building's impact upon the wider landscape. It would be located within one of several areas in the wood that have been designated for clearings and where existing trees have reached maturity and are ready to be selectively felled. It is neither practical nor desirable to remove all trees within falling distance of the proposed building, so only those within or very close to the proposed footprint would be removed entirely (with the roots dug out). New trees would be planted in the vicinity to compensate for those lost; any older surrounding trees deemed to be in danger of falling (dying or diseased) may be removed and replaced with young trees of suitable native species. The use of a 'floating' raft foundation would mean that root development of the trees will not undermine or adversely affect the new building. Existing bluebells within the footprint of the new building will be translocated to adjacent locations.

The Design and Access Statement indicates that drainage and sewage system would be managed in the following ways: the building would have rainwater gullies and downpipes, but the rainwater will be allowed to advance via natural run-off from the pipes to the nearby drainage ditch. It is also expected that the nearby trees would absorb a large amount of the surface water run-off via their root systems. Sewage will be fed into a 'biodigester', which would be sunk into the ground adjacent to the building (projecting about 1 foot above the surface); the purified water it separates from the biomass would be taken via a piped outlet to the drainage ditch. The decontamination of the waste matter is essentially a natural, biological process.

An Ecological Assessment accompanies the application relating to the new visitor centre, the recreational uses made of the existing woodland and the proposed new woodland.

PAP/2011/0229 (Off-road vehicular trail in new woodland, new and retained internal access roads and the formation of conservation pools, involving the importation 20,000 cubic metres of inert material)

The Off-Road Track

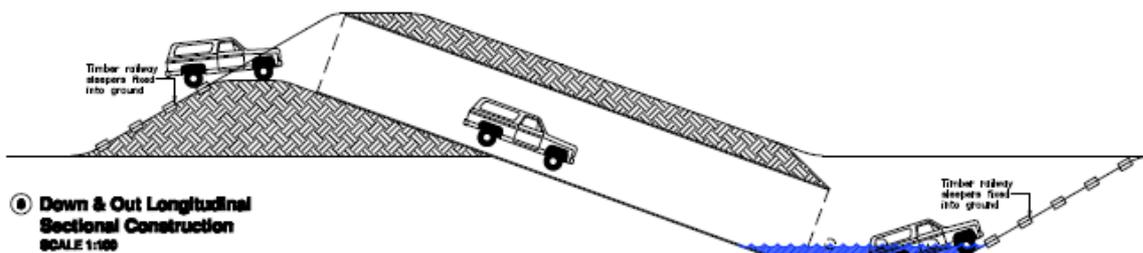
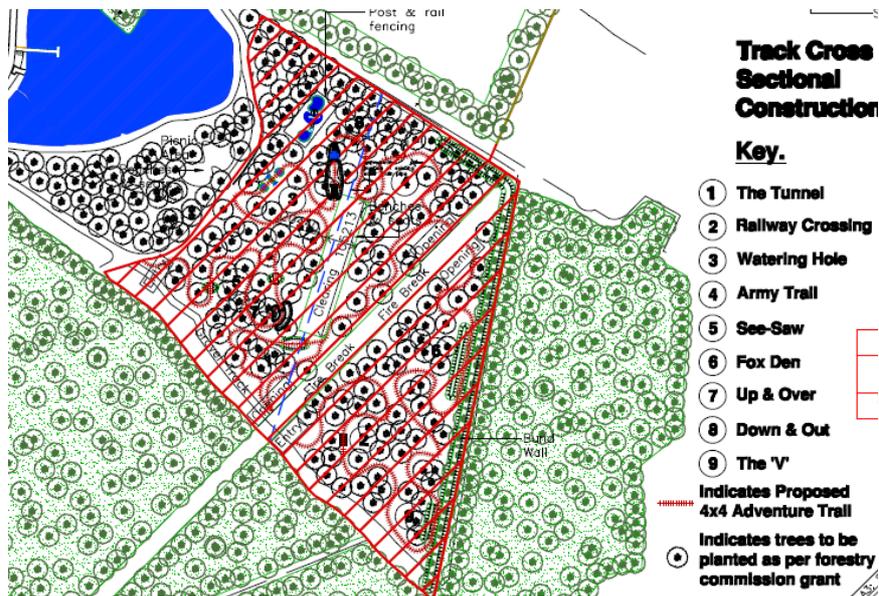
It is proposed to construct a new purpose built track for off-road driving. The track would be situated on land to the south east of the main lake and would be bordered by existing

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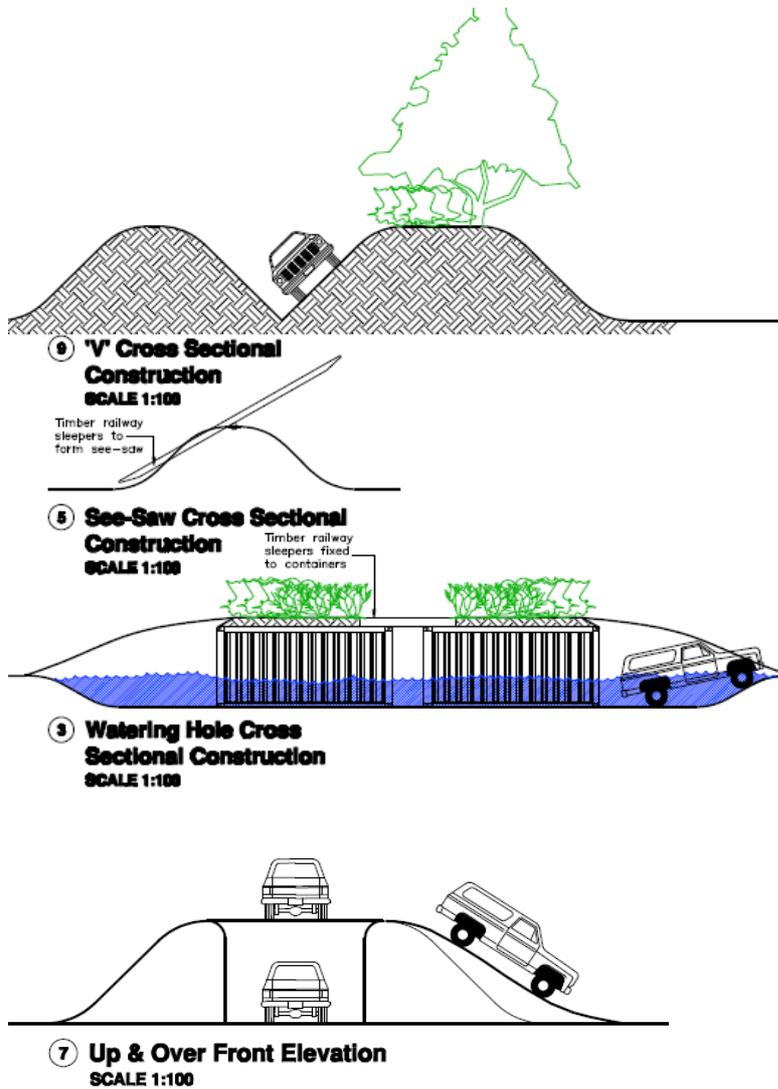
woodland in the applicant's ownership to the south west, to existing woodland that is in different ownership to the east and by agricultural land in the applicant's ownership to the north.

The track is proposed to take the form of a circuit with obstacles at intervals. The general location and layout of the track is shown on the plan below (hatched red). Examples of the type of obstacles are also set out below. A three metre high bund, approximately 10m wide at its base with a 4m wide flattened top, would be constructed on the western edge of the site and planted with trees. The area surrounding the track would be planted as woodland. In addition to the off-road track itself, a gravel surfaced access roadway would run through the site, a fire break road would be formed and a clearing would be left along the route of a water pipe which crosses the land.

The applicant indicates that where the off-road track runs between obstacles it would be formed simply by a soil based track with planting denoting the edge of the track.



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The applicant has submitted a Noise Assessment in respect of the proposed vehicular activity. The Assessment concludes that the activity should be subject to mitigation measures and use limitations. The Noise Consultant makes a recommendation that there should be no 'racing' permitted of either quad bikes or Land Rovers upon any part of the 4x4 track within the new wooded area, or at any other location within Heart Park. The source noise levels for the purposes of the analysis were assumed to be a convoy of a maximum of six quad bikes, *and/or* two LR110 Land Rover 4 x 4 drive vehicles operating in close proximity. (Though this differs from the proposed limits suggested in the draft S106 Agreement which indicates that the limit would be 4 x Land Rovers and 6 x quad bikes)

The applicant advises that the 4 x 4 driver experience trail will only be offered within the context of the corporate adventure facilities operated by the Heart of England Conference Centre; it is not proposed to offer any public facility for use of the 4 x 4 track within the scope of facilities available to visitors making public access to the Heart Park and Beach Leisure facility.

The applicant has indicated a willingness to translate these limitations into a legal agreement (see extract below).

In an unauthorised manner, the existing woodland has been used for several years for off road driving. Given that the existing woodland is an ancient woodland this has caused some harm. An Enforcement Notice has been served in respect of the use and its impacts. The applicant proposes the cessation and relocation of the unauthorised uses to the new

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track. He has incorporated a commitment to this in a proposed S106 Agreement (see extract):

- 5.1 The owner further undertakes to agree to stop all use of the area attached in plan number 268/211/10 in connection with motorised events, including 4 x 4 and quad bike activities within one year of the permission being granted.
- 5.2 It is agreed that other passive activities can take place, such as educational activities, paint balling, archery, etc. The main fire breaks will be kept and maintained for forestry activities.
- 5.3 The paintballing will cease within five years.
- 5.4 All other tracks will be allowed to regenerate.
- 5.5 The woods will be maintained as set out in the agreed Management Plan (annexed to this Agreement). The owner further commits to the approved Travel Plan and its requirements.
- 5.6 The owner commits to the following:
Only six quad bikes to be used at any one time. No racing allowed.
Only four number 4 x 4 vehicles to be used at any one time. No racing allowed.

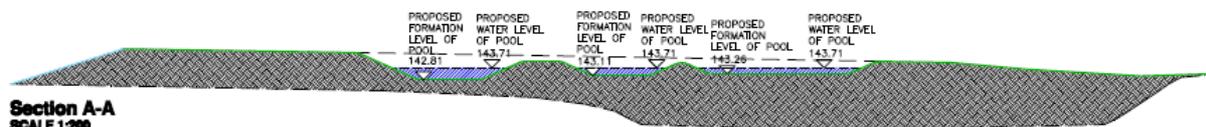
In terms of hours of operation, it is proposed that the Adventure Trail would be used between 9am and 6pm (seven days a week).

In order to create the bunds and the off road track features, the applicant proposes to import 10,000 cubic metres of inert material. This would be transported through the site by entering the main site entrance, then veering right along the proposed new internal road which would run parallel to the Meriden Road, then along the haul roads that were installed at the time of the construction of the lake. It is proposed that the tipping operation would take place in the out of season months so as not to conflict with the operation of the business and other traffic using the site.

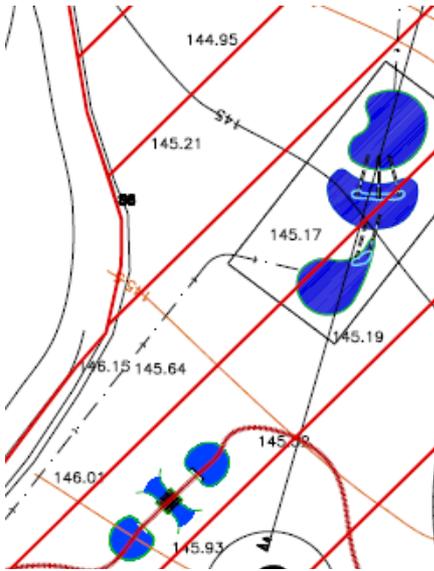
The applicant indicates that the importation of material would be about 2,500 lorry loads of imported fill and earth for the bund and 4x4 track features. This would equate to about 19 loads per day, five days a week, for six months – which would equate to about one load every 25 minutes over an eight hour period per day.

The Conservation Pools

When the lake and unauthorised beach were formed the applicant sourced sandstone and clay from elsewhere within his land holding. In doing so he excavated a large hole. This he refers to as the 'Borrow Pit'. This Borrow Pit has now filled with water. He now argues that it is unsafe to leave a large, steep sided, deep body of water on a site which is open to the public for recreation purposes



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Photographs showing the excavation and stacking of topsoil from previous workings



Photographs showing the excavation known as the 'Borrow Pit' filled with naturally with water

The applicant proposes to import a further 10,000 cubic metres of inert material for the purpose of infilling the pit and forming the shallow new pools. The proposal is to partially fill the pit and bring it back to ground level, with the exception of three small, shallow and interlinked 'conservation pools', each around 75 square metres in area, which will be fenced off (with timber post and rail fencing) and managed to maintain open water. The applicant argues that the new pools will add to the biodiversity of the site.

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New and Retained Internal Access Roads

The proposals essentially seek two things. They seek to retain the roadways which have been formed across the site without the benefit of planning permission and they seek to achieve a way of getting vehicles to the wider land holding without having to travel between the conference centre buildings and the listed building and the converted office building.

The applicant initially sought to address the 'problem' of vehicles travelling through the building complex by using and altering a second access off Meriden Road. A planning application and subsequent appeal dismissed the use of a second access because of concerns about highway safety and visual amenity.

The proposed solution is to create a new internal roadway shortly after entering the main Meriden Road access which would merge off to the right. The image below shows the existing main access to Meriden Road (from the existing car park). The bank (to the left hand side) would be removed to allow the new road to be formed.



Elsewhere within the site, a network of hard surfaced roads has been formed. The images below show two examples.



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Image of hard surfaced and widened roadway (proposed to be retained)

Image of roadway crossing the site to the south of the large lake (proposed to be retained)

Part of the proposed roadways is the subject of a current Enforcement Notice. (The situation relation relating to Enforcement Notices will be set out more fully below).

Though not shown on the submitted plans, the applicant has recently indicated a willingness to permanently close the second access onto Meriden Road and instate a hedgerow boundary across the route if planning permission was granted for the new internal access road.

PAP/2010/0324 (Change of use of 0.82 Ha of land to a caravan and camping site)

The proposal seeks to change the use of the top part of the field which lies immediately to the west of the listed farmhouse and the conference centre. It is currently a grassed field, which rises gently up towards Meriden Road. It is bordered by a post and rail fence to the east, with a tall conifer hedgerow forming the eastern boundary immediately to the rear of the listed building. To the north, trees and a hedgerow form the boundary with Meriden Road. A small number of dwellings lie on the opposite side of Meriden Road at this point. To the west, it is bordered by more post and rail fencing which runs alongside a hard surfaced roadway (the roadway is currently unauthorised). A young small plantation lies on the opposite side of the roadway.

It is proposed that the camping and caravan site would occupy the upper part of the field. The lower part of the field, running down to the field boundary hedgerow, is beyond the red line of the application site, however, the applicant indicates that the lower part of the field would be set aside for informal 'overflow' car parking. He indicates that, when not in use for car parking, it would be made available for the use of campers as a games field

To the south, the lower field is bordered by a hedgerow, with the public footpath M292 immediately beyond, a further field with consent for recreational use and then Birchley Hays Wood.

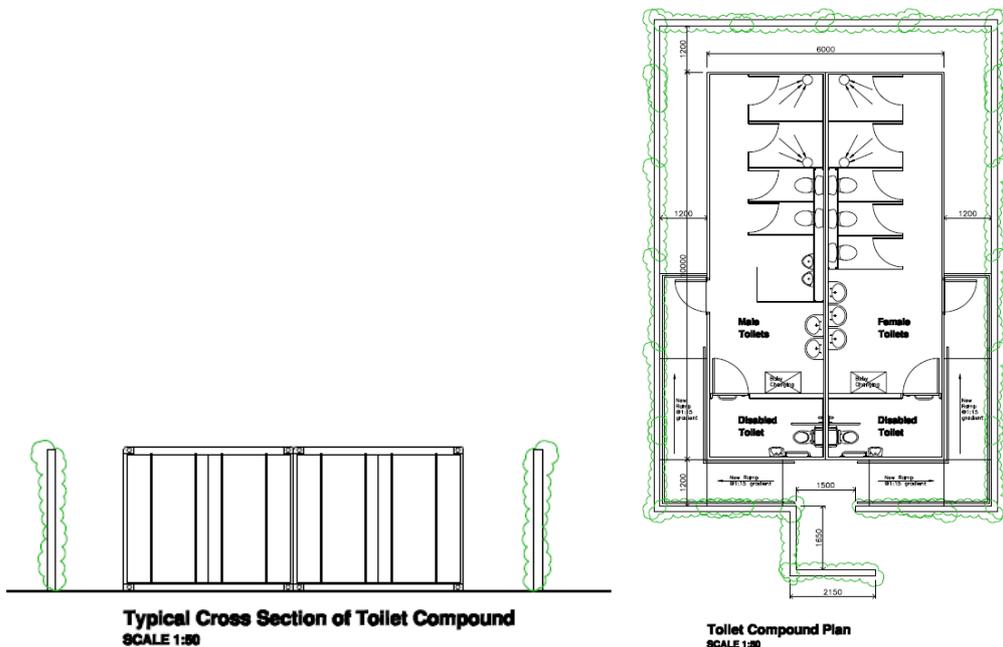
The applicant advises that there would be no formal marking out of pitches or creation of hard standings, but users of the site would have to abide by rules setting out the minimum acceptable distances between caravans, tents, vehicles and other facilities and with other requirements set by the Caravan Sites and Control of Development Act 1960 and similar relevant guidance as to good practice (such as the site rules of the Camping and Caravanning Club). These rules would also set standards of behaviour and limit the types of user groups accepted (e.g. families, couples). He indicates that users of the site would be able to make use of the existing main access to the 'Heart of England' Conference and Events Centre and would reach the campsite via a proposed new access road running parallel with the Meriden Road and linking this entrance with the existing field access or woodland logging road on the west side of the campsite field.

The plan below (extract) illustrates how the site could be laid out to accommodate camping and caravan pitches.

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A new toilet and washing block is proposed in the north-east corner of the campsite; a drinking water standpipe and soakaway would be provided at a central point on the camping field.



The plan below shows the proposed access arrangements to the new camp site. The road way serving the campsite would have low level planted mounds either side of it and access would be on the north-west corner of the field.

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The camping/caravanning field would lie immediately to the rear of the listed building (Old Hall Farm) The images below show the proposed camp/caravan site at the position immediately to the rear of the Listed Building (Old Hall Farm)



The site presently contains a couple of unauthorised portable buildings/caravans. These would be removed to make way for the proposed new toilet block.

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PAP/2011/0133 and PAP/2011/0131 (Variation of Conditions – Equipment on fields)

These applications seek to vary conditions attached to the planning permissions which allowed the recreational use of land. In both instances, the grant of permission was subject to requirements that all structures and equipment should be removed from the fields immediately following events and stored inside the buildings at Old Hall Farm.

The reason given for the condition in both instances was 'In order to retain the visual character of this area of open countryside.'

The proposed variation to the condition seeks to permit the retention of all 'non-permanent' equipment on the open land at the site for six months each year. For the remaining six months 'any mobile equipment used' will be removed and stored 'accordingly' for re-use.

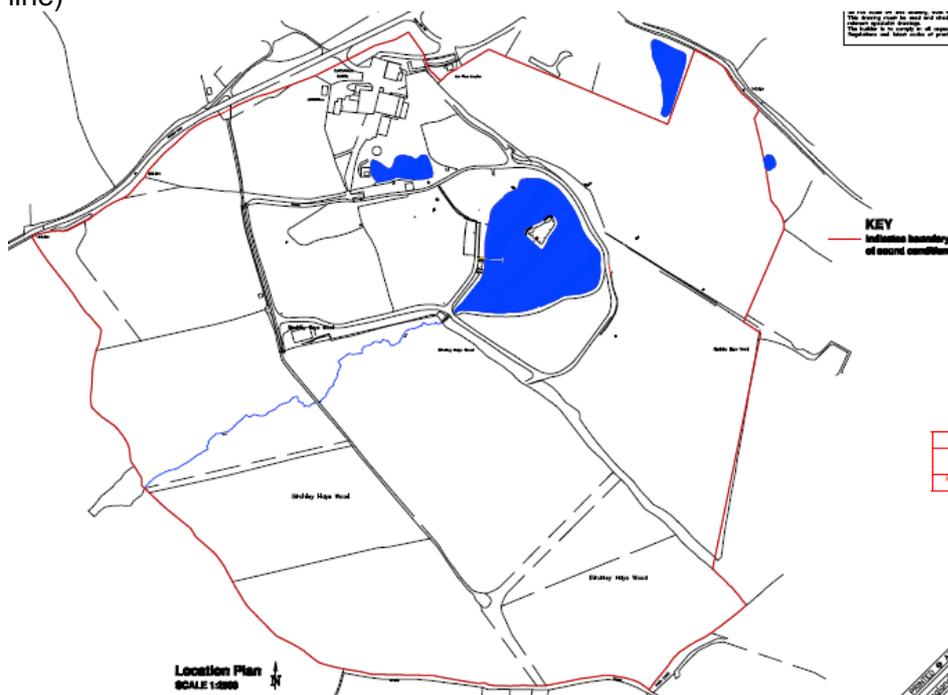
PAP/2011/0132 and PAP/2011/0134 (Variation of Conditions – Limitations on Recreational Use of Land)

These applications seek to vary conditions attached to the planning permissions which allowed the recreational use of land. In both instances, the grant of permission was subject to limitations on the nature of recreational use that can be made of the open land within the site. Both conditions were attached in order to protect the residential amenity of neighbouring properties.

The limitation on the original planning permission prohibited the use of motorised vehicles of any character or nature and prohibited any shooting activity.

The second planning permission both limited the recreational activity to a specified list of activities only the activities that had been specified in the application proposal), and for added clarity, also expressly excluded motorised activities and all shooting activities.

The current applications seek to vary these conditions by adopting a different approach. Instead of placing limitations on the type of use that may occur, the suggested wording proposes that any activity taking place within the application sites shall not generate a noise level of more than 70 dBA at any point on a defined boundary of the site (shown below – red line)



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PAP/2010/0289 (Recreational Use of Woodland)

This application seeks to regularise the unauthorised use of the woodland for recreational purposes.

The woodland is currently the subject of an Enforcement Notice which relates to the change of use of the land from a mixed use comprising forestry and agriculture to a mixed use of recreation, forestry, agriculture, paintball activities, and motor driving activities together with engineering works and structures that facilitate the paint ball and motor driving activities.

The application proposes the cessation of use of the woodland for motor driving activity within 12 months of the grant of planning permission and indicates that the activity would be transferred to the off-road adventure trail within the newly planted woodland.

The recreational use of the woodland is proposed on an all year round basis, between the hours of 8am and 6pm on each day. This would relate to the general use of the wood, as well as the paintball activities taking place within the wood.

In recent years the woodland has been used on a limited number of occasions each year for night time events (often referred to as 'Spooktacular', a Halloween Event). The applicant's agent indicates that his client would wish to continue to carry out a limited number of night time events. He therefore suggests an overall condition in the outdoor recreational areas that there should be no activity after 18:30 hours "*unless otherwise agreed in writing*". He suggests that this should be no more than two to three times a year, i.e. bonfire night week, spooktacular, and another.

The submitted plans show the creation of four large clearings within the woodland. These clearings do not form any part of the current Management Plan agreed with the Forestry Commission. They are shown on the plan below.



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The largest clearing would measure roughly 80m x 120m, two others would roughly measure 50m x 40m and the fourth clearing (which would house the proposed visitor centre) would measure roughly 80m x 40m. The applicant indicates that the clearings would be used as focus points for recreational activity. Though the exact nature of the recreational activity within the clearings is not clearly defined, the applicant has stated a desire to lay the area to grass so that it can be mown and used for picnic purposes or used for events that may necessitate the erection of temporary marquees.

Paintball

The paintball use takes place within the southernmost part of the existing woodland. It occupies an area measuring approximately 210 m x 70m. This part of the woodland is accessed from one of the main woodland haul roads. The whole area is sectioned off with tall green and blue netting. The 'entrance' is through a number of wooden buildings which are used for refreshments/instructions/shooting practice. Beyond that the whole area is subdivided into compartments by netting and contains regular scatterings of barrels, drums, stacked tyres and makeshift wooden structures/shelters/barricades. A selection is illustrated in the photographs below.



OFFICER'S OBSERVATIONS



The recreational use would allow for the continuation of paintball games at this location.

The proposal is uncertain in respect of the future proposals for the paintball activity. The draft S106 Agreement submitted with it suggests a proposal to cease the use of paintball games within the existing woodland within 5 years. The S106 Agreement also commits to implementation of the provisions of a Woodland Management Plan agreed with the Forestry Commission in 2010. This Plan also refers to the relocation of the paintball activity following the establishment of new woodland. (Though this would appear to be in conflict with the proposals for the new off-road track on the same new woodland).

PAP/2010/0269 and PAP/2010/0281 (Planning and Listed Building Consent Applications for retrospective change of use and works to form mixed use (C1) guest house and (C3) private residential accommodation).

It was reported to Board in March 2010 that The Heart of England web-site had for some time, been showing that hotel accommodation was available at the main farmhouse on the site. This offered seven rooms. The scale and nature of this accommodation suggested that a material change of use had occurred from a residence to a hotel. The Board considered at that time, given the balance of planning policies and material considerations, that it would be expedient to issue an Enforcement Notice. However, ahead of issuing the notice, it was first necessary to confirm whether or not the hotel use was now the whole use of the former farmhouse, or whether there is still a dwelling house use present. An inspection was necessary to clarify the situation and inform the drafting of the Enforcement Notice.

The inspection took place and it was established that the largest part of the property was given over to a hotel but part was retained as accommodation for the site owner.

Ahead of the service of any notices, planning and listed building consent applications were received.

The plans show one en-suite basement letting room, one ground floor en-suite letting room and 5 en-suite first floor letting rooms. The guest dining room is at ground floor and the owner's accommodation is part ground and part first floor accommodation. Alterations to the property include internal partitions added to accommodate the en-suite facilities in the letting bedrooms, a lean-to timber porch has been added to the north elevation, some internal doors have been replaced, some 'mock' timber beams have been added to ceilings, wooden steps have been introduced to the basement covering former stone blocks, a upvc window has replaced a former rotten timber window and the cellar walls have been lined.

The applicant advises that the property was in a poor state of repair when he purchased it.

OFFICER'S OBSERVATIONS

The applications seek to regularise the change of use and seeks consent for the unauthorised works to the listed building. No further new development is proposed.

Site Wide Aspects of the Proposals

The applicant's agent offers the suggestion that, if the existing main access is deemed to be of inadequate capacity to accommodate the levels of traffic generated, then a ghost island can be provided within highway land on Meriden Road. Though it should be noted that the suggested ghost island does not form part of the current applications and consequently no drawings have been submitted to that effect.

The applicant has offered an indication that, should the Council be minded to support the planning applications, he would be willing to enter into a legally binding agreement which would prohibit the use of the beach by members of the general public, effectively ceasing the operation of 'Heart Park' as a public visitor attraction and concentrating the business on 'corporate' customers, attendees of Conference Centre functions/weddings, hotel and restaurant clients and school visits. This would however, include the retention of the beach itself.

The applications are accompanied by a variety of supporting documents including a variety of Noise Assessments conducted at different times for different purposes; a Transport Statement compiled primarily for the purpose of supporting planning applications/appeals in 2009/10, a Sustainability Statement, a Draft Travel Plan, Woodland Grant documents, a Woodland Management Plan and an Ecological Assessment. There is however, no overall Master Planning document which draws together all of the individual assessments to assess the likely cumulative impact of all of the proposals in an up to date manner.

BACKGROUND

The Lawful Use of the Site and the Current Planning Status of Unauthorised Use/Activity

There are a variety of both lawful and unauthorised activities at the site. The lawful activities at the site are largely those which arise from two planning permissions:

>The original consent for the recreational use of land and buildings (1381/2003)

>The second significant consent authorised a new lake and the use of the land surrounding it for recreational purposes (PAP/2007/0503)

In recent years this site has been the subject of a number of planning applications, enforcement notices, planning and enforcement appeals, prosecutions and High Court Challenges. The following is a brief outline of the current status of planning control issues at the site.

Following a Public Hearing held in September and November 2010 the following planning appeals were dismissed:

APP/R3705/A/10/2125768/NWF (LPA Ref: 2009/0324) - Variation of condition no:22 of planning permission PAP/2007/0503 for the importation of material from 10,000 cubic metres to 36,000 cubic metres.

APP/R3705/A/10/2125716/NWF (LPA Ref: 2009/0325) - Retention of pump house and electrical plant room.

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APP/R3705/A/10/2125774/NWF (LPA Ref: 2009/0326) - Retention of proposed beach, rockery and first aid building.

APP/R3705/A/10/2125754/NWF (LPA Ref: 2008/0607) - Variation of condition No. 21 of Planning Application PAP/2007/0503, to permit use for construction traffic and for public access to the land in association with the recreational use of land.

APP/R3705/A/10/2125745/NWF (LPA Ref: 2008/0571) - Improving the existing field access and retention of gates 18 metres from the road and fencing.

Subsequently, the Council issued Enforcement Notices relating to unauthorised development at the site. Appeals have been submitted in respect of those Notices, as follows:

Enforcement Appeal – Reference APP/R3705/C/10/2133789 - Unauthorised raised platform and balustrade, children's play equipment, volleyball court and the statue in the lake.

Enforcement Appeal – Reference APP/R3705/C/10/2133801 - Without planning permission the change of use of the land from a mixed use comprising forestry and agriculture to a mixed use of recreation, forestry, agriculture, paintball activities, and motor driving activities together with engineering works and structures that facilitate the paint ball and motor driving activities.

Enforcement Appeal – Reference APP/R3705/C/10/2133811 - Unauthorised sand beach, sandstone rockery and building within the rockery to include its roof, decked area, steps and railing.

Enforcement Appeal – Reference APP/R3705/C/10/2133837 - Unauthorised lighting, lighting installations that illuminate the lake, island in the lake and sand beach, and fields including mounting posts, brackets and electricity supply cables.

Enforcement Appeal - References APP/R3705/C/11/2152358 - Unauthorised engineering works to create an altered access, roadway/track, together with the erection of gates and palisade fencing at the access with Meriden Road.

Enforcement Appeal - References APP/R3705/C/11/2152369 - Unauthorised tower superstructure located around pump equipment on the island in the lake.

The owner of the site submitted High Court challenges in respect of two appeal decisions: (1) The retention of proposed beach, rockery and first aid building, and, (2). Improving the existing field access and retention of gates 18 metres from the road and fencing.

The above Enforcement Appeals were placed 'on hold' pending the outcome of the High Court Challenge, after which the appeals timetable would recommence to be heard at a Public Inquiry, at a date to be determined.

The High Court cases were scheduled to be heard on 2 February 2012, however, shortly before this date, the Council received confirmation that the appellant had discontinued his challenge. The decisions of the Planning Inspectorate therefore stand. The Planning Inspectorate will be notified of the discontinuance of the challenges and the Enforcement Appeals may now recommence.

An appeal against an Enforcement Notice relating to the erection of an unauthorised marquee was dismissed in August 2009. A subsequent prosecution for non-compliance with the upheld Enforcement Notice was pursued and a fine for non-compliance was imposed. There has now been compliance with the requirements of that Notice.

OFFICER'S OBSERVATIONS

An appeal against an Enforcement Notice relating to the erection of an unauthorised forestry building was dismissed in March 2010. An attempt to legally challenge the decision failed. A subsequent prosecution for non-compliance with the upheld Enforcement Notice was pursued and a fine for non-compliance was imposed. Compliance with the requirements of that Notice remains an unresolved matter.

Recent Appeal Decisions

In recent years there have been several planning appeals at this site. The stances taken by the Planning Inspectors have generally been in favour of preserving the openness of the Green Belt and have balanced this over the appellant's business needs argument. Given that these appeal decisions add context to the current collection of applications, some of the key conclusions are set out below.

The first appeal decision was in August 2009, when an appeal was dismissed, and an Enforcement Notice upheld, relating to the erection of two marquee structures. The two marquees were situated on land to the south of the former farm buildings now used as a conference centre. The Inspector found the marquees to cause harm through inappropriateness as well as serious harm to the open character and rural appearance of the area. In reaching this conclusion the Inspector had regard to the visual impact of the structures when viewed from the public footpath which crosses the appellant's land to the south. The Inspector was not persuaded by the appellant's argument that the marquees were an integral and important part of a successful leisure enterprise employing 37 full time and many more on a part time basis. He found that the business argument could be repeated all too often where unauthorised buildings were used for business use and would seriously undermine the credibility and integrity of the planning system, especially in areas of special control such as the Green Belt.

The second appeal decision related to unauthorised works to a forestry building, including the construction of an external cantilevered platform (March 2010). The Inspector found that the building had been altered in a manner which made it more akin to a visitor centre than a forestry building, concluding that the building constituted inappropriate development in the Green Belt, conflicting with the objectives of policies ENV2 and ECON7, and with PPG 2. The Inspector found that the building generally conveyed the impression of a large pavilion with an upper floor viewing platform, rather than a forestry/agricultural building. He noted that the building was readily seen from the footpath routes in the vicinity and from the western site entrance. He found it to have a dominating and intrusive presence despite the backcloth of woodland and the gently sloping landform. He concluded that it harmed the visual amenity of the Green Belt, contrary to paragraph 3.15 of PPG 2.

The appellant drew the Inspectors attention to policy EC7 of Planning Policy Statement 4 (Planning for Sustainable Economic Growth') which addressed planning for tourism in rural areas, to Forestry Commission and DEFRA documents which gave general encouragement to the recreational use of woodland and advised the Inspector that the business employing about 25 full time and 75 part time workers had continued to invest notwithstanding the downturn in the global economy. The Inspector found, nonetheless, that none of these considerations, individually or collectively, clearly outweighed the harm caused by the inappropriateness of the development in the Green Belt and its adverse impact on visual amenity. Consequently, there were no very special circumstances that would justify the grant of planning permission.

The third appeal decision related to a variety of applications including the retention of the unauthorised beach (December 2010). The Inspector dismissed the majority of the applications, including the application proposing the retention of the beach and unauthorised alterations to an access onto Meriden Road. The Inspector found that although the beach

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and rockery were not inherently harmful to the countryside in terms of their physical form, the present use of the beach (notwithstanding its intermittency) and its function as the focus of a plethora of activities, tipped the balance against the proposal. He found that the beach created a 'honeypot' which could lead to capacity and management problems – the use of an substandard second access, the parking of a large number of vehicles in open fields causing harm to the landscape and the clutter of ancillary structures and activities that are concentrated on and around the beach. He concluded that the use of the beach added materially to the existing summer-time appearance of the site which, overall, caused unacceptable harm to the rural landscape, contrary to policies CP3 and ENV1 of the NWLP.

The appellant argued that the beach was an important source of income and employment at a time when the corporate events market had been hit hard by the economic downturn. Whilst the Inspector recognised that these were important considerations in favour of the proposal, he identified that national policy in PPS 4: *Planning for Sustainable Economic Growth* indicated that a balance has to be found between protecting the countryside and supporting economic diversification and policy EC6.2 advises that diversification proposals should be consistent in their scale and environmental impact with their rural location. He concluded that the balance was in favour of protecting the countryside.

These appeal decisions show a consistent approach to the protection of the openness of the Green Belt and to the protection of the visual amenity of the open countryside. They all have regard to the existence of public access through the site. The applicant's arguments relating to the retention and growth of his business, have, to date, been of insufficient weight to persuade Inspectors that they amount to very special circumstances sufficient to outweigh the protection of the Green Belt. It is against this background that the current applications should be measured. It will be necessary to consider whether the current collection of applications and the special circumstances advocated in support of them, constitute a change in circumstance, sufficient to justify the grant of planning permission.

DEVELOPMENT PLAN

North Warwickshire Local Plan 2006 (Saved Policies):

Core Policy 1 – Social and Economic Regeneration
Core Policy 2 – Development Distribution
Core Policy 3 – Natural and Historic Environment
Core Policy 10 – Agriculture and the Rural Economy
Core Policy 11 – Quality of Development
Core Policy 11 – Quality of Development
ENV1 – Protection and Enhancement of Natural Landscape
ENV2 – Green Belt
ENV3 – Nature Conservation
ENV4 – Trees and Hedgerows
ENV8 – Water Resources
ENV10 – Energy Generation and Energy Conservation
ENV11 – Neighbour Amenities
ENV12 – Urban Design
ENV13 – Building Design
ENV14 – Access Design
ENV16 – Listed Buildings, Non-Listed Buildings of Historic Value and Sites of Archaeological Importance (including Scheduled Ancient Monuments)
ECON5 – Facilities Relating to the Settlement Hierarchy
ECON10 – Tourism & Heritage Sites & Canal Corridors
ECON11 – Hotels and Guest Houses

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TPT1 – Transport Considerations in New Development
TPT2 – Traffic Management and Travel Safety
TPT3 – Access and Sustainable Travel and Transport
TPT6 – Vehicle Parking

Waste Local Plan

Policy 3 – Land Filling (Saved Policy)
Policy 4 – Land Raising (not saved)

OTHER RELEVANT MATERIAL CONSIDERATIONS

Warwickshire Landscape Guidelines.

Government Advice:

Planning Policy Statement 1 - Delivering Sustainable Development
Planning Policy Guidance Note Number 2 - Green Belts
Planning Policy Statement 4 – Planning for Sustainable Economic Growth
Planning Policy Statement 5 - Planning for the Historic Environment
Planning Policy Statement 7 – Sustainable Development In Rural Areas
Planning Policy Statement 9 – Biodiversity and Geological Conservation
Planning Policy Statement 10 – Planning for Sustainable Waste Management
Planning Policy Guidance Note Number 13 – Transport
Planning Policy Guidance Note Number 17 – Planning for Open Space, Sport and Recreation
Planning Policy Guidance Note Number 24 – Planning and Noise

Good Practice Guide on Planning for Tourism (May 2006)

Planning For Growth – Ministerial Statement (March 2011)

This statement identifies that the planning system has a key role to play in rebuilding Britain's economy, by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. It sets out that it is a top priority of Government to promote sustainable economic growth and jobs. It further sets out that Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. The advice indicates that the Secretary of State will attach significant weight to the need to secure economic growth and employment in his decision making.

Draft Policy:

Consultation paper on a new Planning Policy Statement: Planning for a Natural and Healthy Environment

(Consolidation of PPS9, PPS7, PPG20 & PPG17)

Draft National Planning Policy Framework (July 2011)

The Draft Framework sets out that the purpose of planning is to help achieve sustainable development. The Framework makes clear that local councils should be positive and proactive in encouraging sustainable growth and addressing barriers to investment and sets a presumption in favour of sustainable development. The presumption is designed to help turn the planning system round - from one focused on barriers to one that prioritises opportunities. It requires councils to work closely with businesses and communities to plan

OFFICER'S OBSERVATIONS

positively for the needs of each area. And it makes clear that where plans are not in place or up-to-date, development should be allowed unless this would compromise the key principles for sustainability in the Framework, including protecting the Green Belt

The framework however re-affirms the Government's commitment to maintaining Green Belt protection to prevent urban sprawl. The presumption against inappropriate development harmful to Green Belt remains.

It indicates that Green Belt land that has been depleted of diversity can be refilled by nature – and opened to people to experience it, to the “benefit of body and soul”.

The Framework takes forward the Natural Environment White Paper's aims to improve the quality of the natural environment across England, to halt the decline in habitats and species.

“A healthy and diverse natural environment is crucial to our sense of wellbeing”. The Framework underlines that the planning system should seek not just to protect, but, where possible, to enhance biodiversity – making sure we don't just have isolated pockets of wildlife, but rich and connected green spaces for all kinds of species to thrive. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland.

The framework identifies that noise and light pollution can impact negatively on people's quality of life. The Framework makes clear that planners must seek to avoid noise pollution as a result of new developments, and to protect tranquil areas prized for their peace and quiet. By encouraging good design, planning decisions should limit the impact of light pollution.

It indicates that good design is an essential part of sustainable development. The planning system should promote high quality design for all development.

CONSULTATIONS

1. Warwickshire County Council Ecology Unit

I have read each application and consulted the Habitat Biodiversity Audit, Warwickshire Biological Record Centre and Wildlife Sites Project datasets to formulate my responses. As requested I have looked at each application separately and have then looked at their cumulative impacts. Before commenting on each application it is essential that they are placed in an ecological context that includes the surrounding area.

In brief, the ecological context is that Birchley Hays is registered as a Plantation on Ancient Woodland Site (PAWS - planted woodlands of any species on ancient woodland sites). An Ancient Woodland Site infers an area of land that has been continuously wooded since before 1600 AD in England and Wales, 1750. Some of these woodlands may be primary (i.e. remnants of our prehistoric woodlands) and others will have arisen as secondary woodland on ground cleared sometime prior to these dates. It is also an Ecosite (17/28) and a potential Local Wildlife Site (SP28S1).

A full description of the ecological context is set out at Appendix 1

PAP/2011/0317 - Outline application for a new three storey hotel and function room building.

OFFICER'S OBSERVATIONS

The proposed hotel will be sited in place of an existing barn-type building of little bat potential (Dave Lowe, Site Visit, Dec 2011). The habitats to be impacted upon include hard standing and amenity grassland.

The ASW Ecology Report (2011) suggests that the hedgerow immediately to the north-east is a good grass snake connectivity feature. This would be the same for great crested newts and slow worms.

Ecologist's Recommendations:

Pre-determination

- 1) Protected species surveys are carried out to assess presence/absence and subsequent population estimates both on sites and in the surrounding area.

Conditions / obligations

Protected Species mitigation plan as determined by 1) above

PAP/2011/0261 - Erection of a new 287sq.m. D2 (Assembly and Leisure) visitor centre building within a new woodland clearing.

The Visitor Centre is to be placed in a re-Planted Ancient Woodland Site (PAWS). The location chosen is in a relatively species poor area, but with a number of bluebells (ASW Ecology, 2011). It will require a number of coniferous trees to be felled and sewage will be collected in a bio-digester.

The ecologist suggests that the use and disturbance would potentially be greater than suggested in the application supporting documents and draws attention to contradictions within the proposal documents and conflicts between the Forestry Commission Management Plan and the ASW Ecology Report.

Ecologist's Recommendations:

Pre-determination

- 1) Protected species surveys are carried out to assess presence/absence and subsequent population estimates both on sites and in the surrounding area.
- 2) Placement of the bio-digester and where it will be serviced from – I would recommend outside the wood.
- 3) Modelling of noise penetration level from activities in and adjacent to the wood associated to the building's uses.

Conditions / obligations

- 1) Protected Species mitigation plan as determined by 1) above
- 2) Landscaping scheme including tree planting to screen/ reduce disturbance penetration into the wood.
- 3) Management Plan for the entire wood and areas of offsetting.
- 4) Conditions of use for the buildings and spaces / activities associated to the building.

PAP/2011/0229 - Formation of off-road adventure trail for use by 4x 4 vehicles and quad bikes, planting new woodland & import 10,000 cubic metres of inert material for boundary bunds, soil structures and vehicle obstacles; Internal access roads' Import further 10,000 cubic metres of inert material to and the formation of conservation pools.

The Ecologist advises that the off-road adventure trail is to be created east of the newly created lake. It is currently a species-poor grassland and pool, adjacent to woodland on two sides and semi-improved grassland on the other. The ASW Ecology Report (April 15th 2011) has not established the value of this site's habitat in relation to flora and fauna species.

Again the Forestry Commission Management Plan and the ASW Ecology Report conflict.

OFFICER'S OBSERVATIONS

He suggests that there is not enough detail regarding the landform changes proposed to create the off road track and obstacles. He recommends that detailed before and after cross-sectional drawings of each feature's levels are submitted. He indicates that he is not currently persuaded that screening bunds are necessary as they would be incongruous to the Arden Landscape. The ideal would be to incorporate the track into the existing landscape. He indicates that it is important to note that the obstacles will vary the landform to create slopes of varying aspect and slope that would create valuable habitat features. These features should also be included in a management plan for this aspect of the site to ensure a net-biodiversity gain.

Ecologist's Recommendations:

Pre-determination

- 1) Protected species surveys are carried out to assess presence/absence and subsequent population estimates both on sites and in the surrounding area.
- 2) Cross-sectional drawings of off-road features and circuit.

Conditions / obligations

- 1) Protected Species mitigation plan as determined by 1) above
- 2) Landscaping scheme including tree planting
- 3) Management Plan for all newly created areas for target species both flora and fauna.

PAP/2010/0324 - Change of use of 0.82 Ha of land from recreational use to use as a caravan and camping site.

The field to be used is amenity grassland with low biodiversity interest. There is the possibility that a number of trees will be affected by the application which have not been identified. The site is not to be formally laid out; there will be no lighting or electricity points. The application includes a toilet and shower facility.

The access to the site will be by creating a new road that will be screened by bunds. I am not persuaded that there is a need for these bunds as they would be incongruous in the landscape.

Ecologist's Recommendations:

Pre-determination

- 1) A detailed plan illustrating the trees to be impacted or retained by the proposal with any additional planting schemes.
- 2) A detailed plan showing the location and direction of services to and from the toilet /shower block.

Conditions

- 1) Conditions of use for the site and buildings and spaces / activities associated to them.

PAP/2011/0131 - Variation of conditions no: 6 of planning permission PAP/2007/0503

I have no ecological comments on this variation

PAP/2011/0132- Variation of conditions no: 3 of planning permission PAP/2007/0503

He expresses the following ecological concerns relating to the potential disturbance levels to the neighbouring woodland and surrounding habitats that would conflict with other current application for the applicant's landholdings.

OFFICER'S OBSERVATIONS

- 1) There are no models showing noise penetration into the surrounding land especially the woodland to indicate disturbance levels. These should be based on the precautionary highest noise level.
- 2) There is no indication as to the persistence of the noise levels associated with any prescribed activities. One off noise occurrences have greater potential for disturbing birds (for example) than regular or continual noises. Examples could be linked to bird-scaries.
- 3) How is this condition to be monitored? Would there be any static detectors on sensitive locations around the to-be-defined perimeter. What happens if the limit is exceeded and what is the trigger mechanism to immediately reduce noise levels.

Without this additional information I would suggest that NWBC is unable to determine the impact of this variance in accordance with PPS9.

PAP/2010/0289 - Change of use of woodland to mixed recreational and forestry use.

He agrees that the wood can accommodate a regulated degree of recreational use.

He comments that he is unable to locate plan number 268/211/11 depicting the area where motorised activity is to be stopped. He suggests that the Section 160 also include the regulatory times for the amount and frequency of the associated recreational activities. The management plans attached to the applications have conflicting statements and I am unsure as to which one if any will be the annexed one to the above agreement.

I would suggest that a Section 106 with conditions is the way forward to regulate the recreational uses within the wood. I would also suggest that a management plan is the mechanism to achieve the long term recreational and nature conservation objectives of the wood. It would also be a way to measure the associated impacts of these activities on the woodland flora and fauna and would help achieve a reasonable balance of both activities. This balance must be set from a sound baseline survey, which I do not believe has yet been carried out taking into the potential for protected and importance species to be present in the wood.

Ecologist's Recommendations:

Pre-determination

- 1) Fauna and Flora surveys including protected species are carried out to assess presence/absence/importance and subsequent population estimates both on sites and, where relevant in the surrounding area.
- 2) Modelling of noise penetration level from activities in and adjacent to the wood associated to the building's uses.

Conditions / obligations

- 1) Protected Species mitigation plan as determined by 1) above
- 2) Management Plan for the entire wood and areas of offsetting.
- 3) Conditions for number, size and location of all activities within the wood.

Additional Information

The submitted plans show the formation of clearings that are potentially going to be used for additional recreational uses such as events and picnic areas. These were not directly referred to within the suite of applications submitted. If these activities are not detailed in the applications, he suggests that this information is provided as they will have to be considered as part of the ecological impact assessment of the whole site.

Cumulative Impact Summary:

PAP/2011/0317, PAP/2011/0261, PAP/2011/0229, PAP/2010/0324, PAP/2011/0133 and PAP/2011/0134, PAP/2011/0131 & PAP/2011/0132 and PAP/2010/0289

OFFICER'S OBSERVATIONS

Each application has shared information that is not always consistent and complimentary. Should some activities be taken forward with all the proposed recommendations suggested in the Management Plans then there is a significant potential that the biodiversity offsetting of each activity would become blurred and result in further confusion when discharging conditions, possible enforcement or monitoring.

Should all the above applications be approved the cumulative impact would be significant, especially if one or more of the above activities occur simultaneously with each other and/or with currently approved activities. However, before one can assess these individual or cumulative impacts a baseline of ecological information must be obtained.

Within planning law and guidance the ecologist expresses the professional opinion that there is insufficient evidence to determine whether any of the above applications will have an impact on protected species or national and locally rare species.

He recommends the following surveys are carried out prior to determination in accordance with PPS9 and accompanying circular:

- a) Great Crested Newts - There has been no assessment of ponds within the site and the surrounding 500 metres of the sites boundaries.
- b) Grass Snakes and Slow-worms – ASW Ecology and I agree that the woodland and surrounding grassland is good potential for these species. Further assessment of these species and subsequent population sizes are required.
- c) Bats – No survey assessments for bats have been carried out throughout the landholding particularly in the Ancient Semi-Natural Woodland Area, rides and along surrounding hedgerows.
- d) Other rare and endangered species – no in-depth flora and fauna surveys have been carried out to identify presence or absence to inform impact and/or mitigation strategies.

However, it is his further professional opinion that the whole site has the capacity to accommodate regulated recreational activity as long as existing and created ecological sensitive areas are safeguarded and the appropriate enhancement of existing features to screen/absorb impacts. As the applications are presented, there currently too many inconsistencies in how biodiversity will be incorporated into the site. He recommends that a Master Plan that incorporates ecological considerations is produced for the whole landholding, indicating current and future management and recreational objectives and mitigation. This approach will be able to calculate and assess biodiversity impacts and “offsetting” in a measured and timely manner.

In reply to the comments of the Ecology Unit, the applicant's agent (Mr Williams) offered a response. This response of the applicant's agent is reproduced as Appendix 2.

The Ecologist offers the following advice in reply:

He appreciates the amount and variety of wildlife enhancement that has occurred and is proposed, but also set out that there is potential and opportunity for further enhancement.

The Local Authority must consider biodiversity when making its decisions (Natural Environment and Rural Communities Act, 2006). Local Authorities must also abide by European and UK law transposed into Planning Regulations through Planning Policy Statement 9. Mr Williams has referenced this in his letter. At a local level the decision will need to reflect saved Local Plan Policies (2006).

OFFICER'S OBSERVATIONS

European Legislation Habitats Directive (2010) – All species of bat and great crested newts (GCN) are protected by EU legislation. In his professional opinion there is a significant potential that both species are present on the site and may be impacted upon through the works and associated after-use. Therefore, when making a decision it is necessary to show that following derogation tests have been considered in relation to these activities:

1. That the development is in the interests of public health and safety, or for other imperative reasons of overriding public interest, including those of social or economic nature and beneficial consequences of primary importance for the environment.
2. That there is no satisfactory alternative.
3. That the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

Without any presence or absence surveys followed by population surveys the Ecologist would suggest that you would not be able to determine the last two tests for each of the applications.

UK Legislation Wildlife and Countryside Act (1998 as amended) – Bats are also covered under this legislation, but to a similar degree as above. However, this act also offers protection to grass snakes and slow worms that are likely to be present on the site. In order to establish the potential impact on these species one needs to establish presence and absence and population size. The population size will determine the level of appropriate compensation and mitigation. If each application was treated individually there is the potential that these surveys could be conditioned with subsequent mitigation designed and implemented within the applicants land ownership. However, any mitigation area would need to be protected from future developments and would potentially restrict the other or future applications on the site. In his opinion the accumulative impact of each application severely restricts the placement of mitigation for either of these species should they be found to be present in significant populations.

North Warwickshire Local Plan 2006 Policy ENV 3 - This saved policy states:

Species Protection

4 Development and other land use changes that are likely to have a harmful effect on rare, endangered, or other species of conservation importance will not be permitted.

5 Where development is permitted which may have an effect on these species, the Authority will use conditions and / or obligations to secure compensatory measures necessary to protect the species, reduce disturbance to a minimum and provide alternative habitats to sustain or enhance the population.

This affords protection to previously mentioned EU and UK species, but also covers other nationally and locally important species. These include species in the UK and Local Biodiversity Action Plans and national red data books (endangered species). Without appropriate surveys to determine the presence, absence and location of those species identified to be reasonably present on the site, I would suggest that certain applications would not be compliant with this policy.

Reasonability of Surveys: Mr Williams mentions the clause within PPS9 relating to the cost of surveys prior to determination and should only be asked for if there is '*reasonable likelihood of the species being present and affected by the development*'. I would like to refer Mr Williams to the ASW Ecology Report (April 15th 2011) which suggests there is a suitable habitat for grass snakes and slow worms. I agree with this report's findings and it is my professional opinion that the area has the potential to support great crested newts and bats. There is also a significant potential that there are other important species on the site. This is based on the ecological data within the Warwickshire Biological Record Centre and Phase 1 Habitat data showing suitable connectivity surrounding the application areas.

Please note that my recommendations are based on current best practice guidance and Planning Inspectorate case examples. After reading Mr Williams's letter, I am currently not

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persuaded to alter my recommendations and suggestions within my original response dated 30th December 2011.

2 Warwickshire Wildlife Trust

Makes representations in respect of Applications numbered PAP/2011/0261, PAP/2010/0324, PAP/2011/0134, PAP/2011/0132 and PAP/2010/0289 as follows:

Warwickshire Wildlife Trust is concerned that the supporting ecological assessment submitted does not provide adequate information to evaluate the potential impacts of these proposals on biodiversity. The reasons for our concerns are as follows:

1. There has been no supporting ecological data search to consider the possible presence of protected species in the locality. Without consideration of local species records and adjacent habitats it is not possible to make statements about the likely absence of protected species with a reasonable degree of certainty.
2. No species specific surveys were undertaken on site and the assessment methodology did not appear to conform to standardised extended phase 1 methodology. Conclusions formulated, with regards to the absence of great crested newts, otter and water vole, are therefore unsubstantiated and the likelihood of bat roosting potential remains unclear.
3. No botanical assessment could be undertaken in the woodland as the surveyor is admittedly "not a professional botanist". Conclusions within the report, regarding the botanical value of the site, the impact on the ground flora from the development and subsequent activities and the dismissal of Mr Lowe's ecological conclusions, cannot therefore provide reasonable certainty as to the possible impacts of the proposals.
4. The assessment appears to focus solely on the possible impact that would accrue if the current unauthorised activities were given consent. No consideration has been given to the likely ecological value of the wood if the unauthorised activities had not occurred in the first place. As this is a retrospective application, the previous condition of the wood prior to the current activities should be considered as the ecological baseline, taking into account any change in condition brought about by the existing woodland management. Any subsequent change of use for recreational purposes should then be assessed against this baseline as opposed to the existing condition of the wood.
5. There are no supporting maps within the survey to detail the main areas of ecological interest, the extent of the development works and the current areas of unauthorised activity. Interpretation of the site descriptions to determine the extent of ecological impacts is therefore not possible for the current applications.
6. Birchley Hayes Wood is a potential Local Wildlife Site (pLWS). In turn, a full LWS Criteria Assessment should be undertaken to determine whether the activities or development proposed within the above applications are likely to result in the loss or degradation of a Local Wildlife Site. The LWS criteria assessment must be undertaken by a suitably qualified ecologist using the Warwickshire LWS criteria guidelines and submitted to the Local Wildlife Sites partnership for independent assessment. The Trust believes that determination of the application without due consideration of whether the site meets the LWS criteria or not would be contrary to the local authority's duty under section 40 of the Natural Environment and Rural Communities Act 2006.

The Trust believes that the lack of information regarding the impact on biodiversity is contrary to Planning Policy Statement 9 which requires all development proposals to be informed by robust and up-to-date information about the environmental characteristics of the area. The Trust will subsequently object to the applications listed above if no additional ecological work can be provided to address the aforementioned concerns.

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Following re-consultation, the Trust maintained its objections as follows:

The formal objections are as follows:

2010/0289

The Trust believes that the application does not provide adequate information to determine if the proposed change of use of Birchley Hayes Ancient Woodland and potential Local Wildlife Site (pLWS) would adversely impact on biodiversity. The accompanying Ecological Appraisal was not undertaken in accordance with standardised phase 1 survey methodology and does not include a detailed botanical assessment of the woodland ground flora given that it was not undertaken by a suitably qualified botanist. In turn this assessment cannot be used to inform conclusions about the impact that activities such as 4 x 4 vehicles and quad bikes could have on the ancient woodland ground flora and on the features that may be of interest for the pLWS.

2011/0132

The Trust believes that the application does not provide adequate information to determine if the proposed variation of condition 3 would adversely impact on Birchley Hayes Ancient Woodland and potential Local Wildlife Site (pLWS) and its associated biodiversity. There is currently no ecological assessment accompanying the application and therefore evidence about the likely impacts that the variation of condition 3 could have on biodiversity, such as from the use of a range of motorised vehicles in the woodland, is not available to the local authority to make an informed decision on the application.

2011/0261

The Trust believes that the application does not provide adequate information to determine if the proposed erection of a visitor centre and associated infrastructure within Birchley Hayes Ancient Woodland and potential Local Wildlife Site (pLWS) would adversely impact on biodiversity. The accompanying Ecological Appraisal was not undertaken in accordance with standardised phase 1 survey methodology and does not include a detailed botanical assessment of the woodland ground flora given that it was not undertaken by a suitably qualified botanist. In turn this assessment cannot be used to inform conclusions about the impact that site clearance, construction, drainage and the increase in recreational disturbance associated with the visitor centre could have on the ancient woodland ground flora and for the features that may be of interest for the pLWS.

PPS9 requires all development proposals to be supported by up-to-date information about the environmental characteristics of the area. Given that the application provides very little botanical assessment of the ancient woodland, the Trust believes that the proposal is contrary to this provision. We strongly advise that further survey and assessment is provided to determine the implications such a change of use could have on Birchley Hayes Wood prior to determination. As the site is a pLWS, this should include at the very least an assessment using the standardised Warwickshire Local Wildlife Site Criteria Assessment.

We remind the Local Authority that until a Local Wildlife Site criteria assessment has been undertaken, it is not possible to fully determine the nature conservation value of the pLWS. Therefore with inadequate information it is not possible to fully apply the criteria of Policy ENV3 of the North Warwickshire Local Plan to this application such that:

“Development and other land use change likely to have a harmful effect on the nature conservation status of - a site of importance for nature conservation – will not be permitted unless there are reasons for the proposal that clearly outweigh the need to safeguard the nature conservation value of the site or feature.”

The Trust subsequently believes that approval of the application without due consideration of the nature conservation value of the pLWS would be contrary to the duty imposed on all

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Local Authorities under section 40 of the Natural Environment and Rural Communities Act 2006.

Furthermore, with reference to clause 3 of Policy ENV3, it is not possible to secure mitigation or compensatory measures to reduce or limit the harm to the ancient woodland and pLWS if the features of nature conservation interest and the subsequent impacts from the change of use are not yet known. The Trust believes that without an adequate mitigation strategy it is possible that the change of use could result in the loss or degradation of an ancient woodland and a pLWS contrary to the current principles of national planning policy.

Protected Species

There remains a possibility that the change of use could have a detrimental impact on protected species or species of nature conservation importance such as Local Biodiversity Action Plan Species. I note the Ecological Appraisal was critical of conclusions formulated by Mr Lowe's proof of evidence regarding the potential of protected species however such arguments are not substantiated by robust evidence, either field survey (according to best practice species specific surveys) or by species records searches from national or local record centres. In turn, I outline, from the absence of evidence to state otherwise, that there is still a possibility that protected species may be affected by the current change of use proposals and direct you to Natural England's standing advice on how to address this matter.

3 Forestry Commission

The Forestry Commission has offered a number of comments generic to some of the applications and has given individual comments in respect of each application. The generic comments are set out below and the individual comments are itemised beyond under the sub headings for each application number.

Generic comments.

These applications may have impacts on ancient woodland. As the Government department responsible for woodlands and forestry, we are pleased to provide you with information that may be helpful in your consideration of this application. This includes stating the Government's forestry policy, both nationally and regionally (Annexe 1) and definitions of woodland types and ancient woodland inventory (Annexe 2).

The Government's forestry policies highlight the importance of ancient woodland (most recently 'Keepers of Time' 2005) and strongly discourage development that results in its loss or deterioration, unless there are overriding public benefits arising from the development. From this you will note the importance that the Government places on preventing further loss or deterioration of ancient woodland.

Ancient woodlands are irreplaceable. They have great value because they have never been converted to another land use, with many features remaining undisturbed. In particular they often retain some of the biodiversity and soil structure from our primordial woodland, even the parts, which have been felled and replanted. Native species that have survived in this wood can, with good management, colonise restored natural habitats nearby, for instance new native woodlands, heathlands or even native grassland. They are integral to the character of local and regional landscapes.

Having checked the Ancient Woodland Inventory I can confirm that the majority of Birchley Hays Wood is Plantation on Ancient Woodland Site (PAWS). The remaining areas of the woodland are Ancient Semi Natural Woodland (ASNW).

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The ecological integrity of the adjacent woodlands could be affected by:

- Point-source water or diffuse groundwater pollution affecting plant growth and encouraging 'weedy' species; It will be important to make sure that any foul water drainage does not find its way into the woodland.
- Direct tree root damage and soil compaction and tree canopy damage, during or after the development and during the installation of the access road;
- Erosion and damage caused by excessive or inappropriate recreational use

PAP/2011/0229

An offer of grant has been made by the FC to create and establish native woodland in the area where the off-road 4 x 4 route is proposed. Failure to meet the terms of the agreement for planting and establishing native woodland would result in the FC considering reclaiming the grant. It is beholden on the applicant to notify the FC of any proposed changes that may affect eligibility under EWGS funding.

The Forestry Commission confirms that the Woodland Creation Grant offer is to plant and establish new native woodland. It did not include the use of the land for any off-road vehicle activity or the importation of soils which would be incompatible with the creation of new native woodland. Should this be constructed then the FC would consider reclaiming any grant money paid under this scheme.

PAP/2011/0261

The proposed development will be constructed in Birchley Hays Wood, which is designated as a Plantation on Ancient Woodland Site (PAWS). With the proposal being close to the edge of the PAWS has the option of siting the development on the adjacent open land been considered? In order to provide a comprehensive response, further information on access, both temporary (during construction) and permanent should be submitted, along with the number of trees to be felled and extent of groundwork.

PAP/2010/0289

The Forestry Commission (FC) has a policy to ensure there is no net tree loss unless it can be clearly demonstrated there is biodiversity gain from removal of trees. Ancient Woodland Sites (including ASNW) are, in the FC view, priority sites due to the long period these sites have been covered in trees and the important ecological systems that have developed. Several important woodland plant species can only be found on AWS. Any development or change to the woodland status which does not comply with the UK Forestry Standard is not supported by the FC.

The FC confirms that a Felling Licence was issued on the 10th Feb. 2010 (ref. 015/258/09 - 10) for the thinning of compartments 1 to 8 (see attached map). Thinning is the removal of a proportion of trees in order to provide more growing space for the remaining trees. The trees which are left will grow to occupy the site fully. The licence expires on the 9th Feb. 2015.

It further confirms that the creation of four clearings within the woodland has not been granted by the Forestry Commission (FC). The woodland is designated a Plantation on Ancient Woodland Site (PAWS). The FC would only issue an unconditional licence (i.e. no restocking) if clear biodiversity gain could be demonstrated. If the recreational activity would have a detrimental effect on the biodiversity of the clearings then it is likely support would not be offered by the FC.

The FC has provided grant aid through the Woodland Planning Grant (WPG) for the preparation of a management plan. The Plan has been approved as an appropriate approach to woodland management. It points out though the Plan refers to paintballing

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(mainly in Compartment 4), quad bike and 4X4 driving, orienteering, archery and educational visits by schools.... as the hazards and threats, it does not imply that these activities are supported by the FC.

PAP/2011/0132 and PAP/2011/0134

(0132) Noise pollution in the woodland should be kept to a minimum and avoided outside daylight hours.

(0134) No Comments.

PAP/2011/0131 and PAP/2011/0133

No Comments

Following a site visit, where the Forestry Commission Representative was accompanied by the applicant, the following additional comments were received:

The proposal is within a plantation on Ancient Woodland Site (PAWS). Ancient woodland site are considered by the FC to be priority sites due to the important complex and diverse ecological systems that have developed over a long period of time. Once these woodlands are lost they are irreplaceable.

The woodland should be protected and the FC supports the removal of the exotic coniferous crop in favour of restocking with native broadleaves. This policy is further described in the FC document Keepers of Time, which I have sent you details in a previous email.

The FC would like further consideration given to siting this building out with the boundary of this important woodland. Whilst an element of FC policy is to encourage public access in to woodlands this should be balanced with the ecological value and importance of the woodland site. The management prescription briefly described by the owner was vague however it indicated that soil disturbance and sowing with grass seed is desired. The grass would be mown regularly during the active growing season.

The areas shown on the map, (used during our site visit) for proposed tree removal and the creation of open areas for public amenity are extensive. Opportunity should be considered to plan the siting of these areas to reduce the impact on the woodland.

The paintball activity is currently within a crop of mature pine. Good silvicultural practice would be to clear fell this crop within the next 10 years. To comply with the UK Forestry Standard no greater than 10% of the PAWS should be felled in any five year period. Consideration should be given to the eventual resiting of this activity which should be areas of low ecological value.

The approval of the woodland creation grant, EWGS 24198 was granted before the intention to use the area (or part of) as off-road vehicle course. Also I was not aware of the intention to import soil in to the woodland area. The grant provided is to support the creation of new native woodland. Any activity that is detrimental to its establishment and development, within the period of the agreement cannot be supported by the FC.

4 Environmental Health Officer (Pollution Control)

PAP/2011/0317 - The noise assessment submitted alongside this application is not relevant to this new proposal. The hotel appears to be a metal clad, industrial style structure with one of the facades being completely glazed. This glazed façade may offer very little in terms of noise attenuation from the proposed function rooms on the ground and second floor, particularly if this glazing has the ability to be opened. A full noise impact assessment will be required as this development is relatively close to neighbouring properties. This will need to

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take account of the building fabric elements, the predicted noise levels within the function rooms, and the attenuation with distance to nearby receptors. The results of this assessment could provide measures to mitigate noise such as the use of a noise limiter within the proposed function rooms. There may also be issues regarding entertainment lighting from the function rooms which may need to be addressed further by the applicant. He assumes the proposed hours of operation for the D2 leisure use is restricted to 23:30 and unrestricted in respect of the C1 use of the hotel.

PAP/2011/0261 - The noise assessment submitted alongside this application is also not relevant. There may not be any issues regarding noise from this proposal but as a precautionary measure he would recommend that the hours of use submitted are controlled by condition and that regulated entertainment is prohibited.

PAP/2011/0229 – Initially identified a fundamental error in the noise assessment for the new adventure trail with incorrect distances quoted between some neighbouring receptors and the A-F track locations.

The proposal moves the off-road vehicle track into a more open and exposed location which is closer to residential properties, so a fully amended noise assessment needs to be resubmitted. This has now been re-calculated and although it has resulted in a slight increase in the predicted noise at nearby receptors, the findings of the report remain unchanged.

The report also recommends that the proposed earth bund should be extended in an L-shaped mounding configuration to the north east corner so as to increase noise attenuation. It would be advisable to state that the bund should be no less than three metres in height. He agrees that any additional bunding/screening will be beneficial, but still can not foresee that these activities will not impact on some neighbouring properties. It is also mentioned in the initial noise report that vehicle use should not be transferred to the new woodland for six to eight years after planting and agreed that this should be incorporated into a condition should permission be granted. However, this appears to have been removed from the recently updated noise report and the intention may now be to transfer the vehicle use sooner. Hours of operation would also need to be restricted along with a condition stating that no more than the proposed number of vehicles should use the track at any one time. ie- no more than six quad bikes and no more than two 4 x 4 vehicles shall use the track at any one time. It may also be advisable to prohibit races/over-taking on the track and prohibit the use of the track on Sundays and Bank Holidays. I would recommend that gradients on the track are also kept to a minimum to prevent "over-revving" of engines. If these recommendations are considered to be unenforceable as conditions and permission is granted for the uncontrolled and unrestricted use of the site, then this would have the potential to cause considerable disturbance to local residents. Even with restrictions the vehicles may still be audible at residential properties.

The importation of 20,000 cubic metres of inert material and the associated construction will need to be fully assessed in terms of both noise and dust.

PAP/2011/0134 and PAP/2011/0132 - I am concerned that a maximum noise level of 70 dBA at the boundary of the site has been suggested. I cannot see where this recommendation has come from as it does not appear to be mentioned in any of the supporting noise reports for this and all the other current applications. The applicant will therefore need to justify this proposal. Daytime background levels have been recorded at 53 - 60 dBA at locations around the park boundaries and based on this information alone a 70 dBA noise limit would be unacceptable as this is considerably higher than current background levels. General recommendations for previous applications have included prohibiting the use of amplified speech or music or live music at the site and these may still apply but should a boundary noise limit be imposed this will need to be justified further.

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Following a dialogue with the applicant's agent, the Environmental Health Officer has confirmed the following:

I appreciate that the site is not a completely quiet location and that the noise from the M6 contributes to the background level but in order to suggest a maximum noise level across the site, it would need to be set at a level which does not impact upon neighbouring properties. There is no justification for a maximum 70 Leq (5mins) at the boundary and the applicant needs to employ the services of an acoustic consultant to provide evidence that this will not adversely affect surrounding properties. I have not seen any scientific justification for this suggested noise level. In theory I do not object to a suggested limitation on noise but this needs to be proven and needs to be enforceable. Simply having a control over noise does not necessarily mean that it is a better control. It is questioned whether the noise limit is intended to apply during day time and night time as the background levels in the area would be likely to drop considerably in the night.

From a noise perspective, the quad bikes were not causing any disturbance when they were previously being used in the woodland but the proposal is to move this activity into the open and closer to some residential properties, hence his concern. He notes that a large quad bike event held last year did result in numerous complaints to the Council regarding noise.

PAP/2010/0324 - Objections have been made regarding noise from these activities by nearby residents. It may be difficult to deal with noise from people using this element of the site but conditions could be put in place to try and minimise potential disturbance to nearby residents should planning permission be granted, such as restricting the numbers of caravans and tents permitted or prohibiting the use of amplified sound at the camp site. The camping and caravanning club's site rules state that there should be no noise or vehicle movement whatsoever between 11pm and 7am. This could also be conditioned or even tightened if necessary.

PAP/2010/0289 – Suggests that the hours of operation be restricted by condition. The applicants suggested hours of operation would be acceptable - 8am and 6pm on each day.

5 Environmental Health Manager (Private Sector Housing & Public Health)

PAP/2010/0324 Comments as follows:

The submission is well crafted and makes reference to the principal issues in the caravan sites license legislation (further noise comments separate). It acknowledges spacing requirements (for example) to limit fire spread, but does not explain in detail how they will be maintained and enforced. The photograph on page 5 suggests parking between or adjacent to units is somewhat haphazard. I note that WC and wash points are planned, but not fire points. I note that there is no provision for electric power hook-ups (could units use generators or power from vehicles engines?), and that sanitary disposal would be communal not pitch specific. I note no mention of wastes or refuse. Motor homes do not appear to have been addressed.

The applicant states that roadways would be 'hard' GrassCrete, which would assist in traffic and pedestrian movements especially if the ground was wet or boggy, but pitches themselves would be 'natural'. I am unaware how well the site drains to determine how sufficient this is for vehicles pulling on and off, for safety etc., and including emergency vehicles.

I note that lighting is not to be provided, which may make navigation after dark rather difficult and unsafe, else it is supplemented with torches, vehicle lights and lanterns. The applicant states they intend to join the Caravan and Camping Club which would avoid them requiring a license form the Council, if they met club standards. Point 5.7 mentions noise and says that vehicle numbers using the site would not be dramatic, but fails to explain where this

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assumption comes from - it could equally assume that each vehicle visiting to camp could leave and return several times each day for shopping, meals and other off-site attractions. The noise report also mentions background road traffic noise 'roar', when my own experience has been a rumble.

In summary, I have no objection in principle but the applicant should be requested to clarify the above points of uncertainty.

6 Warwickshire Fire and Rescue

PAP/2011/0317. No objection subject to the inclusion of a condition requiring the submission and implementation of a scheme for the provision of adequate water supplies and fire hydrants.

7 Severn Trent Water

PAP/2011/0317, PAP/2011/0261, PAP/2011/0229, PAP/2010/0324

No objection subject to conditions

8 Environment Agency

PAP/2011/0229. No objection in principle, subject to the resolution of a number of questions set out below, and then subject to the imposition of conditions.

Waste Importation/Sustainability

We note that this application involves the importation of a total of 20,000 cubic metres of waste material. The design and access statement submitted states that this would equate to approximately 2,500 lorry loads of imported fill material, going to and coming from the site. We would question whether this amount of imported material would be required for the proposed development, for the following reasons:

1. Earth bund:

The design and access statement states, *"its purpose would be to demarcate the boundary of the private woodland and provide a visual and sound barrier. It would be intended as a deterrent to trespassers (accidental or otherwise) and to allay any fears of the adjacent owners of disturbance to wildlife, litter transference or loss of privacy"*.

We have seen no formal concerns raised by adjacent landowners regarding the issues outlined above. We would also question whether appropriate fencing and planting would provide a more suitable boundary treatment.

2. 4x4 track features:

We would question whether the earth mounds proposed could not be created via cut and fill within the site itself.

With regard to the proposed infill of the borrow pit on site, we have informed the developer that this MAY be considered a landfill activity in line with our regulations. We therefore recommend that the Waste Planning Authority is consulted.

Pollution Prevention Issues

The above site lies within a Source Protection Zone III, on a Principal Aquifer and there are several water features on site. Environment Agency position: The proposed development

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will only be acceptable if the following measure(s) are implemented and secured by way of a planning condition on any planning permission.

There is a high risk to the nearby pools and drainage network from silt and sediment contained in any run off from this development. Plans detailing adequate settlement and capture of contaminated surface run off are required to ensure this has been addressed.

Flooding Issues

Having reviewed the plans for this development we have no objections to the proposed development from a flood risk viewpoint. The area will remain permeable.

However, we would suggest that local water provider should be contacted in order to ascertain the exact position of the existing water main pipe running across the site, and what easement distance would be required.

PAP/2010/0269

No objection

9 Warwickshire County Council Highways Authority

OBJECTION for the following reasons:

The applicant has failed to submit sufficient information regarding the impact the development will have on the public highway for the Highway Authority to be able to make a considered response. The information within the Transport Statement submitted in support of these planning applications does not specifically relate to all the proposals for which planning consent is being sought.

The Highway Authority is therefore not satisfied that the applicant has sufficiently demonstrated that there will be no detrimental impact onto the highway network as a result of the proposed development.

Whilst the Highway Authority raised the above overall objection it examined each application and offered additional comments, indicating what information was a cause of confusion and what additional information would be required in order to make an informed assessment. The full comments are attached as Appendix 3.

With reference to a letter received from Mr Williams, Alder Mill dated 12th December 2011 in respect of the Highway Authority's response to the nine planning applications Submitted:

Warwickshire County Council Highways Authority reiterates that, in terms of the Transport Statement (TS), it is not for the Highway Authority to extrapolate pieces of information from a report undertaken in support of another use of the site to enable further proposals to be assessed. It highlights matters which it deems incorrect, flaws in the approach to assessment and the absence of adequate survey work. It confirms that a linear approach to assessing traffic generation is how the Highway Authority would generally assess the transport impact of a development. Acknowledging that elements of the proposals may be weather related, the site nevertheless has to be assessed as operating at its maximum capacity so that it can operate safely at this level of demand without impacting to the detriment of highway safety on the public highway. It clarifies that the Highway Authority cannot average out trips, the access arrangement must be assessed on the potential maximum capacity.

The Highway Authority acknowledges that whilst individually the proposals may not have a significant impact onto the highway, the cumulative effect of these uses must be assessed. A Transport Assessment, rather than a Statement, is required, and this should be in line with

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the guidelines as set out by the Department for Transport document 'Guidance on Transport Assessments'. The scoping for the TA should be agreed with the Highway Authority and must encompass all the existing lawful uses on the site together with these latest proposals. Elements that should be included within the scope are;

- the vehicle trips associated with each element of those uses on the site;-existing (lawful) and proposed
- in terms of the existing lawful uses, the information must be based on up-to-date surveys which are based on the maximum potential of these uses, i.e peak periods.
- an assessment of the additional trips the proposed development will generate based on the maximum operational capacity of these. This should also consider how these elements will be operated (third party agreements). This should include projections of future visitor number in terms of anticipate future generated trips.
- impact on junctions within wider part of highway network
- the individual impact of each element of use on site and also the cumulative impact to enable the suitability of the access from the B4102 to be considered. There is the clear possibility that improvements will be necessary to the existing junction provide a right hand turning lane into the site.
- the proposed changes by the provision of the internal access route and potential impact on the junction with the public highway B4102 Meriden Road
- the parking provision in accordance with the standards as set by the Local Planning Authority.

In respect to car parking, with the potential number of trips the site could generate in terms of the array of activities/uses taking place at any one time, drivers of vehicles entering the site need to understand exactly where the parking provision is for the venue they are attending. That is to say the layout should be arranged to provide drivers with a clear route to the parking bays which would enable drivers entering the site to park without delay that would create any issues with following vehicles backing along the access road towards the public highway. The Highway Authority set out some of the detailed concerns about proposed parking layout and highlighted that if parking provision is inadequate it could create issues with drivers searching for parking and vehicles queuing back along the access road.

In terms of the importation of material, based on the figures, again this on its own would not be a significant increase in trips, particularly if completed before any of the other proposals were implemented. However, in terms of the planning applications submitted, this is part of wider proposals for the 4x4 off-roading and quad biking it is unclear if the road is to be built initially as a haul road to enable the importation of material to commence prior to any other element of planning taking place or otherwise. This point together with the other matters raised require clarification.

Therefore at the present time the Highway Authority are unable to withdraw their current objection.

PAP/2010/0269

No objection

10 Warwickshire County Council Rights of Way Officer

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PAP/2011/0317 – Outline application for a new three storey hotel...

The current legal line of public footpath M293 abuts the eastern boundary of this application site.

A section of public highway also runs along part of the access road abutting the northern edge of the application site. This is a section of the old road which was retained to maintain a link between public footpaths M291 and M292. I understand that the applicant and their agent are aware of this highway.

Proposals to divert or stop up these public highways are currently under consideration but unless and until they are closed or rerouted by a confirmed legal order it must be ensured that they are not obstructed or encroached upon in any way.

I have no objection to this application but would request that any consent carries an advisory note stating public footpath M292 and the public highway abutting the northern site boundary must not be obstructed.

PAP/2011/0261 – Erection of new building within new woodland clearing...

There are no recorded public rights of way near the proposed site for the new building and clearing and I therefore have no objection to this application.

PAP/2011/0229 – The formation of an off-road adventure trail...

Public footpath M293 is located close to the north-eastern boundary of the application site and the proposed diversion currently under consideration would reroute the public footpath immediately alongside the site boundary.

I have no objection to the proposal in principle but in the interests of public safety there should be a fence along the site boundary adjacent to the public footpath. This can serve as a barrier to protect public footpath users should vehicles stray from the proposed adventure trail.

PAP/2011/0133 – Change of use to caravan and camping site...

Public footpath M292 abuts the southern site boundary, running along the northern edge of the adjacent track.

One of the hedges shown on the Site Plan (drawing number 242/29/04/B) is across the legal line of the public footpath. A gap must therefore be provided in this hedge to ensure the public footpath is unobstructed.

Subject to this slight amendment I have no objection to the application but request that an advisory note is carried on any consent stating that public footpath M292 must remain open and unobstructed at all times.

PAP/2011/0133 – Variation of condition no: 4 of planning permission FAP/2002/7800...

Public footpath M292 runs along the south western boundary of the application site. I have no objection in principle to the proposed variation but it must be ensured that none of the equipment obstructs public footpath M292.

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PAP/2011/0132 – Variation of condition no: 3 of planning permission PAP/2007/0503...

Public footpath M292 crosses this application site. Some of the activities currently excluded by the existing condition could potentially be a nuisance or danger to public footpath users. I would therefore request that any new condition states that motorised activities and shooting activities must not take place across public footpath M292.

PAP/2011/0134 – Variation of condition no: 2 of planning permission FAP/2002/7800...

Public footpath M292 crosses part of this application site but runs along the very edge of the southern boundary. I therefore have no objection in principle to the proposed variation.

PAP/2010/0289 – Retention of change of use to mixed recreation and forestry use.

There are no recorded public rights of way crossing this application site and I therefore have no objection to this proposal.

In response to re-consultation, the Rights of Way Officer adds:

I understand that the route to be used for coaches dropping off school children at the proposed visitor centre (PAP/2011/0261) and for vehicles taking access to the proposed off-road adventure trail (PAP/2011/0229) will cross public footpath M292.

Therefore, in the interests of public safety, I recommend that warning signs are provided where vehicles will cross public footpath M292 for the benefit of both drivers and pedestrians and that this requirement is carried as a condition on any consent for both applications PAP/2011/0261 and PAP/2011/0229.

11 Warwickshire County Council – Waste Regulation Team

We note that the development involves the importation of approximately 20,000 cubic metres of controlled waste both for the infilling of a previously excavated 'borrow pit', and the formation of various bunds and 'features' for an off-road adventure trail.

In determining this application we would ask that you consider whether the level of proposed waste importation is truly necessary in this instance. It would appear that other solutions which do not involve the importation of large quantities of waste exist. Namely 'cut and fill' operations, and the use of fencing and planting.

We would also point out that the saved policies of 'The Waste Local Plan for Warwickshire' would be applicable to this development. In particular, Policy 3 'Landfilling'. Policy 3 suggests that "Proposals for new, or extensions to landfill facilities for the disposal of waste will only be approved in at least one of the following particular circumstances"... This policy goes on to list five circumstances, none of which the above mentioned proposal falls into. In summary therefore, in the assessment of the

application, there would need to be other significant material considerations that would override the Waste Local plan policy.

12 The Council's Forward Planning Officer

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The main issue affecting most of the applications and proposals for the site is the impact on the Green Belt.

Similarly the following response also takes into account the recent Planning Appeal and the Inspector's findings, addressing the impact of the submissions comprehensively, as a whole. The proposed Hotel (including link to existing buildings) is considered inappropriate development in the Green Belt contrary to Local Plan Policy ENV2 in the absence of any exceptional circumstances to justify the building.

PPG 2 notes that "Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

The proposal is not considered to fall within any of the following purposes that are accommodated in PPG2:

- It is not for agriculture and forestry purposes;
- It does not comprise essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt examples of which include such facilities as small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.;
- It does not constitute limited extension, alteration or replacement of existing dwellings;
- It does not constitute limited infilling in an existing villages or limited affordable housing for local community needs under development plan policies; or could not be reasonably considered as limited infilling or redevelopment of a major existing developed site identified in an adopted local plan, which meets the criteria in paragraph C3 or C4 of Annex C¹ which states that such infilling should:
 - (a) have no greater impact on the purposes of including land in the Green Belt than the existing development;
 - (b) not exceed the height of the existing buildings; and
 - (c) not lead to a major increase in the developed proportion of the site.

It is considered that the proposed hotel and the caravan site with new toilet and washing facilities would not meet the above criteria and also could not be considered to be "small scale" albeit it could be considered as being in connection with an existing recreation facility. Similarly the Woodland Visitor centre and facility, linked with any temporary structures associated with the educational uses, paintballing, archery and 4x4/Quad Bike course/use and when included with all the other proposals submitted is difficult to interpret as "small scale". This is considered to conflict with Policy ECON10 relating to "small scale development in connection with existing Tourism facilities".

ECON11 also seeks to direct hotel provision towards the main towns and settlements rather than within the Green Belt. Where tourism accommodation is to be considered in Green Belt/open countryside it must also be small scale (3 bedrooms or less) and form part of a farm diversification scheme considered under Policy ECON8 or involve the re-use/conversion of an existing rural building under Policy ECON9. It should be noted that the criteria of the latter policy focuses on local and rural uses, excluding uses associated with Town centres of the type and scale referred to in PPS6, large single employment developments and those whose employment base is anything other than local. Finally, ECON5 also makes reference to office, entertainment and leisure floor space not being permissible outside of development boundaries.

Essential facilities (see second indent of paragraph 3.4) should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing

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rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation. The uses and scale and intensification of development proposed are not considered essential facilities that preserve the openness of the Green Belt.

The Design and Access statements submitted in support of the caravan site proposals note that the site could be used as a base for visits to other attractions and facilities in the area as well as the current authorized facilities on site, which indicates a likely increased and intensified use that is likely to be far less transient in nature (particularly during peak holiday periods, easter/summer/bank holidays and half term times) than that suggested in the statement.

This is further re-inforced by the other application proposals to vary conditions or avoid compliance with conditions specifically applied to the uses at the Heart of England to help maintain the openness, character and appearance of the Green Belt. This latter approach also seems to contradict and directly conflict with the findings and recommendations by the Appeal Inspector concerning *"operations and activities which, for significant periods, exceed the capacity of the countryside to accommodate them."*

The inspector also noted that there was a need to find a *"balance..... between protecting the countryside and supporting economic diversification"* It is felt the proposals as a whole tip this balance into "inappropriate development" terms, and in terms of the Hotel and Caravan site (with associated facilities) individually involve an intensification of use and the provision of new built development that conflicts with the sites location within Green Belt and for which no exceptional economic or other need/benefit has been established.

This absence of any other significant supporting evidence (economic or other) for the latter two development proposals is also pertinent. There is no Regional or National need, demand or business case expressed/provided (from or in partnership with relevant and appropriate business and commercial bodies or agencies) for either the hotel or the caravan site to help support and justify the proposals as an "Exception" to normal Green Belt constraints. There is no assessment of current capacity for hotels and caravan sites, or evidence of current shortfall of provision or unmet Regional or National demand in this area to support the development on an 'Exceptions' basis. The information provided in support of the existing business, the need for its expansion and current viability and employment issues is delivered solely on the basis of the Applicants opinion and in-house assumptions. Little empirical evidence or business plan information is provided to support the claims regarding viability and employment concerns or impacts and no clear external, independent business case or assessment is provided to address or support the business need and case made for the current proposals.

In the absence of evidence and/or support to indicate that there is a unique or exceptional 'need' for the type and scale of development proposed at this site and location the applications should be resisted. The large scale tourism use proposed is not a development that can only be provided within Green Belt and is one which could be provided at suitable sites elsewhere outside the Green Belt.

Notwithstanding the basic policy issues with the Hotel proposal there are also some design concerns that need raising. I note the examples used in the Design and Access statement to support the roof style and overall design proposed for the Hotel. However, it is also noted that all the examples used, bar one, to support the proposed design/type are for buildings in intensely urban and city centre locations, with and in quite different and contrasting settings and characters to the proposals rural, green belt setting. It is felt a much more traditional design and natural finish/materials may be more appropriate for this location and setting. In the absence of more locally based design links, context and examples using the style design and materials proposed, or a clearer relationship and argument made of the proposed built form with local landscape and built features there are concerns that the design proposed is

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out of character with the local Arden landscape character and more traditional rural building design features (taking into account those buildings principally residential or institutional in character to reflect the use proposed?).

There are also concerns that some of the uses, facilities, structures and activities operating on site and used to justify the planning proposals/applications (in the Design and Access statements) are in themselves currently unauthorized. This again raises the issue of the intensification of all the uses on the whole site which the Appeal Inspector clearly indicated was a problem in that it was exceeding the capacity of the countryside to accommodate them (within the confines of the applicants site) without a detrimental impact on the openness, character and appearance of the Green Belt.

13 Heritage and Conservation Officer

PAP/2010/0269 and PAP/2010/0281

He indicates that the content of the application as originally submitted was vague and ambiguous about the nature of physical works carried out by the current owner to achieve the change of use from house to hotel. This was clearly unsatisfactory because, should listed building consent have been granted, it would not have been clear what we had given consent to.

Clarification was sought and in response the agent has produced a *'Report of Survey 27th July 2010'* along with floor plans that appear to indicate the changes made by the current owner, and a comprehensive set of photographs of the interior. These have been helpful but the report of survey includes items for which the owner is not seeking consent (describing many features as existing or unchanged) and are therefore irrelevant to the Listed Building Consent application.

The heritage officer explains that the current application includes works that he considers we would not be able to grant under any circumstances because of their adverse impact on the listed building. The current application would therefore have to be refused even though it contains works for which we could, with some reluctance grant consent. He therefore suggested that the listed building consent application be withdrawn and a revised so that it excludes the unsupported items.

On the basis of the latest information supplied by the agent and the evidence manifest at the time of an inspection in September 2010, it is apparent that the current owner has carried out a significant campaign of unauthorised works that has affected the character of the building as one of special architectural and historic interest. As such it appears that a criminal offence has been committed and it would be open to the authority to prosecute.

However, it is debateable whether this would be an appropriate course of action given the circumstances of the case, the benefits that could be achieved by such action, and the not inconsiderable resource costs involved in prosecuting it.

In summary he would divide the unauthorised works into two categories:

1. Those which are not altogether satisfactory and which if applied for before the changes were made would have been opposed, but which may have now to be accepted. This is either because in the building's present context (admittedly mostly brought about by the current owners actions), the likelihood of finding a buyer likely to sustain it in the future as a single dwelling is now remote and unauthorised internal works are in the main necessary to sustain the new use; or because the internal works are not so objectionable as to require them to be undone.

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2. Those which are wholly unacceptable but for which enforcement action rather than prosecution would be the most expedient course of action if the owner does not agree to carry these out voluntarily. This relates to the lean-to timber porch and plastic windows.

Given that the change of use has increased the value of the building, and generated an income for the owner and that there are repairs required, I suggested that any consent should be granted subject to a condition that a survey and schedule of repairs be compiled by a conservation accredited architect and undertaken within a reasonable timescale stipulated by ourselves.

Following receipt of the schedule of works received in April 2011 the Heritage and Conservation Officer commented as follows:

The porch is not an acceptable addition to the listed building and should be omitted from the current application/s. If the owner nevertheless wishes it to be included then I would recommend the Listed Building Consent application be refused.

For clarity on the scope of the application and the works that are to be granted consent, I would suggest that references on page 5 of the latest schedule (received 27 April 2011) to the rebuilt north wall and canopy over rear door undertaken by a previous owner, be omitted from the schedule.

Subject to the exclusion of porch and omission old works just mentioned, I would reluctantly recommend that the Listed Building Consent (and planning application for the change of use) be approved for the remaining items on the above revised schedule subject to the following suggested conditions

1. All plastic windows on the building shall be replaced by single-glazed painted timber windows by no later than (date) to details previously submitted to and agreed in writing by the local planning authority. Details to be submitted for approval shall include drawn elevations at a min. scale of 1:20 and sections at 1:2
2. Existing timber windows shall be repaired and made good in accordance with the approved schedule of window repairs dated (date) to the reasonable written satisfaction of the LPA by no later than (date).
3. A full specification and schedule for the repair of the roof (including measures for weather protection for the duration of the works) prepared by a suitably qualified structural engineer with experience of historic roof repair, shall be submitted to and approved in writing by the LPA by no later than (date). The works shall then be carried in full conformity with the approved specification and schedule unless otherwise agreed in writing by the LPA within twelve months of the schedule and specification being approved.

PAP/2011/0317, 0324, & 0229

Old Fillongley Hall dates from the 16th century with remodelling in the 18th and 19th centuries, and is listed grade 2. It occupies an elevated position overlooking what remains of a former farmstead close by to the east, and set within an extensive area of former farmland and woodland that is now used for commercial recreational and leisure activities.

The hall /farmstead had a long (over 400 years) association with the Bond Hospital Charity of Coventry who sold it to the present owner in 2001, since when the character and use of the setting to Old Fillongley Hall has changed significantly.

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The historic form of the former farmstead was of a loose courtyard type of small-medium size which is typical of the historic landscape character of the Arden. It is likely that the farm had a medieval origin as woodland clearance for pasture in this area was common in the 14th century. Only one traditional farm building other than the farmhouse survives, though this has been substantially altered. It is a single-storey building perhaps of late 18th /early 19th century origin built of local red sandstone in part, but with most of the long south elevation and small southern arm rebuilt recently in a modern brick. Two large post-war corrugated metal and asbestos sheds of no architectural or historic interest stand close to this, one of which has been converted to a restaurant and conference centre.

In recent years a conifer hedge has been planted close to the rear of the listed hall/farmhouse and large areas of hard-standing used for car parking have been formed to the front (east) and north side such that vehicles are parked up close to it. An unauthorised timber chalet-style building has also recently appeared on the south side which further detracts from the setting of the listed building. Large areas of hard-standing for vehicles also exist around the other former farm buildings. Development of one the modern farm sheds as a conference centre and restaurant has shifted the main focus and use of the Heart Of England site from the farmhouse to the former farmyard area. This together with recent and proposed developments is compromising the historic dominance of the farmhouse and relegating it virtually to a subsidiary annexe role at the east edge of the overall site.

The importance of the setting of listed buildings (designated heritage assets) to their significance has been underlined by PPS 5. Policy HE 9.1 states that the significance of designated heritage assets can be harmed or lost through development within its setting which is defined as ' the surroundings in which [the asset] is experienced'

Because of the elevated and hitherto isolated position of the farmhouse it can be seen from many vantage points and from some distance away particularly to the south east, so its setting extends over a wide area within the Heart of England site.

Given the importance of the setting to the heritage asset, it is surprising that no heritage impact statement appears to have been submitted with the applications to address this issue.

I am concerned particularly at the impact on setting of the proposals for the new three-storey hotel, the camp site, and the access road.

With regard to the hotel I consider that its form, height, volume, materials, location and relationship to the former agricultural shed (now conference centre) are harmful to the setting of the listed farmhouse. The character and appearance the proposed glass, steel and solid coloured panels of the building look incongruous in the context of a modest historic farmstead, albeit one that has been compromised by the loss of traditional buildings and their replacement with unsightly over-scaled post-war sheds. The latter however should be seen as temporary structures whose removal and replacement with more modestly sized, predominantly single-storey, brick and tile buildings within the footprint of the historic loose farm courtyard , thereby enabling a return of the clear visual dominance of the farmhouse, is desirable in the medium to long term from the listed building point of view. Their size and scale should not set a precedent for the scale of future buildings here. The appearance of the conference and restaurant shed is poor and its long-term retention is undesirable from the listed building point of view. A new, large volume, three-storey building which in its positioning, scale, and physical linkage treats this existing corrugated shed as a long-term structure on the site, is therefore unwelcome.

The visual dominance of the farmhouse, isolated from other buildings, free from visual clutter of sheds and parked cars around it, and possessing a sizable domestic curtilage/ garden that befits its status as the pre-eminent building on the site, should be a key objective of any

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future development plans for the overall site. The proposals to develop the immediately adjacent open grassed area to the south west for a camp site with its toilet facilities and hard-standing, and laying a 6 m wide access road with bunding mounds to either side to the north west of the already close-planted row of conifers (which I understand from the owner is intended although not shown on application drawings) are therefore again unwelcome from the listed building point of view.

In addition the further intensification of the use of this site for commercial/ leisure purposes requires extensive areas for car parking, both surfaced and unsurfaced, which will again materially detract from the setting of the listed building.

For these reasons the proposals contained in applications PAP/2011/0317, 0324 and 0229 are judged not to preserve those aspects of the setting that make a positive contribution to, or better reveal the significance of, the asset contrary to policy 10 of PPS5. The benefits arising from the proposals (including the removal of one of the sheds) are not considered sufficient to outweigh the harm. The applications are therefore considered contrary to the saved proposals of the Local Plan and policies of PPS5.

In response to re-consultation the Heritage and Conservation Officer comments as follows:

The amendments made to the applications only make the position worse as far as setting of the listed buildings is concerned.

The effects of the three proposals- camp site, access road, and hotel both individually and cumulatively will materially detract from the setting of the principal listed building and the curtilage-listed, single-storey, former farm building for the reasons given in previous comments.

There are no public benefits for the listed buildings arising from the proposal, and as such they run foul of policy HE 10.1 of PPS 5. In addition they fail to take advantage of the opportunities for changes in setting that would enhance or better reveal the significance of the heritage assets as advocated by policy HE 10.2. This could be achieved by the removing out of scale former modern agricultural sheds, large areas of hard surfacing, and replacing them with much smaller domestic scale buildings of traditional spans c. 5m. thereby returning the farmhouse to its proper status as the most important building on the site.

These comments are made with particular reference to the advice provided at paragraphs 118 -122 of the Historic Environment Planning Practice Guide to PPS 5,

The proposals also run contrary to saved Local Plan Policy ENV 16 para. 2 .as well as policies HE 9 & 10 of PPS 5 and for these reasons I recommend refusal of planning applications:- PAP/211/0317, 0324 and 0229.

REPRESENTATIONS

Representations received have been presented in two forms – some representations have been made as generic comments which are applicable to all applications and other representations have been forwarded which are specific to each application. These are detailed below setting out the specific comments first, followed by the generic comments. Further representations received from specific organisations are set out lastly.

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PAP/2011/0317

Comments in Support:

1. The resulting changes will improve the provision of accommodation in the Fillongley area and provide much needed employment for the local community.
2. I am pleased to hear that Mr Stephen Hammon is once again considering expanding the services offered at his site at the Heart of England Conference Centre, in the aspect of a hotel. I have been a fan of the venue for many years, and have used the site for team building, events and dining. The site, in my opinion, would prove even more appealing with more bedrooms than currently offered in the house.
3. As with all new builds, there are pros/cons, but I hope this application is considered for all the right reasons, especially bearing in mind the current economic climate and employment market.
4. I have been employed here as a sales researcher for 4 months now. I support the planning as it would be brilliant due to more business, more employment enhancing the current employee roles and helping the local society. Many of the local people enjoy the venue in all different aspects and to stop any enhancing of the facilities would be a shame.
5. I have been employed at Heart of England for 5 years to keep my job there needs to be a diverse offering to customers. I support the application so the business can move forward.
6. In times of economic hardship no one should stand in the way of progress. The MD of the business has not always been compliant when it comes to planning but he is committed and passionate about business success and providing employment for me and others.

Comments raising objection:

1. This hotel is an over development of this site, which has been developed from a rural farm to a holiday camp over the last 10 years. An approval of this development will lead to yet more traffic through the village and we will have more instances of cars parking up and down the verges of Wall Hill Road when clients visit the two public houses, leading to increased probability of accidents and injury.
2. Whilst delighted these proposals are not retrospective, the history of the site is such that no further approval should be given until the issues relating to previous planning applications and compliance with enforcement notices have been resolved.
3. I am tired of reading noise assessments which refer to high levels of ambient noise due to the motorway. The impact of continuous noise such as that from the motorway, is very different from variable noise levels. Anyone living near the sea will be subject to high levels of noise from waves on the beach but this is not given as an excuse for allowing development which would increase intrusive noise levels.
4. It would be an inappropriate precedent in the green belt.
5. The development would cause intrusion and encroachment into the Green Belt
6. The glazed link will not be in keeping with existing buildings.
7. The Noise Assessment should be specific to the hotel, acoustic measurements should be based on a minimum of 24 hour survey, a BS4142 assessment of plant noise and entertainment noise breakout should be included. Noise within the hotel rooms should be assessed. Specific acoustic mitigating measures should be conditioned in order to protect the adjacent premises from excessive noise. Suggest a noise limiting device is specified to the conference / function area in order to practically restrict the noise emanating from the proposed hotel to within acceptable limits at the adjacent property.
8. The amount of traffic that the venue already generates causes chaos without the additional traffic this will generate.

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9. Noise from the function room will add to the noise already suffered during social events.
10. A hotel is not necessary there are adequate hotels nearby.
11. Where is all the waste to go? There are already pollution problems with raw sewage from this site in field ditches. There is no mains drainage.
12. A three storey hotel would not be in keeping with the countryside.
13. The adjacent property would suffer overlooking.
14. There is already accommodation provided at the listed building.
15. The existing function buildings are not adequately sound proofed and cause noise disturbance which is out of character with the countryside
16. The hotel will be used in conjunction with the beach, quad bike track and other attractions as a "Honey pot" destination for holidays. The noise from holiday makers will no longer be limited to just during the day but will go on into the night with the entertainment that accompanies this. It will not be attracting the holiday makers who want a quiet rural retreat, quite the contrary and thus more development and entertainment.
17. It needs to be viewed in conjunction with the other applications for the site, including the most recent for a Premises license.

PAP/2011/0261

Comments in Support:

1. In principal I would support this application on the grounds of a viable business having a vested interest in maintaining an ancient woodland.

Comments Raising Objection:

1. It is not clear what activities the visitors to the woodland visitor centre will be undertaking. If it is in relation to the activities on the beach and lake then these are not agreed. If it is relation to appreciation of the woodland then the lack of windows and ability to see the woodland and wildlife seems more than a little inappropriate.
2. This remains a hideous building and if the intention is to provide a base for educational visits something more in keeping with the natural environment would be more appropriate.
3. The building would cause immense damage to the woodland with an adverse effect on flora and fauna.
4. The need for showers is questioned.
5. Refreshment and toilet facilities already exist in the main building complex. There is no need for this building.
6. The size of the building is too large
7. The proposal would not protect the visual character of this area of open countryside
8. It is wrong to clear woodland for new buildings.
9. Whilst I am delighted to see that there is an application for development prior to the development actually taking place, I believe that the history of this site is such that no further approval should be given until the issues relating to previous planning applications and compliance with enforcement notices have been resolved.
10. This is ancient Arden woodland going back to the 15th Century. Development involving toilets and showers will involve digging and disturbance to ground for drainage, electricity supply and access for servicing the uses operating from the building.
11. Lighting of the building will cause pollution in the countryside and affect nocturnal wildlife such as owls.
12. A shop/restaurant is inappropriate.
13. Doubt is expressed about the claims made about the number of confirmed bookings for school children to visit the site in 2012.

PAP/2011/0229

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Comments in Support, or support with provisos:

1. The need for employment at this time is obvious and this type of activity provides a great deal of opportunity for the local people. Importantly the nature of the possible employment is towards the younger person. Both Fillongley and Meriden have a growing need for employment of young people.
2. As an employee of Heart of England I support for the new 4x4 track to be built. We already run 4x4 and quad biking days and wish for this to be more successful in the future. We always stick to tracks to preserve the woodlands and wildlife.
3. As an employee of The Heart of England Conference and Events Centre, we already run outdoor activities on a weekly basis and many of the local public enjoy these facilities. We have a specific track for the quad bikes and 4x4 driving so we do not damage the greenery and wildlife in the acres of land we have.
4. In principal I would support this application provided that the formation of a dedicated 'off-road adventure trail' does not give rise to a nuisance / complaints situation with respect to noise at adjacent properties; suggest the addition of a clause which stipulates, 'Resultant noise levels shall be no greater than 50dBA within the nearest residential gardens' in accordance with BS8233. In addition that motorised leisure activity is prohibited within the adjacent ancient woodland limiting the possibility of further detrimental impact to the ancient woodland. The relocation of the existing motorised leisure activity may need to be scheduled to enable the proposed 'off-road adventure trail' to be built and mature prior to prohibiting use within the adjacent woodland.

Comments Raising Objection:

1. Until compliance issues with Enforcement Notices are resolved there should be no further importation of material.
2. The site has effectively become a landfill 'through the back door'.
3. The borrow pit could be filled with the unauthorised materials which have already been imported on the site.
4. This will create excessive noise and disturbance in a quiet rural area.
5. This area has already been used for 4x4 vehicles and quad bikes and the noise level was unbelievable. Not only was it unbearable in the garden but in the house as well even with all doors and windows shut.
6. The applicant's claims that noise levels will not be above 70 dbA at any point on the boundary. Previous noise levels were way above this. The applicant's previous history of non-compliance offers no confidence that the limitation would be adhered to.
7. No amount of bunds will overcome the disturbance from quad bikes.
8. A previous appeal considered the importation of material for the filling of the borrow pit and the Inspector found that infilling wasn't shown to be necessary.
9. The proposed trees will take many years to mature and will not give a sound barrier or visual screen for many years.
10. This would carve up lovely fields.
11. Importing material will cause traffic problems on B4102 and the village at all hours. The 16 wheel vehicles and on site earth movers used cause noise disturbance. Dust will be a problem. These things were experienced when material was previously imported into the site.
12. Noise from construction and ongoing operation will disturb domestic and native wildlife.
13. Random, loud and uncontrollable noise has an adverse effect on well-being and such noise is physical and mental abuse.
14. There would be no need to import 10,000 cubic metres of material if the existing pit was reshaped and used as a pool.
15. There is no need for boundary bunds – they will change the look of the landscape. The bunds and tracks will change the whole landscape into something urban and manmade.

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16. There should be no building of roadways across the land and the existing unlawful tracks should be taken up. They cause harm to the visual character of the Green Belt countryside.
17. Due to the purpose built off road track, there will naturally be an increase in the number of customers wishing to use it, thus damaging the quietness of the Greenbelt countryside even more. Local clubs will be keen to try out a new track and Mr Hammon is unlikely to turn this down. This is particularly in the light of Mr Hammons comment "I will do whatever it takes to keep my business going". The track will inevitably be used to its capacity despite assurances to the contrary.
18. Any restrictions will be impossible to monitor in terms of hours of use, numbers of vehicles on the track, noise levels or racing.
19. I cannot think that 12 lorries a day entering through the main gates would be particularly safe.
20. Bargaining for a new track on the basis of ceasing an unauthorised use is unethical.

PAP/2010/0324

Comments in Support: None

Comments Raising Objection:

1. The site has previously been used for caravanning and the use caused late night noise disturbance to neighbours resulting in sleepless nights and caused pollution from BBQ cooking.
2. Electric hook up is already supplied.
3. This development would result in the village becoming a 'honey pot' attracting visitors from far and wide, clogging the roads and changing the environment.
4. Objects to the grant of any more consents until current issues are resolved, thereafter the writer would not oppose the application.
5. For health and safety reasons the site will end up being lit at night. Such lighting will cause light pollution and disturb wildlife. The Corley Moor part of the M6 is not lit as it is a rural area.
6. This will change the openness of the area and be out of character.
7. Previous camping activity has resulted in a littering problem.
8. Local minor roads are unsuitable for use by caravans.
9. Concern is expressed about the scope or potential for the caravan site to be used as a park home development rather than a touring site.
10. Camping and caravanning are usually either in countryside areas where people come to enjoy wildlife, walking and other countryside pursuits or where there are other attractions. Clearly the park would not fall into the former category due to the current activities provided. Therefore these activities would be utilised even more such that the noise levels would increase even further and more activities provided lead by demand from guests.
11. The toilet and shower block will affect the openness of the Greenbelt.
12. The bio-digester will affect the openness of the Greenbelt
13. Campers expectations these days are that electrical hook ups are available, These will almost certainly be provided.
14. The use of generators can be noisy. This is a particular concern given that all year use of the site is sought.

PAP/2011/0133 and PAP/2011/0131

Comments in Support:

1. Very sensible plan there is no real reason not to leave certain equipment on site. It does not obstruct anyone's view if left and represents no danger to the public.
2. My company rely on work created from Heart of England, if they were given the opportunity to expand it would certainly result in an increase in requirements and potentially create more positions within my company. At the very least it would

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enable us to secure the current business which will ensure we are not forced to reduce the positions within my company.

3. Heart of England has always shown a commitment to completing any task they undertake in a considerate and professional manner.
4. It will result in the creation of an exciting location with much needed jobs all with a consideration to the environment and community.

Comments Raising Objection:

1. The appearance of the countryside will be harmed, as the Planning Inspector recently concluded.
2. Objects to the grant of any more consents until current issues are resolved, thereafter the writer would not oppose the variation of these conditions.
3. This would litter the countryside and give it more of a fairground appearance.
4. Many walkers use the footpaths through the site. Most of them would not be aware of what was permitted and what was not and hence would not write in but do complain verbally to local people due to the Greenbelt being despoiled like this. Ramblers and dog walkers like ourselves want to walk through countryside, not fair grounds.

PAP/2011/0132 and PAP/2011/0134

Comments in Support:

1. This change to the existing arrangement it will widen the scope of activities whilst at the same time restricting any excessive noise.
2. I have been employed at The Heart of England for almost two years and welcome the development to keep the business successful and myself in stable employment. I believe that the continual investment into The Heart of England is imperative to the future success of the company. In times of such economic hardship I find it hard to believe that anyone would stand in the way of progress. The Managing Director at The Heart of England has not always been compliant when it comes to planning, but I believe that he is committed to making his business a success and is passionate about providing local employment along with generating work for many suppliers.

Comments Raising Objection:

1. A noise level of 70 dbA is too high.
2. How will compliance with this limitation be checked?
3. Motorised activity is not consistent with the recreational use of the Green Belt and the condition should not be varied.
4. I understand that the noise from the motorway is taken into account when the impact of noise from the site is considered. However, the impact of intermittent noise is much greater than that of consistent background noise and I do not think this condition should be varied, even were the current compliance issues to be resolved.
5. There is no reference to the duration of the noise to be allowed and frequent discontinuous noise at 70dB will constitute a noise nuisance. I know that developers argue that we already suffer from the noise of the motorway but that is a continuous background noise which gets "tuned out", in the same way as people who live near rivers, the sea or trees tune out the sound of the wind and water. Discontinuous noise has a very different impact, both on human beings and on the wildlife. The current control does not necessarily mean that activities will not be allowed, only that they will have to be approved in advance.
6. 70dB_A adjacent the adjoining residential properties is likely to give rise to nuisance / complaints situation. Would suggest the addition of a clause which stipulates (in addition to the proposed wording), 'not more than 50dBA within the nearest residential gardens' in accordance with BS8233. This should not preclude the use of vehicles as proposed in PAP/2011/0229 provided suitable attenuation measures are implemented given the distance to the nearest noise sensitive property.

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7. Such a noise limit can not be sustained when the current noise from the site is so bad.
8. Such a noise limit can not be effectively monitored.
9. This needs to be considered within the larger picture of the application for a Premises License, where concerts, loud music, parties and alcohol would certainly increase this noise level.
10. An unlimited recreational use allowing for motorised activity, clay pigeon shooting and paintball on open land could have a very damaging effect on wildlife and birds.

PAP/2010/0289

Comments in Support:

1. In principal I would support this application on the grounds of a viable business having a vested interest in maintaining an ancient woodland; subject to motorised leisure activity being prohibited within the adjacent ancient woodland limiting the possibility of further detrimental impact.

Comments Raising Objection:

1. The writer does not believe that retrospective permission should be given when the applicant has a long history of non-compliance.
2. I would be delighted to see the woodland properly managed. I walk regularly along the footpath adjoining these woods and have noticed a significant decline in wildlife in the last ten years or so. I now, rarely see deer, whereas previously I often saw a herd of deer in adjacent fields. There is also less evidence of deer on the ground. I am surprised that the management plan says that there is no impact on local people because the Coventry Way runs adjacent to to the site and this is a well used, major route for both local residents and walkers from the wider area - I frequently meet groups of people who have come out from Coventry or Birmingham to walk in the area. It would be good if the damage to wildlife done by the forestry commission planting could be undone.

PAP/2010/0269 and PAP/2010/0281

Comments in Support: None

Comments Raising Objection:

1. We want the Council to focus on what needs to be done to Old House Farm to restore it to its original Grade 11 listed status. The purpose of any work carried out on the building should be to preserve its heritage and cultural importance to our area. Therefore, the Council should aim to remove additional building that does not have planning permission and disallow further extension of the old farmhouse. The size and nature of this restored building would then inform the Council's decision on precise requirements for access, layout and scale. Alterations may not be necessary.
2. There is concern that the extensive changes have had a detrimental effect on the interior of the property.
3. Permission should not be granted retrospectively.
4. The applicant must have been aware of the implications of owning a listed building and should not have altered the house so significantly without consent.

Fillongley Parish Council: (0269) has no objection but is disappointed that the correct procedure was not followed and that the application is retrospective. (0281) Assumes that the listing of the building will protect it from harmful alteration.

Representations made in a manner generic to all applications

Comments in Support: None

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Comments Raising Objection:

1. Residents of properties in Coventry indicate that 'the proposal will have a great impact on our lives and properties. We already suffer noise problems from the outdoor activities at Heart of England Events Centre not only in the garden but within the house. By moving this activity closer to our property means that the noise level will be far greater'.
2. Overall the applicant's contribution to the local community has been positive but regrettably his dismissive attitude to planning issues and Green Belt policy has created a highly negative relationship with local people. The writer expresses dismay that current planning legislation allows applicant's, already in breach of Enforcement Notices to make multiple further applications before the breaches are resolved. The writer urges the Council to take the applicant's history of non-compliance into account when determining the current applications.
3. When planning permission was first granted at the site the writer welcomed the proposals as an opportunity for people to enjoy country pursuits – a theme park, with the inherent disturbance was not envisaged. No further development should be permitted until the wholly inappropriate additions have been judged and addressed by the relevant Authorities. To grant further consents at this stage would compound the complexities of the site.
4. The writer urges the Council to address unauthorised activity at the site with more decisive intervention.
5. The writer opposes any further expansion.
6. Loud noises from the site cause disturbance across a wide area. Noise from the beach causes harm, including harm from late night use on occasions.
7. Increased traffic causes harm to road users including horse riders, pedestrians and cyclists.
8. The area has already been developed beyond all recognition.
9. The writers understand that there is a need to support employment in rural areas – something that has been supported in previous applications, however, the majority of the jobs would be seasonal. The existing conference centre, the restaurant and wedding functions all provide year round employment and these would not be affected by the rejection of the current plans. Whilst local employment is very important, it must not be allowed to over shadow everything else.
10. There has been a noticeable increase in the littering of public footpaths in the locality.
11. The movement of vehicles across the public footpath may compromise safety.
12. The writer disagrees with the owners claim that the developments will enhance the village – the Green Belt should be protected against 'get rich quick' schemes.
13. The writer is not assured by the applicant's assertion that he 'does not wish to disrupt the quality of life to others' and refers to over development of the site and previous disregard of conditions.
14. One writer reports that at Fillongley Parish Council Meeting on 17th November, Mr Hammon presented his plans to the council. Mr Hammon made the following statements/comments. It is suggested that as the applicant spoke a in public forum she believes them to be an accurate reflection of his true intentions regarding the applications.

In answer to the question "Don't you care about the planning permission rules that the rest of society abide by?"
"I have to do whatever it takes to keep my business afloat and keep my staff employed-whatever it takes"

In answer to "We are all very concerned about any restrictions added to planning permissions because you have a record of not abiding by them-how can we believe you will abide by future ones?" Mr Hammon stated,
"I'm not going to tie myself into any restrictions. How do I know what I'm going to be

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doing 4 years from now?- I'd be stupid to restrict myself to anything-I need to do what the business needs.

When questioned regarding the plans for the 12 bedroom hotel he agreed this was what he intended to build but when questioned further regarding an article in the newspaper quoting the proposed hotel as having 30 rooms, he then agreed that this was his intention and that he had "been in discussion regarding these changes with NWBC and that Erica (Senior Planning officer Mrs Erica Levy) knew all about them and there was no problem.

When asked by a neighbour "Why are so many of your applications retrospective?" Mr Hammon replied "Pass"

15. Fillongley Old Hall is a Grade II listed building and should be protected from any development/demolition to make way for a new hotel.
16. It is wrong for the applicant to seek to bargain a prohibition of public use of a beach that he doesn't have planning permission for in the first instance and has an instruction to move.
17. Even with a prohibition on the public use of the beach, the disturbance from other clients (corporate/hotel/wedding/restaurant etc) and school children using the attraction of the beach would not address the harm that results from it as a 'honey pot' attraction.
18. The practicalities of defining who is a member of the general public is very difficult and wide open to misinterpretation and impossible to monitor.
19. Risk to public safety from increased traffic flow into and leaving the village along country lanes, the village is not serviced by public transport and therefore visitors will have to use their own vehicles. There are no pavements or street lighting on most of the lanes.
20. The site entrance is adjacent to common land and alterations to it could affect common land.
21. The developments would lead to the clutter of additional signage.
22. There is a need to establish, in minute detail, that Heart of England's understanding of terminology (e.g. rural pursuits and recreational activities) exactly matches the Council's interpretation of these terms. I know this has been attempted in the past but Heart of England has gone beyond its remit. Precision in terminology is even more essential for the future.
23. We want the Council to focus on upholding the judgement that use of motorised vehicles such as quad bikes or 4x4s is not allowed. If this decision was enforced, there would be no motorised vehicles used for recreational purposes in the woods or anywhere else on the site. There would be no need, therefore, to permit further importation of materials.

Representations by Other Organisations

The Council for the Protection of Rural England

Comments as follows:

CPRE strongly objects to these applications on the grounds that they propose a series of inappropriate developments in an unsustainable location in the Green Belt, and also impact detrimentally upon the landscape and a Local Nature Reserve. These proposals, take very little account of the countryside, wildlife and ancient woodland. They seek to urbanise an attractive and ecologically rich area of Ancient Arden. It comments as follows:

The proposal for a 3-storey hotel, offices and leisure (PAP/2011/0317) is of such a scale that it would impact upon the openness of the Green Belt and, as a new development in the countryside, would be wholly inappropriate. The proposed modern design does not conform to the character of Ancient Arden, or the neighbouring Listed Building. If such a development

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were to be allowed it would have devastating implications for the long-standing tenets of Green Belt policy and would lead to a free-for-all where development could take place anywhere. No attempt has been made to modify the design to make it more appropriate for a location in the Arden. Furthermore, there appears to be very little demolition of existing buildings, therefore the footprint of built development on the site will be greatly increased, contrary to Green Belt policy

The proposed visitor centre within a woodland clearing (PAP/2011/0261) is out of character with the landscape and will have a serious impact on the ecological value of Birchley Hayes Wood, contrary to Local Plan Policy ENV3 and Policy NW3 of the Council's Draft Core Strategy. There is no support in policy for the development of a visitor centre or the use of the land for motorised activity or paintballing.

We do not believe that the new woodland visitor centre building could function with 'no vehicular access' as there will be a need for vehicles to visit to service the building. The number of children booked to visit the site is not a material consideration.

We have some concerns about the Applicant's undertakings in the Draft S106 Agreement, as to date, a number of conditions on approved planning consents for the site have not been complied with.

The formation of an off-road adventure trail in Birchley Hayes Wood (PAP/2011/0229) will necessitate extensive changes to the land form which will obliterate the natural flora and fauna. It will generate noise which will drive wildlife away and impact severely on the lives of local residents, contrary to Local Plan Policy ENV 11.

The proposed caravan and camping site (PAP/2011/[0324]) will have a detrimental impact on the appearance of Ancient Arden. The toilet and shower facilities will add to the built development of the site. Caravans and camping and an increased human presence over 24 hours will further impact upon wildlife, and increase 'wear and tear' on the natural landscape. We are strongly opposed to the development of a camping and caravan site, especially as it will operate all the year round, thus becoming a permanent development, visually harmful to the countryside and to the openness of the Green Belt. We are strongly opposed to the creation of new mounds to screen the camping area.

There already mounds of earth on the site, created by excavations to form the lake. They already are harmfully altering the land form and destroying the character of Ancient Arden. Off-road driving activity will destroy the tranquillity and ecology of a further area of woodland. It is difficult to see how the new woodland will become established whilst subject to continual disturbance by motorised vehicles.

We are strongly opposed to the import of material to the site. This type of activity should require a licence from Warwickshire County Council, as the import of inert waste is a commercial operation which can be lucrative for the developer, and yet has harmful long-term impacts on the landscape and, in the shorter term, on the amenity of local people who have to tolerate an increase of HGVs on the roads.

Local people already suffer loss of amenity from unauthorised motorised use of the site. If Condition 3 were to be relaxed (PAP/2011/0132) it is clear that motorised use would escalate significantly and noise levels would increase further.

The intensification of development on this site, from the increase in visitor numbers, office use, caravan park, and lorries for the import of material, will greatly increase vehicle movements on a country lane which is winding and narrow in many places, thus increasing the risk of accidents, and damaging the amenity of residents.

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Apart from the harmful impacts of the recreational use of the woodland on the countryside and the ecology of the area, there is the question of the amenity of local people which has already been very greatly reduced by the current operation.

The number of enforcement notices, planning and enforcement appeals, prosecutions and High Court Challenges are sufficient to demonstrate that the applicant has very little respect for the planning system. The planning system as it has evolved is intended to protect the interests of the majority from the inappropriate activities of the minority. Above all, it is intended to ensure that our beautiful countryside remains for future generations to enjoy.

The Arden landscape is very important to Warwickshire. Its footpaths and byways offer the opportunity for quiet recreation for the people of the surrounding conurbation. Historically, Ancient Arden is Warwickshire's last remaining area of Ancient Woodland. Culturally, it is an iconic element of the English landscape, recognised internationally for its association with Shakespeare. It is thus far too important to be sacrificed for the short-term commercial aspirations of a single individual.

The Heart of England development has seriously undermined the character of this part of the Arden landscape, and conflicts with the principle of openness which underlines the purpose of including land in the Green Belt. The Appeal decisions of December 2010 refused permission for much of the recent development on the site, but the uses have generally continued and enforcement has been commenced.

Generally, we are very strongly opposed to alteration to the highway to accommodate this development as it will impact seriously on the character of the Arden and led to pressure for more development.

None of the proposed amendments can alter the fact that these applications propose inappropriate development in the Green Belt and should be refused. Therefore we have strong objection and would respectfully urge the Council to refuse these applications.

Corley Parish Council

The Parish Council recognises that the Heart of England site is not in Corley but considers that it has significant impact on residents who are within Corley and not too far away from the site.

Planning Applications – PAP/2011/0317, 0261, 0229, 0324, 0133, 0134, 0131, 0132 & 0289 Original Response

Following its meeting on 1st November 2011 it expressed concern that some if not all of the planning applications were incomplete, ambiguous or misleading (or a combination of all three!!), it found it most difficult to provide definitive feedback. However, it offered initial comment as follows:

Overall Comments:

Until comparatively recently the land now occupied by Heart of England was a working farm in a Green Belt location. The road network is made up of a 'B' road from Fillongley to Meriden and the adjacent lane joining this road from Corley Moor. These roads have historically been used by locals and the farming community and traffic flow at most times of the day and night is fairly light. The proposed developments at the Heart of England would significantly change this traffic pattern and place an unsustainable load way beyond what the roads are intended for. It would add a level of noise and pollution that is unacceptable to the local community.

The fact that some of the existing facilities have proceeded without planning approval is a worrying sign of how the community is not being considered at all in the development of the site. The Parish Council has received numerous complaints re noise and dust at events run

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over the last summer at the site - once again a total disregard for anyone living at Corley Moor. Furthermore, complaints have been lodged with NWBC re noise from the existing conference facilities – music and general noise going on way beyond the licensed hours of operation.

The cumulative impact of all these planning applications is hard to predict but is likely to cause major issues for residents and the communities around the site. Such major developments are seriously out of place in the Green Belt. If any or all of these plans are approved the resultant strain on the local road infrastructure will be unsustainable. The fact that numerous activities have started/continued without the necessary planning consent demonstrates that the applicant has no interest in complying with the planning laws and has no regard for the community that the site is situated in.

In these circumstances NO consent should be given to any of these applications until all ambiguity has been removed and any plans passed are capable of being monitored to ensure compliance.

PAP/2011/0317 - Outline application for a new three storey hotel & function room building
The plans are incomplete and it now transpires that the proposal is for a four story building (including basement) and for thirty bedrooms not twelve. This application should be rejected immediately until a realistic application is prepared and submitted. To state that by this development the demands on the local road infrastructure will be reduced is just a farce. Based on what the other applications propose and the visitor numbers outlined there will be a dramatic increase in road traffic in the surrounding area.

PAP/2011/0261 - Erection of a new 287sq.m. D2 (Assembly and Leisure) visitor centre building within a new woodland clearing
This application should be rejected – the area of woodland involved is in close proximity to other land owners property, will create significant noise and nuisance, will have a serious detrimental effect on native wildlife and represent serious issues in the removal of waste products as this is far away from any mains sewerage.

PAP/2011/0229 - Formation of off-road adventure trail for use by 4x4 vehicles & quad bikes, planting new woodland & import 10,000 cubic metres of inert material for boundary bunds, soil structures & vehicle obstacles. Internal access roads. Import further 10,000 cubic metres of inert material to & the formation of conservation pools.

This is just a totally unacceptable development and should be rejected – the noise and dust that was evident from previously held events caused major complaints from residents. This type of activity is normally held in much more remote locations so the effects are not to disrupt the local community. Planting of trees (which will take years to mature) and other measures will not in any way stop the effects of the proposed activity. The fact that potentially these events could operate ALL day for 365 days of the year is clearly unacceptable. The proposed bunds will be ineffective (the major disruption caused by moving such large amounts of materials must not be overlooked) and any proposed noise level limits will be virtually impossible to enforce. Although the application states this will be for 'controlled' events if the facility gets approval there will be no way that it will not be used for other activities including racing which will generate major noise and pollution.

PAP/2010/0324 - Change of use of 0.82 Ha of land from recreational use to use as a caravan & camping site.

If this was granted it would have a fundamental impact on the land and the surroundings. The movement of caravans/cars on and off the site will have serious impact on the local roads. There can be little or no control on the activities of visitors to this facility and there is a real danger that will add to the noise and pollution issues mentioned in relation to other aspects of the site. This application should be rejected.

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PAP/2011/0133 & PAP/2011/0134 - Variation of condition no: 4 and 2 of planning permission FAP/2002/7800 (PFILXX/1381/2002/FAP)
PAP/2011/0133 – no material objection
PAP/2011/0134 – reject as per 0132

PAP/2011/0131 & PAP/2011/0132 - Variation of conditions no: 6 and 3 of planning permission PAP/2007/0503
Reference PAP/2011/0131 – no material objection
Reference PAP/2011/0132 – totally rejected – the removal of restrictions on what can be done and the hours that it can be done will open the floodgates to noise and pollution on an unprecedented scale. Any effective monitoring will be virtually impossible and local residents will be at the mercy of what the applicant thinks he can get away with.

PAP/2010/0289 - Change of use of woodland to mixed recreational & forestry use
This should be rejected as it will destroy an area of woodland and in its place put buildings, noise and pollution and have a detrimental effect on the wildlife. Its close proximity to land owned by others who respect the land and its native environment is just unacceptable.
In conclusion and for the avoidance of doubt, Corley Parish Council has serious reservations about the over development of this site and, to date, the applicants total disregard for the local community.
In the current economic climate any legitimate and authorised business development that creates employment should be supported and the Parish Council will do so. However what is being proposed will have a significant impact on the land and community way beyond what is acceptable. Until the applicant demonstrates a willingness to meet his obligations these applications should be rejected.

Further Comments based on Consultation Correspondence issued by NWBC dated 20th January 2012

The Parish Council has now reviewed the supplementary information issued by NWBC and overall this does not alter our objection to these planning applications. Mr Hammon attended our January Parish Council meeting (with reference to the Premise Licence application) and inevitably the impact of these planning applications in conjunction with a possible site wide alcohol licence was considered. The fact that current activities at the site go way beyond what the applicant has permission for is significant and worrying. Based on the latest correspondence the Parish Council has the following comments and observations.

PAP/2011/0317 - the exact scale and use of the hotel is still far from clear – at the Fillongley Parish Council meeting attended by Mr Hammon he stated it was to be 30 bedrooms. However whatever is eventually specified by Mr Hammon it is not deemed appropriate to build such a structure in what is Green Belt land.

PAP/2011/0261 – no further comment apart from the fact that we are somewhat surprised that 10,000 school children visited the site in 2011. Based on a school year this comes to circa 250 children per week, every week!!

PAP/2010/0324 – camping and caravanning 365 days a year is just not acceptable – there can be little or no control of this activity and the noise and disruption to local residents significant. The statement there will be no electricity (or other facilities – what about sewage!!) makes no sense if the applicant is serious in wanting to attract clients to this facility so the Parish Council is most concerned this will be another potential item were the applicant does not abide by the planning if agreed.

PAP/2011/0229 – no further comments – the use of motorised vehicles for off road activities is just not acceptable

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PAP/2010/0289_– no further comments

PAP/2011/0132/0134_– no further comment apart from if noise pollution is evident at weekends residents will not be able to call upon the local authority to monitor the situation as these services are not available. This makes these statements meaningless.

Site Wide Provisions

To start altering the road network for the convenience of Mr Hammon is just not acceptable. To suggest a 'ghost island' is an acceptable addition to rural roads and in anyway will solve the impending traffic chaos is laughable.

To use a facility which is basically illegal (the beach) as a bargaining tool to get other plans passed is just cynical and should be dismissed out of hand. Mr Hammon has no right to operate the beach as a public attraction and NWBC need to enforce this position.

SUMMARY

Corley Parish Council has many residents who are directly affected by the current activities at Heart of England. There is a consistent level of complaint and evidence that current activities either go beyond the authorised hours and/or are not currently permitted by what the applicant has approval for.

The Parish Council has a duty of care to residents and on this basis all these applications should be rejected. Unless and until Mr Hammon lives up to his duty of care to the community he is operating in any further activities on the Heart of England site should not be allowed.

Fillongley Parish Council

Initially found itself unable to offer comment on the proposals because of inconsistencies in the plans and supporting documents and contradictory information given to them in person by the applicant.

The comments below are from one of the Fillongley Parish Councillors. The Councillor broadly supports, in principle, some of plans and the principle of employing local people and creating revenue for the local economy. However, he does also state (repeatedly) that activities on the site should not adversely impact the local residents with respect to noise and traffic or have an adverse impact on the environment and contains suggested alterations to the application (such as to noise levels & recording thereof) .

The comments have received support from some other Councillors however the time restrictions imposed by the reconsultation do not allow for open discussion by the Council. Therefore the comments cannot be said to be the opinion of Fillongley Parish Council as a whole, but of some individual Councillors.

Comments as follows:

In principal I have no fundamental objection to a business operating on the premises, employing local people and creating revenue resulting in a vested interested in maintaining the ancient woodland on the site; in fact I believe this adds value to the Parish. Conversely the activities on the site should not adversely impact the local residents with respect to noise and traffic or have an adverse impact on the environment.

PAP/2011/0317 – Outline application for a new three storey hotel & function room building. In principal I would support this application on the grounds of creating jobs within the community, reducing late night traffic from the site and removing unsightly storage buildings. I comment specifically on elements of the application:-

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- The noise impact assessment should be specific to the hotel.
- The acoustic measurements should be based on a min of 24h survey to properly assess the impact on local residents.
- A BS4142 assessment of plant noise should be carried out and plant noise limited accordingly.
- An assessment of entertainment noise break out should be carried out (in line with the principals of BS4142) and break out noise limited accordingly
- A BS8233 assessment with respect to the noise within the hotel rooms should be completed.
- Specific acoustic mitigating measures should be conditioned in order to protect the adjacent premises from excessive noise. Suggest a noise limiting device is specified to the conference/ function area in order to practically restrict the noise emanating from the proposed hotel to within acceptable limits at the adjacent property.

PAP/2011/0261 - Erection of a new 287sq.m. D2 (Assembly and Leisure) visitor centre building within a new woodland clearing.

In principal I would support this application on the grounds of a viable business having a vested interest in maintaining an ancient woodland. In addition the facility would provide a valuable education resource with in excess of 10000 pupils visiting per annum.

PAP/2010/0324 - Change of use of 0.82 Ha of land from recreational use to use as a caravan & camping site.

No comments.

PAP/2011/0229 - Formation of off-road adventure trail for use by 4x4 vehicles & quad bikes, planting new woodland & import 10,000 cubic metres of inert material for boundary bunds, soil structures & vehicle obstacles. Internal access roads. Import further 10,000 cubic metres of inert material to & the formation of conservation pools.

My understanding is that the application is to plant a significant area of trees from the rear of the existing lake back to the existing woodland. I understand that Mr Hammon has received a grant for the tree planting, 'English woodland grant scheme'. Within the woods that will be formed it is intended to form a purpose build 4X4 track complete with ponds ('water obstacles').

In principal I would support this application provided that the formation of a dedicated 'off-road adventure trail' does not give rise to a nuisance / complaints situation with respect to noise at adjacent properties; suggest the addition of a clause which stipulates, 'Resultant noise levels shall be no greater than 50dBA within the nearest residential gardens' in accordance with BS8233. In addition that motorised leisure activity is prohibited within the adjacent ancient woodland limiting the possibility of further detrimental impact to the ancient woodland. The relocation of the existing motorised leisure activity may need to be scheduled to enable the proposed 'off-road adventure trail' to be built and mature prior to prohibiting use within the adjacent woodland.

PAP/2010/0289 - Change of use of woodland to mixed recreational & forestry use.

The proposal notes that the woods have been used for recreational purposes including; paintballing, nature visits (schools), walks and motorised vehicles. The proposals confirm that the use of motorised vehicles has had a minor detrimental impact.

In principal I would support this application on the grounds of a viable business having a vested interest in maintaining an ancient woodland; subject to motorised leisure activity being prohibited within the adjacent ancient woodland limiting the possibility of further detrimental impact.

PAP/2011/0132 Variation of condition no: 3 of planning permission PAP/2007/0503 70dBA adjacent the adjoining residential properties is likely to give rise to nuisance /complaints situation. Would suggest the addition of a clause which stipulates (in addition to the proposed wording), 'not more than 50dBA within the nearest residential gardens' in

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accordance with BS8233. This should not preclude the use of vehicles as proposed in PAP/2011/0229 provided suitable attenuation measures are implemented given the distance to the nearest noise sensitive property.

PAP/2011/0134 Variation of Condition no: 2 of planning permission FAP/2002/7800 (PFILXX/1381/2002/FAP)

70dBA adjacent the adjoining residential properties is likely to give rise to nuisance /complaints situation. Would suggest the addition of a clause which stipulates (in addition to the proposed wording), 'not more than 50dBA within the nearest residential gardens' in accordance with BS8233. This should not preclude the use of vehicles as proposed in PAP/2011/0229 provided suitable attenuation measures are implemented given the distance to the nearest noise sensitive property.

OBSERVATIONS

Given the number and variety of applications to be determined, the observations that follow will be structured such that they address matters in the following order:

- Firstly, applications which relate to existing planning permissions – the variation of conditions applications.
- Each of the proposals for new development, in the order of:
 - Hotel and Function Room – Proposed New Build
 - Woodland Visitor Centre
 - Proposed Off Road Track
 - Use of Existing Woodland (Including Paintball Use)
 - Proposed Camping/Caravanning Site
 - Proposed Hotel – Existing Listed Building
- Given that the proposals, combined with the existing uses of the site, will have collective elements and impacts, the observations will also examine the cumulative/cross-cutting impacts of the proposals (eg. access/parking/capacity/visual impacts).
- The applicant's economic development argument will be considered in the context of existing and emerging policy which supports the need to secure economic growth and employment.

PAP/2011/0133 & PAP/2011/0131 (Variation of Conditions – Equipment on fields)

As indicated above, these applications seek to vary conditions attached to the planning permissions which allowed the recreational use of land. In both instances, the grant of permission was subject to requirements that all structures and equipment should be removed from the fields immediately following events and stored inside the buildings at Old Hall Farm, with the reason given as, 'In order to retain the visual character of this area of open countryside.'

The proposed variation to the condition seeks to permit the retention of all 'non-permanent' equipment on the open land at the site for six months each year. For the remaining six months, 'any mobile equipment used will be removed and stored 'accordingly' for re-use'.

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In practice there has only been limited compliance with these conditions. In particular, since the advent of opening the site to the general public and the concept of 'Heart Park' was advanced, a wide variety of structures and equipment has been placed and left on the land for extended periods, some throughout the summer 'season' and others on an all year round basis.

Though the applicant has indicated that there is a prospect that he would cease to operate the site as 'Heart Park' (a facility generally open to the visiting public) he has not indicated any altered intentions in respect of his request to vary these conditions. It is therefore assumed that structures/equipment required in association with the continuing recreational use of the land for corporate/school/other client groups would be retained on the open land at the site for the requested six months each year.

To illustrate an example of some of the possible appearance and effects of varying the condition as requested the images below show the use of the site in recent years in different seasons.

Summer Season Images:

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Winter Closed Season Images:



The proposed variation to the condition seeks to permit the retention of all 'non-permanent' equipment on the open land at the site for six months each year. For the remaining six months 'any mobile equipment used' will be removed and stored 'accordingly' for re-use.

The main consideration is the effect of the retention of equipment on the land for six months each year on the visual character of this area of open countryside.

In determining the recent planning appeal into the retention of the unauthorised beach at this site, the Planning Inspector discussed the effect of the 'clutter' which accompanied its use. At Paragraphs 19 and 20 he indicates the following:

The final significant impact of the beach is the clutter of ancillary structures and activities that are concentrated on and around it. On my September visit I saw picnic tables, deck chairs, summer houses, a Punch and Judy kiosk and a small wooden play area on the beach. A kiosk selling snacks, a double-decker play bus, an enclosure with electric go-karts, crazy golf, various inflatable play facilities and a large marquee were adjacent to the beach. Some, such as the deck chairs and picnic tables, are facilities that could reasonably be expected at a honeypot of this nature and are acceptable. **But others, including the white marquee and play bus, are sizeable and highly conspicuous intrusions into the rural landscape.** I observed on my November visit that all but the fixed play area and the platform for go-karts had been removed and stored away from the beach, presumably for the winter period, but **there is ample evidence that most of the attractions are present throughout the summer.**

'.....the fact that some of the more visible paraphernalia is authorised (for example, the inflatable games and the white swan-shaped pedalos used on the lake) does not detract from the fact that each individual item or structure on the beach, the lake and the immediate surroundings contributes, in some degree, to the clutter. Use of the beach adds materially to the existing summer-time appearance of the site which, overall, causes unacceptable harm to the rural landscape and is contrary to policies CP3 and ENV1 of the NWLP.

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Policy CP3 of the North Warwickshire Local Plan 2006 indicates that, "All development decisions will seek to protect or enhance existing landscape and townscape character. Policy ENV1 indicates that development that would neither protect nor enhance the intrinsic qualities of the existing landscape, as defined by Landscape Character Assessment, will not be permitted"

The Inspector's highlighted statements and overall conclusion is that the act of leaving the array of materials, including large, conspicuous structures and vehicles, on the land throughout the summer results in highly conspicuous intrusions into the rural landscape which cause unacceptable harm to the rural landscape. The proposed variation to the condition would perpetuate this identified harm.

The second consideration is the proposed wording for the varied condition.

The term 'stored accordingly' is too vague and does not meet the test of precision. The current wording of the condition gives precision in that it specifies that the equipment shall be stored within buildings at the site.

The wording is also inconsistent. In the first part of the condition it refers to 'Equipment placed in the field that is not permanent' and the second part refers to 'any mobile equipment'.

Though these drafting concerns could be addressed by adding precision to where the materials should be stored during the closed season i.e. off-site/away from the applicant's land holding or stored inside the buildings at Old Hall Farm and by introducing consistency into the terminology describing the materials, the variation of condition can not be supported because of the effect on the visual amenity of the area and the character of the open countryside.

The third consideration is the effect of the original condition on the operation of the applicant's business and whether there are any pressing business considerations which would justify the retention of the materials/equipment/structures despite the identified harm to the rural landscape.

The applicant argues that it is impractical to take down and re-erect the following day. This is however, a matter of choice about the nature of the recreational activities offered at the site and the associated equipment provided. The planning permissions give ample scope for the business to offer recreational activity which utilises materials/equipment/structures which are more practical to clear from the land between events.

It is worth repeating here that the beach is unauthorised. The Inspector's decision and the discontinuance of the High Court Challenge confirm this. Much of the applicant's argument for the variation of these conditions centres around the provision of facilities to enhance the attraction of the beach as a destination/recreational experience. The Planning Inspector commented in this regard as follows:

The appellant argues that the beach is an important source of income at a time when the corporate events market (which is focused on the conference centre) has been hit hard by the economic downturn. Evidence was also submitted of the enjoyment that the beach gives to local schools and other organised groups, and of the employment opportunities provided at the Heart of England site. These are important considerations in favour of the proposal. But national policy in Planning Policy Statement 4: *Planning for Sustainable Economic Growth* indicates that a balance has to be found between protecting the countryside and supporting economic diversification; policy EC6.2 advises that **diversification proposals should be consistent in their scale and environmental impact with their rural location**. For the reasons given, **the beach contributes to operations and activities which, for**

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significant periods, exceed the capacity of the countryside to accommodate them.

The draft NPPF and the Government's growth agenda outlined in the Policy section of this report places added weight on the accommodation of business interests, and this is a change since the Inspector's decision. It is necessary to question whether this would be sufficient to justify the variation of the condition despite the Inspector's findings.

It should be noted that the draft NPPF and the growth agenda do not mean development at all costs. It comes with caveats. It re-affirms the Government's commitment to maintaining Green Belt protection.

The beach feature here is unauthorised development, with the activity arising from it being a cause for concern and also unauthorised. The proposed changes to this condition would perpetuate the identified harmful effects.

When first granted, the anticipated recreational use of the land was low key, with minimal permanent or long term impacts on the landscape. It remains desirable to protect the landscape from permanent or long term impact. The business desire to change the scale and character of the use should therefore be afforded less weight than the need to protect the character and appearance of the countryside.

Even in the event of the removal of the beach, if the business sought to leave other equipment unrelated to a beach, on the land for extensive periods of time, the effect would be equally harmful to the character and appearance of the countryside and would be resisted.

It is not considered that any exceptional business needs have been advanced which override the effect of the proposed variation on the rural landscape.

Conclusion

The conditions, as proposed to be varied would cause unacceptable harm to the rural landscape. This would be contrary to the provisions of Policies CP3, CP11 and ENV1 of the North Warwickshire Local Plan 2006 (Saved Policies) and the variations can not be supported.

PAP/2011/0132 & PAP/2011/0134 (Variation of Conditions – Limitations on Recreational Use of Land)

The effect of varying these conditions, as proposed, would be to permit any recreational activity whatsoever (excepting the shooting of guns using gun powder) providing that it did not result in a measurable noise level at a defined boundary.

The continuing need for the condition?

The varied conditions should continue to meet the objectives for which they were first attached to the permissions, if those objectives are still relevant and desirable. The reasons for attaching the conditions were to protect the residential amenity of neighbouring properties. It is considered that there is a continuing need to protect the residential amenity of neighbouring properties and the proposed variations should be assessed to establish whether they would effectively continue to achieve that objective.

It is necessary to consider whether:

- the proposed noise limit is an appropriate one

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- whether the approach to the control of noise impact is an appropriate one
- whether the varied conditions would meet required objectives
- whether the conditions would meet the tests of being necessary, reasonable, enforceable and relevant, and
- whether the applicant's business case supports the variation of the conditions

The proposed noise level

The applicant proposes a 70dBA noise limit on a specified boundary. The Council's Environmental Health Officer is concerned that a maximum noise level of 70 dBA at the boundary of the site is too high. He notes that daytime background levels have been recorded at 53 - 60 dBA at locations around the site boundaries and, based on this information alone, a 70 dBA noise limit would be unacceptable, as this is considerably higher than current background levels. No qualified explanation of the proposed level of the noise limit has been given to justify this proposal.

Defining the noise level boundary

The identified boundary, in places, is very close to neighbouring dwellings. In the instance of Moor Farm Bungalow, the distance is as little as the length of the domestic garden (approx. 14m). The effect of continuous or repeated noise up to 70dBA, or the effect of any of the currently prohibited uses (use of motorised vehicles or shooting), at such a distance would be very harmful to residential amenity.

Enforceability

The use of the land in both permissions has been approved for recreational purposes. The term 'recreational use' has been found to have a very wide interpretation (findings of the High Court Challenge and Enforcement Appeal decision in respect of the restaurant use). The current wording of the conditions bring some clarity to the nature of the approved use and effectively set limits to how the term 'recreational use' may be interpreted, particularly, in relation to the second application.

As indicated above, the effect of varying these conditions would be to permit any recreational activity whatsoever, providing that it did not result in a measureable noise level at a defined boundary.

Any revised condition needs to be capable of being achieved in reality – if the effect of the use and operation of the site is such that there is no reasonable expectation that the requirements of the condition would be met, then the condition should not be applied in the first instance. It is therefore necessary to question whether the operation of the site for self regulated, but otherwise unrestricted, recreational uses would reasonably meet the requirements of the condition.

In attempting to answer this question it is difficult to anticipate all scenarios for recreational activities that might be pursued, however, it is noteworthy that, parallel to making these planning applications, the applicant has also made an application for a Premises Licence. The Licence application seeks the outdoor playing of recorded music and films, the outdoor performance of live music, dance and plays, and outdoor boxing and wrestling entertainment. It proposes that all of the activities could include the sale of alcohol. On 12 occasions annually, it seeks this outdoor operation until 11pm.

Whilst the Licence application is a stand alone application, which may or may not be granted, it assists in establishing the aspirations of the applicant and his possible direction of travel. It is a cause for concern, as it is highly improbable that such activities could take place without exceeding the specified noise limit. Furthermore, if the licence is ultimately granted, there is a question about whether the proposed condition would remain reasonable.

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There is also concern about the practicalities of monitoring and enforcing the suggested conditions given the effect of noise generated from activities on adjacent land, within the applicants ownership.

To overcome the difficulties of defining the source of the noise originates from the land relating to the two specific permissions, the applicant's agent has indicated a willingness to attach conditions to the same effect to all of the current applications. Whilst this may be seen as seeking to be constructive, there are issues of realism. Could a limit of 70dBA be achieved and maintained where the boundary is adjacent to the off road track or paintball games? Would a limit of 70dBA be appropriate in respect of the hotel/function rooms which would continue into evening and night time hours?

The applicant has not proposed any mechanism for routine monitoring or event specific. Without such a proposal, the monitoring of the condition would impracticable for the Council to monitor, and will pose considerable difficulties in pursuing contraventions.

The Business Justification

The applicant indicates that he finds the current conditions unduly limiting and that the suggested variation is necessary for him to be flexible in the use of the land. He particularly wishes to be able to drive vehicles around the land to transport clients and offer recreational experience.

It is firstly worth noting that the conditions, as worded, give considerable scope for the beneficial use of the land for a wide variety of purposes, and allow scope for agreed variation. The conditions, as currently worded simply seek to exclude the most harmful noise generating uses. This is not considered to unreasonably limit the operation of the business, such that the proposed wide ranging and largely unregulated use of the land would be justified.

The suggested condition, in the terms that it has been presented are simply too potentially harmful to be supported and the business desires are outweighed by the need to protect the amenity of the locality.

Conclusion

The conditions, as proposed to be varied would create conditions detrimental to the residential amenity of occupiers of nearby properties by virtue of noise disturbance. This would be contrary to the provisions of Policy ENV11 of the North Warwickshire Local Plan 2006 (Saved Policies) and the variations can not be supported.

PAP/2011/0317 (Hotel and Function Room)

Note: If minded to support, this application would need to be referred to the National Planning Casework Unit under the Town and Country Planning (Consultation) (England) Direction 2009. Local planning authorities are required to consult the Secretary of State before granting planning permission for the inappropriate development on land allocated as green belt consisting of a building or buildings with floor space of 1000 square metres or more, or any other development which by reason of its scale or location would have an impact on the openness of the green belt.

The main issue affecting most of the applications and proposals for the site is the impact on the Green Belt.

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The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The most important attribute of Green Belts is their openness and the importance of Green Belts in maintaining open countryside around most of our urban conurbations is undiminished by emerging planning policy.

National planning policy on Green Belts is set out in PPG2. Hotel and function room development is not a use of land which fulfils any of the objectives of the Green Belt set out in paragraph 1.6.

There is a general presumption against inappropriate development in Green Belts. Save for a few specific exceptions, as detailed in paragraph 3.4 of PPG2, the construction of new buildings inside a Green Belt is inappropriate development. A new hotel and function room is not a new building which falls within one of the forms of new building identified in paragraph 3.4. The development is therefore inappropriate and by definition, harmful to the Green Belt.

PPG2 advises that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

It is necessary to examine the impact of the development and question whether there are any very special circumstances in this case to outweigh harm to the Green Belt.

Turning first to the effect of the development on the openness of the Green Belt, the building would be erected primarily on land which is previously undeveloped. The annotated aerial image in the Proposal section of the report illustrates this. This inevitably adversely affect openness as there will be built form where previously the land was open.

Though the proposal includes provisions for demolishing some existing former farm buildings the volume and height of buildings to be demolished are considerably less than the building to be erected. Furthermore, the existing farm buildings sit within an established 'farmyard' grouping. It is not proposed to erect the new building on the footprint of the former, within the 'farmyard', it is proposed to site it on open, undeveloped land.

The scale of the proposed three storey building would be greater than existing neighbouring buildings (in use for restaurant/conference purposes) and the approach to the design of the new building (form and indication of materials) would be substantially different.

The applicant's Design and Access Statement acknowledges that 'the proposed structure would obviously be one of the largest and tallest on the site, although varying between only two and three storeys'.

The concept behind the siting and design of the building is that it would have a heavily glazed elevation which would overlook the land and lake at the site. This has adverse consequence because it increases the visual prominence and intrusion of the building, potentially causes light pollution and urbanisation of the countryside in the night time environment.

The proposed hotel would be sited at an elevated position overlooking the adjacent countryside and visible from the paths which cross the land.

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The image below provides a very rough illustration of the siting of the proposed building, its scale and relative size (compared to the buildings to the rear of it which would be demolished)



Paragraph 13 of PPG2 indicates that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

It is considered that the design and scale is not in keeping with setting and harmful to rural character, injurious to the visual amenity of the Green Belt

The land where the hotel would be sited on land which benefits for use for outdoor recreational use but this is a use which preserves openness and can not be taken to afford any case for supporting the erection of a brand new, non-essential, large scale building.

For the reasons set out in the Consultations section, the Council's Heritage and Conservation Officer considers that this building would detract from the visual dominance of the listed building at the site such that it would be harmful to the setting of the listed building.

It is necessary to consider whether there are any very special circumstances in support of the development. The applicant argues that a factor that needs to be weighed against any perceived harm is the economic benefit likely to result from this development. The upgrading of the facilities offered to wedding and event guests and the provision of more overnight accommodation is likely to encourage more corporate and other guests to use the 'Heart of England' and thus to safeguard existing jobs and create new ones. Similarly, the provision of wedding hall and suites and an additional function room to the meeting rooms

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available in the existing Conference and Events Centre increases the overall portfolio of rooms and facilities that can be offered to potential customers in the future, increasing the attractiveness of the package and the ongoing viability and profitability of the business. This proposal is part of the 'forward looking' and holistic approach to the master planning of the Heart of England site as a whole.

Undoubtedly additional buildings to cater for increased function room demands and a diversification into the provision of overnight accommodation would enhance the applicant's business, and may provide increased opportunities to job retention and possible job creation, however, this is not an element of the applicant's business which dictates a rural location, and the expansion of a business cannot in itself amount to a very special circumstance. The applicant has supplied no firm evidence to substantiate an imperative need for business growth. It is stated more as an expression of desired direction of travel for the business. The applicant does indicate that he sometimes loses custom for corporate events or weddings because the venue does not have a significant volume of overnight accommodation but there is no firm evidence submitted to that effect. This development would constitute major expansion and diversification into the provision of overnight accommodation and the erection of new build function rooms, on the back of a site approved as a relatively low key reuse of rural buildings, would take the scale of the operation here to an unacceptable overtly large scale commercial centre at a relatively isolated Green Belt location.

Given the identified harm to the Green Belt and the absence of evidenced very special circumstances the hotel and function room application may not be supported.

The proposed building would be located closer to a neighbouring dwelling (Moor Farm Bungalow) than any of the existing buildings at the site. The proximity is likely to create issues of noise and disturbance, particularly if it is a focus for people congregating outdoors whilst enjoying the views. Though sound attenuation to the building may achieve a level of noise control, it is inevitable that some noise from comings and goings and proximity of car parking would be experienced.

The proposed use does not fit with Local Plan policy on the distribution of development. Policy ECON11 directs new hotel development of this scale to the Borough's Main Towns. In a location such as this development would be limited to guest houses not exceeding 3 bedrooms or schemes involving the re-use of a rural building.

The amount of car parking, given the multiplicity of uses at the site, and the possibility of functions taking place simultaneously in different buildings means that there is a prospect that the site provides for insufficient permanent car parking. The Warwickshire County Council Highways Authority highlight that the proposed car parking layout submitted as part of the access details would be difficult to navigate by drivers who were unfamiliar with the site.

Conclusion

On balance this application may not be supported for reasons of harm to green belt, residential amenity, visual amenity and rural character, lack of ecological assessment and harm to the setting of the listed building. The applicant's stated business needs do not amount to very special circumstances.

PAP/2011/0261 (New Visitor Centre in Woodland Clearing)

Green Belt - Appropriateness

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The applicant indicates that the building will serve two main functions: a multi-purpose Visitor Centre and a toilet/shower block, both of which will be provided for visitors to 'Heart Park' and also for corporate visitors using the Conference and Events Centre that engage in activities within the park or woodland. The Visitor Centre will be used as an assembly point for schoolchildren and to provide teaching. It will also be a base for events taking place within the woodland. There will be facilities for serving refreshments and the sale of souvenirs.

Green Belt policy makes provision for the erection of essential facilities (paragraph 3.4). It indicates that such facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. It gives possible examples as small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.

It is necessary to examine whether the proposed visitor centre could be regarded as such an 'essential facility'.

In this instance there are a number of factors which suggest that it is not.

Firstly, the site has existing buildings which could be used for the provision of refreshment, toilet and changing facilities. There is no evidence of any attempts to rationalize, rearrange or extend the existing complex of buildings to meet the identified needs.

Secondly, the proposed facilities are not small scale (the building has a footprint of 382.29 m²) and are not genuinely required for uses of land which preserve the openness of the Green Belt. It does not compare to the scale of the examples given in PPG2. A building of this scale is not essential in association with the use of the land or the woodland – it may be desirable, but it is not essential.

Thirdly, the scale of the proposed building is such as to cater for the use of the site as 'Heart Park'. As outlined above, 'Heart Park' is largely predominated by the attraction of the inland beach. To grant the erection of a new building in the Green Belt to meet the needs of an unauthorised 'honey pot' attraction would be inappropriate.

The applicant argues that the main complex is too distant to satisfy the requirements of 'Park' and 'Woodland' visitors. This is not supported. The lake is only 170m distant from the main complex and the woodland edge is only 270m distant.

He further argues that he has a desire to provide additional facilities, so that he may provide separated buildings for the different type of clients that his business has diversified to cater for. This is indicative that the concerns expressed by the Planning Inspector about the increasing scale of development at the site impacting on the ability of the countryside to accommodate it. The desired business growth into distinct 'indoor' and 'outdoor' uses, which are not compatible with each other, is very different to the original concept of the site catering for primarily outdoor recreational uses from the main complex of buildings. Such business aspiration, leading to pressure for new built development, is not compatible with Green Belt policy.

Green Belt - Openness

The applicant argues that the development proposes a building which will blend into, and have minimal negative impact upon, its woodland setting. He argues that the deliberate siting within the woodland borders prevents intrusion upon the openness of the Green Belt and avoids interruption of the view of the woodland and lake by neighbours, walkers and park users.

This view is not supported.

As a matter of fact, the application proposes a large permanent building where formerly no building stood. It inevitable has an adverse impact on the openness of the Green Belt.

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The argument appears to be that if the building is screened by trees then it has minimal impact. This is a flawed argument since the issue of non-visibility has less force in a green belt area because of the policy emphasis on preserving openness *per se*.

The proposed building is to be sited close to the edge of the woodland, though the trees at the edge of the wood would serve to offer some disguise, the building is nevertheless likely to be visible and the focus of a lot of activity. The building is likely to be lit in winter months and on darker afternoons. The applicant indicates that it is his intention to take school parties to the near vicinity of the visitor centre by coach. It is intended to serve the needs of visitors to the lake, land, woodland and off-road track, it is therefore likely to be signposted and have a significantly visible pedestrian route to it.

The applicant suggests that no vehicular access will be created to the new woodland visitor centre building (other than the existing woodland edge tracks that are proposed to be retained). This does not appear to be a realistic prospect given the function and uses to be made of the visitor centre.

In all, it is considered that the building and the activity associated with it would impact adversely on the openness of the Green Belt and negatively impact the visual amenity of this part of the countryside. No very special circumstances have been advanced to justify the development.

Effect on the Ancient Woodland

Despite requests for clarification, the proposals remain unclear in respect of the extent of the groundworks (for the building itself, the clearing and the provision of services and drainage arrangements for the building, durable surfaces surrounding the building, finished levels), the number of trees to be felled, and the specific proposals in respect of achieving access during initial construction and then operational phases. The County Ecologist suggests that the use and disturbance would potentially be greater than suggested in the application supporting documents.

The Forestry Commission Officer highlights that the proposal is within a plantation on Ancient Woodland Site (PAWS). Ancient woodland sites are considered by the Forestry Commission to be priority sites due to the important complex and diverse ecological systems that have developed over a long period of time. Once these woodlands are lost they are irreplaceable. The Forestry Commission has suggested that further consideration should be given to siting this building out with the boundary of this important woodland.

The applicant argues support for his proposal on the basis that the Forestry Commission policy is to encourage public access in to woodlands, however, the Forestry Commission indicates that this is true, but it is an element of this should be balanced with the ecological value and importance of the woodland site.

The likely scale of patronage is also uncertain. On one hand the applicant reports growing numbers of school visits year on year, on the other the applicant has forwarded the prospect of attempting to control the use of the beach by the 'general public' (this will be discussed later in the report). No total visitor numbers have been presented from previous years and no coherent visitor number projections have been advanced for forthcoming years. There is concern that a significant volume of visitors could cause harm to the nature conservation interests of the ancient woodland.

Furthermore, both the County Ecologist and Warwickshire Wildlife Trust draw attention to an absence of baseline surveys giving inadequate information to enable an evaluation of the potential impacts of the proposal on biodiversity.

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Policy ECON10 of the Local Plan relates to development at Tourism Sites. It indicates that where development is permitted on new sites with a nature conservation interest, the developer will be required to protect and enhance the existing assets.

It is considered that without greater information upon which to judge the proposal the impacts can not be properly assessed.

Conclusions

The proposed visitor centre is not considered to be an essential facility for outdoor recreation at this site. It is not small in scale and is thus inappropriate development in the Green Belt. Despite its relative lack of visibility the development would adversely affect the openness of the Green Belt. The development would adversely impact on the visual amenity and rural character of this part of the countryside. No very special circumstances have been presented to justify an exceptional case. The proposal is thus contrary to Policies CP11, ENV2 and ENV1 of the North Warwickshire Local Plan 2006 (Saved Policies) and advice contained within Planning Policy Guidance Note Number 2.

The introduction of built development into an ancient woodland which would be likely to attract significant numbers of visitors would be likely to cause harm to the ancient woodland, contrary to nature conservation interests. An absence of baseline surveys does not enable an evaluation of the potential impacts of the proposal on biodiversity. The proposal is thus contrary to Policies CP3, ENV1 and ECON10 of the North Warwickshire Local Plan 2006 (Saved Policies) and advice contained within Planning Policy Statement 9.

PAP/2011/0229 (Off-road vehicular trail in new woodland, new and retained internal access roads and the formation of conservation pools, involving the importation 20,000 cubic metres of inert material)

There are essentially four elements to this application:

- The formation and retention of new and existing internal roadways
- The importation of 20,000 cubic metres of inert material
- The formation of a new purpose built off-road vehicular track
- The creation of conservation pools
-

I shall deal with each of these elements in turn.

The New and Retained Roadways:

This element of the proposal essentially seeks the retention of tracks which have already been created around the site but also seeks to form a new roadway which would connect the main site entrance with the wider part of the land holding without having to travel through the complex of buildings which form the Conference Centre.

There are several matters to take into consideration here.

In April 2011 the Council served an Enforcement Notice in respect of aspects of this proposal, namely the roadways that have been formed within the site. Amongst other things the Notice required the digging up all of the materials laid to form the engineered access and roadway/track and reinstatement of the original access and track. Amongst the reasons given were as follows:

- i. The altered access, palisade fencing and gates and engineered roadway/track are inappropriate development in the Green Belt and are incongruous features within the rural landscape because of their size, visibility and industrial

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appearance, which detracts from the appearance and character of the area, contrary to saved Core Policies 3 and 11, and saved policy ENV1 and ENV2 of the North Warwickshire Local Plan 2006, as supplemented by the Warwickshire Landscape Guidelines, together with Government Guidance in PPS1, PPG2 and PPS7.

- ii. The altered access, palisade fencing and gates and engineered roadway/track has enabled the intensification of use of the site as a whole, to the extent that the purposes and objectives of retaining this land within the Green Belt have been compromised contrary to saved policy ENV2 of the North Warwickshire Local Plan 2006, and to Government Guidance in PPG2.

An appeal has been lodged against this Enforcement Notice and will be heard at a Public Inquiry.

It is necessary to consider whether there is anything arising from the current application(s) which would cause the Council to alter its consideration in respect of the appropriateness of retaining the currently unauthorised roadways, indeed, whether the Council could support the formation of additional new internal roadways.

The application plans show the retention of the widened field access together with the retention of all of the other interior roadways that have been formed to date. However, the applicant has indicated a willingness to permanently close the second access if the new internal roadway is approved.

The proposed new roadway would serve as the route to the areas of the site used for outdoor recreation and the woodland. It would also serve the proposed new camping and caravanning site.

Though there is some perceived benefit in the offered closure of the second Meriden Road access, the proposal needs to be weighted against the impacts of opening the whole of the site to volumes of vehicular traffic facilitated by the provision and retention of hard surfaced, formalised roadways.

The array of roadways will undoubtedly affect the visual amenity and rural character of the countryside. The roads add to the scale and intensity of the use – they are permanent, extensive and engineered/surfaced to 'urban' standards, designed to bring coaches and customer transport experiences to the land. It is not only the physicality of the roadways themselves but the traffic that they carry that add to urbanisation of the site and the harm to rural character and tranquillity. The benefit achieved in closing a field access does not outweigh the harm that would be caused to the countryside.

The applicant argues that there is a pressing need to separate traffic to stop vehicles from travelling through the Conference centre complex of buildings. However, this desire is intended to accommodate a need arising from a large scale recreational use of the land which has been deemed to be incompatible with the appropriate low key rural character of the landscape.

Furthermore, without a proper Transport Assessment, Warwickshire County Council Highways Authority continue to maintain an objection to the proposed development.

In these circumstances there are no reasons to take different line than the enforcement notices and the proposed new and retained roads can not be supported.

Additionally, as set out earlier in the report, the Council's Heritage and Conservation Officer expresses concern about the impact of the new roadway on the setting of the listed building.

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Importation of Material:

The Planning Appeal in 2010 considered a proposal to import 10,000 cubic metres of inert material to fill the borrow pit that had been created. The appellant had argued that the importation of material was required for two reasons – to remedy a safety problem arising from the presence of a deep body of water and to improve the ecological value of the land. He is advancing the same argument again in this current application, plus proposing that

The Planning Inspector dismissed the appeal indicating the following (at Paragraph 44):

I acknowledge that any water body is a potential safety hazard, but no evidence was advanced (such as a safety report or risk analysis) that this pond poses a particular danger. Given its location on the fringe of the area used intensively for recreation, and as access to the pond requires a conscious detour from the main routes through the site, I am not convinced that the risk to safety is significant. Furthermore, it seems that the amount of material to be imported is more than is necessary merely to infill the pond. Whilst it is difficult to make a precise estimate, it appears from the plans, from my observations on site and from evidence at the hearing that a not insignificant quantity of fill material would be used to raise the land levels around the existing pond. I believe that the quantity of material necessary just to fill the pond to a lower finished level and thereby eliminate any potential hazard to safety would be significantly less than the 10,000 cu m proposed.

He concluded (Paragraph 46):

Overall, there is no evidence that infilling the pond is necessary for safety reasons and the benefits to wildlife would be limited. Equally significant is the indication that the quantity of material to be imported exceeds that which is necessary to achieve these objectives in any event. And even if the appellant considers that infilling (to whatever level) is necessary, other options exist. The material could be imported to the site via the existing main access, as mentioned above. Alternatively, the Council's idea that the material could be sourced from within the site, perhaps from the slightly 'domed' field to the west of the lake which was filled once the sandstone blocks had been removed, merits consideration. Taking all these factors into account, I conclude that the benefits gained from filling the borrow pit to the level proposed are not sufficient to overcome the hazards to highway safety resulting from the use of an access which has substandard visibility.

The current proposal does not involve the use of the substandard access. Instead, it proposes the use of the main Meriden Road access and the formation of a new interior road which doubles back and runs parallel to Meriden Road until it reaches the former woodland field access route at a position close to the second Meriden Road access (referred to above as substandard). This field access route was previously hard surfaced and widened in an unauthorised manner. Though this access could not be supported on a permanent basis (for the reasons given above) it might be possible to utilise this route as a temporary haul route (subject to overcoming the Warwickshire County Council Highways Authority concerns and reinstatement of the access upon completion of the works).

The current application advances the matter in other respects. The applicant has submitted a letter and Risk Assessment from a Safety Consulting firm which assess the location of the Borrow Pits and how this impacted on health and safety in the interest of running the facility. The letter concludes that the Borrow Pit being reasonably close to the main water activity area, but offering no form of activity to the public, means that there is an element of unavoidable risk, for all visitors day or night. The land surrounding the borrow pit is of rough terrain with steep gradients to one side, basic fencing running parallel to the road side - with approximately 70% of the Pit remaining unfenced. There would be a lack of lighting levels; in particular in the evenings whereby the Borrow Pit presents a hazard to unwanted visitors

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such as trespassers approaching the Pit in total darkness at risk of potential drowning. He notes that there are no warning signs displayed i.e deep water, Danger keep out. He indicates control measures that address the risks, but concludes an overall control measure would be for the facility owner to consider infilling the Borrow Pit; in order to avoid potential third party claims for damages and prosecution in the future.

This Risk Assessment does confirm that a body of deep water, left unattended and unprotected can cause a hazard, but it is noteworthy that the applicant has not implemented the other safety recommendations of the Risk Assessment ahead of seeking to import material to fill the void.

The application now proposes the importation of a greater quantity of material. Despite requests for the quantity of material sought to be justified, no quantified or meaningful calculations have yet been forwarded.

The Environment Agency has confirmed that the importation of this quantity of material will require a Waste Permit.

Both the Environment Agency and Warwickshire County Council Waste Regulation have queried the need to import such a large quantity on material. The Waste Regulation Team suggests that there could be other solutions to achieving the development without recourse to the importation of such a large quantity of material ('cut and fill' operations or the use of planting and fencing). The same concerns and suggestions are made by the Environment Agency.

The bunds would create an uncharacteristic feature in the landscape. Though they would in time be disguised to some extent by tree planting, they would nevertheless alter the landform in an uncharacteristic and potentially intrusive way. This concern is shared by the Council for the Protection of Rural England who express the opinion that the works would harmfully alter the land form and destroy the character of Ancient Arden.

The County Ecologist also indicates that he is not currently persuaded that screening bunds are necessary as he too regards that they would be incongruous to the Arden Landscape. He indicates that the ideal would be to incorporate the track into the existing landscape. He indicates that it is important to note that the obstacles will vary the landform to create slopes of varying aspect and slope that would create valuable habitat features. These features should also be included in a management plan for this aspect of the site to ensure a net-biodiversity gain. He again points to an absence of pre-determination survey work to assess the presence or presence of protected species

The Waste Regulation Team highlights that the saved policies of the Waste Local Plan apply to this site. In particular, Policy 3 'Landfilling'. It suggests that the circumstances of this application do not fit with any of the circumstances where new landfill is supported. It advises that the assessment of the application would need to identify other significant material considerations that would override the Waste Local plan policy.

The applicant's response is at Appendix 4.

The Waste Regulation Team does not concur with this assessment and advises that the circumstances described do not, in its opinion amount to significant material considerations that would override the Waste Local Plan Policy. Indeed, it advises that Policy 4 referred to is not a current saved policy.

The Proposed Off Road Track:

The Green Belt:

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This proposed use of land is essentially the use of land for outdoor recreation. This can be an appropriate use in a Green Belt location depending on whether the use preserves the openness of the Green Belt and does not conflict with the purposes of including land in it.

The land is currently an open field with a last lawful use for agriculture. Though the proposed development would be situated within new woodland, it comprises a variety of features and structures that would be set at intervals around a track.. The development would create built form and intrusion where there once was none. It would thus impact on the openness of the Green Belt, adding to the built form across the wider land holding.

Noise:

The proposal seeks to move the off-road activity out of the existing woodland. Initially the applicant's suggestion was that the use would be relocated after a period of establishment for the new trees. However, he now indicates that he would seek to commence using the track whilst the trees establish and the cessation of use within the existing woods within 12 months of the grant of planning permission.

Many letters of objection have been received expressing concern about the potential noise impact of moving the motorised activity out of the established woodland, closer to neighbouring dwellings and initially into the relative open.

The Council's Environmental Health Officer comments on the proposal recognising that the off-road vehicle track would be established at a more open and exposed location which is closer to residential properties. The amended noise assessment shows a slight increase in the predicted noise levels at nearby receptors, but the primary findings of the report remain unchanged.

The noise report recommends that the proposed earth bund should be extended in an L-shaped mounding configuration to the north east corner to increase noise attenuation. Whilst he agrees that any additional bunding/screening will be beneficial, he indicates that he still cannot foresee that these activities will not impact on some neighbouring properties.

He notes that the initial noise report indicated that that vehicle use should not be transferred to the new woodland for 6 to 8 years after planting. However this appears to have been removed from the recently updated noise report and the intention may now be to transfer the vehicle use before this time. Hours of operation would also need to be restricted along with a condition stating that no more than the proposed number of vehicles should use the track at any one time i.e. no more than six quad bikes and no more than two 4 x 4 vehicles shall use the track at any one time. It may also be advisable to prohibit races/over-taking on the track and prohibit the use of the track on Sundays and Bank Holidays. I would recommend that gradients on the track are also kept to a minimum to prevent "over-revving" of engines.

He indicates that if these recommendations are considered to be unenforceable as conditions and permission is granted for the uncontrolled and unrestricted use of the site then this would have the potential to cause considerable disturbance to local residents. Even with restrictions the vehicles may still be audible at residential properties.

The applicant proposes a limit on the use of the off-road track to reflect the noise assessment. The Noise Assessment addressed the use of up to 6 quad bikes and 2 Land Rovers. The report recommendations indicated that there should be no 'racing' of the said vehicles. The applicant's draft S106 broadly commits to that effect, however, increasing the number of Land Rovers to 4 at any one time.

It is necessary to question whether the proposed self imposes constraints are realistic, practicable and/or enforceable.

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Firstly, the proposed level of use is particularly low, especially given that the track has an approximately length of 1.5Km in total. In order to make the track acceptable at this location the applicant appears to propose controls which appear unrealistically stringent.

There would be an inherent conflict with neighbouring residential uses at this position if the track was used in an unfettered manner, even given the mitigation of tree cover and bunds on some of the boundaries. A great deal of concern has been expressed by local residents about the amount of noise generated by a racing event that took place on this land. Local residents reported that the sound was audible and disturbing over a considerable distance.

In these circumstances, conditions, or proposed limitations, which are contrived to limit to use to very low levels of participation are not likely to be sound. The use should be acceptable in the event of non-compliance with the very limited levels of use suggested.

The applicant's business is to attract corporate clients to use his conference facilities for their corporate hospitality and their product launches. He has been successful in hosting such events corporate clients in the motor vehicle sector (eg Land Rover, Suzuki). The applicant advises that the on-site presence of an off-road driving facility is one of his 'unique selling points' when winning such contracts. This is because the client's can bring a fleet of demonstration models for trials/tests on the on-site track. Again, it has to be questioned whether the level of activity assessed in the noise report would be comparable to the level of activity that would occur at such a product launch type event.

Whilst conditions, or even a legal agreement, could be drafted which seek to limit the scale and type of use of the track, such conditions or agreement can not be reasonably enforced. On a wooded track of over a kilometre in length it would be difficult to count and limit numbers of vehicles in operation and furthermore, whilst participants could be requested not to 'race' it would be impractical to enforce such a limitation. In these circumstances, planning permission should not be granted because of the risk of harm to amenity.

Furthermore, even if the limited condition might suit current operator, it should be noted that a planning permission runs with the land, not the operator. Any future operator may not be accepting of such a high level of constraint on such an extensive off road facility.

The proposed timing for the commencement of use of the track is of particular concern. Any use of the track ahead of the establishment of new woodland would not only be likely to jeopardise the prospects of the woodland establishing successfully, but importantly, the use of the track would cause intrusion into the visual amenity of the area, harming the character and appearance of the countryside, and without the necessary growth, the trees would afford no mitigation for the sound of vehicles using the track.

The Proposed Nature Conservation Pools:

The commentary above sets out the reasons why it is not considered that the proposal to import wastes has been justified. It is considered that there are other alternative solutions to addressing the borrow pits that have not been pursued or fully explored.

Whilst the formation of conservation pools would be likely to add to the biodiversity of the site as a whole it is considered that Conservation Pools would be more desirable than essential. No specific design or conservation proposals are presented with the application.

The Planning Inspector indicated that it seems that the amount of material to be imported is more than is necessary merely to infill the pond. From his observations on site and from evidence at the hearing that a not insignificant quantity of fill material would be used to raise

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the land levels around the existing pond. He indicated that he believed that the quantity of material necessary just to fill the pond to a lower finished level and thereby eliminate any potential hazard to safety would be significantly less than the 10,000 cu m proposed. This option has not been addressed in the current application.

It is considered that the harm resulting from the importation of wastes (the lack of proven justification for the quantity of materials that are sought to be imported, the scale of large vehicles crossing the public footpath at the site and disturbance and possible danger from vehicular movements) outweighs the limited benefits resulting from the filling of the borrow pit through this method.

Conclusions

It is considered that the proposals constitute inappropriate development in the Green Belt. The roadways, bunds and off-road track are incongruous features within the rural landscape because of their size, visibility, appearance and setting, detracting from the openness, appearance and character of the area, contrary to saved Core Policies 3 and 11, and saved policies ENV1 and ENV2 of the North Warwickshire Local Plan 2006, as supplemented by the Warwickshire Landscape Guidelines, together with Government Guidance in PPS1, PPG2 and PPS7.

The proposed off road track would be likely to cause harm to the residential amenity of people living in the locality, given the potential for the use to generate noise which it would be difficult to control effectively.

The impacts of the development on the biodiversity of the site can not be adequately assessed in the absence of protected species surveys having been carried out.

The proposed new roadway will have an adverse effect on the setting of the Listed Building.

PAP/2010/0289 (Recreational Use of Woodland)

Context and Background

As detailed above, the woods have been used in recent years for a number of recreational pursuits. Such uses have been conducted without the benefit of planning permission. The Board has previously considered a report relating to the unauthorised use and has pursued and issued an Enforcement Notice . This was because

- The motor driving activity on the land has resulted in the compaction of soils, rutting, poor drainage, and denudation of ground cover contrary to saved policy ENV4, Trees and Woodland of the North Warwickshire Local Plan 2006.
- The paintball activity has resulted in the trampling of ground flora and compaction of soils, which will have a harmful affect on the ecology of the woodland contrary to saved policy ENV4, Trees and Woodland of the North Warwickshire Local Plan 2006.
- The structures and engineering works, that facilitate the permanent use of the site for motor driving and paintball activities, are inappropriate development in the Green Belt, because of their number and scale, contrary to saved policy ENV2, Green Belt of the North Warwickshire Local Plan 2006 and to the principles within PPG2.
- The bitumen roadway/track, and the bitumen and wood chip storage areas, result in the leaching of toxins into the soil, which will have a harmful effect on the ecology of the woodland contrary to saved policy ENV4, Trees and Woodland of the North Warwickshire Local Plan 2006.

Amongst other things, the Notice required the cessation of the permanent use of the land for paint ball activities and motor driving activities, the removal of certain roadways, the demolition of structures that facilitate paintball and motor activities and the remove all

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temporary style, movable structures/items from the site that facilitate the paintball and motor activities that are sited/stored in the woodland area.

It will be necessary to query whether there have been any changes in circumstances which suggest a different course of action is now appropriate.

Green Belt

There is no objection in principle to the open use of woodland in the Green Belt for the purpose of recreation since it would fulfil the objective of providing opportunities for access to the countryside for the urban population. It is necessary to assess whether the specifics of the use would cause any harm that would suggest against this general support or whether there are any aspects of the proposed use that would cause harm by virtue of inappropriateness.

The Impact of the Change of Use and Scale of Use on the Ecology of the Woodland

Consultation replies from Warwickshire County Council Ecologist, Warwickshire Wildlife Trust and the Forestry Commission all identify that the woodland is important as ancient woodland.

It is again the case that the proposed use of the woodland is for 'recreational' use. As stated earlier, the term has been established to have a very wide interpretation of meaning, allowing scope for many different and varied uses. Whilst the applicant has referred to a limited number of specific forms of 'recreational' activity, such as paintball, archery, use by motor vehicles, and to a number of less well defined uses such as 'educational visits' and 'passive activities', the proposal would still leave wide scope for different uses, unless any consent expressly defined limits.

The unauthorised change of use to use by motor vehicles, is universally acknowledged, including by the applicant, to have caused harm to the ecology of the woodland, and it is agreed that it is desirable to cease the use, hence the proposals for a new purpose built off road track which would enable to relocation of the activity. The cessation of the use of the established woodland is welcomed, as it will have a positive impact on ecology, by halting the harm that was being caused. However, the merits of relocating to another part of the holding are discussed in the observations to application 2011/0229.

Given the difficulties in defining the scope of the use sought, and given the absence of reasoned or comprehensive projected visitor number in the application, it is difficult to assess the impact of the development on the ecology of the woodland or the impact on the countryside thereabouts.

The application proposes year round daytime use of the woodland.

It has been the applicant's practice over several years to operate time limited or seasonal events which utilise the woodland (i.e. a night time Halloween event, generally operated over three different nights and a Santa's Grotto in the run up to Christmas). The applicant indicates a desire to continue to operate such events.

In the above circumstances, there remains uncertainty about the potential scale of the development, in terms of assessing, and planning for its, likely or maximum impact on the woodland. An increase in the popularity of holding events, or the promotion of greater participation in woodland activities, or any potential intensification of use, has not been considered or assessed. The woodland is extensive and significant clearings are proposed within it. The potential impact could be large, with knock on consequences for issues such as car parking and access.

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As reported in respect of the proposal for a woodland visitor centre the applicant has submitted inadequate baseline information to enable informed assessment of potential impacts of the proposal on biodiversity.

In short, though the use of the woodland may be capable of being supported on a limited and defined scale, the current absence of supporting information does not enable a reasoned or judgement on the likely impact of the use.

The Paintball Use of Land

The location, extent and character of the current paintball activities are described above in the Proposals section of this report. The use is extensive and incorporates a large quantity of tall green and blue netting, wooden entrance buildings and a large quantity of barrels, drums, stacked tyres and makeshift wooden structures/shelters/barricades. In 2003 this Council refused planning permission for a very similar paintball operation at Shawbury Wood in Fillongley. The wood at Shawbury was also an ancient woodland. It too contained netting, structures and other barricade features. The case was taken to appeal and heard at a Public Inquiry (APP/R3705/A/03/1132149). The appeal was dismissed. In his reasoning the Inspector considered the impact of the use on the Green Belt. He found the following:

The Green Belt

33. *The site is quite large at about 10 hectares, and would be divided into game zones and a practice area, in addition to the mixed use building and car park. The various zones are bounded by green netting affixed to trees, and contain a variety of structures. These include a fort, a watchtower, huts, barriers, shelters and a number of other features. These are all illustrated in the residents' evidence, were on the site when I visited on a non-game day, and were there on the second site visit when games were in progress. I therefore conclude that the buildings and equipment on the land are part and parcel of the use.*
34. *The structures are little seen from roads or points outside the wood, but as I saw on my site visits they are very noticeable to anyone on the appeal land. They could be removed on non-game days, but even on 80 days each year structures on this scale would in my view compromise the openness of the Green Belt. The scale of the related built development would not retain the character of the Green Belt. I consider that the proposal does not accord with local plan Green Belt policy. As far as national policy is concerned the proposal would also conflict with the Green Belt purpose of safeguarding the countryside from encroachment. The scheme represents inappropriate development in the Green Belt. For this reason, and because of the loss of openness, there would be harm to the Green Belt. The Green Belt harm is a matter of substantial weight against the proposal. The appellant does not argue that there are very special circumstances to set against the harm.*

The structures and equipment on the land are retained within the woodland throughout the year and between days when paintballing takes place. The structures and equipment are part and parcel of the paintball use and are extensive. In the same manner as the proposal at Shawbury Wood, the scale of related development would not retain the character of the Green Belt and would compromise its openness, conflicting with the Green Belt purpose of safeguarding the countryside from encroachment.

It is considered that there have been no material changes since the issue of the Enforcement Notice at this site to justify a change of approach now. The applicant has not advanced any very special circumstances to justify the retention of such inappropriate development.

The applicant indicates that he may at a future date relocate the paintball activity to another part of the woodland at the site, whether that is another part of the existing woodland or part of the proposed new woodland. Wherever paintball games were undertaken, the associated structures and equipment are a necessary, and commonly found, element of the use. It is

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reasonable to conclude that even in a relocated position the scale of related development would not retain the character of the Green Belt, would compromise its openness and conflict with the Green Belt purpose of safeguarding the countryside from encroachment

Conclusion

Though the use of a woodland for recreational use would be an appropriate use in principle, the lack of definition in the proposal and the absence of baseline assessment create uncertainties which mean that the impact on the ecology of the woodland can not readily be measured. The paintball games use in the woodland is inappropriate development in the Green Belt, because of the scale of related development, contrary to saved policy ENV2 of the North Warwickshire Local Plan 2006 and to the principles within PPG2.

PAP/2010/0324 (Change of use of 0.82 Ha of land to a caravan and camping site)

Green Belt

The site forms part of the Heart of England site, which has an existing planning permission for recreational use, granted in September 2004. The applicant indicates that he wishes to formalize the use of 0.82 hectares as a regular seasonal camping and caravan site. He indicates that the main use of the site would be during the summer months, and only light usage in the spring and autumn, but he does seek an all year round use.

The applicant argues the provision of a caravan and camping site on the modest scale proposed, with a minimum of fixed structures falls within PPG2's definition of "appropriate" development within the green belt. All caravans, tents, cars and other structures within the 0.82-hectare site itself would be temporary, transient structures.

Although a camping and caravan site can be an appropriate use of land in the Green Belt, being a use which provides opportunities for access to open countryside for the urban population, involving little permanent impact on openness.

In this instance it is necessary to establish whether that is the case here.

The first issue is that this site does not operate in isolation. It is part of a larger whole. It lies immediately adjacent to the former farmhouse and the Conference centre and will be read in combination with it and the other recreational uses operating from the land.

The applicant seeks to persuade the Local Planning Authority that the use will not alter the character or use of the land as a field. He suggests that with the exception of a 'small building' the site will not be laid out.

It is first necessary to ask whether the new building would be appropriate. It is questionable, given the proximity of the main complex of buildings whether a new building is essential to the operation of a camping/caravanning site.

The application seeks all round use of the site. Without hardstandings the use of the site in spring, autumn and winter (or unseasonable summers) could lead to the ground becoming churned up. The Camping and Caravanning Club representative advises that it is normal to define a road layout and that it would be highly likely that electric hook ups would be

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required for an all year round camping/caravanning site, given that winter camping without such a facility would be very unusual in today's camping/caravanning site provisions.

The application plans make no provisions for a Chemical Waste Disposal Point (CDP) or the provision of a water supply for the cleaning of such a facility. A CDP forms an essential requirement of the Camping and Caravanning Club Model Standards for Touring Parks. It is commonplace for low level lighting to be provided at such disposal points and other service points. The Camping and Caravanning Club advises that on a site, such as that proposed, it would be normal practice to have at least two service points.

Though the plans make provision for drinking water supplies and personal hygiene washing, there is no provision within the application plans for washing up facilities. The Camping and Caravanning Club advises that sites should always make such provisions

The application plans make no provisions for refuse disposal/bin storage.

It is implausible that in the longer term the grant of planning permission would not lead to applications seeking durable roadways and/or hardstandings, lighting, chemical disposal points, lighting, electric hook up stands etc. It is inevitable that the use of the site as a camp site will lead to the erection of a variety of signs (drive slowly etc).

Given that the site lies at an elevated position, visible from the public footpath which runs to the south, the visual 'trappings' of the camping/caravan use would be publicly seen. It is considered that a camping/caravan use at this location would be harmful to the visual amenity of this part of the Green Belt, and when read in conjunction with the new, formal, bunded roadway, designed to allow access for large vehicles, that is proposed to serve the site, and new amenities block, would adversely impact on the openness of the Green Belt.

Paragraph 3.15 adds that the visual amenities of the green belt must not be injured by development proposals which might be acceptable in principle but which might be visually detrimental because of poor siting, materials or design. It is considered that the effect of the use of the land over time will be injurious.

The photograph below (from the applicant's Design and Access Statement) gives an illustration of the intensity to which the site has been used previously. It shows that use is visually prominent, being situated on an open site on elevated ground.



Use of field for caravans and tents during archery event in September 2009

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Applicant argues campers on the site are likely to contribute to the local economy and the existence of the facility is expected to promote tourism within the immediate and wider locality and to bring additional trade for local businesses, both on and off the Heart of England site, as well as the potential for job creation linked to the operation and control of the camping ground.

It is acknowledged that the proposed use would, in a small way be likely to contribute to the local economy and the viability of the Heart of England business (though it should be noted that the application is not accompanied by any evidence to that effect). The issue here is whether the balance lies in the protection of the visual amenity and character of the area or with the limited benefit to the local economy that it is anticipated that an approval would bring. In line with recent planning appeal decisions, it is considered that the balance lies in the protection of the visual amenities of the area.

Local residents, primarily those who live on the opposite side of Meriden Road, raise concerns about the potential for noise disturbance and refer to instances in the past when they have suffered disturbance. The Environmental Health Officer does not object to the proposed use but he does indicate that it may be difficult to deal with noise from people using this element of the site. He suggests that conditions could be put in place to try and minimise potential disturbance to nearby residents should planning permission be granted, such as restricting the numbers of caravans and tents permitted or prohibiting the use of amplified sound at the camp site. He points to the camping and caravanning club's site rules indicating that there should be no noise or vehicle movement whatsoever between 11pm and 7am. Though such conditions would be difficult to enforce, the applicant has indicated a willingness to operate a code of conduct policy similar to popular camping/caravan organisations. It is not considered that there are sufficient grounds to refuse the application on the basis of harm from noise.

Setting of the Listed Building

The Council's Heritage and Conservation Officer expresses concern about the impact of the camping and caravan site on the setting of the listed building, indicating that the effects of the three proposals- camp site, access road, and hotel both individually and cumulatively will materially detract from the setting of the principal listed building and the curtilage-listed, single-storey, former farm building for the reasons given in the Consultations section above.

It is his view that the camping/caravanning site would be too close and dominant such that it would compromise the historic dominance of the farmhouse and be saved Local Plan Policy ENV 16 para. 2.as well as policies HE 9 & 10 of PPS 5.

Conclusion

The camping and caravan site, with the associated built development, access arrangements and reasonably anticipated necessary infrastructure, in the context of the adjacent to the former farmhouse and the Conference centre and the combination of other recreational uses of land on the holding would be harmful to the openness and visual amenity of the Green Belt. Additionally, the use and associated development would be harmful to the setting of the adjacent listed building.

PAP/2010/0269 and PAP/2010/0281 (Planning and Listed Building Consent Applications for retrospective change of use and works to form mixed use (C1) guest house and (C3) private residential accommodation)

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The site lies in the Green Belt and outside of any settlement boundary identified in the North Warwickshire Local Plan 2006 (Saved Policies). The premises was formerly a farmhouse serving Old Hall Farm, but is now is associated with the use of The Heart of England Events Centre. These applications are both retrospective.

In March 2010 the Planning and Development Board considered a report about unauthorised development at this site. The unauthorised hotel was one of the matters it considered. An extract from this report, where it relates to the hotel, is appended to this report as Appendix 5. The Board resolved to serve an Enforcement Notice in respect of the hotel use, following an inspection of the premises to establish whether the premises was wholly or partly in use as a hotel.

Inspection of the premises has now taken place, the planning and listed building consent applications have been received, and there has been an opportunity to reassess the proposed use in the light of additional information about the current and former condition and context of the property.

The first matter to acknowledge is that since the Board resolved to take enforcement action in respect of the unauthorised use as a hotel, there has been no change in Local Plan policy. The scale of the hotel remains larger than that which would normally be approved in a location such as this.

The inspection revealed a large property which was in use primarily for hotel purposes, but also with accommodation for the owner in part of the ground and first floor.



On the basis of the latest information supplied by the agent and from the inspection, it is apparent that the current owner has carried out a significant campaign of unauthorised works that has affected the character of the building as one of special architectural and historic interest. As such it appears that a criminal offence has been committed and it would be open to the authority to prosecute.

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However, the advice of the Heritage and Conservation Officer is that it is debateable whether this would be an appropriate course of action given the circumstances of the case, the benefits that could be achieved by such action, and the not inconsiderable resource costs involved in prosecuting it.

The unauthorised works divide into two categories:

3. Those which are not altogether satisfactory and which if applied for before the changes were made would have been opposed, but which may have now to be accepted. This is either because in the building's present context (adjacent to the Conference centre and offices), the likelihood of finding a buyer likely to sustain it in the future as a single dwelling is now remote and unauthorised internal works are in the main necessary to sustain the new use; or because the internal works are not so objectionable as to require them to be undone.
4. Those which are wholly unacceptable but for which enforcement action rather than prosecution would be the most expedient course of action if the owner does not agree to carry these out voluntarily. This relates to the lean-to timber porch and plastic windows.

Bearing in mind the difficulties of pursuing a prosecution in respect of internal alterations to the property (limited evidence, coupled with the fact that the condition of listed building upon purchase by the applicant is not fully known, but it is believed to have been in a poor state of repair), the low likelihood that a property of this size and situation could reasonably be maintained as a single family residence, that the scale of the accommodation provided within the converted building is reasonably commensurate to the scale of the authorised Conference Centre and Recreational site operating from the site, given commitments by the applicant to remedy some of the worst breaches and given a commitment to undertake necessary repairs to the main roof, it is considered that the planning application for a change of use may be supported, subject to conditions.

It should be noted that this is as an exception to the issue of location and scale resulting from the settlement hierarchy in Policy ECON11. Policy ECNO11 indicates that proposals for new hotels should not significantly reduce the amenities of nearby residential properties, that vehicular access and local road network are suitable for the traffic that will be attracted and that any jobs created meet a local need. In this instance, the reuse of the former farmhouse as an isolated diversification of the existing business would not cause harm by way of impact on residential amenity or highway safety, having limited traffic generation for seven bedrooms only.

In respect of the Listed Building Consent, the applicant has declined to remedy the harm brought about by the addition of a porch to the rear elevation and declines to revise the application, though he has submitted a schedule of proposed window repairs which will address the unauthorised plastic windows. The Heritage and Conservation Officer advises that the porch aspect can not be supported. Therefore, despite a, somewhat reluctant, acceptance of the remainder of the unauthorised works, and a welcome for the undertakings in respect of works to the windows and roof repairs, the Listed Building Consent application may not be supported.

Site Wide Provisions, Issues and Impacts

There are a number of issues that cut across all or some of the applications.

In mitigation of the proposals there are a number of site wide provisions that the applicant has indicated a willingness to address through either conditions attached to the appropriate permissions or through a legal agreement.

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These include the following:

Access Capacity and Transport Assessment

Warwickshire County Council Highways Authority objects to the application on the grounds that the traffic impact of the development has not been properly assessed.

It indicates that the applicant has failed to submit sufficient information regarding the impact the development will have on the public highway for the Highway Authority to be able to make a considered response. The information within the Transport Statement submitted in support of these planning applications does not specifically relate to all the proposals for which planning consent is being sought.

The Highway Authority is therefore not satisfied that the applicant has sufficiently demonstrated that there will be no detrimental impact onto the highway network as a result of the proposed development.

The applicant offers the suggestion that, if the existing main access is deemed to be of inadequate capacity to accommodate the levels of traffic generated, then a ghost island can be provided within highway land on Meriden Road. (Though it should be noted that the suggested ghost island does not form part of the current applications and consequently no drawings have been submitted to that effect).

This is not a correct approach to address a failure to properly assess the transport impact of the proposed developments. It is not for the Highway Authority, or the Planning Authority to make judgements about the need to upgrade an access without proper transport assessment. The Highway Authority indicates that, whilst individually the proposals *may* not have a significant impact onto the highway, it is the cumulative effect of these uses that needs to be considered. The applicant's agent may not take the view that the access could just be upgraded.

Given the inadequate assessment of transport impact the proposals are contrary to Policy TPT1 (Transport Considerations in New Development) of the North Warwickshire Local Plan 2006 (saved policies)

Location, capacity and impact of vehicle parking

The application suggests that the car parking needs of all existing and proposed development will be accommodated in the permanent and overflow car parking that exists or can be created surrounding the conference centre buildings.

For a number of reasons it is not anticipated that the car parking provisions will be sufficient and it is anticipated that it is not the applicant's actual intent to organise parking as he suggests.

It should be noted that the applicant makes reference on plans to a possible 'informal overflow' car parking field. Express planning permission is not being sought for this car parking field (see discussion below).

The applications proposing the new internal access road show an access which affords lane priority to the vehicles approaching the proposed camping and caravan site, with access to the Conference centre being via a T-junction. This lane priority has a degree of reasonableness given that towing vehicles will need to freely move clear of the junction with Meriden Road. However, given the applicant's stated desire to keep school parties/beach users/paint ball participants (ie users of the countryside related aspects of the site) separate from his Corporate and Wedding clients, it is considered that there is a very real prospect that a significant volume of visitors will be directed to travel along the priority lane and park in the 'informal temporary' parking designated in the lower part of the camping field.

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There are two potential issues here. Such an arrangement is likely to be more than ancillary or occasional and none of the planning applications for consideration here propose the change of use of that field to a car park.

The applicant's agent appears to be suggesting that such parking does not require express planning permission because it would either be a temporary use of land or an ancillary use to the original consent for the recreational use of land.

There is no agreement with either of these arguments.

In respect of the first claim, given the combination of recreational uses already granted and those sought by the current applications, and the extent of the site, and thus its potential maximum capacity, there is no confidence that the requirement for 'overspill car parking could be guaranteed to be fewer than the limited number of days granted by the Town and Country Planning (General Permitted Development) Order for the temporary use of land. Extensive new development should not be supported on such an unreliable and unpredictable basis.

In respect of the second claim, the increased parking demand, arising from the proposed new uses and developments would not have a direct or exclusive link to the original consent for the recreational use of land and therefore would not be ancillary to it.

Irrespective of the need for planning permission, it is considered that the regular use of the camping field for large scale car parking would be harmful to the rural character and appearance of the countryside. Regular use is likely to result in wear and tear to the grassed surface. Though bordered by a hedgerow, the land lies immediately adjacent to a well used public footpath. There would be ready views of the car parking both through the hedgerow (in some seasons) and from gateway/access road crossings.

Limitations on the use of the beach and it's implicit retention.

The applicant has offered an indication that, should the Council be minded to support the planning applications, he would be willing to enter into a legally binding agreement which would prohibit the use of the beach by members of the general public, effectively ceasing the operation of 'Heart Park' as a public visitor attraction and concentrating the business on 'corporate' customers, attendees of Conference Centre functions/weddings, hotel and restaurant clients and school visits. This would however, include the retention of the beach itself.

When planning permission was first granted for the recreational use of the land and the formation of the lake, it was on the basis that it was a naturalised lake with no 'seaside feature beach'. The planning permission authorised the use of the site for educational school visits. The absence of the beach made the site unremarkable as a destination for school parties and it was anticipated that the scale of use would be at a low level. The introduction of a beach creates a 'honey pot' destination which draws large volumes of visitors. Whilst the use of the site for woodland study is undoubtedly a valuable resource for schools it is doubtful that the scale of school visits would be so great without the beach. Even with the exclusion of the general public, the beach is still likely to be a significant 'draw' for increased patronage of the site and the associated capacity issues that follow popular levels patronage.

It is acknowledged that the Inspector found no inherent harm in the retention of the beach itself as a landscape feature and that he identified the harm to arise from the capacity issues of accommodating the scale of development in the countryside (i.e. clutter, parking capacity/effect and access arrangements).

Notwithstanding the following:

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- the Highway Authority's expressed concerns about the uncertainties of traffic generation and the failings of the Transport Assessment
- the effect of the access roads and parking arrangements on the openness and visual amenity of the countryside

there is the possibility that a new internal access could potentially address highway safety concerns relating to the unacceptable use of the substandard second Meriden Road access. That leaves the issues of parking and clutter.

It is uncertain how the omission of 'general public' would affect the scale of patronage. For school parties the beach would continue to be a substantial attraction, but it is acknowledged that most parties would travel by coach and this may partly address capacity arising from parking problems. The beach paraphernalia is likely to continue to be an issue (evidenced by the observations in the variation of conditions applications set out above).

There is however one main and fundamental problem with this suggested method of addressing the Inspector's concerns about elevated and harmful levels of patronage brought about by public use of the beach, and that is that there are very considerable difficulties both in defining 'who' a member of the general public will be and 'how' you would distinguish a member of the public from another site user. The applicant has been invited to suggest definitions and mechanisms for control but has not done so.

As some of the objector's point out, The practicalities of defining who is a member of the general public is very difficult and wide open to misinterpretation and impossible to monitor. How do identify a 'general public' client from a 'Corporate' client, a guest house visitor, a restaurant client, a member of a school party or a client having a stag or hen party? With such difficulties the control would be effectively unenforceable and difficult to monitor.

Another point made by an objector is, even with a prohibition on the public use of the beach, the disturbance from other clients (corporate/hotel/wedding/restaurant etc) and school children using the attraction of the beach would not address the harm that results from it as a 'honey pot' attraction.

The suggested voluntary limit is not considered to be a practicable or effective mechanism for addressing the capacity issues of the site and is no persuasive in remedying the concerns identified in respect of this group of proposed new developments.

The Changing Character of the Site

The collective of applications, if approved together, in combination, or singularly are likely to lead to very considerable change in the character and appearance of the site.

They will inevitably lead to increased levels of directional and promotional signage, to increased parking in open countryside, to vehicle movements around the land – both for recreational, access and operational reasons, by a wide variety of types and sizes of vehicles, to functional requirements such as the provision of plant and equipment, to lighting, the provision of waste bins and refuse/recycling storage, the proliferation of access roads and tracks, elevated levels of noise and disturbance from noise etc.

In the worst case scenario the total amount of land sought for recreational use is very extensive, there is potential to intensify use and accommodate substantial numbers of visitors. It is unlikely that all would travel to the site by coach and there is a high probability that the site used to capacity would far exceed permanent parking provisions.

The scale of development sought would irreversibly harm the rural character of this area of countryside.

Clearly defining what the applications propose and subsequent controls

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Consultees, local residents and Parish Council's have all reported difficulties in interpreting the exact nature, or full extent, of what is proposed by these planning applications. Repeatedly, contradictions in supporting documents have been highlighted. Often the full operational implications of the proposed developments do not appear to have been realistically addressed i.e waste disposal, lighting requirements etc.

It is suggested that where there is an absence of clear definition in the proposals it is inevitable, given the track record of planning history at the site, that ambiguities will be exploited and that enforcement of permissions will be difficult. The status, acumen and integrity of the applicant has been challenged, with reference being made to previous misrepresentation of the nature and scale of development proposals at application stage, the applicant's failure to comply with limitations placed on previous planning permissions and a track record of carrying out development without the appropriate consents in place. This is not normally a matter for the Local Planning Authority to concern itself with when considering new proposals. Such proposals must be considered in good faith and on face value. The point that it does highlight however, is that if the applications were to be supported, the Local Planning Authority would need to ensure that it placed an acute focus on the definition of what it was consenting and an acute focus on ensuring that any commitments made by the applicant and any controls proposed by the Local Planning Authority had robust enforceability.

The S106 Agreement

The applicant has submitted a draft S106 Agreement which relates primarily to the cessation of motorised activities in the existing woodland and its future maintenance, to proposals for the operation of motorised activities on the proposed off-road tracks and to a commitment to operate in accord with an approved Travel Plan.

The proposed commitments are as follows:

- 5.1 The owner further undertakes to agree to stop all use of the area attached in plan number 268/211/10 in connection with motorised events, including 4 x 4 and quad bike activities within one year of the permission being granted.
- 5.2 It is agreed that other passive activities can take place, such as educational activities, paint balling, archery, etc. The main fire breaks will be kept and maintained for forestry activities.
- 5.3 The paintballing will cease within five years.
- 5.4 All other tracks will be allowed to regenerate.
- 5.5 The woods will be maintained as set out in the agreed Management Plan (annexed to this Agreement). The owner further commits to the approved Travel Plan and its requirements.
- 5.6 The owner commits to the following:
Only six quad bikes to be used at any one time. No racing allowed.
Only four number 4 x 4 vehicles to be used at any one time. No racing allowed.

With the exception of item 5.6 (the enforceability of which has been discussed in the observations for application number 2011/0229), the spirit of the suggested commitments would be acceptable in principle in mitigating aspects of the proposed developments.

However, the first commitment would simply accord with the provisions of a current Enforcement Notice (though the Enforcement Notice would require cessation within a shorter

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3 month timeframe). The second commitment is ill defined. The third contradicts other stated intentions within the application to relocate, rather than cease, paintballing, so adds some confusion. The fourth is agreeable. The fifth is agreeable in principle but the Woodland Management Plan simply commits to a plan which is already in place and would require revision to reflect up to date circumstances and the Travel Plan is currently drafted in unacceptable terms

It is not considered that there are any provisions within the draft S106 that would alter the reasoning or recommendations of any of the submitted applications.

The applicant's business case

The applicant essentially argues that the collective of applications should be supported because his is an established business which needs to develop and diversify in order to remain a viable employer. He argues that the business requires a rural location, relying heavily on the land and woodland as a principal asset and attraction.

This absence of any other significant supporting evidence (economic or other) for the latter two development proposals is also pertinent. There is no Regional or National need, demand or business case expressed/provided (from or in partnership with relevant and appropriate business and commercial bodies or agencies) for either the hotel or the caravan site to help support and justify the proposals as an "Exception" to normal Green Belt constraints. There is no assessment of current capacity for hotels and caravan sites, or evidence of current shortfall of provision or unmet Regional or National demand in this area to support the development on an 'Exceptions' basis. The information provided in support of the existing business, the need for its expansion and current viability and employment issues is delivered solely on the basis of the Applicants opinion and in-house assumptions. Little empirical evidence or business plan information is provided to support the claims regarding viability and employment concerns or impacts and no clear external, independent business case or assessment is provided to address or support the business need and case made for the current proposals.

Conclusion

Notwithstanding the suggested conditions and legal agreements, it is considered that collectively the proposed applications would create an overall development of a scale which would have adverse impacts on the character and appearance of the countryside, the openness of the Green Belt and has the potential to result in conditions detrimental to highway safety, thus the proposals are collectively contrary to policies CP3, CP11, ENV1, and TPT1 of the North Warwickshire Local Plan 2006 (Saved Policies) and advice contained in Planning Policy Guidance Note Number 2 - Green Belts.

Concluding Remarks

The applicant has put forward a business case based on the protection of existing employment and the creation of new employment. He seeks to expand his business based on his perceived strengths, and to diversify to provide complimentary development. In the current economic climate, and in the context of emerging planning policy, which encourages planning authorities to support businesses, there is a sound reason for examining carefully the merits of development here.

However, the applicant's arguments are not based on sound evidence of a business case, they are presented in a somewhat anecdotal manner, and this does not assist in the persuasiveness of the pro-development argument.

Concerns have been commonly expressed about the lack of up to date and relevant evidence to support proposals, making it difficult to assess the likely impacts of the proposed development, whether singularly, or collectively.

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Furthermore, the presentation of the proposals in a variety of applications, with suggested cross cutting legal agreements, has hindered the legibility of what the applicant is seeking to achieve. There have been problems arising from applications having shared information that is not always consistent and complimentary from application to application, with some proposed activities/uses/controls proposed in respect of one application blurring or confusing another. The consequences for applying, discharging, enforcing and monitoring conditions and legal commitments would consequently become difficult.

Whilst the business case is a matter to attach significant weight to, it does need to be balanced against other planning considerations, primarily, the location of the site in the Green Belt and the planning policy which relates to the Green Belt.

The emerging policy in the NPPF does not weaken the force of Green Belt policy and seeks to continue to protect the attribute of the Green Belts openness.

Recent planning appeals at this site have resulted in a common theme. All have balanced the protection of Green Belt openness against the business development arguments, and aspirations, of the applicant. In each case the Inspectors have found the balance to still be in the favour of protecting the Green Belt. The arguments, and circumstances, of the variety of applications proposed here offer nothing new to suggest that the balance has changed. If anything, the variety of proposals come together to strengthen concerns about the cumulative impact of intensifying the use of the land, and the consequent harm to the character and appearance of the countryside that would result.

RECOMMENDATIONS:

PAP/2011/0317 (Outline application for hotel and function room)

That the application be **REFUSED** for the following reasons:

1. The proposed development would be inappropriate development in the Green Belt, resulting in harm to openness and to the visual amenity of the Green Belt. There are no very special circumstances in this case to outweigh harm to the Green Belt and the proposal is thus contrary to the provisions of Policy ENV2 of the North Warwickshire Local Plan 2006 (Saved Policies) and advice contained in Planning Policy Guidance Note Number 2 - Green Belts.
2. The siting, design, scale, access arrangements and parking provisions are likely to create conditions detrimental to the amenity of the adjacent dwelling and likely to create development which does not positively integrate into its surroundings. As such the proposal is contrary to Policies CP11, ENV1, ENV11 and ENV13 of the North Warwickshire Local Plan 2006 (Saved Policies)
3. The proposed development would be harmful to the setting of Old Hall Farmhouse, a Grade II listed building, both in isolation, and in combination with new road and campsite proposed in other planning applications. The development would thus be

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contrary to the provisions of Policies HE9.1 of PPS5 and Policy ENV16 of the North Warwickshire Local Plan 2006 (Saved Policies).

4. The proposal lacks adequate information to make an informed assessment of the effects of the development on rare, endangered, or other species of conservation importance. The proposal is thus contrary to advice contained in PPS9 and policy ENV3 of the North Warwickshire Local Plan 2006 (Saved Policies).
5. The proposed hotel and function room, in combination with other existing and proposed developments at the site, create an overall development of a scale which adversely impacts on the character and appearance of the countryside, the openness of the Green Belt and has the potential to result in conditions detrimental to highway safety, contrary to policies CP3, CP11, ENV1, and TPT1 of the North Warwickshire Local Plan 2006 (Saved Policies) and advice contained in Planning Policy Guidance Note Number 2 - Green Belts.

PAP/2011/0261 (New Visitor Centre in Woodland Clearing)

That the application be **REFUSED** for the following reasons:

1. The proposed visitor centre is not considered to be an essential facility for outdoor recreation at this site and is thus inappropriate development in the Green Belt. The development would adversely affect the openness, visual amenity and rural character of this part of the Green Belt. In the absence of any very special circumstances to justify an exceptional case, the proposal is contrary to Policies CP11, ENV2 and ENV1 of the North Warwickshire Local Plan 2006 (Saved Policies) and advice contained within Planning Policy Guidance Note Number 2.
2. The introduction of built development into an ancient woodland which would be likely to attract significant numbers of visitors would be likely to cause harm to the ancient woodland, contrary to nature conservation interests. An absence of baseline surveys does not enable an evaluation of the potential impacts of the proposal on biodiversity. The proposal is thus contrary to Policies CP3, ENV3 and ECON10 of the North Warwickshire Local Plan 2006 (Saved Policies) and advice contained within Planning Policy Statement 9.
3. The proposal lacks adequate information to make an informed assessment of the effects of the development on rare, endangered, or other species of conservation importance. The proposal is thus contrary to advice contained in PPS9 and policy ENV3 of the North Warwickshire Local Plan 2006 (Saved Policies).
4. The proposed woodland visitor centre, in combination with other proposed developments at the site, creates development of a scale which adversely impacts on the character and appearance of the countryside, the openness of the Green Belt and has the potential to result in conditions detrimental to highway safety, contrary to policies CP3, CP11, ENV1, and TPT1.

PAP/2011/0229 (Off-road vehicular trail in new woodland, new and retained internal access roads and the formation of conservation pools, involving the importation 20,000 cubic metres of inert material)

That the application be **REFUSED** for the following reasons:

1. The proposed development would be inappropriate development in the Green Belt, resulting in harm to openness and to the visual amenity of the Green Belt. There are

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no very special circumstances in this case to outweigh harm to the Green Belt and the proposal is thus contrary to the provisions of Policy ENV2 of the North Warwickshire Local Plan 2006 (Saved Policies) and advice contained in Planning Policy Guidance Note Number 2 - Green Belts.

2. The importation of 20,000 cubic metres of inert waste material is not justified as essential, it has not been satisfactorily evidenced that this quantity of material would be a necessary requirement of the proposed development and the development would be contrary to the provisions of Policy 3 of the Waste Local Plan (Saved Policies). No significant material considerations exist which override the provisions of the Waste Local Plan.
3. The proposal lacks adequate information to make an informed assessment of the effects of the development on rare, endangered, or other species of conservation importance. The proposal is thus contrary to advice contained in PPS9 and policy ENV3 of the North Warwickshire Local Plan 2006 (Saved Policies).
4. The proposed new roadways and bunds would be incongruous and uncharacteristic features in the rural landscape, harmful to the visual amenity of the area, contrary to saved Core Policies 3 and 11, and saved policy ENV1 and ENV2 of the North Warwickshire Local Plan 2006, as supplemented by the Warwickshire Landscape Guidelines, together with Government Guidance in PPS1, PPG2 and PPS7.
5. The proposal lacks adequate information to make an informed assessment of the effects of the development on rare, endangered, or other species of conservation importance. The proposal is thus contrary to advice contained in PPS9 and policy ENV3 of the North Warwickshire Local Plan 2006 (Saved Policies).
6. The proposed new road would be harmful to the setting of Old Hall Farmhouse, a Grade II listed building, both in isolation, and in combination with new hotel/function room and campsite proposed in other planning applications. The development would thus be contrary to the provisions of Policies HE9.1 of PPS5 and Policy ENV16 of the North Warwickshire Local Plan 2006 (Saved Policies).
7. The proposed off road track would create conditions which are detrimental to the amenity of occupiers of nearby dwellings by virtue of disturbance from noise, contrary to the provisions of Policy ENV11 of the North Warwickshire Local Plan 2006 (Saved Policies).
8. The proposed off-road vehicular track, formation of roadways and importation of material to form earthworks, in combination with other proposed developments at the site, creates development of a scale which adversely impacts on the character and appearance of the countryside, the openness of the Green Belt and has the potential to result in conditions detrimental to highway safety, contrary to policies CP3, CP11, ENV1, and TPT1.

PAP/2010/0324 (Camping and Caravan Site)

That the application be **REFUSED** for the following reasons:

1. The proposed development would adversely affect the openness of the Green Belt and be harmful to the visual amenity of the Green Belt. There are no very special circumstances in this case to outweigh this harm and the proposal is thus contrary to the provisions of Policy ENV2 of the North Warwickshire Local Plan 2006 (Saved Policies) and advice contained in Planning Policy Guidance Note Number 2 - Green Belts.

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2. The proposed camping and caravan site development would be harmful to the setting of Old Hall Farmhouse, a Grade II listed building, both in isolation, and in combination with new road and new hotel/function rooms proposed in other planning applications. The development would thus be contrary to the provisions of Policies HE9.1 of PPS5 and Policy ENV16 of the North Warwickshire Local Plan 2006 (Saved Policies).
3. The proposed camping and caravan site , in combination with other proposed developments at the site, creates development of a scale which adversely impacts on the character and appearance of the countryside, the openness of the Green Belt and has the potential to result in conditions detrimental to highway safety, contrary to policies CP3, CP11, ENV1, and TPT1.

PAP/2011/0133 (Variation of Condition – Equipment on fields)

That the application be **REFUSED** for the following reasons:

1. The condition, as proposed to be varied would cause unacceptable harm to the rural landscape. This would be contrary to the provisions of Policies CP3, CP11 and ENV1 of the North Warwickshire Local Plan 2006 (Saved Policies)

PAP/2011/0131 (Variation of Conditions – Equipment on fields)

That the application be **REFUSED** for the following reasons:

The condition, as proposed to be varied would cause unacceptable harm to the rural landscape. This would be contrary to the provisions of Policies CP3, CP11 and ENV1 of the North Warwickshire Local Plan 2006 (Saved Policies)

PAP/2011/0132 (Variation of Conditions – Limitations on Recreational Use of Land)

That the application be **REFUSED** for the following reasons:

1. The condition, as proposed to be varied would create conditions detrimental to the residential amenity of occupiers of nearby properties, and potential disturbance to wildlife, by virtue of noise disturbance. This would be contrary to the provisions of Policy ENV11 and ENV3 of the North Warwickshire Local Plan 2006 (Saved Policies) and advice contained in Planning Policy Guidance Note Number 24 and Planning Policy Statement 9.

PAP/2011/0134 (Variation of Conditions – Limitations on Recreational Use of Land)

That the application be **REFUSED** for the following reasons:

1. The conditions, as proposed to be varied would create conditions detrimental to the residential amenity of occupiers of nearby properties by virtue of noise disturbance. This would be contrary to the provisions of Policy ENV11 of the North Warwickshire Local Plan 2006 (Saved Policies)

PAP/2010/0289 (Recreational Use of Woodland)

That the application be **REFUSED** for the following reasons:

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Insufficient information is submitted with the applications to clearly identify the impact of the proposed recreational use of the woodland, either in terms of establishing the scale and nature of the proposed use or in terms of understanding the likely impacts and mitigation measures. The proposal is therefore contrary to the advice contained in PPS9 and Planning Policy ENV3 of the North Warwickshire Local Plan 2006 (Saved Policies).

The proposed use of the site for paintball games activity results in a scale of related development that would not retain the character of the Green Belt and would compromise its openness, conflicting with the Green Belt purpose of safeguarding the countryside from encroachment. The development is therefore contrary to Policy ENV2 of the North Warwickshire Local Plan 2006 (Saved Policies) and advice contained in Planning Policy Guidance Note Number 2 - Green Belts.

The proposed recreational use of the woodland, incorporating paintball games, in combination with other proposed developments at the site, creates development of a scale which adversely impacts on the character and appearance of the countryside, the openness of the Green Belt and has the potential to result in conditions detrimental to highway safety, contrary to policies CP3, CP11, ENV1, and TPT1.

PAP/2010/0269

That the application be **GRANTED** subject to the following conditions:

4. All plastic windows on the building shall be replaced by single-glazed painted timber windows by no later than 28 February 2014 to details previously submitted to and agreed in writing by the local planning authority. Details to be submitted for approval shall include drawn elevations at a min. scale of 1:20 and sections at 1:2
5. Existing timber windows shall be repaired and made good in accordance with the approved schedule of window repairs dated (date) to the reasonable written satisfaction of the LPA by no later than 28 February 2014.
6. A full specification and schedule for the repair of the roof (including measures for weather protection for the duration of the works) prepared by a suitably qualified structural engineer with experience of historic roof repair, shall be submitted to and approved in writing by the LPA by no later than 28 February 2016. The works shall then be carried in full conformity with the approved specification and schedule unless otherwise agreed in writing by the LPA within twelve months of the schedule and specification being approved.

PAP/2010/0281

That the application be **REFUSED** for the following reasons:

1. The addition of a rear porch to the listed building is harmful to the historic character and appearance of the listed building and would be contrary to the provisions of Policy ENV16 of the North Warwickshire Local Plan 2006 (Saved Policies).

That Authority be given for the service of a listed building Enforcement Notice to require the removal of the rear porch and the making good of the listed building.

BACKGROUND PAPERS

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

Background Paper No	Author	Nature of Background Paper	Date
Planning Application No: <u>PAP/2011/0317</u> <u>and</u> <u>Correspondence generic to, or referencing, all applications</u>			
1	The Applicant or Agent	Application Forms, Plans and supporting documents	5 8 11 15 11 11 13 12 11
2	A & H May	Representation – Objection	15 11 11 31 1 12
3	M Gibson & S Edwards	Representation – Objection	14 11 11 31 1 12
4	Case Officer	Consultation Letter	20 10 11
5	Severn Trent Water	Consultation Reply	25 10 11
6	Corley Parish Council	Representation	29 10 11 30 1 12
7	Warwickshire County Council Rights of Way Officer	Consultation Reply	11 11 11 31 1 12
8	R Brown (Fillongley Parish Councillor)	Representation	16 11 11
9	Case Officer	E mail to Forestry Commission	17 11 11
10	Environmental Health Officer	Consultation Reply	15 11 11 22 11 11 29 11 11
11	Warwickshire Fire and Rescue.	Consultation Reply	17 11 11 23 1 12
12	Forestry Commission	Consultation Reply	17 11 11 21 12 11
13	Case Officer	E mail to Forestry Commission	17 11 11
14	Warwickshire County Council Highways Authority	Consultation Reply	21 11 11 2 2 12
15	The Applicant's Agent	E mail relating to noise issues	15 12 11
16	Environmental Health Officer	E mail reply to the Agent email re noise issues	16 12 11
17	Forward Planning Manager	Consultation Reply	16 1 12
18	Heritage and Conservation Officer	Consultation Reply	27 10 11 20 1 12
19	S Maun	Representation - Support	7 11 11
20	N Blurton	Representation - Support	7 11 11
21	M Kerkeni	Representation - Support	7 11 11
22	L Luciani	Representation - Support	7 11 11
23	B Coleman	Representation - Support	8 11 11
24	N Southern	Representation – Objection	6 11 11
25	J MacDonald	Representation – Objection	25 10 11 27 1 12
26	D & S Lichfield	Representation – Objection	7 11 11 26 1 12

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27	Council for the Protection of Rural England	Representation – Objection	10 11 11 1 2 12
28	J Cowley	Representation – Objection	10 11 11
29	F Coyle	Representation – Objection	9 11 11 31 1 12
30	J Gillan	Representation – Objection	14 11 11
31	I Rogers	Representation – Objection	11 11 11
32	C Shipley	Representation – Objection	11 11 11 30 1 12
33	Mr & Mrs Brown	Representation – Objection	11 11 11
34	Mr & Mrs Jones	Representation – Objection	11 11 11
35	Mr & Mrs Barfield	Representation – Objection	14 11 11 29 1 12
36	J & M Mayes	Representation - Objection	14 11 11 25 1 12
37	M McHugh	Representation – Objection	11 11 11 30 1 12
38	Mr & Mrs E McHugh	Representation – Objection	11 11 11 30 1 12
39	C Southall	Representation – Objection	14 11 11
40	M Claybrook	Representation – Objection	14 11 11 31 1 12
41	Mr & Mrs A Pargetter	Representation – Objection	15 11 11
42	Mr & Mrs J A Hooke	Representation – Objection	10 11 11 1 2 12
43	Mr & Mrs S J Smith	Representation – Objection	12 11 11
44	Corley Parish Council	E mail	18 11 11
45	Fillongley Parish Council	Representation	22 11 11
46	J & D Burrin	Representation – Objection	5 1 12 2 2 12
47	Mr Perkins	Representation – Objection	30 1 12
48	K & M Hammond	Representation – Objection	30 1 12
49	J Chatterton	Representation – Objection	30 1 12
50	A & P Evans	Representation – Objection	30 1 12

Background Paper No	Author	Nature of Background Paper	Date
Planning Application No: <u>PAP/2011/0261</u>			
1	The Applicant or Agent	Application Forms, Plans and supporting documents	18 5 11 5 8 11
2	The Applicant's Agent	Draft S106	19 1 12
3	J Macdonald	Representation - Objection	26 10 11 27 1 12
4	Severn Trent Water	Consultation Reply	21 10 11
5	A & H May	Representation – Objection	15 11 11
6	The Applicant's Agent	Letter	24 11 11
7	J A Hooke	Representation – Objection	10 11 11
8	M Gibson & S Edwards	Representation – Objection	14 11 11

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Background Paper No	Author	Nature of Background Paper	Date
Planning Application No: <u>PAP/2011/0229</u>			
1	The Applicant or Agent	Application Forms, Plans and supporting documents	11 5 11 5 8 11 15 11 11 13 12 11
2	Applicant's Noise Consultant	E mail	13 12 11
3	The Applicant's Agent	Draft S106	19 1 12
4	Case Officer & The Applicant's Agent	Pre-application emails exchanged	2 3 11 3 3 11 4 3 11 8 3 11 9 3 11 17 8 11
5	J Macdonald	Representation - Objection	26 10 11 27 1 12
6	Severn Trent Water	Consultation Reply	27 11 11
7	N Blurton	Representation – Support	7 11 11
8	L Luciani	Representation – Support	7 11 11
9	B Coleman	Representation – Support	8 11 11
10	Environment Agency	Consultation Reply	26 10 11
11	D Crowley	Representation – Objection	8 11 11
12	N Mitchell	Representation – Objection	Not dated
13	Forestry Commission	Consultation Reply	16 11 11
14	A & H May	Representation – Objection	15 11 11
15	J A Hooke	Representation – Objection	10 11 11
16	M Gibson & S Edwards	Representation – Objection	14 11 11
17	Warwickshire County Council – Waste Regulation	Consultation Reply	20 12 11
18	D Crowley	Representation – Objection	31 1 12
19	J & D Burrin	Representation – Objection	5 1 12
20	Environment Agency	Consultation Reply	18 11 11
21	Warwickshire County Council Highways Authority	Email to The Applicant's Agent	19 4 11

Background Paper No	Author	Nature of Background Paper	Date
Planning Application No: <u>PAP/2010/0324</u>			
1	The Applicant or Agent	Application Forms, Plans and supporting documents	5 8 11 15 11 11
2	N Mitchell	Representation – Objection	Not dated
3	A & H May	Representation – Objection	15 11 11
4	J A Hooke	Representation – Objection	10 11 11
5	M Gibson & S Edwards	Representation – Objection	14 11 11
6	Severn Trent Water	Consultation Reply	27 10 11
7	J Macdonald	Representation - Objection	26 10 11
8	Environmental Health Officer	Consultation Reply	14 11 11

OFFICER'S OBSERVATIONS

9	Environmental Health Officer	Internal email to Environmental Health Officer colleague	14 11 11
10	J & D Burrin	Representation – Objection	5 1 12
11	Camping and Caravan Club	Franchise and Model Standards literature	Not dated

Background Paper No	Author	Nature of Background Paper	Date
Planning Application No: : <u>PAP/2011/0131 and PAP/2011/0133</u>			
1	The Applicant or Agent	Application Forms, Plans and supporting documents	17 3 11
2	A & H May	Representation – Objection	15 11 11
3	J A Hooke	Representation – Objection	10 11 11
4	M Gibson & S Edwards	Representation – Objection	14 11 11
5	J Macdonald	Representation - Objection	26 10 11
6	M Irving	Representation – Support	8 11 11
7	B Coleman	Representation – Support	8 11 11
8	Forestry Commission	Consultation Reply	16 11 11
9	J & D Burrin	Representation – Objection	5 1 12

Background Paper No	Author	Nature of Background Paper	Date
Planning Application No: <u>PAP/2011/0132 and PAP/2011/0134</u>			
1	The Applicant or Agent	Application Forms, Plans and supporting documents	17 3 11
2	A & H May	Representation – Objection	15 11 11
3	J A Hooke	Representation – Objection	10 11 11
4	M Gibson & S Edwards	Representation – Objection	14 11 11
5	J Macdonald	Representation - Objection	26 10 11 27 1 12
6	M Kerkeni	Representation - Support	7 11 11
7	B Coleman	Representation - Support	8 11 11
8	Forestry Commission	Consultation Replies	16 11 11
9	Case Officer and The Applicant's Agent	Emails exchanged	13 12 11
10	J & D Burrin	Representation – Objection	5 1 12

Background Paper No	Author	Nature of Background Paper	Date
Planning Application No: : <u>PAP/2010/0289</u>			
1	The Applicant or Agent	Application Forms, Plans and supporting documents	15 11 11
2	Case Officer & The Applicant's Agent	Pre-application emails exchanged	17 8 11 28 9 11 12 10 11 13 10 11
3	The Applicant's Agent	Draft S106 Agreement	19 1 11

OFFICER'S OBSERVATIONS

4	J Macdonald	Representation – Objection	26 10 11 27 1 12
5	Fillongley Parish Council	E mail and Case Officer reply	5 12 11 6 12 11
6	Forestry Commission	Consultation Reply	29 11 11
7	Case Officer	E mail to Forestry Commission	13 12 11
8	Forestry Commission	E mail to Case Officer	19 12 11
9	J & D Burrin	Representation – Objection	5 1 12
10	M Gibson & S Edwards	Representation – Objection	14 11 11

Background Paper No	Author	Nature of Background Paper	Date
Planning Application No: : <u>PAP/2010/0269 and PAP/2010/0281</u>			
1	The Applicant or Agent	Application Forms, Plans and supporting documents	2 6 10 23 6 10
2	Environment Agency	Consultation Reply	29 6 10
3	Fillongley Parish Council	Representation	16 7 10
4	Warwickshire County Council Highways Authority	Consultation Reply	26 7 10
5	Mr & Mrs J Hooke	Representation – Objection	19 7 10
6	The Applicant's Agent	Drawings, report of survey and photographic survey	11 8 10
7	J Macdonald	Representations x2	26 10 11
8	Heritage and Conservation Officer	Consultation Reply	28 6 10 26 7 10 9 5 11
9	Mr & Mrs E McHugh	Representation – Objection	15 7 10
10	Bonds Hospital Estate Charity	Letter and sales particulars	5 10 10
11	Case Officer	Letter	30 10 11
12	The Applicant's Agent	Letter	10 12 10
13	The Applicant's Agent	Windows condition survey	8 2 11
14	P A Harper Associates	Roof Structural Inspection Report	18 2 11
15	The Applicant's Agent	E mail	29 3 11
16	Case Officer	E mail to The Applicant's Agent	31 3 11
17	The Applicant's Agent	Schedule of alterations and additions and letter	27 4 11

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

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