

**Agenda Item No 5**

**Planning and Development Board**

**12 September 2011**

**Planning Applications**

**Report of the  
Head of Development Control**

**1 Subject**

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

**2 Purpose of Report**

2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.

2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.

2.3 The proposals presented for decision are set out in the index at the front of the attached report.

2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

**3 Implications**

3.1 Should there be any implications in respect of:

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

**4 Site Visits**

4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

4.2 Members are reminded of the “Planning Protocol for Members and Officers dealing with Planning Matters”, in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

## **5 Availability**

5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council’s web site [www.northwarks.gov.uk](http://www.northwarks.gov.uk)

5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 17 October 2011 at 6.30pm in the Council Chamber at the Council House.

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2	PAP/2011/0332	23	<b>Hickey Lane OS Field 2961 off Main Road Newton Regis Tamworth</b> Change of use of woodland to Operate Clay Pigeon Shoot with associated building and car parking area	General
3	PAP/2011/0342	45	<b>Shustoke House Barns Coleshill Road (B4114) Shustoke</b> Listed Building Consent for change of use, alterations and extension of redundant farm buildings for use as a wedding/occasions venue including alterations to highway access, access drive and creation of car parking	General
4	PAP/2011/0417	84	<b>50 Mill Crescent Kingsbury Tamworth</b> Extension to dwelling and bow window to front.	General
5	Consultation by Solihull MBC	89	<b>Land within NEC Complex</b> Outline planning application for erection of a mixed use leisure/entertainment complex, comprising casino, factory retail outlet centre, hotel, spa, cinema, and conference and banqueting facilities	General

## **General Development Applications**

### **(1) Application No: PAP/2011/0227**

**24 - 26 Atherstone Road, Hartshill**

**Outline application for demolition of existing industrial buildings and site clearance, erection of 6 no. 3 bedroom and 7 no. 2 bedroom terraced dwellings with associated access and car parking, for**

**D S Johnston Properties Ltd**

#### **Introduction**

This application is reported to the Planning and Development Board due to there being an accompanying Section 106 Agreement.

#### **The Site**

This is presently an industrial premises, with a range of co-joined buildings providing a manufacturing floor and some offices to the front. The buildings are set back from the highway with parking and turning space to the front. There is also an area of grassland to the side, adjacent to the highway. The site slopes south-west to north-east, and also from the rear of the site towards the highway, although there are various retaining walls to cope with these changes in levels.

Access is gained from Atherstone Road which carries a 30 mph speed restriction here, although it is noted there is poor visibility to the south-west from the access. The public footway presently tapers and ends across the front of the site, before it reappears in front of number 22 Atherstone Road. There is also a public footpath running adjacent to the north-east boundary with the site, splitting it from number 28.

Surrounding properties are in the majority residential, with a mixture of styles. There are dormer bungalows to the north-east; terraced properties to the south-west and on Grange Road to the south, and a mixture of detached and semi-detached houses and bungalows elsewhere. There is also a public house immediately to the rear of the site – the Malt Shovel with access from Grange Road.

#### **The Proposal**

It is intended to demolish the existing industrial building, clear and level the site accordingly, and erect six 3-bedroom and seven 2-bedroom dwellings with associated amenity space, access and car parking.

#### **Background**

This application is in outline form although most matters are being considered here. The only reserved matter relates to landscaping. The Section 106 Agreement provides for 6 units of affordable housing and a contribution towards the provision of open space facilities.

Members' attention is drawn to a current re-consultation on this application following the receipt of amended plans. Any new matters raised by this consultation will be reported to Members verbally at the Board meeting.

## **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies): CORE POLICY 2 (Development Distribution), ECON3 (Protection of Existing Employment Sites and Buildings Within Development Boundaries), HSG2 (Affordable Housing), HSG4 (Densities), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development), TPT2 (Traffic Management and Travel Safety), TPT3 (Access and Sustainable Travel and Transport), TPT6 (Vehicle Parking).

## **Other Relevant Material Considerations**

Government Advice: Planning Policy Statement 3 (Housing), Planning Policy Guidance Note 13 (Transport in Planning) and Planning Policy Statement 23 (Planning and Pollution Control).

Supplementary Planning Guidance/Documents: A Guide to the Design of Householder Developments (SPG) 2003, Affordable Housing (SPD) 2008.

Building for Life Residential Design Criteria

## **Consultations**

The Environment Agency identifies potential issues relating to land and ground water contamination from former underground storage tanks and later surface water disposal. However, these are not considered to be fatal to the scheme, and it recommends that conditions are attached in order to remediate the issues and minimise any future risks.

Warwickshire County Council Highways initially raised objection to the proposal noting that turning space and access design were below required standards. The applicant has responded by providing amended drawings to address its objections, and it is anticipated that this will result in the objection being lifted.

Warwickshire County Council Footpaths note that the legal route of footpath AE201 appears to cross the site. However, they note that this appears to be a drafting error on the definitive map, with the actual route passing along the north-east boundary.

Severn Trent Water raises no objection subject to a drainage condition.

The Environmental Health Officer agrees with the findings of the Phase 1 contamination report, and recommends further monitoring and remediation by way of condition. Further comments seek precaution in respect of the construction phase impacts on neighbouring residents as well as raising awareness of the proximity to an existing public house.

No comments have been received from Warwickshire Museum (Archaeology), Warwickshire Wildlife Trust, the Streetscape and Landscape Officer.

Warwickshire Police raise no objection, having worked with the applicant on design prior to submission.

Warwickshire Fire and Rescue seek provision of fire fighting facilities on site.

## **Representations**

No formal response has been received from the Parish Council, although its Chairman has objected directly referring to highway concerns.

A total of nine objections has been received citing various concerns. The main focus of these is in respect of highway safety, with poor visibility from the existing access towards the bend in Atherstone Road to the south-west. These concerns also extend to parking provision within the site and potential for on-street parking exacerbating the above visibility concern; a general increase in traffic levels; turning space for refuse wagons and construction vehicles; and the inadequacy of the footway along Atherstone Road at this point.

Further concerns relate to the layout and density of the scheme in relation to surrounding development; the scale and style of the dwellings; the manner in which changes in levels at boundaries will be addressed; drainage; security; the loss of a small business site; the proximity to a public house; and effect on amenity from noise and overlooking. Some objections also note the availability of other sites within Hartshill and that bungalows for the elderly would be more preferable here.

## **Observations**

Members' attention is drawn to Appendix A which provides a number of site photos to set the context and provide as a visual reminder. The site is likely to be well known to many Members of the Board.

There are four main matters for consideration here. Beyond addressing the principle of development, there is a need to consider highway safety and design and amenity impacts before looking at other points.

### **a) Principle of development and affordable housing**

Consideration first focuses on the loss of an existing employment site. This would result in a reduction in the number of business premises available within Hartshill. However, the wider context is important here. Whilst there are few other small premises in the immediate vicinity, Hartshill is an extension to Nuneaton which provides a wide range of employment opportunities. The supporting text of saved policy ECON1 supports this approach, and public transport remains good to support this connection. In addition, there are a number of small to medium units available within Atherstone and other nearby employment sites outside of the settlement boundary.

Moving forward from this, the site is acceptable for residential development given its location within the settlement boundary for Hartshill. Objections noting the availability of other sites cannot be sustained in the absence of policy requiring those sites to be developed first. In any case, those other sites are viewed as deliverable and thus part of the Council's 5-year housing supply. Members will be aware that the Council is required to sustain a rolling 5-year supply of housing within the Borough, and this site is wholly appropriate for inclusion in this supply.

Consideration also focuses on affordable housing provision. The threshold here requires that at least 40% of the dwellings are made available for affordable housing purposes. As such, the applicant submits a Section 106 Agreement committing to 6 units being provided (46%). There is thus no objection in this respect.

Regard is had to recent changes in Government guidance in respect of land use for housing. However, this site is a brown field site, given its existing lawful use, and as such, the approach to such land has not changed. It is wholly appropriate for redevelopment in principle. The merits of the layout and design are discussed below.

#### **b) Highway and pedestrian safety**

The main focus of objection centres on this matter. It should be noted that the existing access will be closed and that a new access would be created to enable the necessary visibility to be achieved. It is acknowledged that the Highway Authority lodged an objection to the initial design. However the reasons for this objection did not relate to visibility or to an increase in vehicle numbers overall, instead focussing on the tapering of the footway along Atherstone Road in front of the site; the turning area not being suitable for refuse wagons; and the access geometry being below standard. All these matters have been addressed by way of amended plans, and it is anticipated that this objection will be lifted. This will also address many of the concerns raised by local residents.

Objections noting that vehicles move in excess of the legal limit close to this site are not material to this application. The access can only be designed and positioned in accordance with standard requirements, and not accommodate the occasional vehicle which may be travelling in excess of 30 mph. In any case, it would be the fault of that driver, and not the design and position of the access, if any conflict were to occur.

The parking provision within the site has been amended to maintain two parking spaces for each dwelling and to provide a further three visitor spaces. Regard is had to amended guidance that local authorities should decide for themselves as to what parking provision is appropriate. Hence whilst representing an over-supply of parking contrary to Local Plan policy, given the need to discourage on-street parking here and respond to a preference for private vehicles, the number proposed is felt appropriate. Indeed, as seven two-bedroom dwellings are proposed, and the site benefits from frequent bus

services, it is quite possible that there would actually be further spaces available.

Consideration is given to the construction phase impacts, but large vehicles would only be accessing the site for a relatively short period. Temporary signage could raise the awareness of a site access to drivers on Atherstone Road, and a suitable turning/delivery space could be provided during the works.

### **c) Design and amenity impacts**

It is noted that the layout of the site provides development at a right angle to the existing 'grain' along Atherstone Road. However it is noted that this grain is already interrupted elsewhere in the vicinity (Ashbrook Rise and Cottage Gardens), and whilst historical decisions should not perpetuate later design, there is no fundamental reason to resist this layout here. The site is large enough to be viewed as a cul-de-sac as opposed to 'back-land development'.

Whilst it is no longer necessary to achieve a minimum density, 45 dwellings per hectare (dph) is achieved here. In comparison, the terraces to the south provide 38 dph and Cottage Gardens provides 31 dph. The exception is the properties to the north along Atherstone Road coming in at just 8 dwellings per hectare; however these provide the 'bridge' between open countryside and the built up area. It is not considered that the proposed layout causes significant harm to warrant refusal on this ground.

Consideration turns to the impact of this layout on surrounding property. The greatest impact will be from plots 5 to 13 as their habitable windows will look towards numbers 22 and 28 Atherstone Road and 31 Grange Road. However it is noted there will be no direct window to window overlooking, only views into amenity space. Around 15 metres distance is achieved towards the rear amenity space of number 28. This is not only across a public footpath which already allows elevated views over the primary amenity space but also at a slightly lower ground level to that footpath. This distance is thus considered appropriate. In respect of number 22, whilst the distance is less, the change in level at the boundary reduces the overlooking impact and the amenity space is not used for primary purposes (i.e. a patio or similar). The same is apparent to number 31 Grange Road. Noise breakout from properties is likely to be on par with existing residences and the Environmental Health Officer raises no objection in this respect. As such, neighbouring amenity impacts are considered acceptable.

The proposal is also assessed against Building for Life criteria which look at the sustainability of the site, tenure mix, design and character, legibility, and parking and pedestrian provisions. The site is considered to provide a suitable accommodation mix of 2 and 3 bedroom dwellings, and a mix of tenure given the affordable housing provision as discussed above. It is close to public transport and open space (Cherryfield Close and Hartshill Hayes), and there are sufficient schools, shops and other services close by. Whilst no details of energy saving or generation methods are provided, the proposal meets the

threshold for on-site energy generation and the orientation and position of the properties allow for most technologies to be considered.

The design is considered to be specific to the scheme. This is considered important given the need to 'hold its own style' in the absence of a dominant dwelling style in the vicinity. The mix of existing design is considered by the applicant, and the resulting proposal is considered to harmonise with the immediate and wider environment. The scale and height of the dwellings is similar to existing terraced properties in the vicinity, and appearance is also acceptable. The layout, mix and positioning of parking solutions, and use of a shared surface along the development arm stretching back into the site ensures the highway does not dominate. Secured by Design principles are also met here. Furthermore the proposal results in a legible scheme, and the presence of a formerly hidden public footpath is highlighted.

#### **d) Other planning considerations**

The historical uses of this site have led to a land contamination survey accompanying the application. This identifies two potential issues: (1) land and ground water contamination from former underground storage tanks and later surface water disposal, and (2) gas migration from the former uses and nearby landfill sites. However, the contamination survey proposes remedial measures to address the risks, both during construction and in the long term. The Environment Agency and Environmental Health Officer agree with the recommendations and raise no objection subject to conditions.

A bat survey has been undertaken to inform the demolition of the existing buildings at the premises. No evidence of bats was found within the buildings, and the open form within them, flat roofs or industrial uses mean that the potential for bats to roost or hibernate here is very unlikely. The potential for foraging on site is also low given no connective habitat existing.

Land stability along the boundaries of the site is either addressed through amended plans or under condition, and drainage matters are subject to condition. Landscaping matters are reserved for later consideration.

#### **Recommendation**

That, subject to no objection being received from the Highway Authority to the amended plans, outline planning permission be granted subject to the signing of a Section 106 Agreement for the provision of affordable housing and an open space contribution, and subject to the following conditions:

1. This permission is granted under the provisions of Article 4(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2010 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:

- (a) landscaping

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 7017.02D and 7017.03C received by the Local Planning Authority on 1 September 2011.

REASON

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

5. No development shall be commenced before details of the facing bricks, roofing tiles, stone cills and surfacing materials to be used have been submitted to and approved by the Local Planning Authority in writing. Such details shall include construction specifications for the shared surface in front of plots 5 to 13. The approved materials shall then be used.

REASON

In the interests of the amenities of the area and in the interests of pedestrian safety.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences to be erected. Such details shall also include cross sections of retaining walls to the north-east, south-east and south-west boundaries and details of their construction. The approved screen/retaining walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained.

REASON

In the interests of the amenities of the area.

7. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays. Appropriate dust suppression systems shall be used during the demolition and site clearance works.

#### REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

8. All materials obtained from demolition shall be permanently removed from the site and disposed of lawfully.

#### REASON

In the interests of the amenities of the area and the wider environment.

9. Prior to any works taking place on site the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
  - 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This shall include, as a minimum, 9 ground gas monitoring visits over 6 months with at least two of these at low and falling atmospheric pressure.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. Such measures shall be subject to the prior approval of the Local Planning Authority.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. All components of the scheme shall be implemented as approved.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented as approved.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. The development hereby permitted shall not be commenced until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distances of 2.4

metres and 'y' distances of 90 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

13. The development hereby permitted shall not be commenced until a turning and delivery area has been provided within the site so as to enable HGVs to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

14. The development hereby permitted shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

15. No development shall commence on site until details of measures to be taken to prevent spoil/mud being deposited on the public highway from vehicles leaving the site during the construction works have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be fully installed and implemented before the development commences and shall be retained for the duration of the construction period in order that no vehicle shall leave the site unless it has been cleaned sufficiently to prevent mud/spoil being deposited onto the highway.

REASON

In the interests of safety on the public highway.

16. Before the development commences a scheme for the construction of the surface and foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. Surface water shall be harvested, drained or attenuated on site unless ground conditions or contamination risks prevent this from occurring. The development shall be carried out in accordance with the approved details.

REASON

To prevent pollution of the water environment and to minimise the risk of flooding off site.

17. Prior to the commencement of development, details of energy generation technologies to be incorporated into the dwellings to reduce residual energy demand by at least 10% shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and maintained accordingly. For the avoidance of doubt, residual energy demand is that necessary for habitation after energy demand is reduced by Building Regulations requirements.

#### REASON

In the interests of reducing the energy needs of the dwellings hereby approved and in the interests of the wider environment.

18. No development whatsoever within Classes A, B, C, D, E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended, shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

#### REASON

In the interests of the amenities of neighbouring properties and occupiers of those dwellings proposed, and to ensure that development does not lead to contamination of ground waters or migration of gases.

**Note:** Members are reminded that there are currently amended plans the subject of re-consultation. This may lead to the addition, removal or amendment of conditions listed above, and an updated schedule of conditions will be provided at the Board meeting.

#### Notes

1. The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 (Saved Policies): CORE POLICY 2 (Development Distribution), ECON3 (Protection of Existing Employment Sites and Buildings Within Development Boundaries), HSG2 (Affordable Housing), HSG4 (Densities), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development), TPT2 (Traffic Management and Travel Safety), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).
2. The applicant is reminded that this decision grants outline permission for the above development. Not all reserved matters have been submitted for approval such that full permission has yet to be granted and works should not be commenced until this approval has been obtained.
3. This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning

Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.

4. You are recommended to seek independent advice on the provisions of the Party Wall Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet entitled "The Party Wall etc., Act 1996" can be downloaded from the Communities and Local Government web site [www.communities.gov.uk](http://www.communities.gov.uk).
5. This permission does not authorise the diversion of public footpath number AE201 in the area of the application site. However, it is noted that the Definitive Map may contain a drafting error placing this footpath within the application site. It is recommended that before any construction works across the line of the footpath are commenced, steps are taken to formally secure the diversion of the footpath and to ensure that such a route is passable before the old route is obstructed. You are advised to contact the Rights of Way team on 01926 410410 or [paths@warwickshire.gov.uk](mailto:paths@warwickshire.gov.uk) if you wish to discuss matters relating to the public footpath in further detail.
6. Condition number 14 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant. The Area Team at Coleshill may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.
7. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from [www.ukradon.org](http://www.ukradon.org) if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures

when building the property. For further information and advice on radon please contact the Health Protection Agency at [www.hpa.org.uk](http://www.hpa.org.uk). Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

## Justification

The proposal is considered appropriate in principle with the loss of this employment site not considered to have a negative impact on the range or quality of such sites in the area, and the site sustainably contributes to the Council's 5-year supply of housing land. The provision of affordable housing is also supported. The design, density, layout and scale of the proposal is not considered to negatively impact on neighbouring amenity, and it is considered to harmonise with the immediate and wider surroundings. Highway and pedestrian safety is considered appropriate with the new access and parking arrangements acceptable; and matters relating to land and groundwater contamination risks and land stability are acceptable subject to condition. The proposal is therefore in accordance with saved policies CORE POLICY 2, ECON3, HSG2, HSG4, ENV3, ENV4, ENV6, ENV8, ENV10, ENV11, ENV12, ENV13, ENV14, TPT1, TPT2, TPT3 and TPT6 of the North Warwickshire Local Plan 2006, adopted Supplementary Planning Guidance 'A Guide for the Design of Householder Developments' (2003) and Affordable Housing Supplementary Planning Document (2008), and national policies as set out in Planning Policy Statement 3, Planning Policy Guidance Note 13 and Planning Policy Statement 23. There are no material considerations that indicate against the proposal.

## BACKGROUND PAPERS

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

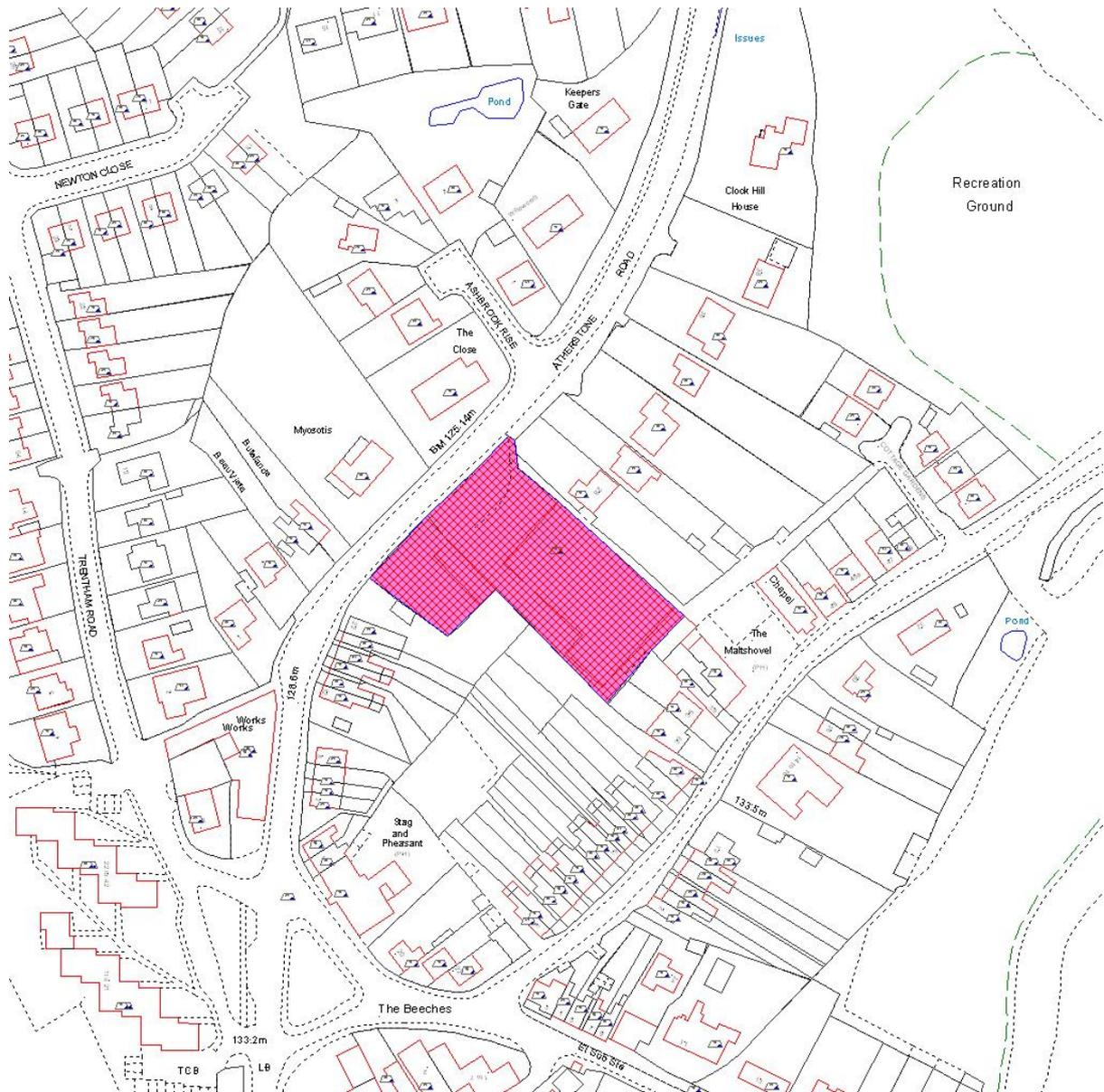
## Planning Application No: PAP/2011/0227

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	Various
2	Environmental Health Officer	Representation	12/7/2011
3	Environmental Health Officer	Further representation	13/7/2011
4	Warwickshire Police	Representation	14/7/2011
5	Building for Life Officer	Representation	15/7/2011
6	Councillor John Randle (Hartshill Parish Council)	Objection	16/7/2011
7	Warwickshire Fire and Rescue Service	Representation	20/7/2011
8	Warwickshire County Council Highways	Objection	25/7/2011
9	Case Officer	Section 106 template to agent	26/7/2011
10	Denise Allen	Objection	26/7/2011
11	Councillor John Randle	Objection	26/7/2011

	(Hartshill Parish Council)		
12	Jean Hardwick (o/b/o Averil Bailey)	Objection	28/7/2011
13	Environment Agency	Representation	28/7/2011
14	Mrs M A Statham	Objection	29/7/2011
15	Mrs J Allen	Objection	1/8/2011
16	A C Parkes	Objection	2/8/2011
17	Mr & Mrs Holloway	Objection	2/8/2011
18	Severn Trent Water	Representation	3/8/2011
19	Agent	Email to Case Officer	3/8/2011
20	Case Officer	Email to Agent	3/8/2011
21	Michael Leche	Objection	3/8/2011
22	T J & C Sharp	Objection	5/8/2011
23	Warwickshire County Council Footpaths	Representation	5/8/2011
24	Zygmunt Sienko	Comments	6/8/2011
25	Case Officer	Email to Agent	16/8/2011
26	Councillor Fox	Email to Case Officer	17/8/2011

*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.*



**APPENDIX A: Site photos**









## **General Development Applications**

### **(2) Application No PAP/2011/0332**

**OS Field 2961, Hickey Lane, off Main Road, Newton Regis, Tamworth**

**Retention of car park, buildings and structures in association with the permanent mixed use of woodland as woodland and for operation of a clay pigeon shoot, together with amendments to existing access and track arrangements, for**

**Mr Chris McVerry**

#### **Introduction**

This application is reported to the Board at the discretion of the Head of Development Control in light of the issues that are raised.

#### **The Site**

The site is an existing woodland situated on the south east side of Main Road, at a position south east of the settlement of Newton Regis.

The wood is a large broad-leaved woodland with scattered scrub and a tall ruderal under-storey measuring 700 square metres and is roughly rectangular in shape. The site is surrounded by agricultural land, with the villages of Newton Regis, Shuttington and Austrey being distant by approx. 900 metres, 2.8 Km and 2.5 Km respectively. The M42 passes between the site and the village of Austrey.

Access to the woodland is via a rough track from Main Road, and is approximately 850 metres long and follows an L-shaped line.

#### **The Proposal**

The proposal is to retain the operation of a clay pigeon shoot within the woodland and part of the adjoining field for 28 days in a calendar year and the retention of associated buildings and structures and car parking areas together with additional engineering works to drives and access tracks.

The application is largely retrospective with all of the buildings and structures presently in situ. The car park is already formed and surfaced with wood chippings and the access route across the field joining the rough track with the entrance to the woodland is already partly formed using rough stone. Pedestrian routes within the woodland have been defined with ropes wrapped around existing trees and surfaced with natural wood chip.

The additional element of works proposed by this application involves the widening of the access route across the field joining the rough track with the entrance to the woodland to 8metres in order to allow its use for car parking.

The applicant describes the proposal as follows:

The proposed new increased width drive/parking facility will be constructed in well compacted permeable shale and will be used as the primary parking area for cars.

The 4x4 parking facility area will be covered with a sufficient layer of wood chippings

New structures i.e. chalet, shed will be constructed of mainly quality timber and finished in a suitable stain that is in keeping with the surroundings.

All Structures will be hidden from view from Main road by existing dense undergrowth. No shrubs, trees, hedges will be removed or trimmed.

All footpaths within the wood are covered with natural woodchip which is in keeping with the surroundings.

In terms of the operation of the activity, the applicant advises the following:

The proposed shoot will take place 28 days per year and will be operated within the recommendations and guidelines laid down by the Governing Body of the sport the CPSA (Clay Pigeon Shooting Association).

The proposed layout and operating times will comply with the Chartered Institute of Environmental Health (CEIH), Clay Target Shooting – “Guidance on the Control of Noise” white paper and recommendations from the Local Authority’s Environmental Health Officer.

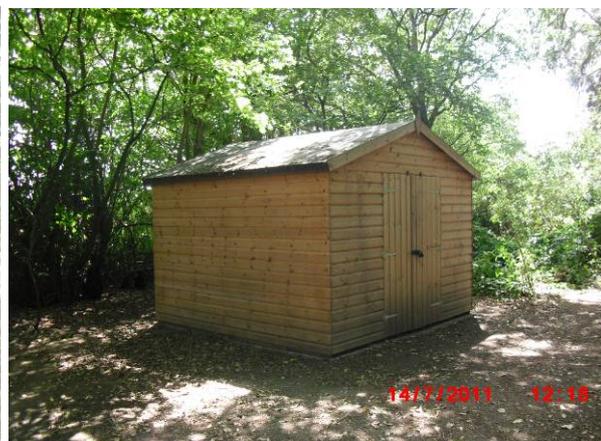
Any waste generated will be disposed of in accordance with the Agricultural Waste Regulations.

Fully CPSA trained personnel will be on site at all times during meetings.

The shoot layout and operation has been inspected by the Police and the necessary license granted (Firearms Acts 1968 – 1997 Section 11(6)) which means it is open to everyone, Club Members and the general public with qualified Instructors and equipment available at every session.

No alcoholic beverages will be present on site.

The buildings and a selection of the temporary structures/equipment on site are shown below:





The shooting stands are located on the periphery of three sides of the woodland and there are 12 stands in total.

## **Background**

The use of this woodland for this activity commenced approximately two years and has operated on 28 Sundays in each year.

Part 4, Class B of The Town and Country Planning (General Permitted Development Order) 1995 as amended, grants planning permission for the temporary use of land for any purpose, for not more than 28 days in total in any calendar year, together with the provision on the land of any moveable structure for the purposes of the permitted use. (Clay pigeon shooting is expressly excluded from this permission if the land is a site of special scientific interest (SSSI), but in this instance, the application site is not a SSSI).

The applicant advises that shooting has generally commenced at 1000 hours each day and has finished between 1400 and 1500 hours. He advises that the shooting is limited to club members only and that no 'Registered Events' (national competitions etc) have taken place from the land and that he has no intention of introducing such registered events if planning permission is granted. Any future competitions will be limited to club members only. He indicates that the capacity of the site is dictated by the number of shooting stands and that he proposes to limit the number of stands to 12. The number of participants is then naturally restricted because there is a limit to the amount of queuing and waiting that will be tolerated. His records show that the average number of participants has been 63 per day (staggered at different times across the day). There have been isolated occasions where participation has been greater, but the maximum number has never exceeded 100 (a one-off Boxing Day event). He indicates that he does not envisage any significant change in operating practices following any grant of planning permission and is happy to accept appropriately worded planning conditions which would place limitations on the use of the site to these effects.

## **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies): 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), ENV1 (Protection and Enhancement of Natural Landscape), ENV3 (Nature Conservation), ENV11 (Neighbour Amenities), ENV13 (Building Design), ENV14 (Access Design) and TPT1 (Transport Considerations in New Development)

### **Other Relevant Material Considerations**

Government Advice: Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 4 (Planning for Sustainable Economic Growth), Planning Policy Statement 9 (Biodiversity and Geological Conservation), Planning Policy Guidance Note Number 13 (Transport), Planning Policy Guidance Note Number 17 (Planning for Open Space, Sport and Recreation) and Planning Policy Guidance Note Number 24 (Planning and Noise).

Related Publications: Good Practice Guide on Planning for Tourism (May 2006)

### **Consultations**

Warwickshire County Council as Highway Authority - No objection.

Environmental Health Officer – Confirms that the Environmental Health Division has received no formal noise complaints regarding the club's activities. The Environmental Health Officer offers no objection to this application, but recommends that the hours of shooting are restricted to between 1000 and 1600 hours on Sundays and that no shooting takes place on any other day. He further recommends that the maximum use of the site is restricted to 28 days in line with the application. Lastly, he recommends that if the location or direction of the shooting stands (as seen in the submitted noise report) are to be altered, then prior approval should be needed from the Local Authority.

### **Representations**

Newton Regis Parish Council - The Parish Council reports that in its recently adopted Parish Plan, 57 residents of the Parish expressed an opinion that they did not like the noise from the applicant's shoot. Therefore the Parish Council accepts their view.

Shuttington Parish Council – The Council indicates that noise from this shoot had been brought to Parish Council's attention previously, resulting in it contacting Newton Regis Parish Council about the problem. The Parish Council indicates that it has also contacted the Borough and the Police on a number of occasions over the years about the shoot that takes place below the Wolferstan Arms in Shuttington on a Sunday morning. Although it acknowledges that this is not what is being discussed here, it says that some residents consider that "they are suffering twice". The Parish Council also indicates that it has also been brought to its attention that the application is a retrospective planning application as a building and hard standing already exist on this site. There are also concerns about the disturbance to wildlife should the shooting become any more frequent than at present. There is already little enough woodland in the area. If this planning application is an indication that shooting will take place more frequently and for longer periods of time, then Shuttington Parish Council strongly objects to this, and would actually like to see a

time limit of 3 hours, rather than the current 1000 to 1600 and would also like to see the annual 28 day limitation remain in place.

46 letters of objection have been received raising the following matters:

1. The noise can be heard every Sunday, disturbing the enjoyment of gardens.
2. On a Sunday morning it can sound like World War II has broken out again, if the wind is in the direction of Austrey, which it frequently is.
3. The noise heard in Newton Regis, at 66 decibels, is unreasonable and unacceptable.
4. The current level of noise between 10 am and 1 pm is already unacceptable. It can be heard quite clearly within my property with doors and windows closed and it is most distressing to try to sit in the garden whilst all the shooting is going on.
5. This noise causes a real nuisance to my lifestyle when the shooting is taking place. 28 Sundays per year will be disturbed by constant gun fire. Last Sunday I found the noise very intrusive from 10am onwards.
6. The village notice board states that the application has been amended to 8am until 4pm.
7. Noise pollution impacts negatively on the health and wellbeing of individuals. The noise impacts on my ability to relax and enjoy my time off work, and I am aware of some villagers who are highly distressed by the noise.
8. This will lead to substantial noise pollution and will alter the tranquil character of the village. The noise produced from the current activities at the site has already led to significant problems with frightened pets and it is not possible to ride horses because the shots scare them.
9. The noise impact on Shuttington. We already have clay pigeon shooting in the village on a Sunday next to the Wolverstan Pub. This, although disturbing is only weekly or fortnightly for approx 2 to 3 hours. The shoot at Newton Regis which is already happening on a Sunday goes on for a lot longer and depending on the wind direction is as loud. This Sunday morning both clay pigeon clubs were shooting at the same time all morning and it was like being in the middle of a war zone for a while!
10. A Parish Survey in 2010 carried out in order to produce a Parish Plan identified types of disturbance experienced. 55 residents in Newton Regis named clay pigeon shooting. The most valued element of the countryside was identified as tranquillity.

11. The area of shooting is next to a public footpath which raises safety concerns and the issue of noise again.
12. Increased numbers of people, and the frequency with which they would meet, poses a threat to road safety. Signposting is - at present - risible; and cars will be coming out on to a straight and fast road, without adequate sightlines or warnings, which is (potentially) very dangerous. The site comes straight onto Main Road (a fairly narrow single carriageway road with the maximum UK speed limit of 60mph). The increase in car park capacity requested will lead to a higher likelihood of accidents on what is clearly a dangerous place to enter or alight from Main Road.
13. Construction vehicles would clog the small road of the village that already suffers from some minor traffic jams, as people have to weave in and out of cars. Then more traffic would arrive with the completion of the site as more and more people would travel to it. This potentially large amount of traffic could aggravate the poor system further, and turn the peaceful village into a congested thoroughfare.
14. Speeding through the village of Newton Regis going to and from the gun club already is dangerous.
15. There has been a lack of any public consultation by the applicant.
16. This shooting/gun club is not for the benefit of local inhabitants of Newton Regis. We should not be expected to be subjected to more noise and inconvenience.
17. One objector indicates that in the present climate of bad publicity regarding guns, do we really need people carrying guns in Newton Regis – as they do when they visit the pub in the village after their shoot? There are concerns about the danger of guns being seen in car boots.
18. Two people indicate that they are not opposed to the activity, as presently carried out, but do not agree with its extension.
19. Four people indicate that they would like Welsh Covert Clay Club to stop altogether, let alone get formal approval for continuation, or even extending its current noise pollution.
20. This planning application suggests that the intention is for this site to develop into a large business, seeking increased activity over time. Whilst the occasional shoot is acceptable, I strongly object to having my peace disturbed on an even more regular basis over extended periods of time.
21. The location of the site does not provide the noise buffer zone required by the Environmental Protection Act of 1990 regarding Clay Pigeon shooting. It does not provide a 1.5km noise buffer zone in the direction of shooting or a 1km noise buffer zone to the rear of shooting. Residential properties fall within these zones.

22. The independence of the noise report is questioned given that it is commissioned by the applicant.
23. Any loss of woodland would be detrimental to wildlife habitat.
24. The noise must be disturbing wildlife.
25. No habitat Survey took place prior to the commencement of shooting and the construction of buildings.
26. The wildlife has already suffered considerably from the shooting activity and the clearance already done without planning permission and the ongoing shooting already taking place..
27. The application states "usually" 28 weeks per year. This is not specific and open to mis-use upon interpretation.
28. No one was consulted about the commencement of the clay pigeon shooting in the first place so we were unable to object back then.
29. The increased numbers to support a club house has no economic or other advantage to people in the village. Food and alcohol consumption will be taken away from the public house.
30. The proposal seriously threatens the thriving wildlife that surrounds this area. Swallows, house martins and countless other varieties of birds enjoy the countryside of this area just as much as we do. But perhaps more importantly is the fact that a large number of inhabitants have sited Buzzards within 100 metres of the clay pigeon site area. Buzzards are protected by the Wildlife and Countryside Act 1981, which makes it an offence to kill, injure or take a buzzard, or to take, damage or destroy an active nest or its contents. If a buzzard was hit by a stray shot, even accidentally then there could be serious consequences for all those involved.
31. Why do a few people shooting mean big areas have to be bulldozed for a car park and buildings?
32. The number of occasions when shooting will take place is excessive, half this number would be appropriate.
33. Shooting should conclude by 1pm.
34. 6 hours per session is too long a noise disruption to the village.
35. When considering this application please restrict the hours shooting is allowed to a maximum of 3 hours per day and no more than 20 days per year. Please also consider the environment and put strict restrictions on how they affect the woodland, making as little environmental impact as possible.
36. Concern is expressed that the site would be used for events and competitions and if planning permission was granted they would like to see a condition that

there be no competitions and that the shooting should just purely be for leisure activity.

37. There should be a condition limiting the number of guns that can be used at the premises.
38. There should be a condition prohibiting the use of alcohol at the site.
39. The gun club will interfere with people using the nearby right of way. Hickey Lane is a public right of way.
40. An application to develop the nearby former sewage works was rejected despite little local opposition. This current application 'appears to have far less going for it and I ask that it should be rejected'.
41. Permission was once refused for a gun club at Austrey and approximately 20/25 years ago permission was refused for a clay pigeon shoot on the north side of Newton Regis. It is argued that this sets a precedent.
42. This land is Green Belt.
43. An objector states that only 30% of households in Newton Regis were notified of the planning application. Those that did receive notice were not advised that it was a retrospective application and that the intent of the application was to increase the shooting hours. Speaking to people in the village at least 75% are against the application. If it succeeds there will be petitions against the decision when the full scale of the opposition will become apparent.

## **Observations**

### **a) Introduction and the “fall – back” position**

Before discussing the merits of the application, it is necessary to clarify matters relating to the operation of the site to date, because some of the letters of representation received contain factual inaccuracy or a misunderstanding of the current situation. Moreover Members will wish to fully understand the scope of their remit in this case.

1. The Town and Country Planning (General Permitted Development) Order 1995, grants planning permission for the temporary use of this land for clay pigeon shooting to take place for 28 days in a calendar year. It is thus a matter of fact that planning permission already exists for a 28 day use of this woodland.
2. The Order does not place any conditions on the operation of the temporary use. It is thus a matter of fact that the use could operate for a twenty four hour period on each of the 28 days.
3. The Order only permits the provision of moveable and/or temporary structures for the purposes of operating the permitted use. It does not permit the erection of any permanent buildings.

4. In the case of this site, the use of the land for clay pigeon shooting commenced approximately two years ago. The applicant has complied with the planning permission granted by the Order in limiting the number of shooting days to no more than 28 days in each calendar year. However, it is the erection of the permanent associated structures and other works, together with the additional works, that has prompted the need for this planning application, NOT the operation of clay pigeon shooting itself.
5. The use of this land only came to the attention of the Local Planning Authority as a result of the applicant seeking advice about the need for planning permission for the proposed works. No planning enforcement complaint has been received about the development which is the subject of this application. This reflects the fact that the Council's Environmental Health Officers have received no noise complaints.

Hence as a matter of fact, the Board's remit here is limited to consideration of the retention of the existing buildings and engineering works – the wooden buildings (including the chalet), the container, the structures, the car park and the access track - together with the proposed works – the widening of the access track.

Given the above, the applicant's "fall-back position" is that he could continue to operate for 28 days in a calendar year, but that he would be obliged to remove the permanent buildings and works, relying only on moveable structures transported to and from the site on each day that an event takes place. His fall back position would allow him to continuing to operate without time limitation on each of the 28 days each year.

This is material consideration of significant weight in the determination of this application.

The applicant wishes to retain permanent works and hence this application. As a consequence the intention is clearly to continue the use on a 28 day basis for some time into the future. Whilst the focus of attention by the Board should always be on the actual matters that are the subject of the application, the submission, by suggesting retention of the use on a more permanent basis, does provide an opportunity to consider whether the use itself can be "controlled" during those 28 days so as not to enable an unfettered use. There is thus a case to suggest that this application can be seen as an opportunity to control how the site is operated on the 28 days of the year. In essence the permission granted by the 1995 Order would be exchanged for a permission granted for this current application.

### **b) Planning Policy**

The site lies in open countryside and outside of any development boundary. It is not in the Green Belt as stated by one of the objectors.

Local Plan Core Policy 2 (Development Distribution) indicates that outside of development boundaries, development will be limited to that requisite for agriculture, forestry or other uses that can be shown to require a rural location. Clay pigeon

shooting is clearly a use which could not readily be accommodated in an urban setting and is therefore one which requires a rural location.

Local Plan Core Policy 10 (Agriculture and the Rural Economy) supports development which can deliver diverse and sustainable farm enterprises as well as other country-based enterprises and activities that contribute to a rural economy and/or promote recreation in, and enjoyment of the countryside. In this location therefore low key sporting and recreational uses which can be accommodated without undue harm, will normally be supported in principle.

It is thus considered that there is no overriding planning policy principle objection in principle to continuation of this use. The main determining issues are considered to be those outlined below.

### **c) Noise**

Local Plan Policy ENV11 (Neighbour Amenities) indicates that development will not be permitted if the occupiers of nearby properties would suffer significant loss of amenity, including disturbance due noise.

Planning Policy Guidance Note Number 24 (Planning and Noise) acknowledges that recreational and sporting uses and temporary uses of land can cause harm as a result of noise. However, it indicates that the Local Planning Authority will have to take account of how frequently the noise will be generated and how disturbing it will be, and balance the enjoyment of the participants against possible nuisance to other people. Depending on local circumstances and public opinion the Note continues by saying that Local Planning Authorities may consider it reasonable to permit higher noise emission levels than they would from other development, subject to a limit on the hours of use, and the control of noise emissions during unsocial hours.

Though residents of the nearest settlements report that they have experienced noise disturbance from the operations to date, the Council's Environmental Health Officer advises that he has had no formal noise complaints regarding the club's activities. His consultation response to this application indicates that he is able to support the limited level of operation which is sought and suggests conditions that he considers appropriate to retain future control of change to operating practices.

This advice is given by the Environmental Health Officer having considered and balanced the conditions in and around the site; the results of the noise assessment report submitted with the application and the technical guidance given in respect of this particular use. He acknowledges the scepticism of some of the objectors about the assessment report but answers by saying that it was undertaken by a professionally qualified person and that the conclusions would be in line with his expectations. The objection referring to the technical guidance in respect of clay pigeon shoots has been followed through and he notes that this is guidance to be interpreted on a case by case basis. Here he says that Newton Regis is just on the kilometre distance; that shooting takes place firing away from the village, that shooting is time limited during the day any by the number of days and the number of "stands" is not high. As a consequence he is confident in his recommendation given the scale and nature of the shooting taking place here.

It should be noted that if, in future, noise was perceived to be a nuisance, then there are established methods for recording and monitoring noise which could be pursued by the Council's Environmental Health service. Based on past activity, the Environmental Health Officer does not anticipate that the level of activity sought will cause noise nuisance. It is accepted that the use will intrude into the perceived tranquillity of the area, but this alone can not be sufficient justification for the refusal of the application. It is considered that the application, in the limited level of activity that it seeks, strikes a reasonable balance between the sporting interests of the applicant and the residential amenity of the locality.

#### **d) Access Arrangements**

Local Plan Policy ENV14 (Access Design) indicates that development will only be permitted where vehicular access to the site is safe and the local road network is able to accommodate traffic to and from the development without problems of congestion, danger or intimidation caused by the size or number of vehicles, and without adversely affecting the character of the surrounding environment. Policy TPT1 (Transport Considerations in New Development) states that development will only be permitted where, individually or cumulatively there would be sufficient capacity within the transport network to accommodate traffic generated by the proposal and where there would be no additional hazard to traffic safety or detriment to access visibility.

The images below show the access arrangements at the junction with Main Road



Visibility looking towards Shuttington Regis



Visibility looking towards Newton



The access route to the woodland (Hickey Lane)

Though objectors raise concerns about the standard of access and visibility from it and fear an increased highway danger from an increase in the volume of traffic using it, the Highway Authority offers no objection to the proposed access arrangements and does not suggest that any improvements to the existing access would be required. The reasons for this approach are that visibility is acceptable; the gates at the access are set back from the edge of carriageway such that vehicles can park clear of the highway without causing obstruction, the use will operate for only 28 days in a calendar year, for a limited part of each day and for a limited number of participants. The traffic generated will therefore be relatively low.

It is also worth noting that if planning permission was refused for the permanent elements of the use of the land, the applicant's fall back position may create conditions which are of greater detriment to highway safety. The applicant could, under the Order planning permission, use moveable structures such as caravans and tents to serve as mess and office facilities. It would be necessary to transport such structures to and from the site on each day of operation. The same would apply to the transportation of the mobile safety cages and wooden platforms to and from the site for each event. Cumulatively this could give rise more disturbance and increased highway movements, using larger vehicles.

The amount of construction traffic, given that permission for the majority of the works is being sought retrospectively, will be relatively low and for a short duration. It is not considered to present any significant highway danger of congestion hazard.

It is not considered that there is a highway safety reason to refuse this application.

#### **e) Rights of way**

Hickey Lane is not a public right of way, as claimed by one of the objectors. The rights of way in the locality lie further to the west (T127 lies 385metres from the edge of the woodland) and to the south (AE1 lies 500metres from the edge of the woodland). At these distances there is no increased risk to walkers. The public footpath T128 travels at right angles to the woodland and links Hickey Lane with T127. This footpath at its closest point is 182metres from the woodland but it lies adjacent to the proposed vehicular parking for the shoot and consequently there will be no firing in its direction. It is not considered that the proposal would cause any significant increase in risk to walkers.

#### **f) Effect on the woodland and the surrounding landscape**

Local Plan Policies Core Policy 3 (Natural and Historic Environment) indicates that all development decisions will seek to protect or enhance biodiversity, natural habitats and existing landscape character. Policy ENV1 (Protection and Enhancement of Natural Landscape) states that development that would neither protect nor enhance the intrinsic qualities of the existing landscape will not be permitted and Policy ENV3 (Nature Conservation) indicates that development that is likely to have a harmful effect on rare, endangered, or other species of conservation importance will not be permitted. It indicates that where development is permitted which may have an effect on these species, the Authority should 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.

The woodland, though attractive, is not designated as an ancient woodland, and neither does it have any special designation relating to it being important for wildlife.

The operation of the clay pigeon shoot has not resulted in a significant change in the character and appearance of the woodland. The small new wooden buildings are located at the periphery of the woodland but sufficiently within it to ensure that they do not cause visual intrusion in the landscape. They are modest in size and reasonably required for the purpose of the recreational use of the land.

A limited number of pathways have been formed between existing trees through the deposit of natural woodchip. The routes are marked temporarily by the linking of blue rope from tree to tree. This defines the route and discourages 'straying' into the undergrowth and the majority of the wood is not affected by the footfall of participants.

Two of the larger pathways are shown in the images below:



A small amount of directional signage is limited to the interior of the woodland and is discretely placed.

The shooting takes place from within the woodland but the clays are fired out onto adjacent land. The disturbance to the wood itself is therefore limited.

It is acknowledged that the Habitat Survey undertaken by the applicant was not undertaken prior to the commencement of use, or prior to the construction of the small woodland buildings. The level of physical disturbance to the woodland however has been minimal. The buildings are small in scale and will have involved very limited clearance. The routes defined around the woodland have not necessitated any tree felling, with only limited clearance of ground vegetation. The level of shooting activity has not exceeded the level permitted by provisions for the temporary use of land. It is considered that the Habitat Survey, undertaken as it was by a qualified ecologist, can be taken to have reasonable validity as a base survey. The current level of activity is not deemed to have significant detriment to the wildlife

and habitats within the woodland, and the fall- back position is always a material consideration, providing a potentially unfettered use of the woodland.

The Habitat Survey makes reasonable recommendations in respect of protected species:

In order to ensure compliance with wildlife legislation and relevant planning policy, the following further works are recommended:

- Bat emergence/activity survey should the hours of shooting change or trees removed;
- Nesting bird survey should any vegetation removal be required; and,
- The installation of bat boxes and bird/owl boxes to encourage the use of the rest of the woodland away from the areas of shooting.

It would be reasonable to incorporate these matters into a planning condition in the event that planning permission is granted.

The Skeet Shooting area is situated on land at the woodland edge and does intrude into the adjacent field. However, the area of land is not clearly visible from public views, being situated 'behind' the woodland and with arable fields and the M42 limiting public sight from the area beyond. Established boundary trees and hedgerows further screen the area. The container is situated at the edge of the woodland and adjacent to the field hedgerow. Whilst its setting is unobtrusive, it is painted in copper colour. It is considered that the container is reasonably required for secure storage, but if it is to be retained it is considered that it should be repainted in a green colour to further screen it from view.



The applicant has already laid a rough stone track from Hickey Lane to the edge of the woodland. The application seeks the retention of this and its widening to 8m so that vehicles may park along it. The route is situated immediately adjacent to an existing established hedgerow. The route and the associated parking will not be highly visible in the landscape and will not appear substantially different to a farm route



Shows existing route from end of Hickey Lane to edge of woodland (to be retained and widened)

The proposed car park is also a retrospective proposal. It is shown in the adjacent photograph surfaced with a

wood chipping material. Again it is screened by existing boundary planting. Its retention would not cause harm to the character or appearance of the landscape hereabouts, particularly given that the use is for a limited number of days each year and that for the majority of the time no vehicles will be parked

It is not considered that this occasional use of land or the permanent elements of built development and permanent works will cause harm to the woodland or the landscape character hereabouts.

### **g) The economic impact of the development**

Planning policy at both national and local level generally supports the diversification of the rural economy to encourage appropriate mixed use of land. Uses which enable access to and enjoyment of the countryside are also generally supported.

Planning Policy Guidance Note Number 17 (Planning for Open Space, Sport and Recreation) indicates that developments will require special justification if they are to be located in open countryside, although proposals for farm diversification involving sports and recreational activities should be given favourable consideration.

The applicant uses the woodland with the consent of the landowner, the Thorpe Estate. The Shooting Club enables the Estate to diversify and gain economic additional economic advantage from the woodland, as well as enabling the advancement of the rural business itself.

Objectors express concern that the shooting/gun club is not for the benefit of local inhabitants of Newton Regis and that it brings no economic or other advantage to people in the village. It is sufficient to conclude that the use will have economic benefit to the wider locality and not necessarily for the applicant to evidence that the proposed use has direct benefit to the nearest settlement. Furthermore, participation in the shooting activities would be equally open to local people as a recreational opportunity.

### **h) Other Matters**

#### **Article 4 Direction**

This report relies upon considering the level of proposed activity against what may be undertaken under the permission that presently exists under the Order. To present a balanced picture it should be acknowledged that there are provisions within Article 4 of that Order for the making of a Direction to withdraw this permission. However, it is strongly considered that there would be insufficient justification in this instance to pursue such a Direction. The use has operated in an unregulated manner for in excess of two years. Though consultation on the planning application has resulted in the receipt of objections which state that noise disturbance has been experienced, there have nevertheless been no formal reports of noise nuisance, no known traffic incidents and no known adverse impact on habitats. It is not considered that the level of noise or other nuisance/harm that could

be evidenced would justify an action seek such a Direction. It should also be noted that the Direction means that a planning application is needed for events to continue. It does not prevent or permanently halt all clay pigeon shoots at the wood. In essence the current application is itself an opportunity to control the use in lieu of the Direction.

### **Firearms Matters**

The applicant advises that the site has been inspected by the Police and that all of the necessary licences have been granted to enable the site to be used by the public under qualified instruction.

It is not for the planning system to seek to exert an additional level of firearms control than already exists under appropriate firearms legislation.

### **Intensification of use**

The applicant indicates that the application should be taken at face value as he has no current proposals to alter the scale of activity from that which he has sought. He indicates that any future intention to increase the level of activity would be the subject of a separate application which would be judged on its merits at that time.

### **Conditions**

A number of objectors have suggested that if planning permission is granted, that conditions should be placed on the use and operation of the site

As detailed above, in the absence of evidence of significant harm, there is no reasonable justification to limit the operation to fewer than the 28 days already granted planning permission by the Town and Country Planning (General Permitted Development) Order.

The hours of operation sought, and supported by the Environmental Health Officer, are considered reasonable and some of the hours limitations suggested by objectors are considered unduly restrictive.

Concern is expressed that the site would be used for events and competitions and if planning permission was granted they would like to see a condition that there be no competitions and that the shooting should just purely be for leisure activity. The applicant has indicated a willingness to be bound by such a condition.

There should be a condition limiting the number of guns that can be used at the premises. This is more appropriately addressed through firearms Licencing procedures.

The applicant has volunteered that there will be a prohibition of alcohol at the site. It is inappropriate to attach such a prohibition as a planning condition, given that the sale and consumption of alcohol is a matter addressed through Licencing regulations.

### **Consultation methods**

Objectors have expressed concern about the level of consultation undertaken by the applicant. It should firstly be stated that the applicant is under no obligation whatsoever to undertake consultation in advance of making a planning application. Notwithstanding this, he did undertake limited consultation with a representative of the local Parish Council.

In respect of consultation undertaken on the planning application, the consultation fully meets the requirements of the Town and Country Planning (Development Procedure) (England) Order 2010, with the display of a site notice at the entrance to the site, on the junction of Main Road and Hickey Lane, and with approximately 130 letters being sent to occupiers of properties on the closest periphery of the settlements of Newton Regis, Seckington, Shuttington and Austrey; consultation directly with all local Parish Councils and with entries in the local press.

### **i) Conclusion**

It is considered that the proposal, if appropriately conditioned, will strike an appropriate balance between protection of the countryside, the amenity of those who live in the locality, the diversification of the rural economy and access to it for rural pursuits.

### **Recommendation**

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

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

#### **REASON**

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan received by the Local Planning Authority on 10 August 2011 and the plans numbered P1-GUN-010 and P2-GUN-010 received by the Local Planning Authority on 23 June 2011.

#### **REASON**

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

3. The clay pigeon shooting hereby approved shall not take place other than between 1000 hours and 1600 on Sundays and shall be limited to no more than 28 days of operation in any one calendar year.

## REASON

To prevent disturbance to the occupiers of nearby properties and to protect the rural character and appearance of the area.

4. The wooden chalet described as a club house/reception hereby approved shall not be used for any purpose, including any other purpose in Class D2 of the Town and Country Planning (Use Classes) Order 1987, (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification other than for use as an office and meeting room for shooting club purposes.

## REASON

To prevent unauthorised use of the property.

5. No public address or other sound amplification system shall be installed or used without the prior written approval of the Local Planning Authority. Such a system shall subsequently be used in accordance with any approved details.

## REASON

In the interests of the amenities of the area.

6. The location and direction of shooting stands shall not vary from that set out in the Noise Measurement Report by Martec Environmental Consultants Ltd dated 7 June 2010 unless agreed otherwise in writing by the Local Planning Authority.

## REASON

In the interests of the amenity of the area.

7. Within two calendar months of the date of this permission details of a scheme for the installation of bat boxes and bird/owl boxes within the woodland shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full within a further two months of the approval of details and shall remain in situ at all times.

## REASON

In the interests of preserving and enhancing the nature conservation value of the woodland in accordance with Policy ENV3 of the North Warwickshire Local Plan 2006 (Saved Policies).

8. No trees or undergrowth within the woodland shall be removed or felled without the prior written approval of the Local Planning Authority. Any proposal presented for tree felling or removal of undergrowth shall be accompanied by a nesting bird survey and a bat emergence/activity survey.

## REASON

In the interests of preserving and enhancing the nature conservation value of the woodland in accordance with Policy ENV3 of the North Warwickshire Local Plan 2006 (Saved Policies).

9. Participation in the clay pigeon shooting use hereby approved shall be limited to use by members of the Welsh Covert Clay Club operated by Midland Shooting Services only. The use shall expressly exclude the operation of any Registered Events.

## REASON

In the interests of the amenity of the area.

## Notes

1. The Development Plan policies which are relevant to this Decision are as follows:  
North Warwickshire Local Plan 2006 (Saved Policies): 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, ENV1 – Protection and Enhancement of Natural Landscape, ENV3 – Nature Conservation, ENV11 – Neighbour Amenities, ENV13 – Building Design, ENV14 – Access Design and TPT1 – Transport Considerations in New Development.

## Justification

The use of open countryside for the sporting pursuits is generally a use of land which is acceptable in principle and, if they can be accommodated without undue harm, will normally be supported. The clay pigeon use in this instance is proposed for a limited number of days, equivalent to the same number that may be used as permitted development. The applicants fall back position is that he could continue to operate for 28 days in a calendar year without time limitation on each of the days but he would be obliged to remove the permanent buildings and works, relying only on moveable structures transported to and from the site on each day that an event takes place. The application is in essence for the retention of the permanent works and buildings. Though the use will generate disturbance from noise, the shooting practices and limited duration of operations mean that the use can be accommodated without creating an unreasonable level of disturbance. Access arrangements are considered safe in light of the frequency of use and level of participation. There will be no significant detriment to users of rights of way in the vicinity. The effect on habitat and wildlife will not be harmful and conditions exercising control over future changes in operating practice can mitigate against future possibility of harm. The built development and works will not cause intrusion or harm to the landscape. The development represents an appropriate form of farm diversification. The proposal accords with the provisions of the above development plan policies.

## BACKGROUND PAPERS

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

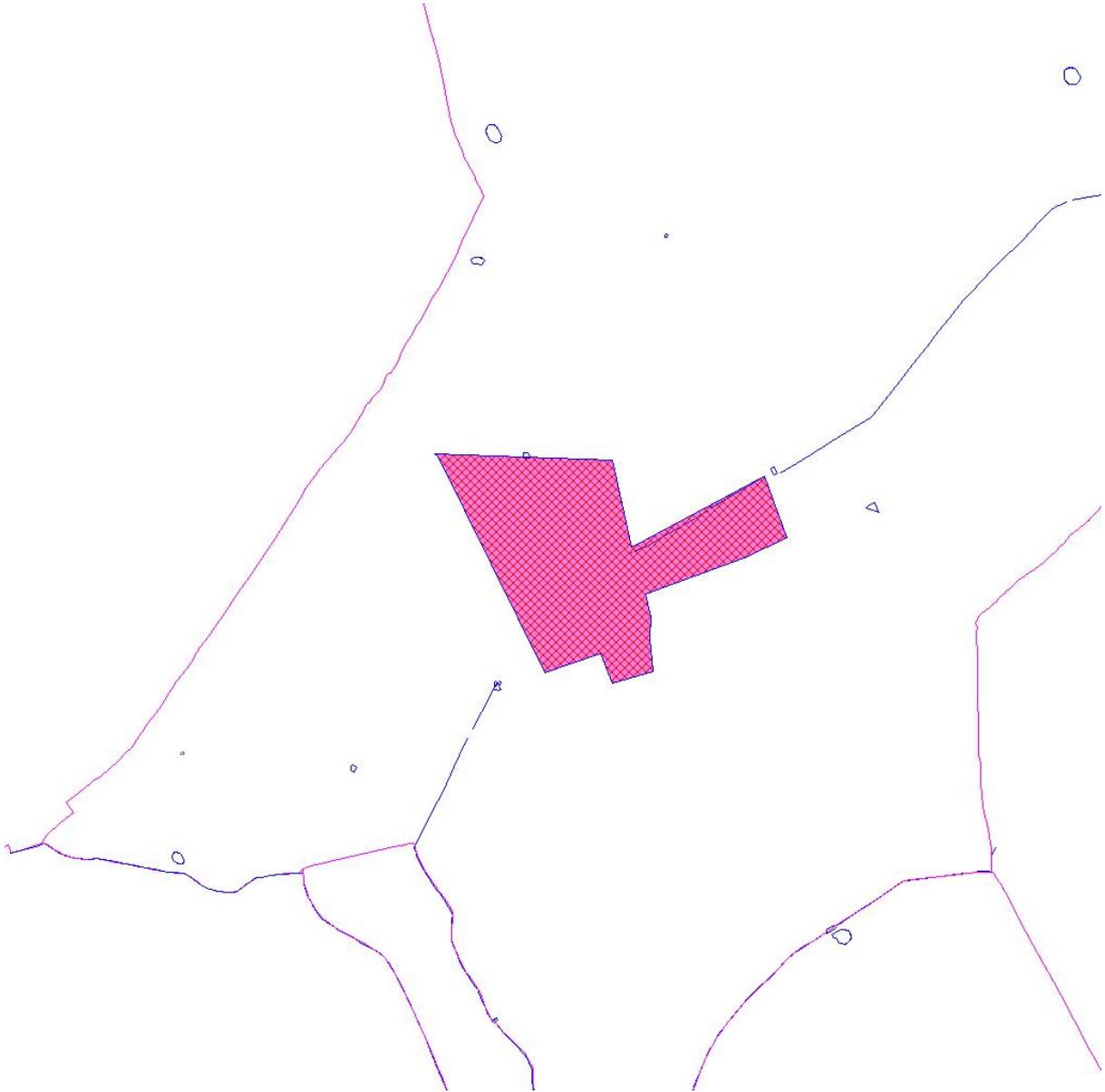
### Planning Application No: PAP/2011/0332

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Supporting Documents and Plans	23 6 11
2	M Abbott	Representation	18 7 11
3	Applicant	Letter	21 7 11
4	Environmental Health Officer	Consultation Reply	21 7 11
5	Shuttington Parish Council	Representation	20 7 11
6	M Abbott	Representation	22 7 11
7	Applicant	E mail	22 7 11
8	Waithman	Representation	26 7 11
9	L Kesterton	Representation	26 7 11
10	M Abbott	Representation	25 7 11
11	L Wood	Representation	26 7 11
12	Public Rights of Way Officer	Consultation Reply	27 7 11
13	Environmental Health Officer	E mail	27 7 11
14	Case Officer	E mail	27 7 11
15	P Richardson	Representation	27 7 11
16	M Martin	Representation	28 7 11
17	Robert	Representation	28 7 11
18	D Shakeshaft	Representation	28 7 11
19	Applicant	E mail	29 7 11
20	M Abbott	Representation	29 7 11
21	Mr & Mrs Smith	Representation	27 7 11
22	Mr & Mrs Crockett	Representation	14 8 11
23	J Allton	Representation	29 7 11
24	J Miles	Representation	01 8 11
25	Mr & Mrs G Matthews	Representation	29 7 11
26	J Owen	Representation	31 7 11
27	R Cox	Representation	31 7 11
28	D Norman	Representation	31 7 11
29	M Edge	Representation	31 7 11
30	R Edge	Representation	31 7 11
31	C Holloway	Representation	31 7 11
32	Mr & Mrs J Tipper	Representation	31 7 11
33	S Jones	Representation	30 7 11
34	H Owen	Representation	30 7 11

35	Warwickshire County Council Highways Authority	Consultation Reply	29 7 11
36	G Reading	Representation	30 7 11
37	Mr & Mrs G Matthews	Representation	1 8 11
38	C Cotterill	Representation	1 8 11
39	B Taylor	Representation	30 7 11
40	G Taylor	Representation	30 7 11
41	R & J Simpson	Representation	1 8 11
42	Owner/occupier Laburnum	Representation	2 8 11
43	S Saunders	Representation	30 7 11
44	M Mosley	Representation	1 8 11
45	M Allsopp	Representation	29 7 11
46	J Walsh	Representation	29 7 11
47	L Horobin	Representation	30 7 11
48	M Abbott	Representation	1 8 11
49	J Humphries	Representation	1 8 11
50	A Allsopp	Representation	2 8 11
51	D Felix	Representation	2 8 11
52	R Hawkins	Representation	2 8 11
53	Pool Cottage	Representation	4 8 11
54	P Wilson	Representation	18 8 11
55	Newton Regis Parish Council	Representation	29 7 11
56	Environmental Health Officer	E mail	12 8 11
57	M Abbott	Representation	27 8 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.*



### **(3) General Development Applications**

**PAP/2011/0340 and 0342**

**Shustoke House Barns, Coleshill Road, Shustoke**

**Planning and Listed Building applications for the change of use, alteration and extension of redundant farm buildings for use as a wedding/occasions venue, including alterations to highway access, access drive and creation of car parking for the**

**Merevale and Blyth Estates**

#### **Introduction**

This proposal is referred to the Board at the discretion of the Head of Development Control because of its unusual nature and the fact it involves proposals for the re-use of a significant range of Listed Buildings within the Green Belt.

Members will have received an initial report introducing the proposals at the last Board meeting and this is reproduced here for information as Appendix A. The Board is referred to that report in respect of its outline of the planning policies of the Development Plan relevant to its decision, and to the other material planning considerations which need to be considered.

A visit has been made to the site.

This report will outline the responses received from the various consultations before commencing on an assessment of the proposals.

#### **Additional Considerations**

Since the receipt of these applications, the Government has published its draft National Planning Policy Framework (NPPF) for consultation purposes. This should be treated as an additional material planning consideration, and the weight that it should be given will be explored in the assessment of the proposals below.

#### **Consultations**

Warwickshire County Council as Highway Authority – Initially lodged an objection based on concerns about the visibility at the access onto the main road; the reduction in width of the access road as it comes off that junction, the visibility of the junction itself to visitors, and the capacity of the car parking provision. These concerns have been answered through the submission of amended plans. The Highway Authority has therefore withdrawn its objection and now requires standard conditions to be applied to the grant of any planning permission.

Environment Agency – No comments received.

Environmental Health Officer – No objection in principle. However a residential property (the former farmhouse) is immediately adjacent to the buildings and could suffer from adverse noise impacts. The nearest other residential properties are 250

metres away and are unlikely to suffer adverse noise impacts, but conditions should be considered in order to protect them from such a possibility.

Warwickshire Museum – There is no objection subject to a condition requiring archaeological investigations prior to work commencing.

Severn Trent Water Ltd – No objection.

English Heritage – The application should be dealt with locally

Conservation and Heritage Officer – In the main, changes proposed to accommodate the new use appear sympathetic to the listed buildings. However details will need to be conditioned. The new extension is satisfactory in terms of its siting and scale and some details will need to be conditioned. The car parking is extensive and needs to be kept to the minimum and as far away as is reasonable given the potential impact on the setting of the group of listed buildings.

## **Representations**

Shustoke Parish Council – No comments received

Coleshill Civic Society – The Society has no objection in principle to the scheme.

## **Observations**

### **a) The Main Issues**

The site lies within the Green Belt, and thus there is a presumption against the grant of planning permission for inappropriate development proposals. The re-use of rural buildings however need not necessarily be inappropriate subject to a number of conditions set out in both Government guidance and Development Plan policy. The Board will need to explore these conditions in respect of the current proposals.

The site is also outside of any settlement defined by the North Warwickshire Local Plan and thus is in an unsustainable location by definition. The approach of the Local Plan is to direct uses and activities as proposed here, to the Borough's main settlements where there is already a range of transport facilities available and where existing businesses and uses could benefit directly from increased footfall or associated trade. The Board will need to consider whether there are planning considerations here that might outweigh this approach.

Moreover in this case, the proposals involve the re-use of Listed Buildings. The preferred use of such buildings is always to retain them in their original use. If this is not viable, then the proposals should have the least possible intervention or impact on the particular attributes and character of the buildings, such that the heritage significance of the building is not lost or reduced. The Board will have to determine what the heritage significance of this group of buildings is, and then explore whether the proposals would retain that significance without substantive intervention.

The conclusions from these three issues will then have to be brought together in order to consider whether they individually or cumulatively could lead to support being given to the proposals or not. Other matters – such as highway, traffic and ecological issues will also need to play a role in this final assessment.

## **b) The Green Belt**

There is a presumption against the grant of planning permission for inappropriate development in the Green Belt. However the re-use of rural buildings need not necessarily be inappropriate. Government guidance in its PPG2 says that, "With suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there". It continues, "The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction". Four safe-guards are then identified.

- (a) There is materially no greater impact than the present use on the openness of the Green Belt.
- (b) Strict control is exercised over the extension of re-used buildings and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt - eg car parking.
- (c) The buildings are capable of permanent and substantial construction and are capable of conversion without major or complete reconstruction.
- (d) The form, bulk and general design of the buildings are in keeping with their surroundings.

It is necessary to examine the proposals against these four safe-guards, and these will be looked at in reverse order.

In respect of the last, it is considered that as the buildings are included in the List of Buildings of Special Architectural or Historic Interest, then the presumption is that they should be retained for their intrinsic architectural historic value. They certainly make up an imposing range of buildings and are wholly in keeping with the agricultural setting of their surroundings. Structural reports as well the expertise of the Council's Heritage Officer confirms that the main range of buildings here is structurally sound and that overall the proposed works would meet the conditions set out in the third of the safeguards mentioned above.

Controls can be applied to restrict further extension and alteration to the buildings either, because these are Listed Buildings through normal Listed Building procedures, or through the imposition of conditions. These conditions can prevent further alterations to the internal and external elevations without reference to the Council, and can reserve further developments for control too – particularly if that might involve overflow car parking areas.

The key safeguard as set out above is the first – namely that the proposed use should have no greater impact on the openness of the Green Belt than the existing. Here there are three elements that need to be examined – the extension; the car parking arrangements and finally the proposed improvements to the access and drive. The bulk of the proposed use is taking place within the existing built form, thus not necessitating in a need for substantial new building. The proposed extension however will impact on openness as a direct result of it being for new additional floor space. It is considered that this impact must therefore be negative, but that it is not of great weight. This is because the extension is to be located "inside" the existing complex of buildings, within the original farm yard, and because the retained buildings are much larger in footprint; more "massive", and particularly they are much taller than the scale of the extension. As a consequence the extension would only be visible from within the site itself and not from outside or indeed from the surrounding road network. The proposed car parking arrangements do have an impact on the

openness of the Green Belt. They are all outside of the main range of buildings located in an area of current open farmland. In an attempt to “landscape” the area, new bunds are to be added, and the car park size would be split into a number of different “cells” in an attempt to minimise its visual impact. However worthy the attempt is to lessen the visual impact, there will always be an adverse impact on the openness of the Green Belt here because of the introduction of all of these engineering works and the parking of a significant number of cars. This impact is thus negative and it carries weight. The works to improve the drive, indeed to provide a properly made up access route to the barns are unlikely to have a material impact on openness because they are only surface works. However the improvements to the access will certainly involve new engineering works that will change the appearance of the site. As such there will be an impact on openness because of the widening of the access; its hard surfacing over its initial length, new gates and a new security barrier. This can be mitigated through good design, controlled by planning condition, but nevertheless there will be a loss of openness because of the physical change in the character of the area. These changes will be adverse and carry some weight. As a consequence and taking all of the matters together it is considered that overall there will be an adverse impact on the openness of the Green Belt and that this impact will be of some weight. As such the proposal would not fully meet the condition set out in the first of the safeguards referred to in national planning guidance, and the proposal therefore constitutes inappropriate development in the Green Belt.

The presumption is thus that planning permission should be refused. However before that presumption is realised, it is necessary to see whether there are any material planning considerations either individually or cumulatively, which could be considered to have sufficient weight to amount to the “very special circumstances” which could lead to this presumption being overridden.

This report will continue by exploring the other two main issues as set out above to see if there is such weight arising from the planning considerations that they raise.

### **c) Sustainability**

There are several elements to this issue. Firstly, the Board needs to examine whether the proposal accords with the Development Plan’s Core Policy of development distribution (Core Policy 2); secondly whether it accords with its Development Plan policy which specifically addresses the re-use of rural buildings (Policy ECON9) and then finally look to see whether the proposal accords with the Development Plan policy on economic development (Core Policy 1) and as it may also satisfy any of the objectives of Government Planning Policy in respect of economic development (PPS’s 1 and 4).

The proposal does not accord with Core Policy 2 because the proposed use is one that should be directed to and be more appropriately located within a settlement. It is not one that has to have a rural location. As such this weighs heavily against support for the proposal.

However, the Local Plan also contains a policy that is directly relevant to the proposal – Policy ECON9 on the re-use of rural buildings. The policy concentrates first on the location and character of the rural building in question. If all of the pre-conditions set out can be satisfied, then there should be no objection in principle to a re-use of the building, and thus the nature of the proposed use can then be looked at

in more detail. If the pre-conditions are not met, then there remains an objection in principle. So as to align with the general approach of Core Policy 2, the first three pre-conditions set out in the first part of ECON9, attempt to establish whether the rural building is readily accessible by a variety of different modes of transport, and if it is in a “fit” condition to be re-used - this latter point reflecting some of the safeguards set out in PPG2. Whilst the buildings here are considered to be “fit” for re-use, the location is not readily accessible or conveniently accessible by a range of different travel modes. It is some distance from any village or larger settlement and there is a very infrequent ‘bus service but with no convenient ‘bus stop. As a consequence the proposal does not meet the full extent of these pre-conditions, and this would add weight to a refusal under Core Policy 2, as set out above. However and significantly, there is a fourth pre-condition which stands alone from the previous three. This says that irrespective of the first three pre-conditions, the re-use of an existing rural building will be permitted if, “the adaptation and re-use is the only means of preventing the loss or deterioration of a Listed Building, or of a building that makes an essential contribution to the group value of listed buildings and their setting”. It is considered that the proposal here could very well satisfy this pre-condition. The whole group of buildings here are listed; they have a substantial presence as a group in the landscape, they have a significant historic link to a now lost former building, and they reflect a particular historic character. The key part of the pre-condition is to assess whether this proposal is the only means of preventing their loss or further deterioration. It is known that the buildings have been unused for a substantial time and that they do not meet modern specifications for re-use as agricultural buildings. As a consequence a new use is probably essential if they are to be retained as they are and thus maintain their heritage status. The structural conditions report and the heritage assessment both conclude that this group of buildings is still in a condition where, if a new use can be found, then they should be able to be retained without significant intervention. The longer the situation remains unresolved then the greater the degree of subsequent intervention and rebuilding. It is therefore considered that in these circumstances, the proposal does accord with the stand-alone pre-condition set out in ECON9 relating to Listed Buildings, and therefore, that a re-use of these buildings is acceptable in principle. This is significant, as it clearly balances the negative conclusion arising from consideration of the proposal against Core Policy 2.

Core Policy 1 supports the economic and social regeneration of the Borough, primarily seeking to ensure that its residents benefit from new employment, housing and community facilities. In general terms PPS1 says that the effective protection of the environment and maintaining high and stable levels of economic growth and development should be pursued in an integrated way. In PPS4 it explicitly says that support should be given to, “the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns and villages) for economic development.” In more general terms, the presumption in favour of economic development is reflected in the Government’s very recent “Plan for Growth” statement, as well as its “Presumption in favour of Sustainable Development”. As a consequence of all these considerations, which do carry weight, it is considered that the conclusion as initially put forward in respect of assessing the proposals under Core Policy 2, will now be far more finely balanced.

Given the conclusion that the relevant pre-condition of saved Policy ECON9 is met, and that as such, this largely balances the adverse conclusion in respect of saved Core Policy 2, it is considered appropriate to now look at the nature of the new use for the buildings, to see if it is one that meets the terms of the remainder of saved

Policy ECON9. This part of the Policy sets out a sequential test, or in other words, a list of preferential uses. The preferred new uses are those that meet economic objectives, thus reflecting the overall approach as set out in PPS4 and more recently in the 2011 Statements. Clearly here the new use is one that meets the economic objective – it provides an income for the Estate as part of a farm diversification programme; it will provide local employment opportunities, and it will assist other small local businesses – eg. taxi firms, florists and caterers.

In conclusion therefore in respect of the sustainability issue, it is considered that whilst the location of the site is not “sustainable”, this is of limited impact as the site is not in a wholly isolated location, and that other economic and heritage benefits significantly outweigh this particular dis-benefit.

#### **d) The Heritage Asset**

Development Plan policy ENV16 states that there is a presumption in favour of preserving Listed Buildings. In order to assess how proposals might affect Listed Buildings, and thus whether they do actually “preserve” the asset, PPS5 states that it is important to first understand what the significance of the asset actually is, its particular historic and architectural characteristics and attributes, and the likely harm of the proposals on that significance and its attendant characteristics.

There are two elements to the heritage significance of these buildings. The first is the historic connection to the former Shustoke House and its estate established by the Croxall family in the late 17<sup>th</sup> and early 18<sup>th</sup> Centuries. This brought about a change in the rural landscape towards the enclosure of large areas as individual farmsteads. These farms introduced new agricultural methods and the concept of “model” farms. The small country house and model farmstead is typical of this period. Whilst the house has now disappeared, the model farm buildings remain here as an example of this type of agricultural enterprise. The second element follows on from this in that the original character, appearance and construction of this type of agricultural building remains largely intact in this group. Most noticeable are the significant two large threshing barns with their roof structure and internal “cathedral” like open space unaltered. There has been some deterioration in the lesser buildings but these do remain, as does the outer “fold” wall. The whole existing group therefore preserves the original buildings in terms of layout, massing, built form and appearance. In overall terms therefore the group represents a fine intact and unaltered example of agricultural buildings typical of this age.

In general terms it is considered that overall, the proposals put forward in order to accommodate the new use, respect this significance, and the degree of intervention and alteration is not substantial. There are five key areas to explore – the new extension; the introduction of a new floor in the West threshing barn, the alterations to the external elevations, the scope of repairs and the introduction of modern infrastructure. The new extension is located such that it retains the original fold wall behind it; does not hide or cover the significant south facing extension of the main threshing barn on the site and is low, narrow and of simple design thus not detracting from the overall massing of the original barns. It is not considered as a consequence to adversely affect the setting of the group of the original buildings. There are no significant new openings, modifications or changes to the external appearance of the original barns, such that their agricultural character is adversely altered. In general terms the identification of repairs is limited to what would be expected given that there has been maintenance of the buildings; there is nothing unusual identified here and neither are the repairs of such a scale to change the character and appearance

of the barns. Conditions can be imposed to control the actual repair specifications and for the introduction of modern infrastructure. The introduction of a partial first floor into the west threshing barn is perhaps the most controversial element. This would not be expected in such a group of barns and must therefore be considered to be harmful to their particular agricultural character. The issue is whether it is substantially harmful enough to warrant a refusal reason. It is considered probably not, because it should be seen in the overall context of the proposal as a whole. Given that no other use is likely; that alternative uses may well involve greater degrees of intervention through the division of the internal spaces, and that the Heritage Officer has not objected, it is considered that, whilst the intervention is harmful, it is not fatal to the scheme.

As a consequence of this assessment, it is considered that the proposals do retain and preserve the significance of this heritage asset, with interventions kept to a minimum and which are sensitive to the particular architectural and historic characteristics of the whole group. Much of this is due to the fact that the use itself is one that naturally needs or requires convenient large open spaces, and thus it particularly lends itself to this type of building. Alternative uses would be more likely to require division of the internal spaces either vertically or horizontally, together with additional openings in exterior walls. The current proposals therefore do accord with Development Plan policy and this conclusion will carry substantial weight in the overall assessment of the application.

#### **e) Initial Conclusion**

Looking at these main issues therefore, it is concluded firstly that the proposal is inappropriate development in the Green Belt because there would be an adverse impact on the openness of the Green Belt through the engineering works associated with the access and the car parking provision. Secondly, whilst the site is in a generally unsustainable location, that is not in itself so harmful given the significant economic benefits that would accrue. Finally, there is a significant heritage benefit to the proposal in the retention and re-use of this group of listed buildings. As a consequence it is considered that the economic and heritage benefits here do amount to the very special circumstances to outweigh the harm done to the Green Belt through the adverse impacts on openness. It will be important to ensure that the design of the access and the car parking provision limits these adverse impacts as far as is practicable.

Earlier in this report, it was pointed out to the Board that the Government has now published its draft National Planning Policy Framework (NPPF) for consultation purposes. This would replace all existing national planning policy and guidance in the current PPS's and PPG's. The draft NPPF should be taken as a material consideration, but it will not carry the full weight of policy as it is still out to consultation. In the case at hand, it is considered that the draft NPPF would support this proposal in general terms. Its general approach is to support growth through economic development provided that it has no harmful impact. As outlined in the paragraph above, the initial conclusion from assessing the Development Plan and current Government Planning Policy is that the development proposed can be supported. As a consequence there is no conflict here with the draft NPPF.

## **f) Other Material Considerations**

The Highway Authority no longer objects to the improvements to be made to the existing access onto the Coleshill Road. The amended plans showing revised access geometry are acceptable and it is worthwhile noting that there is the added benefit that no lengths of existing hedgerow will need to be removed. The car parking requirement is still an issue, but the Highway Authority acknowledges that should this be insufficient, then additional overflow space can readily be accommodated on the land. It also accepts that there is little likelihood of public transport being used as the main mode of access to and from the site, or that the use would be likely to generate group travel on any significant scale. As such the approach adopted by the draft travel plan of securing shared travel by employees and encouraging reliance on local taxi and car hire firms for visitors is the right one.

The ecology report concludes that the ornithological impact will not be great apart from on barn owls, whose roosts were found. A further more detailed survey will be required but it is considered that the opportunity for mitigation through nesting boxes in and around the site would be necessary, and that this should be adopted for other birds as well. There was no record of any amphibians or reptiles on the site and it was concluded that the existing habitats here were unlikely to warrant further survey work. On the other hand the buildings have high potential for bat roosts and evidence of three different species was found. More survey work will be needed and further discussion with Natural England will be required as mitigation measures would undoubtedly be needed if Natural England licensed the removal of existing roosts.

Environmental Health Officers have no objection in principle subject to conditions.

It is not considered that these considerations outweigh the initial conclusions outlined above and thus the recommendation is made accordingly.

## **Recommendations**

### **A) PAP/ 2011/0340**

That planning permission be granted subject to the following conditions:

#### **Time Period**

- i) The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

#### **The Scope of the Planning Permission**

- ii) The development hereby approved shall not be carried out otherwise than in accordance with the plan numbers 1012/01;03, 04, 06, 08 and 09 received by the Local Planning Authority on 28 June 2011 and the plan numbers 1012/02A, 05B and 07B received on 1 September 2011. .

- Reason: To ensure that the development is carried out strictly in accordance with the approved plans
- iii) Notwithstanding the provisions of Class D2 of the Town and Country Planning (Use Classes) Order 1987, as amended, or as may be varied through any subsequent or future amendment, the development hereby permitted shall not be used for any purpose other than as a wedding venue, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In order to ensure that the development is carried out strictly in accordance with the approved plans in view of the potential adverse impacts that could arise as a consequence of the introduction of other uses.
- iv) There shall be no residential use made of any of the buildings covered by the scope of this planning permission and as included within the red line application site shown on plan number 1012/01 received on 28 June 2011, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In order to restrict inappropriate development in the Green Belt in accord with Development Plan policy and Government Planning Guidance in PPG2.
- v) For the avoidance of doubt there shall be no enlargement, improvement or other alteration made to any of the buildings hereby approved, or any addition or alteration to any roof of these buildings, unless details have first been submitted to and approved in writing by the Local Planning Authority.  
Reason: In order to restrict inappropriate development in the Green Belt and in order to retain the significance of the status and setting of the buildings as Listed Buildings.

**Prior to ANY work commencing on the site**

- vi) No development whatsoever shall take place on the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.  
Reason: In order to understand and record the archaeological interest of the site.
- vii) The results arising from the investigation as required under condition (vi) above, shall be made available to the Local Planning Authority following completion of that investigation.  
Reason: In order to understand and record the archaeological interest of the site.
- viii) No work whatsoever shall take place on site until such time as full surveys have been undertaken to record the presence of bats and owls within the buildings. The surveys shall be submitted to the Local Planning Authority together with recommendations for mitigation measures proportionate with the survey results. The measures as approved in writing by the Local Planning Authority shall then be implemented in full.  
Reason: In order to protect, retain and enhance the bio-diversity of the area by taking account of the presence of protected and other species.
- ix) No work whatsoever shall take place on site until such time as a full structural survey of each building has first been undertaken and submitted to the Local Planning Authority. The Cattle Byre and Pig Sty buildings shall be treated as priorities in this survey work. The submission shall include recommendations for repair work together with a schedule of repairs and their specification for each building, proportionate to the survey findings.

Reason: In order to provide professional evidence to support the scope and specification of repair work in view of the significance of the buildings as Listed Buildings with substantial group value.

- x) No work whatsoever shall take place on site until such time as a full assessment of existing damp penetration of all of the existing buildings has been undertaken and submitted to the Local Planning Authority. The assessment shall include recommendations for the treatment of damp penetration into each building proportionate to the use to be made of that building and to the findings from the assessment.

Reason: In order to provide professional evidence to support the scope and specification of damp treatment work in view of the significance of the buildings as Listed Buildings.

- xi) No work whatsoever shall take place on site until such time as a phasing programme has been prepared and submitted to the Local Planning Authority in writing. This programme shall include the proposed phasing of repairs to each building; the programme for conversion of each building, the timing of the construction of the new extension, the provision of the access arrangements and car parking provision. The reasons for the programme shall be made explicit including reference to the survey findings and to the recommendations proposed, consequent to the surveys concluded under conditions (ix) and (x) above. The phasing of the development shall proceed in accordance with the programme as may be agreed in writing by the Local Planning Authority.

Reason: In order to ensure a proportionate implementation of the development

#### **Prior to ANY work commencing on each of the existing buildings**

- xii) No work whatsoever shall commence on any individual building until such time as a repairs schedule and specification, together with a specification for the treatment of damp for that building, has first been agreed in writing by the Local Planning Authority. These shall be based on the evidence submitted under conditions (ix) and (x) above. Only those works within the approved schedule and specifications shall then be implemented on site.

Reason: In the interests of preserving and enhancing the significance of the buildings as Listed Buildings

- xiii) No work shall commence on the conversion of any individual building until such time as the following details relevant to that building, have been submitted to and approved in writing by the Local Planning Authority:

- >wall and roof insulation
- >rainwater goods
- >staircase details
- >external vents and pipes
- >inserted floors and balustrades
- >floor treatment
- >internal joinery
- >external joinery
- >treatment of the ventilation slits
- >heating and other utility services
- >external lighting
- >brick bond and mortar colour

Only the approved detail shall then be implemented.

Reason: In the interests of preserving and enhancing the significance of the buildings given their status as Listed Buildings.

- xiv) All external joinery for all of the buildings on the site shall be painted in a colour to be first agreed in writing with the Local Planning Authority and specifically the joinery shall not be stained.  
Reason: In the interests of preserving and enhancing the significance of the buildings given their status as Listed Buildings.
- xv) For the avoidance of doubt there shall be no brick cleaning of any existing building unless agreed in writing by the Local Planning Authority.  
Reason: In the interests of preserving and enhancing the significance of the buildings given their status as Listed Buildings.
- xvi) For the avoidance of doubt, details of brick bonds and mortar colours as required under condition (xiii) above should be provided through trial panels on the site itself.  
Reason: In order to secure the best match given the significance of the buildings.
- xvii) The concrete tiles on the roof slope of the north barn shall be replaced at a time to be agreed in writing by the Local Planning Authority and with a replacement tile which has first been agreed in writing by the Local Planning Authority.  
Reason: In order to enhance the significance of the building as a Listed Building.

#### **Prior to ANY works commencing on the new extension**

- xviii) No work shall commence on the new extension hereby permitted until such time as the following details have first been submitted to and approved in writing by the Local Planning Authority.
- >all facing materials
  - >brick bond and mortar colour
  - >rainwater goods
  - >the glazed link
  - >external lighting

Only the approved detail shall then be implemented on site

Reasons: In order to ensure that the detail preserves and enhances this group of Listed Buildings.

- xix) All external joinery for the new extension shall be painted in a colour to be first agreed in writing by the Local Planning Authority, and specifically the joinery shall not be stained.  
Reason: In order to ensure that the detail preserves and enhances this group of Listed Buildings.

#### **Prior to ANY works commencing on the access and the parking areas**

- xx) No work whatsoever shall commence on the access arrangements with the main road until such time as details of the access gates; any fences and walls, the security barrier, lighting and signage together with details of the surfacing, drainage and levels of the access works have first been

submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented.

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

- xxi) No development whatsoever shall commence on the access road leading from the road to the barns, or any the car parking areas until such time as details of the hard surfaces and drainage arrangements for the road and for each area including the internal courtyard, the rumble strips, earth bunding, lighting and landscaping have all first been submitted to and approved in writing. Only the approved details shall then be implemented.

Reason: In the interests of the visual amenities of this rural area, and so as not to adversely affect the setting of this group of Listed Buildings.

- xxii) For the avoidance of doubt the access to the site shall:
- be in the location as shown on the approved plan
  - Have 10 metre kerbed radius turnouts on each side
  - Shall not reduce the effective capacity of any drain or ditch within the limits of the public highway
  - Shall have a width of not less than 5 metres and no greater than 6.5 metres for a distance of 20 metres into the site as measured from the near edge of the public highway
  - Have no gate across its width within 20 metres of the near edge of the public highway
  - Shall have a visibility splay measuring 2.4 by 180 metres to the west and 2.4 by 170 metres to the east as measured from the near edge of the public highway
  - Shall have incorporated measures to reduce the spread of extraneous material onto the public highway by vehicles using the site.

Reason: In the interests of highway safety

### **Requirements BEFORE first occupation for business purposes**

- xxiii) There shall be no occupation of any of the buildings hereby approved for business purposes until such time as the following have all been implemented in full to the written satisfaction of the Local Planning Authority.

- implementation of access arrangements as shown on the approved plans, together with the full details as approved under conditions (xx), (xxi) and (xxii) above;
- implementation of the full repairs schedule, together with the damp treatment agreed under condition (xii) above, relevant to each building as and when it is brought into business use,
- implementation of the bat and owl mitigation measures as agreed under condition (viii) above,
- the deposit of the archaeological record as required by condition (vii) above, and.
- the fire fighting measures as agreed under condition (xxvi).

Reason: In order to ensure that the development, when operational, has no adverse impact.

- xxiv) There shall be no occupation of any of the buildings hereby approved for business purposes until such time as a Travel Plan, based on that

submitted in draft on 28 June 2011, has been submitted to and approved in writing by the Local Planning Authority. The Plan, once approved shall be complied with at all times, and a twelve month monitoring report shall be made available to the Local Planning Authority throughout the operational period of the Plan. This report shall include recommendations if appropriate for amendments to the Plan in order to meet its objectives. The Authority may amend the Plan on the basis of these recommendations. If this is the case, then the Plan shall remain in force but with those amendments in place.

Reason: In order to reduce the use of the private car so as to make the development more sustainable.

### **General Conditions**

- xxv) Within six months of the date of this permission, full details shall be submitted of the landscaping to be provided throughout the site, together with full details of measures to enhance bio-diversity throughout the site, shall be submitted to the Local Planning Authority. Once agreed in writing, these details and measures shall then be implemented in accordance with a programme that itself shall have been agreed in writing by the Local Planning Authority.

Reason: In the interests of enhancing the landscape value and bio-diversity value of this site within a rural area.

- xxvi) Within six months of the date of this permission, details relating to the provision of fire fighting equipment and measures relevant to the use hereby permitted shall be submitted to the Local Planning Authority. The measures as may be approved by the Authority in writing shall then be implemented in full.

Reason: In the interests of the safety of the site.

- xxvii) Within twelve months of the occupation of the site for business purposes, a noise assessment report shall be submitted to the Local Planning Authority providing information, to be agreed in advance with the Authority, which provides evidence on the level of noise emissions arising from the business operations.

Reason: In the interests of reducing the risk of noise pollution.

- xxviii) No structure, tree or shrub shall be erected, planted or retained within the visibility splays outlined in condition (xxii) above, exceeding 0.6 metres above the level of the public highway carriageway.

Reason: In the interests of highway safety.

- xxix) There shall be no outside storage of any plant, equipment or materials anywhere within the site unless expressly agreed in writing by the Local Planning Authority.

Reason: In order to protect the openness of the Green Belt hereabouts.

#### **Notes:**

- i) Policies as set out in this report and Appendix A
- ii) Coal Authority Standing Advice
- iii) The applicant's attention is drawn to Section 163 of the Highways Act 1980 in respect of surface water draining or flowing onto the public highway.
- iv) Conditions attached require work within the limits of the highway. Before commencement, contact should be made with the Development Group at Warwickshire County Council, Communities Directorate, Shire Hall,

- Warwick, CV34 4SX, in order to secure the appropriate Agreements under Section 184 of the Highways Act 1980.
- v) Attention too is drawn to the Traffic Management Act 2004 and the New Roads and Street Works Act 1981, together with the relevant Codes of Practice. Applications under this legislation should be sought from the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting less than 10 days, ten days notice will be required. For longer periods the three months notice is required.
  - vi) The attention of the applicant is drawn to the necessity to contact Natural England prior to any work being undertaken in order to assess the need for the appropriate Licences required in connection with both bats and owls, under the terms of the Countryside and Wildlife Act.

Justification:

Notwithstanding that the re-use of these Listed buildings would meet the majority of the conditions relating to new development in the Green Belt, the proposal is for inappropriate development in the Green Belt because there would be an adverse impact on the openness of the Green Belt through the new extension; the engineering works associated with the access and car parking provision. Moreover, the site is in an unsustainable location in open countryside. It is considered however that there are material planning considerations of such weight here that amount to the very special circumstances that override the presumption of refusal. These are the economic and heritage benefits which would accrue. Sufficient evidence has been submitted to warrant the re-use of these buildings without the proposals having substantial harm to the significance of their historic and architectural characteristics and attributes; to ensure their continued status as heritage assets, to support the local economy through the opportunities for local employment and to support for local small businesses and trades. There are no material adverse impacts in respect of highway issues, noise impact, ecological and bio-diversity interest, or from a drainage point of view. Conditions can be used to introduce measures to reduce the visual impact of the access and parking arrangements; to ensure traffic generation is kept to a minimum and to secure mitigation measures for protected species. As a consequence it is considered that the proposals accord with saved Core Policies CP1, CP2, CP3, CP11 and saved policies ENV2, ENV11, ENV13, ENV14, ENV16, ECON8, ECON9, TPT3 and TPT6 of the North Warwickshire Local Plan 2006, together with Government Policy and Guidance in PPS1, PPG2, PPS4, PPS5, PPS9 and PPG13, and the Government's Plan for Growth and its emerging National Planning Policy Framework.

**B) PAP/2011/0342**

That Listed Building Consent be granted subject to the following conditions:

- i) Standard Three year condition
- ii) Standard Plans condition as per number (ii) set out in 2011/0340
- iii) Conditions v), vi), vii), ix), x) xi), xii) xiii) xiv), xv) xvi), xvii), xviii) xix), xx) xxi) xxiii) and xxv) as set out in 2011/0340

Notes:

- i) The policies applicable are saved policies ENV13 and ENV16 of the North Warwickshire Local Plan 2006.

Justification:

The buildings are Grade 2 Listed Buildings. Their significance is as a fine intact and unaltered example of agricultural buildings typical of the late 17<sup>th</sup> and early 18<sup>th</sup> Centuries, preserving the original buildings in terms of layout, massing, built form and appearance. There is also a local historic family connection. The proposals preserve and enhance this significance with only minimal harm and intervention. The design of new features is appropriate and proportionate to the buildings and in order to facilitate the new use. It is considered that through conditions, further details can be controlled. The proposals are considered as a whole to accord with the requirements of saved policy ENV16 of the North Warwickshire Local Plan 2006 and also to the requirements of Government Policy in its PPS5 and emerging draft National Planning Policy Framework.

## BACKGROUND PAPERS

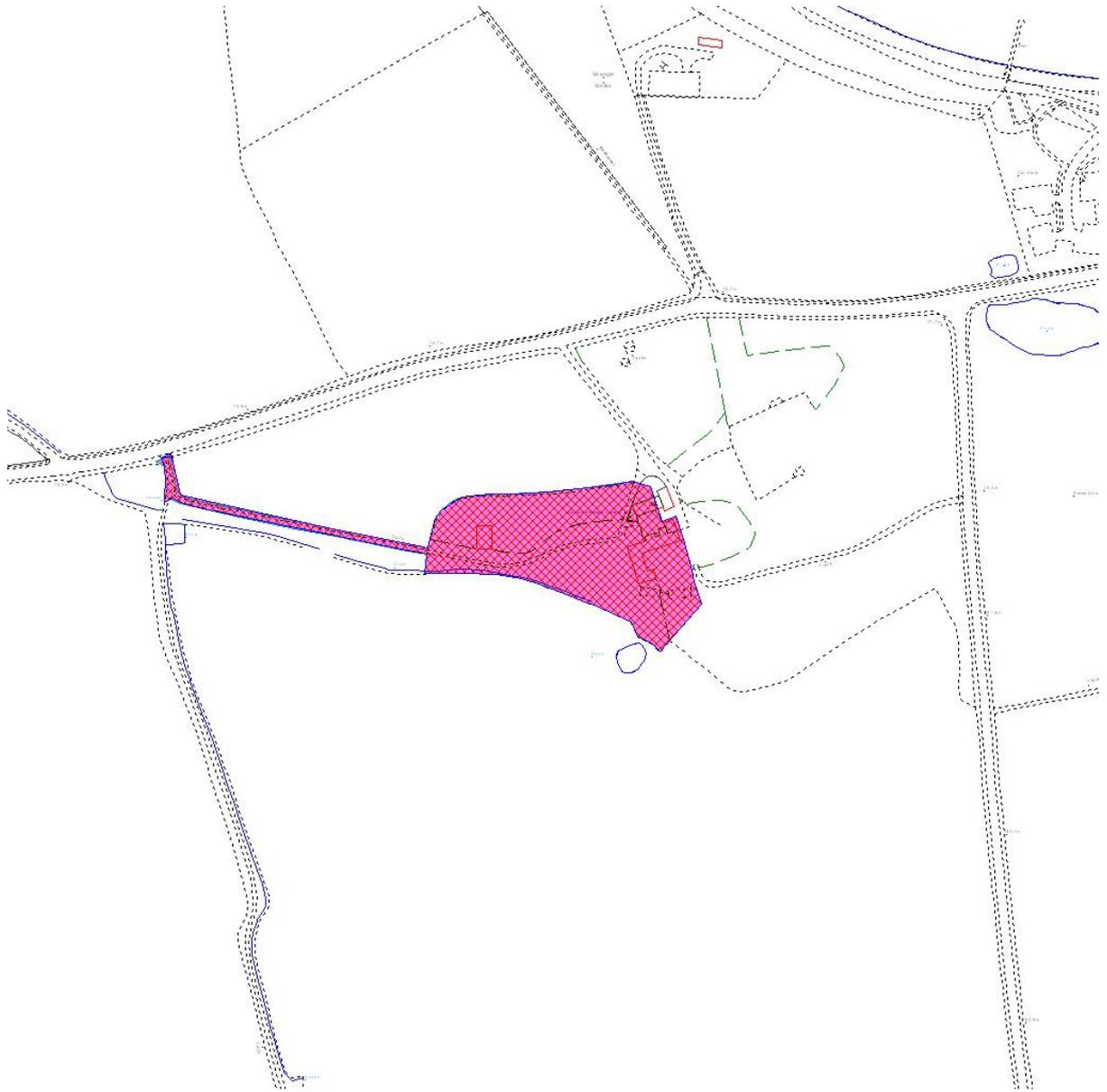
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

**Planning Application No: PAP/2011/0340 and PAP/2011/0342**

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms and Plans	28/6/11
2	EHO	Consultation	13/7/11
3	English Heritage	Consultation	20/7/11
4	Highway Authority	Objection	26/7/11
5	Severn Trent Water Limited	Consultation	25/7/11
6	EHO	Consultation	27/7/11
7	Heritage & Conservation Officer	Consultation	29/7/11
8	Coleshill Civic Society	Representation	5/8/11
9	Warwickshire Museum	Consultation	12/8/11
10	Head of DC	Letter	16/8/11
11	Agent	e-mail	19/8/11
12	Head of DC	e-mail	22/8/11
13	Highway Authority	Consultation	26/8/11

*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.*



2011/0342

**FB Architecture Ltd**

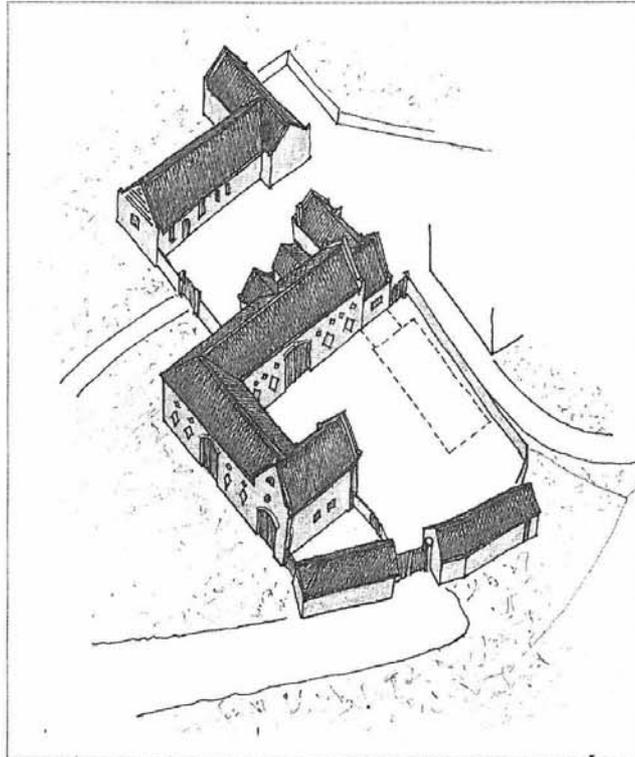
The Old Telephone Exchange, Gipsy Lane,  
Balsall Common, CV7 7FW, 01676 535 048



NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 28-JUN-11
PLANNING & DEVELOPMENT DIVISION

**Shustock House Farm Buildings  
Shustoke, Warwickshire.**

**HERITAGE STATEMENT**



### Introduction.

This document has been prepared as part of the planning application and listed building consent submission for the conversion and extension of Shustoke House Farm Buildings for the use as a Wedding venue.

These buildings are generally considered as a good surviving example of a model farmstead from around 1772 at the location of Shustoke House near to Shustoke village, Warwickshire. Unfortunately Shustoke House was demolished shortly after the Second World War with the farm and ancillary buildings being retained including one part now a dwelling often referred to as Shustoke House Cottage.

The dwelling is currently tenanted and is to remain unaffected by the proposed alterations so will not form part of this application. The remaining buildings are not in use as they are no longer required for the farming of the adjacent fields and are in varying states of decay.

The owners wished to find an appropriate use for the existing redundant buildings in order to secure their future but which would not have a significant impact on them as they are aware that they are a designated historical asset all being grade II listed included on three separate listings.

As described in PPS 5 Planning for the Historic Environment. Under Policy HE6.1 this document has been prepared to describe the significance of the heritage asset affected and the contribution of their setting to that significance. We consider the level of detail gone into is proportionate to the importance of the heritage asset and is sufficient to demonstrate the potential impact of the proposal on the significance of the heritage asset.

The second report has been prepared under Policy HE6.2 to include an assessment of the impact of the proposal on the Heritage Asset and an assessment of the restoration required.

There is no evidence to suggest that there is any archaeological interest,





## **HERITAGE STATEMENT**

### **IDENTIFYING THE SIGNIFICANCE OF THE HERITAGE ASSET AND THE CONTRIBUTION OF THEIR SETTING TO THAT SIGNIFICANCE**

This is a study of the historical development of the area which brought about the construction of the original house and farm buildings in the form they are with a description and where possible the order in which each element that make up the range of buildings was added.

The farm and ancillary buildings are covered by three separate grade II listings but part of their significance is in their grouping. Although there are many such farmsteads in this part of North Warwickshire many of which are listed this group is considered to be a good example of an early model farmstead which survives relatively unaltered by the changes in agricultural demands that have affected farm buildings over the years. We believe this is likely to have occurred due to the country farm estate being only used as a country residence following the death of the gentleman farmer Edward Croxall in the 1820's

### Shustoke and North Warwickshire.

Shustoke House is located on the western edge of the small village and parish of Shustoke in the north part of the county of Warwickshire in the Hemlingford Hundred located on the turnpike road from Coleshill to Atherstone.

Shustoke stretches about 3.5 miles from the hamlet of Shustoke Green to the parish church on the higher ground to the east and is about 1 mile north / south. It is an ancient village mentioned in the domesday survey '*Shustoke held as 4 hides in 1086 by sotus of Geoffrey de wirce*'.

It is surrounded by farm fields with a reservoir to the North formed in the 1870's by the construction of a dam across the valley.

This area of north Warwickshire has generally remained an unspoilt agricultural landscape with some rural industry and coal mining but is often over looked and over shadowed by Shakespeare's south Warwickshire. The local Market towns are Coleshill and Atherstone both of which have retained their character despite industrial expansion where as Nuneaton has expanded out of all proportion. The area did however become increasingly influenced by what has now become the West Midlands conurbation. This was a group of small country towns which expanded dramatically in the industrial revolution and beyond to the extent that they became merged into one massive built up region.

With the rise of the rural population and the rapid growth of towns particularly in the 17<sup>th</sup> and 18<sup>th</sup> century it was necessary to improve the production and supply of food beyond the local need and beyond the local market towns.

The transition of farming from the open field strips and common rights to the enclosure of larger areas into individual farms gave the opportunity for improved farming methods and experimentation which improved the harvest yield as well as increasing the wealth of the land owners. This set out the pattern of the countryside to what we generally recognize today as farmers needed to build new homes and buildings on their parcel of land especially when they were some distance from the home village. Over time the smaller holdings were swallowed up by the larger landowners who employed the unlanded locals to work on his land.

This re-structuring of the agricultural landscape increased during the latter part of the 18<sup>th</sup> century and during the first half of the 19<sup>th</sup> century created the need for and development of the farm stead. This was made possible with the high price for grain from the 1750's peaking at the Napoleonic War provided the finance to improve the farm buildings.

Large estates forming not only home farms developed as model farms but also set up outlying farmsteads for tenants to lease and wealthy smaller landowners would set themselves up with a small country house and model farmstead developed from scratch or in replacing older building groups. There was much discussion and published information on the requirements and innovations of farming of the day as well as the design and layout of the building required.

This period also coincided with the rise in popularity and relative low cost of the Warwickshire red bricks which took over from the traditional timber framing for

construction which had been the standard building material for centuries. Until then bricks like stone were an expensive luxury.

In the parish of Shustoke two families in particular had become important landowners, the Dugdale and Croxall's. They had accumulated, purchased and exchanged land to form estates and farms for themselves as well as for renting out.



#### Shustoke House and Farm

It is in this setting in the late 17<sup>th</sup> and 18<sup>th</sup> century that the Croxall family established Shustoke House and Farm. Not to be confused with Shustoke Hall which dates from about the same time Shustoke House is situated beyond the Shustoke village green area to the south of the turnpike road to Coleshill just past the left turn to Maxstoke castle.

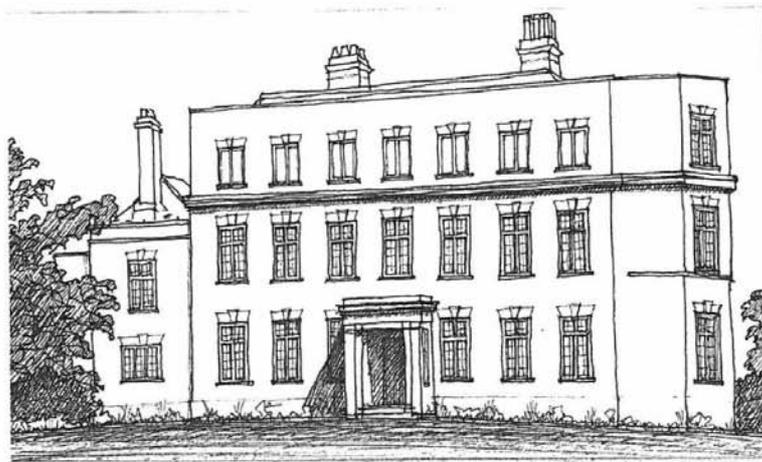
The family name of Croxall has been recorded in the village from 1567 and had effectively become squires of the village later recorded as being the second largest landowner in Shustoke with ties to estates in Aldridge as well as other areas. They were living at the 16<sup>th</sup> century old manor house on Shustoke Green when land was acquired in about 1685 with Shustoke House being constructed shortly after. The original house could be dated by a lead feature on a rainwater downpipe with the initials and date T &

KC 1696. These are the initials of Thomas and Katherine Croxall and they and their heirs owned the estate until the 1920's.

It is not clear if any farm buildings were built initially but it is likely that some were as the descendants of Thomas and Katherine Croxall's were gentleman farmers when the house was extended and later when the model farmstead was established.

In the middle of the 18<sup>th</sup> century that Thomas and Katherine's grandson Edward Croxall (senior) and his wife Eleanor effectively built a new house adjacent to the original house reducing it to a side wing. On the ordinance survey maps the original house is the square block to the east of the farm buildings with the later house further east again with a main entrance façade facing south. This is reminiscent of the nearby Blyth Hall built by Sir William Dugdale the 17<sup>th</sup> century historian which had a new main façade 1690 – 1700.

It is unfortunate that Shustoke House has not survived with the original house having been removed in the 1930's and after the new house was used as a billet during the second world war it was in such a state of disrepair that it was also demolished. We have not found any images of the original house but it can just be seen beside the new house in later photograph in the 1930's (as sketch below). This shows that the new house had an impressive brick façade with a central stone portico entrance with three sets of windows each side and one over the entrance. The upper second storey above a cornice detail is also brick with a row of smaller windows but this has possibly been altered over the years as it looks out of proportion to the overall façade in what looks like slightly different colour brickwork. It is likely that it originally looked more like Blyth Hall with the roof slope visible and three or five smaller dormer windows above a cornice eaves detail. The main windows would presumably have been sliding sash rather than the cross framed casement style indicated in the photograph giving it a 1930's look.



The House looks in good condition in the photograph although another photograph of about 1937 indicates the original house removed and a first floor window and surrounding brickwork missing.

It is believed that both Edward Croxall senior and his son Edward junior and his wife Avarilla Croxall were living at Shustoke House in the 1770's when the model farm buildings were planned and were built over the following years.

There is a reference to an Edward Croxall junior who had an apprentice Abraham Marlow for Husbandry (Farming) on 25<sup>th</sup> February 1788.

As noted earlier as wealthy landowners farming their own land and with the high price for grain from the 1750's onwards they could afford to replace their existing agricultural buildings with the most modern style of building to suit the established methods and innovations of farm buildings of the time to show off their status and maximize their efficiency and profit.

### **Farm Buildings.**

The farm buildings are set out to the west of the house with a driveway separating it from what was the original house. The original house and farm would probably have been more integrated but with the enlarging of the house to form a small but grand mansion the two would have been more separated. The drive to the house was off Castle Lane to the east with a farm track coming from the main turnpike road to the west which entered the farmstead through the brick piers and gateway to the south. There was a foot path across the field to the north which has become the current entrance drive which leads to the back of the farm buildings and also into the yard at the back of the original house.

The replacement of existing farm buildings or the creation of new model farmstead was planned in the 1770's some 20 or so years after the House was enlarged as the north barn has a keystone with a date of 1772. Sturdily built in red brickwork the farm buildings and curtain wall are set out in a courtyard to form a foldyard for animals with a coach house facing the side of the house and a separate stable and cottage building to the north. An indication of the size of the estate is the inclusion of two threshing barns with one to the North and one to the west sides of the courtyard to give shelter from colder weather with the cart / granary store on the end and the lower buildings to the south with the curtain wall to the east.

Each part of the range of buildings were designed for a particular purpose. The threshing barns store the harvest providing a floor and opposite large doors for threshing and for storing the straw. The valuable grain was stored in a first floor room over a cart store which had openings for access from inside the fold yard and to the outside but orientated to avoid direct sunlight. There is a shelter (byre) open to the fold yard for cattle the manure from which was an important part of the process to fertilize the fields. The other low building on the other side of the gateway is the range of pigsties. The stable for working horse or possibly oxen is outside of the foldyard attached to what is now the dwelling and which may have been labourers accommodation. A two storey coach house at the east end of the threshing barn faces where the house was and would not have been for farm use.

Although planned as a model farm it was not built up together as one development. The threshing barns and the granary/ cart store building has continuity with matching details particularly the brickwork and the gable parapet with its stone copings. They still appear

to have been built one after the other as the brick bonding changes and connecting internal walls appear to have been external walls. The two smaller buildings, the pigsty and cow shelter as well as the curtain wall appear to relate to the same period as the barns as they have similar brick and include elements of stone. It is likely that the coach house on the east side of the north barn and the separate stable building were built later presumably to replace older buildings as they share brick gable parapet details. This is also included on the alterations to the back of the north barn when the gabled entrance was either added or altered.

North Warwickshire has had the benefit of a mixture of building materials with clay for bricks and tiles, timber for frames and roof structure and stone for walls and roof tiles. Stone was used for complete buildings where stone was abundant or elsewhere for those who could afford it but more often it was used to define an important detail or building element. Lower status buildings would be timber framed with important buildings in brick or stone especially nearer the stone outcropped areas. As bricks became more fashionable and available they were used for new buildings often replacing older timber buildings until brick became the preferred material for all but the grandest buildings resulting in stronger more longer lasting structures.

The survival of the model farm buildings at Shustoke House is partly due to their robust materials and quality of construction but also to the fact that they have not been developed or adapted to accommodate the major agricultural changes from the mid 19<sup>th</sup> century to the present day. Unfortunately this appears to owe much to the demise of the Croxall's as a farming family in the 1830's only some 50 years after being built.

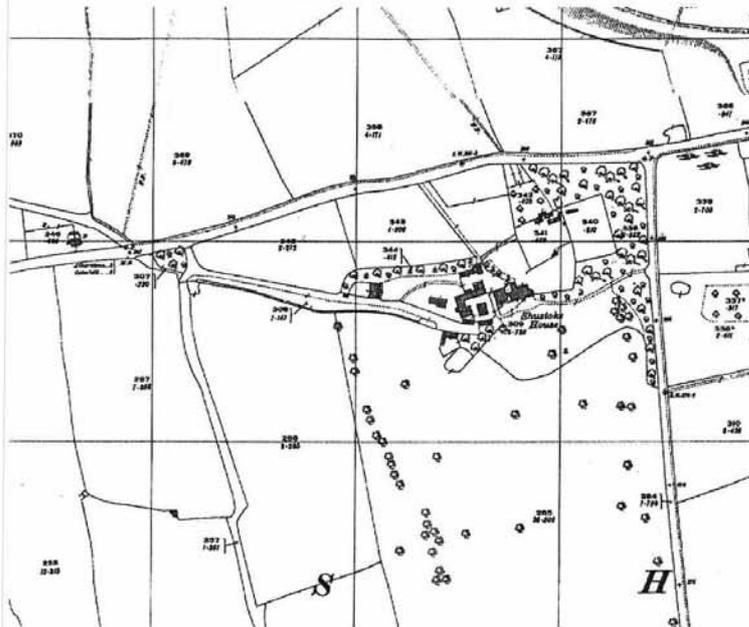
Edward Croxall (Junior) who followed on the farming from his father must have left the estate to his son also named Edward when he died in 1826. His son however died shortly after in 1827 which ended the line of Gentleman farmers leaving his widow Dorothy with no children of her own as the second largest landowner in Shustoke the extent of which can be seen on the tythe map of 1840's. The national census shows that she carried on living at Shustoke House but using it purely as a country residence looked after by her servants etc with no mention of any farmers or agricultural servants in residence on the premises or in close proximity. The farm buildings were either not in use, used as remote buildings for another estate farm or were rented out to a local farmer. The stables, cottage and coach house would have been retained for use with the main house.

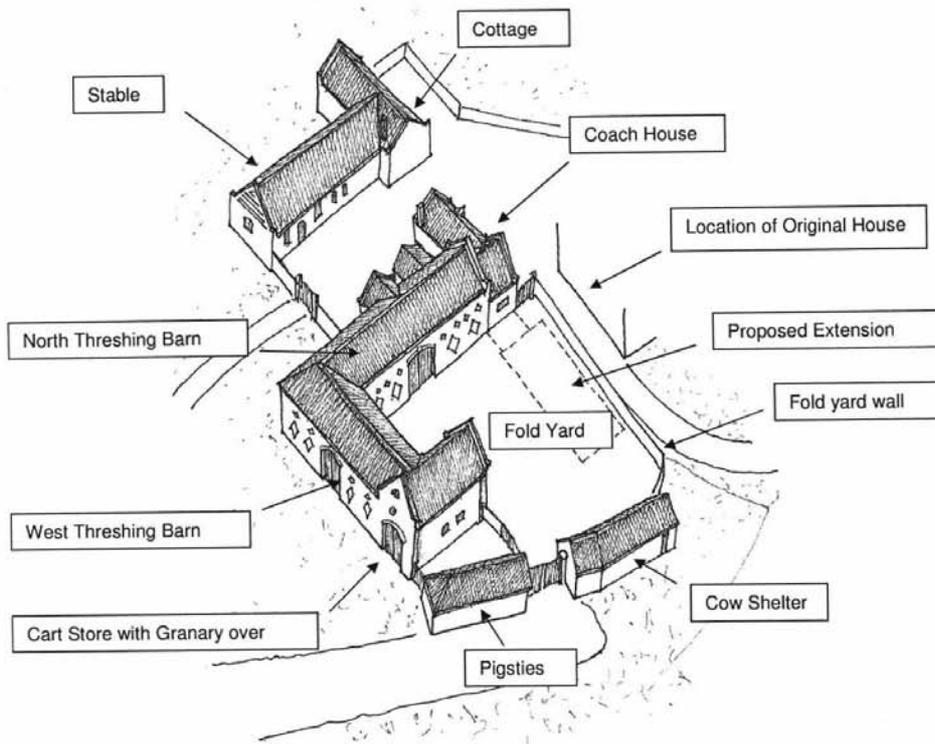
There are some alterations to indicate the farm buildings were in use by the end of the 19<sup>th</sup> century as additional buildings were added and alterations made. The use of west threshing barns changed with the introduction of a first floor at one end and the cart store openings were built up. A new building was built inside the foldyard together with a building or structure on the west face of the west barn and a Dutch barn etc to the west of the west barn but all these have since been removed. There is also a cart store building further away to the west which is still standing. Other alterations relate to the domestic use such as the extension to the coach house, the transformation of the coach house to take cars and the formation of the dwelling beside the stables.

With no children to inherit after her death Dorothy Croxall left the estate to her nephew Randall Francis Tongue, the son of her sister and brother in law who lived in Sutton Coldfield and who took the surname Croxall. Randall F T Croxall was not a farmer but

he lived at Shustoke House from the 1860's until his death in 1887 with his widow Sarah E J Croxall continuing to live there into the early years of the 20<sup>th</sup> century.

In the 1920's the estate was sold to W S Drydale a descendant of Sir William Dugdale the historian of Blyth Hall which is on the other side of the main road. The house had several tenants but it is not known if the farm buildings were let with the house or whether they were used separately. It was used as a billet during second world war so was either vacant, voluntarily used or was commandeered for war purposes as accommodation including prisoners of war. The house particularly suffered badly during this period and was in such a state after the war that it was taken down in 1947.

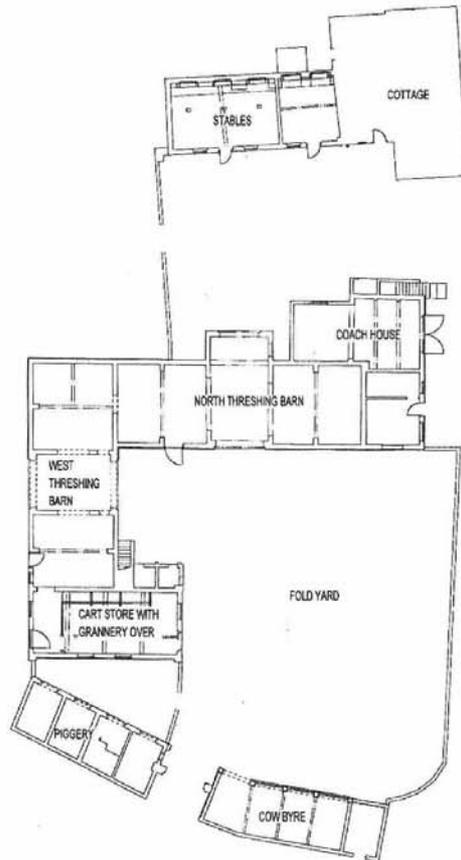




**SKETCH OF THE FARM BUILDINGS**

**A Description of the Farm Buildings.**

This is a description of each part of the surviving farm buildings with the exception of the Cottage which does not form part of this planning application.

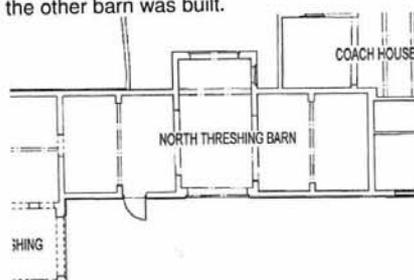


### Threshing barns.

There are two standard type threshing barns set at right angles to each other with one on the north side of the fold yard and the other to the west side. Evidence suggests that the north barn was the first to be built and was complete before the west barn was constructed.

#### The North Barn

The north barn is a standard high threshing barn with the central stone flag threshing floor with cross doors and storage on each side. Built in locally made rich red brickwork it has a three course dental corbel eaves detail typical of farm buildings and cottages of Warwickshire. The steep pitch roof has plane tiles with a parapet wall with stone capping and flattened ends. It is not known if this detail was added later or if the other end wall had a parapet before the other barn was built.



The walls each side of the threshing floor supports the roof purlins with a large central opening which goes up to form a pointed gothic arch in brickwork. These have unfortunately been widened at low level with a steel beam part the way up to allow greater access for tractors into the side bays. The large door to the fold yard is 3.5m wide but the outer door in the extended porch is only 2.83m. The storage areas are about the same size in width at 5.8m and 6.35 (east) and 6.55m (West) in length and each divided in two with brick piers and principle trusses supporting timber purlins.

The external brick walls are a brick and a half with large patterns of ventilation holes to each storage bay forming a large diamond at lower level and two smaller diamond shapes above e.g. 4 in all. A smaller door has been added at a later date into the fold yard which disrupts the left diamond pattern. It is not surprising with the thickness and number of ventilation holes that the brick coursing is very random with no clear pattern but with a leaning towards English garden bond rather than any thing else. The segmental double arch to the threshing doorway has a brick and a half arch with a sandstone key stone which is where the date 1772 is carved.

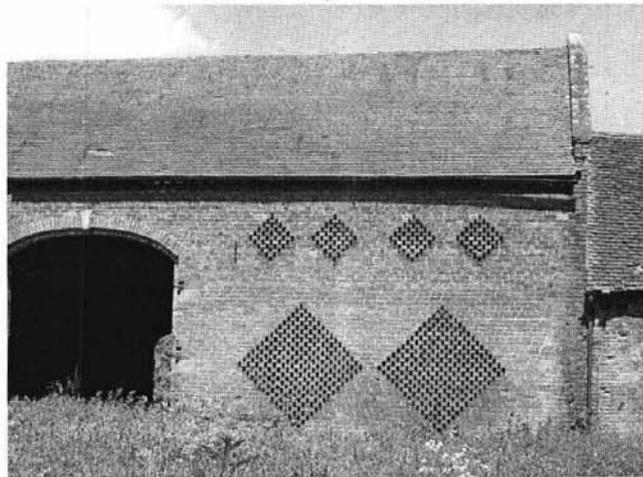
The north wall has evidence of the diamond pattern but this wall appears to have been completely rebuilt possibly when the extended porch and smaller door were built if this was not original. There is an internal arch in line with the main external wall but the arch although of the same depth and size as the outer does not have a keystone or evidence of having been the external doorway. Unfortunately the rebuild of the external wall has not been done with aesthetics in mind with a rather untidy vertical pattern of ventilation

holes. The gable over the doorway has a brick capped parapet instead of stone and has dove / pigeon holes which match with the coach house and the stable block. There is a small opening to the return wall in the porch with a very flat arch. A high level window has been inserted in the north wall above where the coach house has been extended in more recent times.

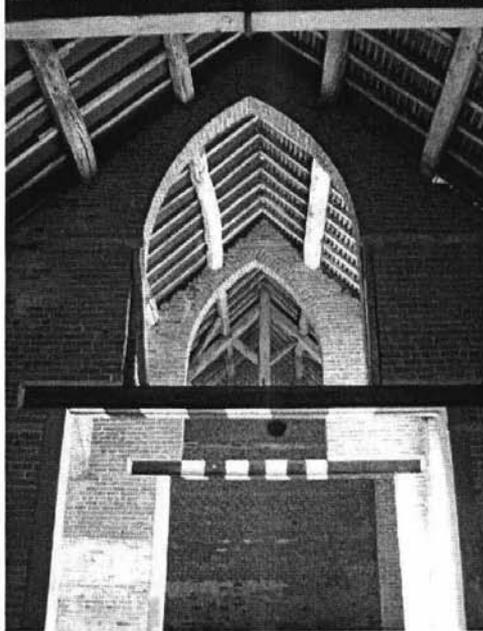
The principal rafters and cross walls support timber purlins on the angle which support timber rafters, tiles battens and plain clay tiles.

What was the end wall facing west has a high level window now blocked up and a opening at ground level seemingly broken through to access the second barn. There is a small window in the east wall which now leads to the loft over the coach house which may have been to owls hunt for rodents where hay may have been stored.

There is little disturbance to the interior of the barn to suggest other uses over the years







### The West Barn.

As has been suggested this was built after the north barn but it is so similar in style and materials that it is most likely followed fairly shortly after in terms of years but does seem to be of better quality construction either with a different team building the walls or they have developed their skills.



The size of the threshing area is identical to the other with one storage area of a similar size but the south store being only 5.4m approx a meter shorter. The threshing doorways are matching having stone key stones but no date carved in.

The exterior viewed from the fold yard is matching with the adjacent wall in the same rich red brickwork and eaves detail but has the shorter store length on view slightly obscured by external steps to the adjacent building. The ventilation holes pattern is similar to the north barn but with only one large and one small diamond pattern per bay. The outer external wall also has the ventilation hole diamond pattern but the higher smaller diamonds are flatter due to stretches being used instead of headers. This pattern has been disrupted on the right hand side as a door and window have been inserted at some point together with two timber chutes from an inserted first floor.

There is a high window on the north end wall which matches the blocked window in the now internal wall at the end of the north barn.

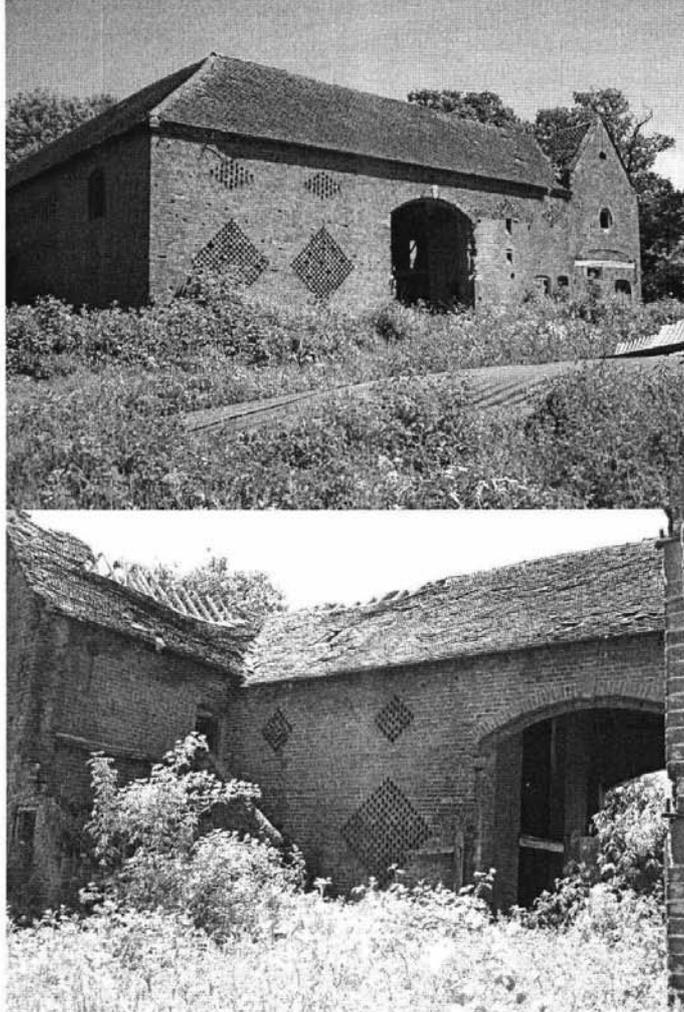
The brick coursing lines through with the north barn but the brickwork bond is different which although still very random is more leaning towards Flemish garden wall this time although there is still a header course.

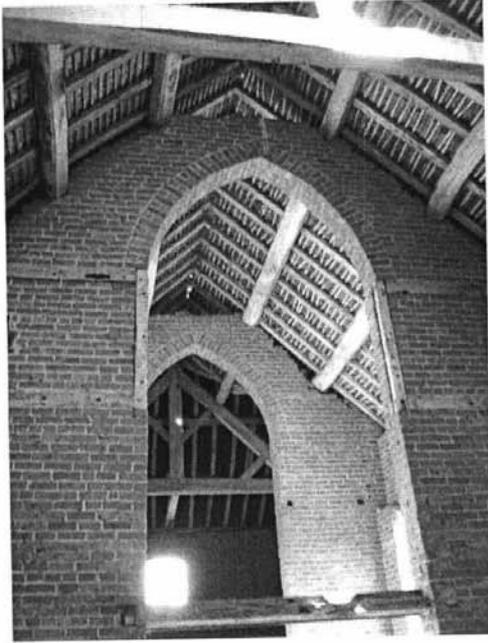
The plain tiled roof links up with and matches the north barn and is formed as a hip with the purlins supported on a half principle truss spanning from the main principle truss to the end wall.

As already noted an upper floor has been added to the south store of the barn but has since been removed. Deep thin joists were cut into the outer walls indicating a later 19<sup>th</sup> century or early 20<sup>th</sup> century addition and a door and window were inserted on the ground floor as well as two chutes from a granary above. Alterations of this nature were generally used as animal shelter with a hay or grain store over.

There are matching internal walls each side of the threshing floor with high gothic style arches which in this barn have a better proportion of brickwork to support the purlins.

The south end wall may have been an outside wall for a while before the cart store and granary building was added although the brick bonding is more reminiscent of the north barn than the west barn. There are now openings in this wall at ground level and at first floor level.





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### **Cart Store with Granary over.**

A two storey building is attached to the south end of the west barn with external steps to the first floor and arched openings for cart access from outside and inside the foldyard.



This two storey building has been added to the end of the west barn in the same bricks but uses an improved brick bond style of Flemish garden wall. The gable ends have the same parapet detail as the north barn with stone capping so it is likely to be of a similar date. It has higher eaves than the barns and brick piers on the corners. Access to the first floor is via the external brickwork steps which have a low lean-to adjacent to it presumably for pigs or chickens.

An opening has been subsequently made into the west barn on the ground floor and a doorway on the first floor level.

The first floor has timber joists supported on large timber beams on which the timber boards have had a screed added. The internal wall surface on the ground floor have been lime-washed or painted where as the first floor is natural facing brick.

The original cart openings have been filled in with brickwork and a smaller doorway with windows having been inserted later. The timber beams below the original brick arches are at the current floor level although there are no signs of the floor having been higher. The ground floor has been set out as a pigsty with pens of low brick walls, timber gates and some raised timber floors.

Side windows also seem to have been added as they are cut through the brick bonding.

The plain tiled steep pitch roof is has one purlin supported on a central king post truss. There are circular openings for moving grain and semi-circular owl holes at high level in the gables.





### Coach house.

A later addition onto the east end of the north barn the coach house faced into a yard at the back of the original house. It is constructed in a slightly smaller red brick than the barns in a more ordered Flemish bond and has a brick parapet gable detail matching with the porch to the north barn and the separate stable building. These would all have been facing into this service yard which continued behind the north barn.



The coach house consists of a coach store which has been extended, a room over and a stable with a loft over.

This room at the south end has a gable facing east with a door and two windows of which the left window has been widened and is similar to a window inserted at a later date facing into the fold yard. There is a circular opening in the gable into the loft space. It is likely that this was the stable and tack room for the family coaches when the main stable building was used for farm horses or oxen. The loft would have been a hay store with a chute to the floor below like the surviving chute in the main stable. This area has been plastered out at some point with lines to represent stone joints.

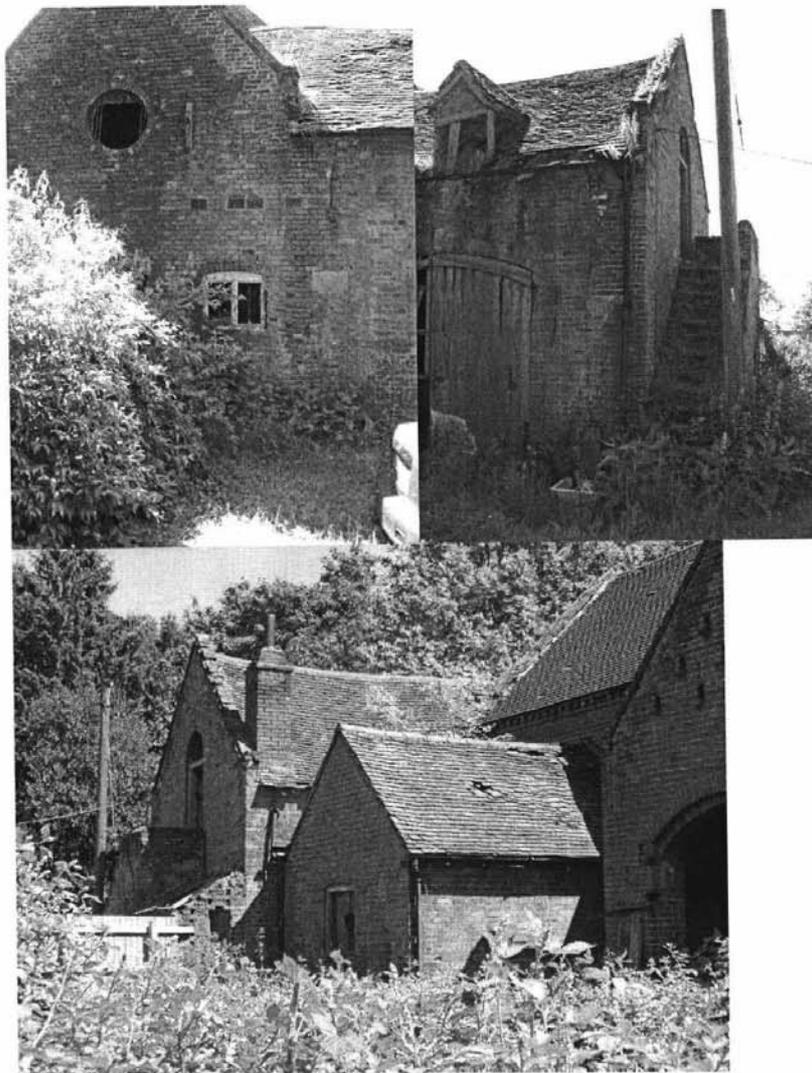
The adjacent coach and later car store has a north facing gable with an external brick and staircase with stone capping similar to the cart store and granary which leads to a timber door with a semi-circular metal fanlight giving access to the first floor accommodation. These steps look older than the adjacent wall with a vertical open joint between suggesting they were not built at the same time although it could be that these bricks have been more exposed to damp and weathering.

The opening to the coach store has been reduced. The original opening is still visible with the stone blocks for fixings but any signs of what happened over the opening has been removed by the formation of a smaller opening with the possibly retention of part of the original brick arch with a stone keystone. The eaves exposes the timber wall plate on this side and facing the fold whereas the wall on the other side has brick corbelling. There is a chimney on the far side which again looks like a later addition. There is a small timber framework dormer window with brick infill to cheeks and gable.

The inside of the coach store is painted or lime-washed brick walls and plastered ceiling with exposed timber beams spanning across parallel to the opening. The first floor has a lath and plaster finish.

At the rear of the coach store an extension has been built more recent with a slightly duller red brick and plain tiles.

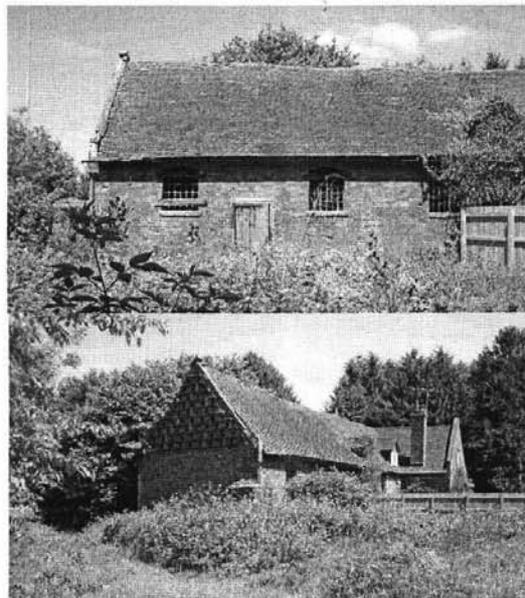
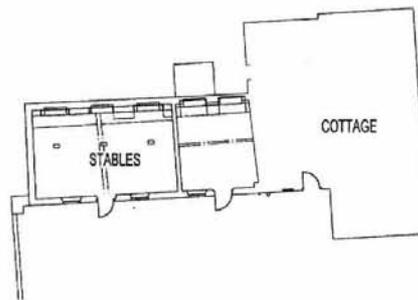




### Stables and Cottage.

The stable and cottage appear to match with the coach house design but are accredited to the 1772 date of the north barn. The gable wall has brick arches suggesting old openings above which there is a pigeon or dovecote and is finished with a brickwork parapet detail. The main stable has a central doorway with a metal window each side and the adjoining stable has one metal window.

The proximity of this building with the coach house and the formation of the yard at the back of the house suggest that it was used as stabling for domestic use but it is likely to have originally been for working farm horses.

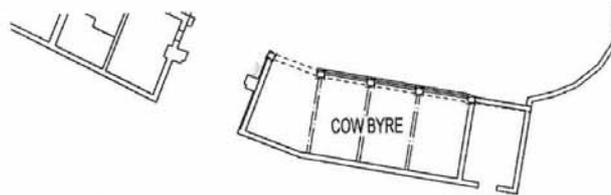


### Cattle Shelter (cattle byre.)

This building along with the adjacent pigsty forms a lower southern part of the courtyard between which was the access gateway with brick piers and stone capping still in place. The farm track from the road to the west is still visible and used to finished at this gateway.

This building is separately listed and was a shelter open into the fold yard for a small number of cattle to find cover. It has four open bays facing the yard the first on the right end being at a different angle and one bay at the other end enclosed with a door facing outwards. It has a simple gable at the gateway end and a stone capped parapet gable at the other end which used to face towards Shustoke House.

The outer walls are in red brickwork but the bays are divided at the front with sandstone stone columns with a simple stone capital detail referred to as roman Doric. Two openings have since been filled with some brickwork with some brickwork and timber gates in the other two.



There is a timber beam across the columns and a timber wall plate along the external brick walls which have signs of having been reused from older buildings. Principle trusses are positioned on the column centres with varying degrees of natural arched principle beam with curving out braces up to support the rafter element where the purlins are positioned. There are also for some reason timber principle trusses between the open area and the end room but more confusing is the one embedded in the gable wall to the gateway suggesting that this was originally open. This is further suggested by the crude brickwork detailing abutting the engaged stone column on the end.

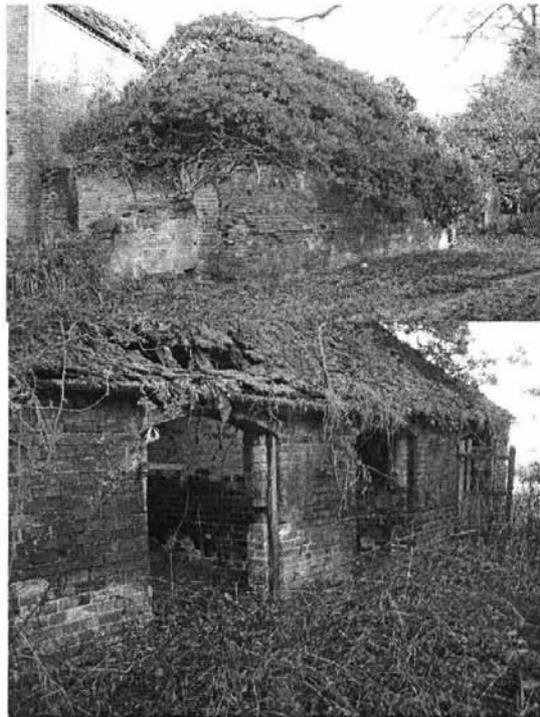
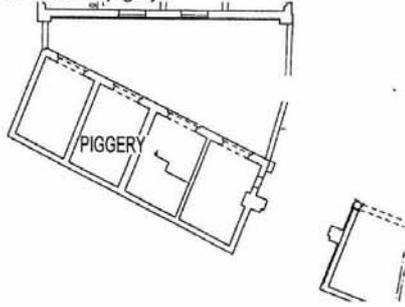






### Pigsty

This low building is hard to see as it is engulfed in vegetation but it has red brick walls and low tiled roof matching the adjacent cow shelter except that this building has a hipped roof at the other end to the gateway. It has a small opening into the foldyard and a series of four low arches facing the cart store into four individual rooms divided by brick walls suggesting the use as a pigsty.



### **Curtain Wall to Foldyard**

The foldyard enclosure is completed with the curtain wall to the east side which divided the farm from the original house. It is about 1.5m high in red brickwork with piers and is finished with a stone copping. It is likely that there was a gateway wide enough for carts to the side of the north barn leading to the back of the original house as well as a smaller gateway half way along to give access to the house.





**Appendix A: Three listing descriptions on the farm buildings.**

**Shustoke House Farmhouse and Attached Stable**

Grade II listed on 23 March 1988

Cottage with adjoining stable block. 1772. Red brick, English garden wall bond. Plain-tiled gable roof with parapet gables on kneelers and dentil eaves cornice. Ridge stack. L-plan, with north-south cottage range and east-west stable block. Cottage of one storey and attic with north gable end having a blocked oculus above C20 wood casement and opening. At ground floor, doorway in coursed and dressed sandstone surround with keyblock and stop-chamfer. Bead and quirk boarded door. East side wall has a gable dormer with leaded light and 3 ground floor windows under segmental arches.

The stable block adjoins and is contemporary and of similar materials. One storey and attic. South wall, 3 stable door openings with split doors, under segmental arches. 3 similar arches to 3 iron casements. Interior has 3 stalls for horses, but the partitions have been removed. At the west gable end is a pigeon loft with approximately 54 nesting boxes with perches. Part of the stable has been converted to domestic use. The cottage and stable are probably contemporary with the model farm range opposite on the south which is dated 1772.

Listing NGR: SP2231590772 LBS number 309081

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**Cattle Byre.** Approximately 50 Meters South Of Shustoke House Farmhouse.

Grade II listed on 23 March 1988

Cattle byre. 1772. Red brick with sandstone dressings. Plain-tiled roof with end parapet to east gable end. 4 bays forming part of the south side of the yard. Single storey. Open sided with the bays divided by Roman Doric columns of sandstone. Part of the openings have been blocked. At the west gable end is an engaged pier of the cartway entry to the yard. Interior: Through-purlin roof with inclined struts.

Listing NGR: SP2232790721 LBS No 309082  
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**Barns, Coach House And Wall.** Approximately 25 Metres South Of Shustoke House Farmhouse.

Grade II listed on 23 March 1988

Barns and coach house forming north, west and part of south sides of model group of farm buildings round a courtyard. The east side is enclosed by a red brick wall and the south by a cattle byre. The entry is from the south side. 1772 (dated panel to wall of barn on west side). Red brick of varied bonding but including Flemish and English bonds. Plain-tiled roofs with parapet gable ends except for west end where the roofs are hipped.

Threshing barn on north side of courtyard has gabled midstrey opening in north wall with pigeon loft to the gable head. Double recessed segmental arch to midstrey opening. Breathers and pitch opening in side of walls.

Threshing barn on west side is similar except that the roof is hipped. There is no midstrey. There is a dated sandstone panel above the double recessed segmental arch. Diaper pattern breathers to the walls. At south-west angle a barn, now partly used as piggery. 2 storeys with wagon opening in west gable under elliptical arch.

Adjoining the barn on the north side of the yard is a coach house. Late C18. Red brick. Plain-tiled roof. Single cell plan. One storey and attic. One gabled dormer above segmental arch to coach house doorways. Boarded doors. At gable end an external dog-leg staircase with stone treads and coping to parapet wall leads to doorway to coachmans quarters above the coach house. Within the brickwork of the staircase there is a dog kennel.

Interior: The threshing barns on the north and west sides are both of 5 bays including the wider wagon openings, which are flanked by cross walls of brick having openings in 2-centred arches. The other roof trusses are of tie-beam type with braced King-posts and 2 tiers of through-purlins.

Listing NGR: SP2230490745 LBS No 309083

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### **Appendix B: Croxall's of Shustoke Parish**

Thomas and Katherine Croxall had Shustoke House built around 1696

Randle son of Thomas and Katherine was Christened 28 August 1662

Edward son of Randle and Elizabeth was Christened 12 December 1718

Edward son of Edward and Eleanor was Christened 13 December 1741

Edward son of Edward and Avarilla was Christened 15 August 1772

Edward married Dorothy Tonque but had no children to inherit but his sister Sidney and her brother Edward were married and their son Randell Francis Tonque inherited Shustoke House on Dorothy's death and he took the surname Croxall.

Edward and Avarilla were the only Croxall's having children in Shustoke in the 1770's.

Edward in April 1772, Avarilla in July 1773, Vincent in August 1774, Maria Anne in October 1775, Robert Scott in October 1776, Scott in 16 August 1778, Sidney in September 1783,

Edward himself was born in Shustoke on the 11<sup>th</sup> December 1741 the son of Edward and Eleanor Croxall.

In the 1861 census of Shustoke House Dorothy Croxall is noted as a widow of 77, lady and was residing with her sister Maria Whitehead unmarried at 75. The household consisted of a cook, lady's maid, head maid, coachman, under gardener and the sisters maid.

This is similar to 1851 although Dorothy is absent with the coachman in charge.  
There are a number of family members staying in 1841 and Dorothy dies before the  
1871 census.

# CRIPPS BARN HIRE

APPENDIX B

Montreal Barn,  
Barnsley, Cirencester,  
GLOS GL7 5EL  
Tel 01285 740 035  
E-mail [mh@crippsbarnc.com](mailto:mh@crippsbarnc.com)

Richard Cobb  
Chartered Town Planner  
84 Kimberley Road  
Solihull B92 8PX

1<sup>st</sup> April 2011

Dear Richard

## Proposal for a new Barn Wedding Venue at Shustoke

You have asked me to let you have some background on our business, as the proposed tenant and operator of the proposed Wedding Barns at Shustoke House Farm.

### Background

Our existing business, which is known as Cripps Barn, is based in Gloucestershire. In 1990 we converted an 18<sup>th</sup>-century Cotswold barn set in the countryside near Bibury in the Coln Valley as a farm diversification project, these types of barns having become redundant for modern agricultural purposes.

Cripps Barn, details of which appear on our website [www.crippsbarn.com](http://www.crippsbarn.com), became increasingly popular for Civil Weddings from 2000, and in 2010, because of a shortage of availability on Fridays & Saturdays; we opened Cripps at Stone Barn a few miles away in Upper Windrush. Details of that can be viewed at [www.stonebarnaldsworth.com](http://www.stonebarnaldsworth.com).

Although we do occasionally hold other kinds of parties at the venues, over 95% of our events are weddings and for those we have obtained all the necessary licences.

Both our Gloucestershire barns have an internal capacity for civil ceremonies of 120 with additional space created via a marquee or use of adjoining barn. In our present businesses the numbers of guests per wedding probably average 100, with not many over 150.

Our business to some extent draws on wedding couples from the populations of Swindon (22 miles), Cheltenham (17 miles) and Gloucester (27 miles), but many of the weddings we have are from farther afield. It is true to say that a wedding is an event for which guests will travel and will make a short break out of the trip.

## **The Wedding Barn Market**

We of course believe that we are popular at Cripps because we deliver a good service and good value for money. It is also true that the Wedding Barn business has done well over recent years with numerous successful wedding barns around the country, and 6 wedding barns in Gloucestershire within a half-hour drive of Cripps. Their business has been inherited from registry offices and created by couples increasingly looking for weddings away from home.

Whilst there are still some very successful wedding hotels, it is also worth noting several key reasons why a lot of business has moved from hotels to barns:

- Many couples now want exclusive use of the premises (not always possible in a hotel).
- Barns generally offer a more informal atmosphere.
- The configuration of space in a barn is well suited to the larger groups.
- Barns are by definition in quieter, more rustic settings.
- Barns are able to charge competitive prices because their capital base is dramatically lower than a hotel with the same guest capacity.
- In our case because we concentrate on weddings without the distractions of operating rooms or running a restaurant we have become wedding specialists and able to host several weddings a week with the intricate planning detail required.

## **Effect of Wedding Barns on the local economy**

In terms of the benefits and impact on the locality our experience provides some indicative data with respect to the Shustoke project.

We currently operate 130+ weddings a year, with steady growth as our reputation has spread. For 2011 we are ahead of our 2010 bookings compared with the same date last year, so we hope to maintain the growth despite the current economy.

Our direct turnover is around £1.2m ex VAT, and the majority of that income is transferred into the local economy through small business suppliers and staffing. At Cripps Barn, the original venue, we have 7 full time employees and provide 130 days employment to part time waiting staff of around 8 people and around 150 days to a cleaning staff of 2. We pay higher rates than local independent caterers and hotels.

In addition, the 12,000 plus guests a year who stay in local accommodation bring a larger sum: there are no solid statistics nationwide, but our experience is that guests spend two nights in local accommodation and have a dinner the night before and a lunch the following day. Assuming for simplicity that most guests come as couples, with an average price of £70 per room, and for caution's sake assuming 1.5 nights, this equates to £675k in room prices. The meals and drinks bought by guests from local businesses might be assumed to contribute another £50 per head – or £600k. Some of this goes to hotels, but much goes to pubs with rooms, B & B's and self-catering accommodation. On top of that there is substantial taxi expenditure and a certain amount of local shopping.

I have been told on many occasions that the business we pass to local pubs, B & B's and small taxi firms has made the difference between profit and loss, and this contributes to the sustainability of local infrastructure which is then available to tourism year-round.

#### **The proposed scheme at Shustoke**

The Shustoke barns offer, if not the isolation of our two existing barns, a rural setting and an even more attractive set of buildings. We see various couples at Cripps Barn from the South Birmingham area who have travelled to see us because they are attracted by what we offer, having presumably inspected the competition closer to home, which is mainly hotels, but also includes two wedding barns in Worcestershire and Northamptonshire which are about an hour's drive from Shustoke. There are undoubtedly potential customers who live slightly further North who feel that in Gloucestershire we are out of reach.

Competition in the area is the Carradine Barn on the West of Birmingham in Worcestershire and Crockwell near Canons Ashby in Northamptonshire, both a good hour away. Given that people are looking to travel away from Birmingham or other towns to somewhere rustic, it makes sense to provide that facility as near home as possible and to reduce travel miles for hundreds of guests.

We have found with our second Gloucestershire venture that our existing reputation has been a significant help and we are confident that this will be the case in Shustoke. We would be operating in a hugely increased catchment area and I believe that we will be able to achieve substantially higher figures than those mentioned above in our direct turnover.

In terms of overnight accommodation we anticipate that guests from more local towns – in the 20-30 minute range, will stay 1 night not 2, but that outside this range we will see a similar short-break profile to our existing business in Gloucestershire.

We are expecting similar wedding sizes at Shustoke to those we do in Gloucestershire, and while the listed barns will provide the basic accommodation, we do need a dining area extension to enable us to have the comfortable space for the whole occasion. Any larger weddings will take place only after the business has operated for several years and with proper additional facilities.

We would guess that we would fairly quickly be producing over £2m for local small businesses and staff and that we could substantially improve on this in the longer-term.

The management of noise on the premises is a technical matter which requires adequate roof insulation and the avoidance of direct sound routes to the outside. The barns are substantial brick so provide the density to contain sound if doors are kept shut and double glazing is used. We have long since made contact with a Birmingham-based noise consultant with the express aim of preventing noise nuisance to our neighbours. Subject to consultation with the existing residents of Shustoke House Farm we will be the tenants and no one will be going to bed until the guests have gone home.

Traffic to wedding venues is perhaps below what might be expected because of car-sharing (average 3 per car) and organised coaches - when wedding parties come from a town or city, i.e. with many guests coming from one locality, there are usually coaches organised.

Mapping systems seem to direct traffic even from easterly towns such as Leicester in from the West, so the impact on Shustoke, being mostly to the South of the B4114, should be negligible. Some cars will be left overnight while guests stay locally and in any case the 20-30 or so cars that might leave after a largish wedding would be spread over a 60-90 minute period.

Apart from the fact that it is very important for a business such as ours not to be at loggerheads with the local community and so we will make strenuous efforts to maintain that, we expect our impact by the nature of the business to be overwhelmingly positive as it has been with our Gloucestershire business.

The viability of our project is critically subject to:

- Granting of a licence for Civil Ceremonies
- Granting of the appropriate alcohol and entertainment licences
- A bar closing time of 1.00 a.m.
- A music shut-off time of 1.00 a.m.
- A premises closing time of 2.00 a.m.

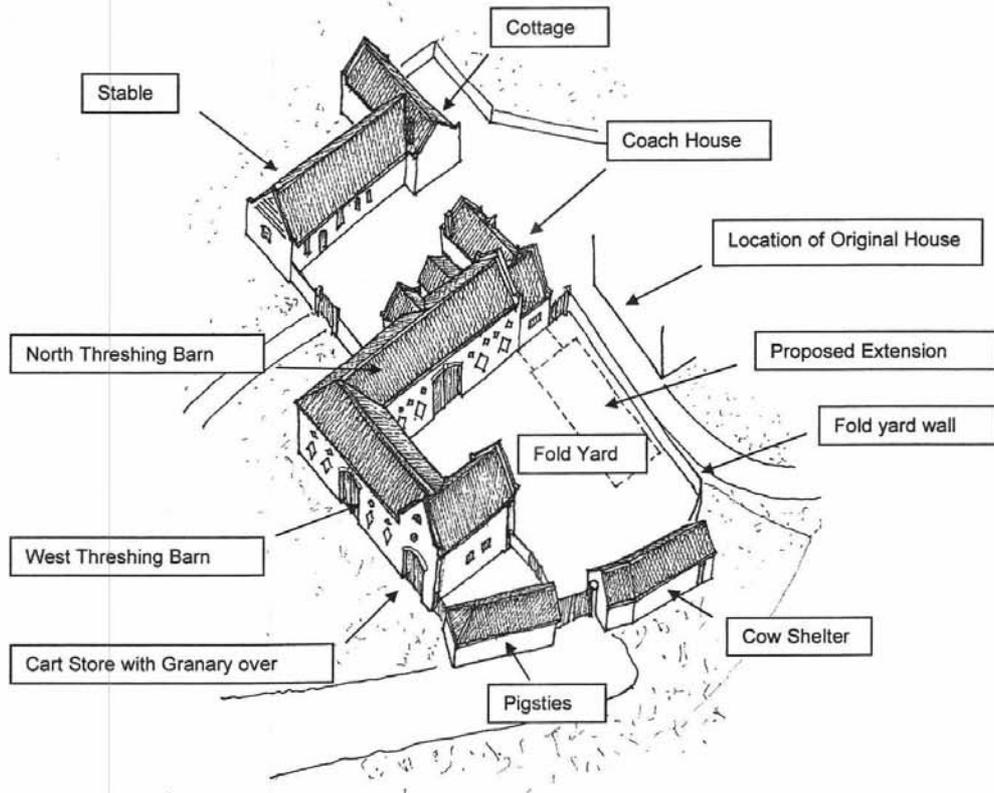
We believe that this application proposal offers a very real opportunity to retain and enhance these important historic listed barns at Shustoke as our use will preserve the buildings as true barns without sub-division of space. We intend to include some information boards in the reception area that will show the history of Shustoke House and the barns and include before and after photographs of the buildings. That will allow more of the public to appreciate the history and importance of the buildings.

We would be delighted to meet with Planning Officers or Parish Councils to discuss any aspect of our plans. We would respectfully ask to be advised of any proposed conditions so that we can respond prior to a Planning Decision.

Please come back to me if there any other queries at this time.

Yours sincerely,

Mark Henriques  
For Cripps Barn Hire



SKETCH OF SHUSTOKE HOUSE FARM BUILDINGS

**FB Architecture Ltd**

The Old Telephone Exchange, Gipsy Lane,  
Balsall Common, CV7 7FW, 01676 535 048



NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 28-Jun-11
PLANNING & DEVELOPMENT DIVISION

**Shustock House Farm Buildings  
Shustoke, Warwickshire.****IMPACT ASSESSMENT REPORT  
Including schedule of repairs****Introduction.**

This document has been prepared as part of the planning application and listed building consent submission for the conversion and extension of Shustoke House Farm Buildings for the use as a Wedding venue.

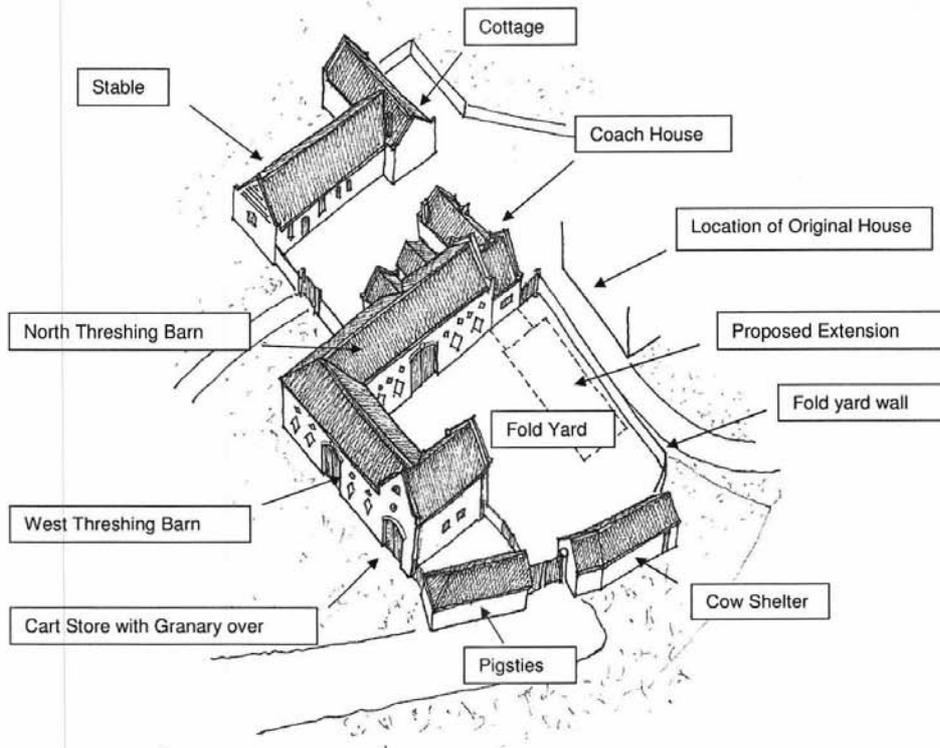
These buildings are generally considered as a good surviving example of a model farmstead from around 1772 at the location of Shustoke House near to Shustoke village, Warwickshire. Unfortunately Shustoke House was demolished shortly after the second world war with the farm and ancillary buildings being retained which includes one part now a dwelling referred to as Shustoke House Cottage. This is currently tenanted and is

to remain unaffected by the proposed alterations so will not form part of this planning application.

The remaining farm buildings are not in use and have not been for some time as they are no longer required or suitable for current farming requirements and are in varying states of decay. The surrounding fields are now part of a 3000 acre estate farmed as land in hand from Hall Farm and Moat House Farm just to the south-east of Shustoke. The land is part of the Merevale and Blythe Estates and they wished to find an appropriate use for the existing redundant buildings which would not have a significant impact on them as they are aware that they are Designated Historical Assets all being grade II listed included on three separate listings.

As described in PPS 5 Planning for the Historic Environment. Under Policy HE6.2 this document has been prepared to assess the impact of the proposal on the Heritage Asset and its setting. We consider the level of detail gone into is proportionate to the importance of the heritage asset and is sufficient to demonstrate the potential impact of the proposal on the significance of the heritage asset.





SKETCH OF SHUSTOKE HOUSE FARM BUILDINGS

## **IMPACT ASSESSMENT**

### **Impact of the proposed new use on the existing buildings including the necessary alterations and extension.**

#### **Proposed Future Use and General Proposal**

The opportunity has arisen where the farm buildings could be used as a barn wedding location offering an alternative to the hotel atmosphere and with more character than venues offering marquee accommodation.

The purpose of this type of venue is for the character of the existing buildings to show through so there is no need to do much more than tidy up and restore the existing buildings with minimal alterations and a modest extension. There will be no major construction intervention to the existing buildings as the existing volumes are suitable for the accommodation required and this type of venue does not require an insulated airtight building.

In principal the layout will be used as follows.

- The main entrance will be through the barn doorway into the west barn with access through to the yard, a reception and drinks area to the right and further reception and drinks to the left with access through to the ceremony space in the north barn.
- A first floor will be added to each side of west barn for extra reception drinks and sitting areas as well as a viewing gallery on to the ceremony area accessed via a new timber staircase with a bridge link across the threshing area. Access will then be possible through the south wall to the existing first floor over the original cart store.
- The old cart store/ granary building will be used as a kitchen and food preparation area.
- The North Barn will be the wedding ceremony space with glazed screens in the cart doorways with a doorway out towards the stable building and into the main courtyard. A new doorway will give access into the back of the coach house which will be partitioned off as a room for the bride and the registrar.
- The southern part of the coach house accommodation will be used as a foyer space providing a link between the wedding ceremony space and the new extension which will be the eating area. Also off this foyer space will be access to the northern part of the coach house which will be converted to provide toilet facilities including a fully fitted disabled toilet.

- The first floor over the coach store will be used for storage or as an administration office.
- The stable building attached to the cottage will be used as the Bride and bridesmaids preparation area.
- The cattle shelter can be used as workshop/s for wedding related business such as flower arranging and preparation, dress making and accessories, cake making and other preparation work.
- The old pigsty can be used for storage possibly of wines, beers etc and other kitchen related items or furniture.

#### **Proposed Alterations for New Use.**

The new use will require some internal alterations to the existing building particularly to give more effective access between the different areas. It will also be necessary to alter or replace existing windows and doors but there is very little alteration to the existing structural openings and fenestration.

#### **West Barn (Entrance Foyer, reception and part of ceremony viewing)**

- Cart openings filled with glazed screens with timber frames. Also outer gates fitted reminiscent of the original doors which are not in place.
- The rough opening through to the kitchen will be properly formed and a new door and frame inserted.
- A new external door is to be inserted in the existing restored timber frame. The old metal window is to be restored.
- A first floor is to be formed with timber floor joists in each storage area accessed via a new timber staircase and with a link bridge across the threshing area. The first floor doorway through to the original granary is to be altered and to have double doors.
- An opening is to be formed in the wall between the two barns to the same width as the piers of the adjacent piers. This will be at ground and first floor in order to see the wedding ceremony at both levels. A low archway can be formed across the opening at first floor level but not to match the existing pointed arches.
- The existing floor will need to be levelled but where possible the original floor slabs and bricks should be re-used.
- Ventilation holes to have a transparent cover.

#### **North Barn (Wedding Ceremony space)**

- Refer to the opening formed from the west barn described in the previous section.
- Cart openings filled with glazed screens with timber frames. Also outer gates fitted reminiscent of the original doors which are not in place.
- A new external door is to be inserted in the existing restored frame.
- The high level window is to be replaced with a new timber framed window.
- Ventilation holes to have a transparent cover.
- A new doorway is to be formed through to the more recent part of the coach house. A new opening is to be formed in the east wall through to the coach house.
- The existing floor will need to be levelled but where possible the original floor slabs and bricks should be re-used.
- A small ramp is needed between the change in level between the two barns.

#### **Cart Store and Granary. (Kitchens and drinks area over)**

- The pigsty low walls, gates and timber floors to be taken out and a new floor laid using the original bricks if they remain below the later floors.
- The two external doors are to be replaced with new timber doors within the original restored frames.
- The four windows are to be replaced with new timber windows unless it is possible to re-use the outer frame with new timber casements.
- New timber windows to be installed in the existing external openings in the gable walls.
- Kitchen fittings are to be installed including all services and flues / extracts etc.

#### **Coach House (Foyer between ceremony and dining, Toilets)**

- An opening needs to be formed for access into the new extension.
- The existing internal partition is to be removed.
- An opening is to be formed into the coach store to give access to new toilets.

- A new external timber door is to be inserted into the existing restored timber frame.
- Two windows are to be replaced with new timber framed windows unless it is possible to re-use the outer frame with new timber casements.
- A new timber window is to be installed in the existing external opening in the gable wall.
- A new partition is to divide the coach store on the line of the original external wall.
- The main coach house area is to be converted to toilets with new partitions cubicles, services and drainage including ventilation extracts. The existing cart opening is to be sealed with an insulated partition, small vertical windows and vertical boarding to resemble timber gates.
- The existing window in the later extension is to be formed into new doorway with timber door and frame.
- The floors in these areas need to be levelled using where possible the original stone flags or bricks.
- There are no alterations to the first floor over the coach house other than repair and restoration work.

**Stable Building attached to the cottage. (Bride entourage preparation area)**

- No alterations other than repair and restoration work.

**Cow Byre to the South of the fold yard. (Related workshops/ stoarge)**

- Timber windows inserted in existing openings and new external timber doors and boarding to replace existing.

**Pigsty. (Storage)**

- New timber gates etc installed in existing arches.

**New Extension. (Dining area)**

- To be constructed inside the old fold yard parallel with the existing curtain wall.
- Built to a scale that is subservient to the existing buildings particularly the red brick barns and cart store/grain store.
- Glazed conservatory between the new construction and the existing coach house.

- To be constructed using materials that match with the existing including plain roof tiles, red facing brickwork, reconstituted stone, and timber window frames plus timber boarding.

**External Works.**

- The existing building to the west is to remain.
- An informal parking area is to be formed between the existing barns and the outlying building to accommodate 50 cars and surfaced in bonded gravel. To be landscaped with earth bund screening with planting including replanting of young trees from the existing plantation partly affected by the work.
- The original farm track is to be improved to form the main access to the barns including hard surfacing and the widening at the road junction. A gate, barrier and rumble strips are to be incorporated in its length to reduce vehicle speed.
- A new drainage system will need to be laid out.
- No mature trees are to be affected by the alterations.
- There will need to be some external lighting to ensure the access is safe for people to use but this will be minimal and discrete.



## **Conservation and Restoration works.**

### **General**

The Shustoke House farm buildings have deteriorated over the years having had less and less agricultural use as the adjacent fields are farmed from nearby farms which already have sufficient buildings to accommodate their working needs. As their use has subsided they have become run down especially for buildings which would only be used near to a farm house such as the pigsty, cow shelter, the granary and the first floor of the coach house. Their condition has deteriorated due to vandalism and elements such as stone capping and gutters and down pipes being removed. They have however been sufficiently maintained to ensure that they have not become derelict or un-repairable.

The following schedule outlines the condition of each building and the work that is required in order to repair and restore the building for its new use. There will be a need for more detailed surveys of particular elements of the construction such as the effect of timber decay and infestation as well as investigating the cause of some of the damp ingress issues. The general condition and repair of such areas as external brickwork has been noted in outline but will need to be looked at more closely by a brickwork restoration specialist company in order to determine the exact extent of repair etc that is required.

Consideration is to be given as to whether the roof covering needs to be removed and re-laid with insulation included but which does not obscure the rafters and does not raise the roof finish level.

Consideration also needs to be given to the extent that existing window frames especially outer frames can be refurbished and reused. Most windows seem to have been inserted at later dates especially to the earlier buildings and are of low quality material and construction. The intension is to replace all external timber doors but within the existing restored timber frames.

Floors generally need to be taken up as they are very uneven and variable in quality. Existing bricks and stone slabs where they survive are to be carefully taken up and re-laid with new materials to match the existing where necessary. The opportunity is to be taken to include insulation and a damp proof membrane in the floor construction.

Consideration is to be given to all areas where the building fabric has become damaged due to damp ingress. Generally problems are caused by the failure of the roof construction and the gutter and down pipe system which will be resolved with the appropriate repair work and replacement. Consideration needs to be given to the repair of the gable parapets as the brickwork shows signs of continued water penetration. It is not the intention to provide a new damp proof cause to the external walls as there does not generally seem to be a rising damp problem but certain areas may need investigation to eliminate individual problems.

### **North Barn**

This seems to be in a relatively good condition with little deterioration or distress.

#### **Roof**

Generally the roof appears to be sound having been replaced in the recent past as the slope to the north now has sarking felt and the slope to the south has regular tile battening. Some isolated repairs will be required. Although they look in good order the king post trusses, purlins and wall plates need to be assessed and repaired as required. A new cast iron rainwater gutter and down pipe system is to be installed.

#### **Walls**

The walls are generally sound. There is some water damage where gutters are missing or broken as well as where the gable parapet has failed.

The walls need to be carefully cleaned after which the extent of brick and lime mortar joint repairs can be assessed.

#### **Openings**

Existing windows and doors will if possible be repaired to receive new glazing.

#### **Floor**

The brick floors are to be taken up and re-laid in a level and stable condition. A damp proof course is to be considered.

The stone flags are to be cleaned and assessed if they can remain in place or whether they need to be raised and if possible re-laid.





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### West Barn

This seems to be in a relatively good condition with little deterioration or distress except for some areas of the roof and dampness to one wall.

#### Roof

Although the roof appears to be generally sound the east slope has not had the attention that the north barn and the east slope has. The tiling looks rough although generally in place with some areas of deterioration and both slopes have some areas that have disintegrated especially towards the granary. The east slope needs to be removed and replaced with new battens and reused tiles. Repairs need to be made to the west slope. Although they look in good order the king post trusses, purlins and wall plates need to be assessed and repaired as required.

A new cast iron rainwater gutter and down pipe system is to be installed.

#### Walls

The walls are generally sound. There is some water damage particularly adjacent to the granary mostly due to failed gutters and down pipes. There is extensive damp internally where the external granary steps butt up against the external wall. Once the vegetation etc has been removed it may be possible to assess what measures can be taken to provide the necessary protection.

The walls need to be carefully cleaned after which the extent of brick and lime mortar joint repairs can be assessed.

There is some damage to the internal brick piers which need to be repaired.

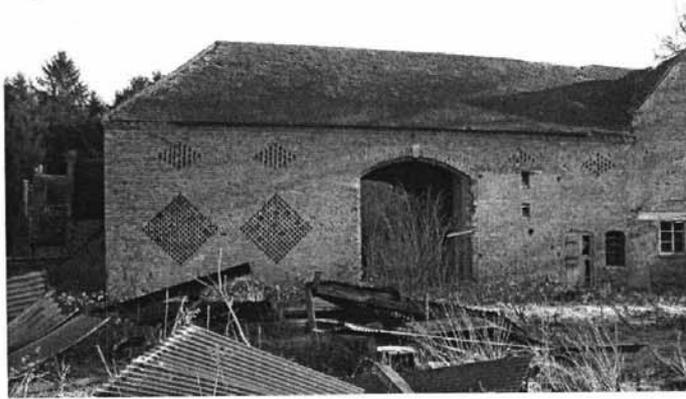
#### Openings

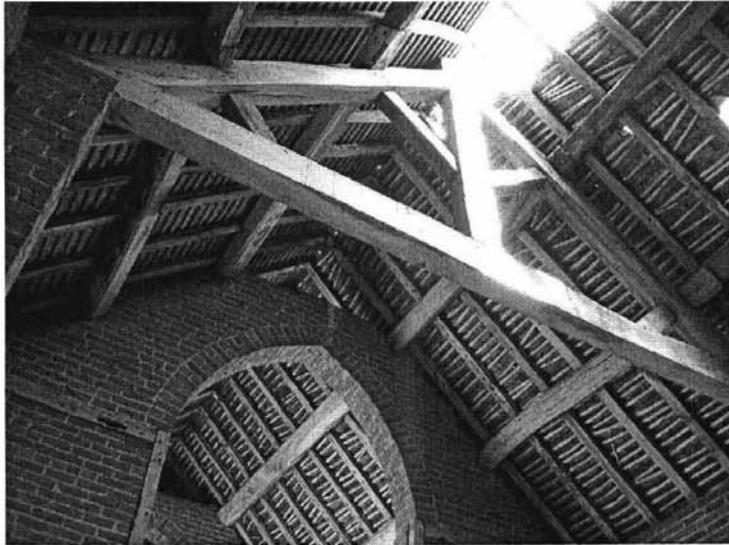
A new timber window will be inserted in the end wall opening and the existing metal window will be refurbished. A new external door will be inserted in the existing refurbished timber frame.

#### Floor

The brick floors are to be taken up and re-laid in a level and stable condition. The area of cement floor is to be assessed to see if it is stable enough to be retained or needs to be removed.

The stone flags are to be cleaned and assessed if they can remain in place or whether they need to be raised and if possible re-laid.





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#### **Cart Store / Granary.**

This building has major deterioration problems mainly due to the failure of the roof covering. Much of the roof has failed with water ingress having resulted in the failure of the first floor deck and some floor joists plus the deterioration of the remaining joists and floor beams. The external steps are in a poor condition and the adjacent lean-to has no roof.

##### **Roof**

The plain tiled roof has failed with a large proportion of tiles and battens missing and or dislodged. The remaining roof tile and battens will need to be removed and surviving tiles stacked for possible reuse.

The wall plate, rafters, purlins and central King post truss are all in place and generally ok considering that they have been exposed to the weather for some time. They need to be fully checked over and repaired as required.

##### **Walls**

The external brick walls appear to be generally sound although there have been some movement over the old archways. There is water damage due to the failure of the

rainwater gutters and down pipes as well as the parapet gables having deteriorated. Nearly all the stone capping has gone and the brickwork exposed below. A number of individual bricks have spalled and heavily weathered but not extensively.

The parapets need to be repaired including the weathering between the roof tiles and the brickwork. The external walls need to be carefully cleaned and the extent of bricks that need replacing and the extent that lime mortar needs to be repaired can be fully assessed. Internally the walls need careful cleaning and any rectification work assessed. At present the ground floor walls have a worn whitewash or paint finish which needs making good.

#### First floor

The first floor has major problems. The main cross beams are still in place but some floor joists are missing and the timber board and screed floor has deteriorating with some areas having fallen down. This has been exposed to the elements for some time so the floor finish needs to be removed and the extent of rot and wood worm in the floor joists and beams needs to be established and replaced or repaired accordingly.

The pigsty low walls, gates and timber floors need to be removed. The original floor is likely to need replaying with consideration being given to the inclusion of insulation and a damp proof membrane.

The windows are a later insertion and although the outer frame will be assessed to see if they can be re-paired the casements are light and flimsy so have distorted and become damaged in places so will be replaced.

The external doors will be replaced but fitted into the refurbished existing frames.





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### **Coach House**

The structure seems relatively ok but the roof covering has failed in places causing deterioration and water damage.

#### **Roof**

The tiling is rough and there are areas of distress including the dormer window and adjacent eaves which are deteriorating.

The tiling and battens need to be removed with tiles stored for possible reuse and the wall plates, purlins and rafters assessed to see if they can be repaired and how much needs to be replaced.

The ceiling in the first floor accommodation has a sloping ceiling of lathe and plaster which needs to be replaced due to its poor condition some having already been removed.

The dormer window needs to be reconstructed.

#### **Walls**

The walls are generally sound with some water damage where the guttering has failed. The brick parapet gable to facing east seems to have been made good and re-pointed but the north gable needs some attention. The walls need to be carefully cleaned after which the extent of brick and lime mortar joint repairs can be assessed. The brick steps to the external staircase need to be reconstructed as they are distressed and unstable. The wall needs cleaning but also some brick and jointing repair plus the reinstatement of the missing stone capping. The adjacent remnants of a lean-to store are to be removed. The plaster to the walls in the first floor accommodation is deteriorating so needs to be cleaned and repaired. The garage walls have a thin plaster coat or are painted which needs to be cleaned and repaired. The other ground floor rooms have a plastered finish with coursing lines marked on. This is to be cleaned and repaired.

#### Openings

The small door below the steps and first floor door, frame and fan light are to be refurbished. The garage doors are to be removed as the opening is to be filled in with a timber partition with glazing finished with external boarding to resemble doors. The door and window on the east facing elevation are to be renovated if possible and glass inserted. The circle at high level is to receive a new timber framed window.

#### First floor

It is likely that due to the condition of the roof that the floorboards have been affected by damp so their condition needs to be assessed and presumably replaced. The floor joists and floor beams will also need to be assessed and repairs made. The plaster ceiling below is extensively damaged so will need to be taken down and replaced. The ceiling in the other ground floor rooms needs repairs and decoration. The loft above needs to be assessed to see what damage needs to be rectified.

The floors will need to be taken up and re-laid where they are uneven and unstable and if they all have to be replaced insulation and a damp proof membrane could be considered.





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#### **Stable Block**

This building appears to be in relatively good condition except for the brickwork gable which has a damp ingress and a structural issue.

#### **Roof**

Although generally in better condition than other buildings some repair is necessary. It will still be necessary for the rafters, purlins and principle trusses to be assessed to see if they need repair due to rot or wood worm. The gutter and down pipes need to be checked to ensure they are stable and running smoothly.

The timber boarded ceiling and the loft space above will need to be assessed to see what repairs are needed.

#### Walls

There is a crack in the east gable where the parapet gable brickwork meets the main wall and eaves. This along with the parapet brick detail needs to be repaired.

The walls need to be carefully cleaned after which the extent of brick and lime mortar joint repairs can be assessed.

The internal walls have a thin plaster coat or painted finish which needs to be cleaned and repaired.

#### Openings

The timber door and frame will if possible be repaired.

The metal windows will also if possible be repaired.

#### Floor

The brick floor will need to be made stable and level. If it all needs to be taken up insulation and a damp proof membrane will be included.





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#### **Cattle Shelter (Byre)**

Although the walls and columns are generally sound large areas of the roof have completely failed causing water damage and deterioration of the remaining rafters and the principle trusses.

##### **Roof**

Most of the plane tiled roof has fallen in or is showing signs of distress. The remaining tiles and battens will need to be removed with surviving tiles stored for possible re-use. The remaining rafters will need to be assessed to see the extent of rot and worm damage and a replacement roof established with repaired and new matching rafters. The principle roof trusses have been exposed to the weather for some time and are showing signs of distress. Each one needs to be carefully assessed including the ones set in the walls at each end of the main open area to establish the extent of decay and their structural integrity. The wall plates also need to be assessed and repaired as required. The plain over sailing gable needs to be repaired. The ceiling to the end rooms need to be repaired/ replaced as they have extensive damage.

##### **Walls**

Generally the brick walls seem to be sound except for a crack in the east gable which needs to be stabilized and repaired. The lintel to the personnel door has failed bringing

down the brick work and roof in this location. A new lintel needs to be inserted and the brickwork rebuilt. The brick eaves detail generally needs to be re established where the distress of the roof has affected it. The parapet gable at the east end needs to be repaired with new stone capping where missing. The brickwork generally needs to be carefully cleaned after which the extent of other minor brick repairs and lime mortar repairs can be assessed.

Internally the walls were whitewashed or painted which can be carefully cleaned and a new finish added.

#### Columns

The stone columns seem to be sound but their stability and integrity needs to be checked and any repair work undertaken as required.

#### Openings

The inserted rough gates, boarding and posts are to be removed from the foldyard elevation. A new timber frame and door will be required to the outside elevation to replaced the existing.

#### Floor

Below the rubble etc it is possible to see that the floor steps towards the back. The future use will require a level floor so this needs to be taken up and a new floor laid with possible reused bricks with the consideration of including insulation and a damp proof membrane.





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### **Pigsty**

The extent of damage and repairs required for the pigsty is difficult to ascertain as the building is overwhelmed by vegetation especially over the roof and gable wall. Once this has been carefully removed an assessment will be made of what repair work is required. The walls generally seem sound except for structural failure evident at the hipped end of the building.

#### **Roof**

It is assumed that the roof covering will need to be taken off with rafters and purlins replaced or at least repaired as required.

#### **Walls**

The walls seem generally sound where they are visible with the exception of the west end which has major crack near the corner possibly where the rear wall has pulled away. The stability of this wall needs to be assessed and rectified so that the brickwork can be repaired. All brickwork needs to be carefully cleaned and the extent of minor repairs of bricks and joints can be assessed. There is some evidence that the internal walls have been whitewashed but depending on the proposed use this could be left to naturally deteriorate.

#### **Openings**

The arched openings used to have gates but only part of one remains. New gates will be installed to match the existing.

#### **Floor**

The floors are to be cleaned out and the need for a new floor assessed depending of the use required with the inclusion of a damp proof membrane to be considered if the floor is to be replaced.

Courtyard and dividing walls etc.

Vegetation is to be carefully removed from on and around these walls so that they can be cleaned and the full extent of any repair can be established. New gates are to be provided.

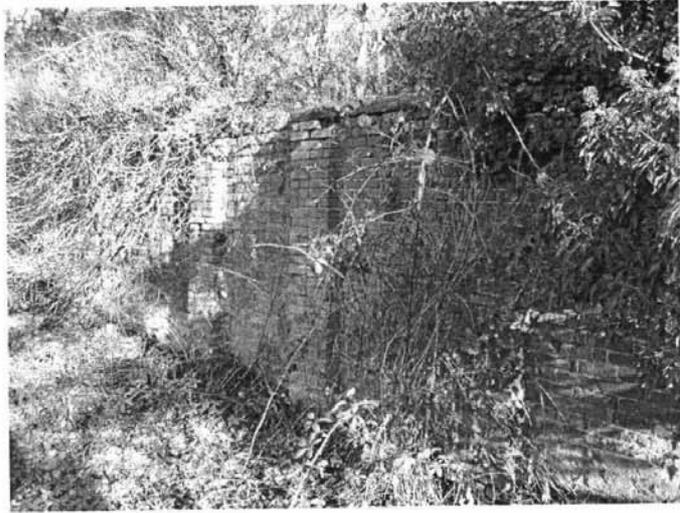


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#### **Foldyard Curtain Wall**

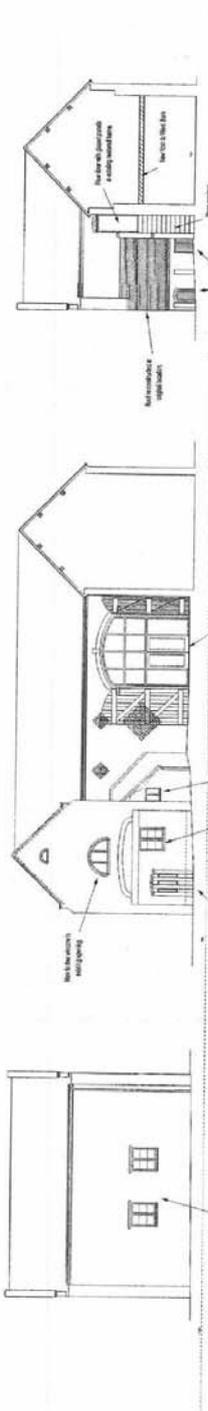
The foldyard curtain wall needs further removal of vegetation and general cleaning down before the full extent of the required rectification work can be ascertained. Some brickwork will need the lime mortar re-pointing especially below the stone capping where the wall has been damp. The stone copings will need to be relayed in places and some pieces replaced.

A new gate is required between the pier at the corner of the yard and the coach house.





ELEVATION B

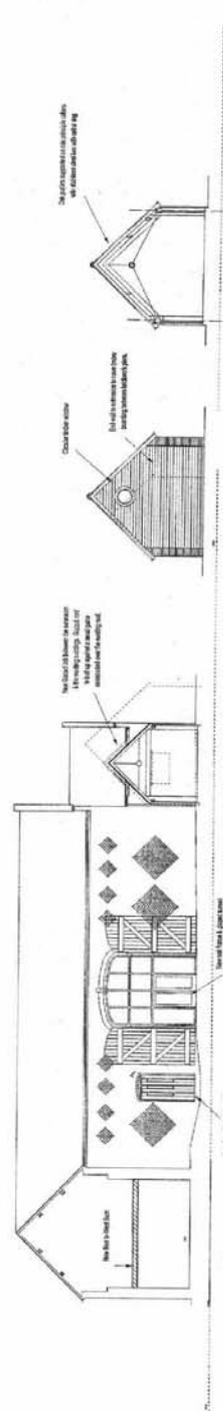


ELEVATION E



BACK OF EXTENSION & ELEVATION G

NORTH BARN SECTION & EXTENSION ELEVATION



ELEVATION F

EXTENSION END ELEVATION & SECTION

FLOOR PLANS AS PROPOSED

Project Name	SHILOH HOUSE BARN, SUITORS SUITORS
Client	SHILOH HOUSE BARN, SUITORS SUITORS
Architect	ASSOCIATED WITH
Date	28 JUN 2011
Scale	1/8" = 1'-0"
Sheet	APPENDIX E

APPENDIX E

ASSOCIATED WITH

28 JUN 2011

ARCHITECTURE

1000 W. 10th Street, Suite 100, Fargo, ND 58102

701.785.1111

www.associatedwith.com

## **General Development Applications**

### **(4) Application No PAP/2011/0417**

**50 Mill Crescent, Kingsbury, Tamworth**

**Extension to dwelling and bow window to front for**

**Mrs Margaret Moss**

#### **Introduction**

The application is reported to the Planning and Development Board as the applicant is Member of the Council.

#### **The Site**

The dwelling is a detached bungalow situated on Mill Crescent, within a wholly residential area where there are similar detached bungalows and semi-detached dwellings.

#### **The Proposal**

A rear single storey extension is proposed to the west elevation (rear) of the property. This would project from the rear building line of the existing house by 3.9 metres and would have a length across the rear elevation of 6.5 metres and a height of 5.3 metres to the ridge. It would have a hipped roof arrangement. The existing garage would be extended to the rear by 1.2 metres in width, 2.4 metres in length and by 1.9 metres in height to the flat roof. The rear extension to the garage would complement the rear building line of the proposed rear extension. Two front bow windows are also proposed with a projection of 0.4 of a metre past the building line to the front elevation.

#### **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies): ENV11 (Neighbour Amenities); ENV 12(Urban Design) and ENV13 (Building Design).

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

The Council's Supplementary Planning Guidance: A Guide for the Design of Householder Development, September, 2003.

#### **Representations**

No representations have been received.

#### **Observations**

The rear extension is wholly in keeping with the existing house, matching the existing eaves and ridgelines levels. It would also to be designed to include new openings to the rear elevation consisting of french doors and a window. The materials would also match. The rear extension to the garage would be designed with a flat roof for continuity of design with the existing flat roof garage. The two front bow windows are

well proportioned. The design of the proposed extensions and alterations are considered to be appropriate.

Both the immediate neighbouring bungalows at Nos. 48 and 52 Mill Crescent have also been extended with rear extensions. The introduction of this type of extension is not unreasonable given that the neighbouring properties benefit from the same type of extension. The extension would replace a conservatory which has recently been removed.

In terms of amenity issues then the extension would not have any impact on the neighbouring occupiers in terms of causing any loss of privacy or loss of light. The 45-degree line rule would not be breached by the projection of the extension and no side windows proposed. The front bow windows would not cause any amenity issues given they are a direct replacement of existing window openings.

The site is not overlooked from the rear.

### **Recommendation**

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

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

#### **REASON**

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the proposed plan received by the Local Planning Authority on 9 August 2011.

#### **REASON**

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

3. The facing materials to be used shall match the colour, texture and size of those used on the existing building.

#### **REASON**

In the interests of the visual amenities of the area.

### **INFORMATIVES**

1. You are recommended to seek independent advice on the provisions of the Party Wall etc., Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet entitled "The Party Wall etc.,

Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the Communities and Local Government web site - <http://www.communities.gov.uk/publications/planningandbuilding/partywall>.

2. The Development Plan policies which are relevant to this Decision are as follows:

North Warwickshire Local Plan 2006 (Saved Policies): ENV11 (Neighbour Amenities), ENV12 (Urban Design) and ENV13 (Building Design).

## **REASONED JUSTIFICATION**

The design of the extension respects the appearance of the main dwelling and is proportionate in terms of its scale and height. The extension is not considered to have a materially adverse impact on the residential amenities. The occupiers of the neighbouring properties also benefit from rear extensions and the bow windows are not considered to represent an impact along the street scene but would improve the frontage of the property. It is considered that the proposal accords with saved policies ENV11, ENV12 and ENV13 of the North Warwickshire Local Plan 2006.

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2011/0417

Background Paper No	Author	Nature of Background Paper	Date
1	The Agent	Application Forms and Plans	9 August 2011

*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.*



## **(5) Consultation by Solihull MBC**

**Outline Planning Application for the erection of a mixed use leisure/entertainment complex, comprising a casino, factory retail outlet centre, hotel, spa, cinema, and conference and banqueting facilities for**

### **Genting Solihull Ltd**

#### **Introduction**

This outline planning application has been submitted to the Solihull MBC and it has invited the Borough Council to forward representations as part of its consultations on the proposal prior to reporting the case for determination.

In view of the scope and size of the proposal, the matter is being referred to the Board.

#### **The Site**

The application site amounts to 2.7 hectares of land within the NEC complex, located between the LG Arena and the Crown Plaza Hotel on the southern side of Pendigo Lake. The present site comprises grass, trees and shrubs with about half of it used for occasional car parking. It has a significant slope running down to the lake. It is more particularly shown on the plan at Appendix A.

#### **The Proposal**

The applicant company is the UK's largest casino operator presently managing forty properties in the country, including one at Star City in Birmingham. The present proposal is being promoted with the full support of the NEC Group.

The application is in outline but seeks full consent for access details, scale and layout. The appearance of the new building is requested to be reserved until a later stage. However the scale of the building is to be determined at outline stage. This would comprise a seven storey single building containing a number of different uses. At its northern end it would be around 36 metres tall and at its southern end it would be around 18 metres tall because of the sloping site. Its overall length would be some 225 metres and its width around 112 metres. Its potential appearance is provided by illustration alone.

The proposed uses include:

- a casino – around 9% of the floor area
- a “designer retail village” comprising 40 retail units ranging from 140 to 186 square metres, and 4 units ranging from 557 to 1105 square metres. These outlets would be used for a defined use, namely “groups of shops specialising in selling seconds and end-of-line goods at discounted prices” – around 20% of the floor area.
- A 196 room 4 star hotel – around 16% of the floor area
- A spa
- A 10 screen cinema – around 6% of the floor area
- Flexible conference and banqueting facilities – around 7 % of the floor area
- 12 food and beverage units to be operated under licence – around 8% of the floor area.

- Three floors of car parking providing 473 spaces – the remaining 34 %.

Two vehicular accesses are proposed off Pendigo Way at the southern end of the site. These would directly access the service/delivery area in the basement and car parking at first and second floor level. Staff would park elsewhere on the NEC site within existing staff car parks. Pedestrian access would also be provided at various points linking in with the existing footpath connections through the NEC. The building would be open and functioning for 24 hours with only restricted hours for the retail use – that would be from 0800 to 2200 hours. It is said that the proposals would create just over 1000 FTE jobs – particularly suited it is said, for younger people. However, allowing for “displacement and substitution effects” it is said that the net employment expected is to be around 600 new jobs and 280 safeguarded jobs.

The application is accompanied by a significant amount of documentation including an Environmental Statement. For convenience a Non-Technical Summary is attached at Appendix B. The summary from the Retails and Leisure Impact Assessment is at Appendix C, and the conclusions of the Transport Assessment and the proposed Travel Plan are attached at Appendix D. An illustration of the possible appearance of the building is at Appendix E.

### **Observations**

Members should be aware that it is a material consideration that the Casino is one of the eight “large casinos” awarded a Licence by the Government following the Gambling Act 2005. Solihull is one of two locations in the West Midlands granted such a “large casino” licence (the other is at Milton Keynes), and Wolverhampton was awarded a “small casino” licence.

Secondly Members should be aware that there is bespoke Development Plan policy in the Solihull Urban Development Plan of 2006 relating to the NEC. This states in general terms that proposals for ancillary and complementary facilities such as hotels, leisure and other developments may be supported provided that they are justified, appropriately located and do not prejudice the prime purpose of the NEC site.

As a consequence both of these considerations will carry significant weight when Solihull MBC comes to determine the application.

From the Borough Council's point of view it is appropriate to see what the impacts might be. There are two main concerns – whether the uses would adversely impact on the vitality and viability of North Warwickshire's settlements, and secondly the traffic implications.

In respect of the former then the casino and cinema uses will clearly not compete with any alternatives within the Borough as there are none. Moreover, because of their nature and size, it is extremely unlikely that any of the North Warwickshire settlements would be appropriate as alternatives, and that the potential impacts would be wholly adverse in terms of highway and environmental issues. Members will be aware that when the Council considered the Belfry application, it was noted that there was a material shortage of four and five star hotel bedrooms in the locality. It was established then too that overnight accommodation of all standards was in short supply when large events took place at the NEC or in the Birmingham area generally. As with the leisure uses it is considered that North Warwickshire settlements are not appropriate locations for significantly sized hotel developments.

The retail element of the proposal is a little more difficult to assess. However North Warwickshire settlements provide and serve for their own hinterlands and provide mostly for convenience shopping, still functioning as local market centres. It is considered unlikely that there would be a major impact on existing trading patterns should a “Designer Village” become established at the NEC, and that none of our settlements would offer a viable alternative. The Impact Assessment undertaken by the applicant focuses on impacts on Solihull and the main urban centres. The applicant considers that the retail use being proposed would not draw trade from any of the smaller centres given that he is offering a new and different category of retail outlet in the area. It is agreed that the combination of uses being proposed here is unlikely to have any material adverse impact on the economic viability of the Borough’s settlements because of the different nature of the uses being proposed. Indeed it is probably the case that the Borough would benefit from the impact through increased visitors and trade as well as increasing opportunities for existing small businesses and trades to widen their markets.

The proposed site is in a sustainable location with the full range of travel modes conveniently available. Given the catchment for this new facility, it is very likely that car born visitors would use the national highway network and not the local roads in order to access the facility. Secondly, it is also likely that visitors already visiting the NEC for an exhibition or an event might well stay overnight on site in order to extend their stay. These considerations are material. It is up to the Highways Agency to advise on the overall capacity implications, but given that the likely patronage to this facility would be in the evenings and at weekends, it would not be surprising if the Agency had an objection in principle. The agency would also have to consider the impact of visitors coming specifically to this facility at the time of major national exhibitions. The Green Travel Plan associated with the application is heavily focussed on staff travel patterns and it is considered that this is appropriate.

There are two matters however which should be taken up with Solihull MBC. Firstly, it seems opportune to explore whether public transport services could be re-instated so as to connect North Warwickshire settlements with the NEC and the Airport. This would not only directly affect traffic figures, but also assist in enabling the job opportunities to be more widely available. Secondly, the proposals would provide just over 400 car parking spaces. It is worthwhile asking whether this is sufficient at times when there are major events taking place at the NEC such that the availability of overspill parking that might be available for this facility, would then be taken up.

### **Recommendation**

That the Council has no objection to the proposal welcoming the economic opportunities that it would present. However in order to reduce adverse impacts, it requests that Solihull MBC ensures that the retail element is restricted to the definition within the proposal; that opportunities for providing public transport connections to North Warwickshire settlements be explored, that the Green Travel Plan as drafted is secured, and that the adequacy of the car parking provision be reviewed.

## BACKGROUND PAPERS

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

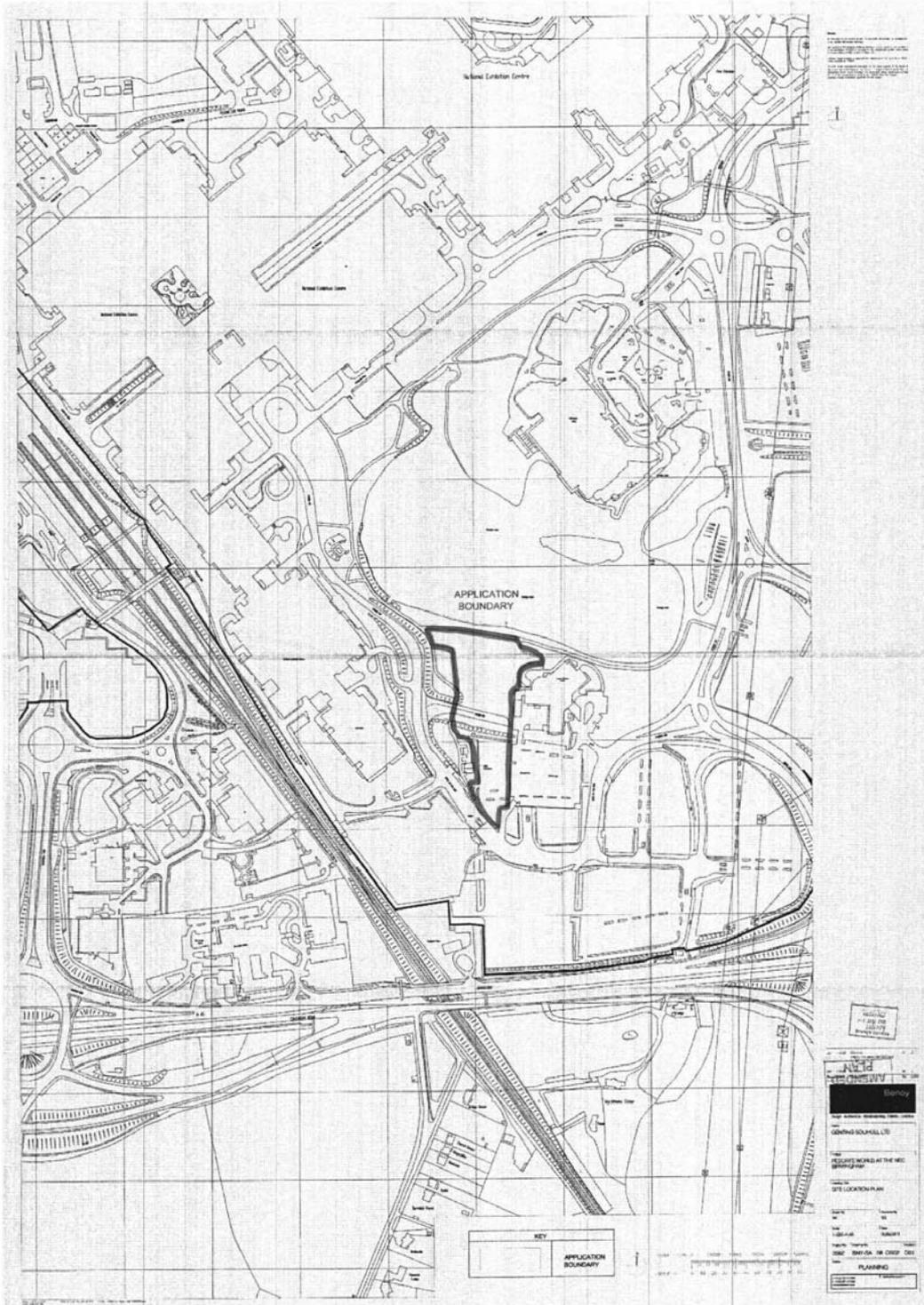
**Planning Application No: PAP/2011/0359**

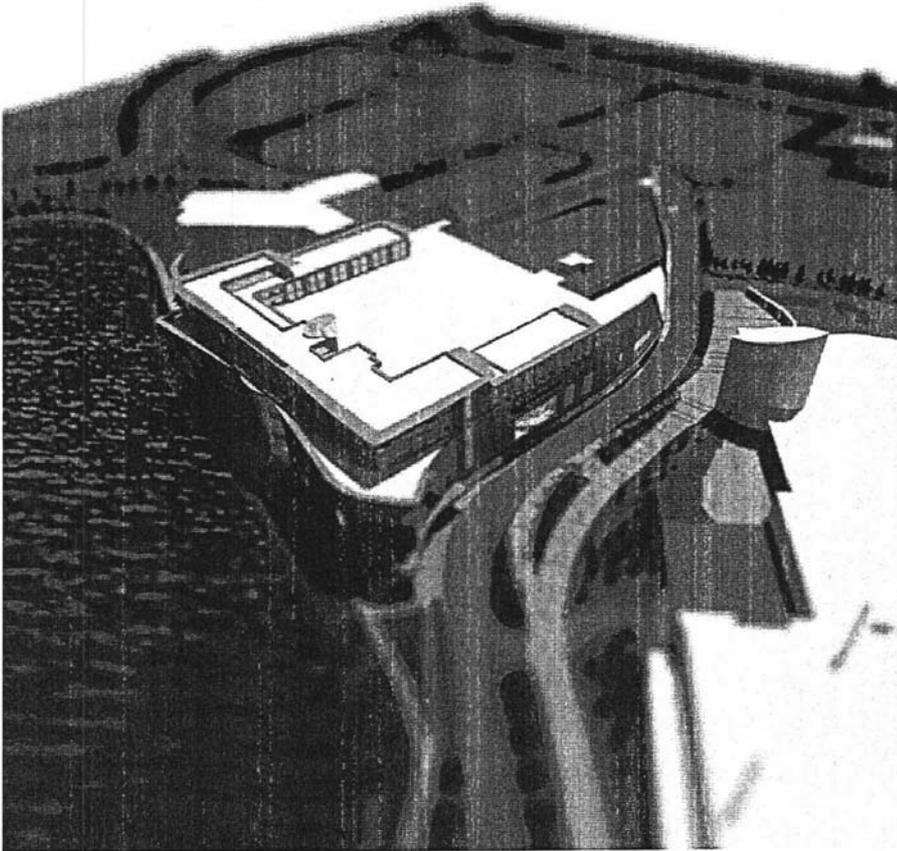
<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Solihull MBC	Consultation letter	27/7/11

*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.*

APPENDIX A





**Environmental Statement  
Non Technical Summary**

Accompanying the planning application by Genting Solihull Ltd Site to north and east of Pendigo Way, NEC, Birmingham  
July 2011

# Environmental Statement

## Non Technical Summary

### 1.0 Introduction

Genting Solihull Ltd is submitting an outline planning application for the Resorts World proposal on the land immediately to the west of the Crowne Plaza Hotel and south of Pendigo Lake at the National Exhibition Centre (NEC), Solihull, Birmingham (NGR SP193833).

The development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and in accordance with these Regulations, Genting Solihull Ltd has commissioned Ove Arup & Partners Ltd (Arup) to undertake an Environmental Impact Assessment (EIA) and prepare an Environmental Statement (ES).

This non-technical summary briefly describes the proposals and summarises the Environmental Statement.

### 2.0 Site and Surroundings

The application site is approximately 2.7 hectares located to the west of Junction 6 of the M42, accessed from the A45. The site presently comprises an area of mostly amenity grassland with scattered trees and hedgerows and an area of surface level car park and public conveniences. Figure 1 shows the location and application site boundary.

To the west of the site are Birmingham International Airport and Birmingham International Railway Station and the West Coast Main Line which runs just south of the site. Other businesses in the complex include the NEC, LG Arena, hotels and associated infrastructure. Adjacent to the eastern boundary of the site is the Crowne Plaza Hotel and restaurant.

Pendigo Lake and The Rough Ecosite is adjacent to the northern site boundary of the application site.

There are no residential areas adjacent to the site, however there is a semi-detached bungalow at Longacre Farm, within the NEC, approximately 200m south of the site. Other residential areas are beyond the M42 to the east and beyond the A45 to the south.

Figure 1, Site location and key site features with the site boundary highlighted as a red line.



### 3.0 The Proposals

This proposal will entail the erection of a mixed-use leisure/entertainment complex comprising casino, factory outlet centre, hotel, spa, cinema, conference and banqueting centre, food and beverage, car parking and servicing, plant and associated public realm and landscape works. The building will function 24 hours a day for 365 days a year.

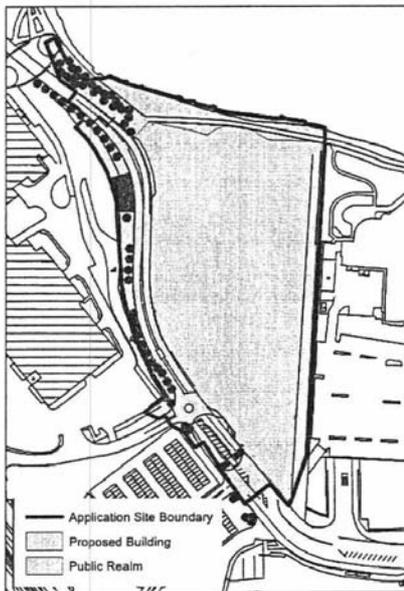
The maximum height of the building is 43m. The maximum lengths and widths of the building are 229m and 114m respectively. The approximate maximum floor space is 71,771m<sup>2</sup>. The building footprint occupies the majority of the site area, as shown in Figure 2, meaning there is little opportunity to retain or make use of any of the existing landscape features. Areas within the public realm will be landscaped and a green roof will be included. An existing public footpath along Pendigo Lake will be retained. Figure 3 shows the proposed ground floor layout.

# Environmental Statement

## Non Technical Summary

Access to the development will be from the internal road network within the NEC complex, with drop off facilities adjacent to the site. A dedicated service yard is to be provided in the basement areas. 473 spaces car parking spaces will be provided to service all facilities within the building. Of these 103 will be at basement level and 370 on upper levels.

Figure 2, Masterplan.



The construction programme will take between 18 to 24 months to complete. Completion of the building and opening of the facilities is anticipated for late 2013.

Three sites within the NEC were considered as potential options. Potential environmental advantages and

disadvantages were considered for each site. The overall scale of building was anticipated to be comparable for each location therefore the traffic generation would have also lead to similar impacts on local receptors and the traffic network. Site 3 was selected as it provided the most appropriate location for the type of development proposed, due to its position in the public realm and visibility to the rest of the NEC. Potential environmental aspects were considered similar for each site and were not a key influencing factor in site selection.

### 4.0 Consultation

An Environmental Scoping Report was prepared and submitted to Solihull Metropolitan Borough Council in March 2011. Statutory organisations have been consulted as part of the scoping process.

Based on an initial assessment undertaken during the scoping work and consultation response, it has been established that the following aspects are of such low significance that they are not likely to give rise to significant adverse impact on the environment and therefore have not been addressed further in this EIA:

- Cultural Heritage and Archaeology;
- Cumulative Impacts with any other developments.

Public consultation days have been undertaken over six days in April 2011 at the NEC, Solihull and Chelmsley Wood to provide information and an opportunity for local residents, NEC employees and businesses to give feedback on the scheme. In addition to this specific stakeholder meetings have been undertaken throughout the development of this EIA.

Environmental issues raised during consultation have been included within the design of the project where possible, or considered within the ES.

### 5.0 Noise and Vibration

An assessment of the likely significant noise and vibration effects of the proposed development at the NEC has been undertaken.

An environmental noise survey was carried out to establish the existing noise climate, from which to determine construction and operational noise limits. Locations at which measurements were taken included the Crown Plaza, Hilton Metropole, LG Arena and neighbouring footpaths/walkways.

# Environmental Statement

## Non Technical Summary

It is assumed that all construction activities will be undertaken in accordance with Best Practicable Means which will result in negligible noise impacts during the construction phase.

A construction environmental management plan should be provided containing established control measures for environmental protection that would be adopted during construction.

Building services and service yard noise control measures and amplified music noise control measures already form part of the building design and will also be further developed through detailed design, therefore resultant noise impacts will be negligible. Building services equipment will need to be suitably located and attenuated in order to control building services noise. The details of the service yard and associated ventilation will be further developed. The sound insulation of the building envelope will also be further developed at detailed design in order to control the break-out of amplified music noise.

Patron activity will generally be concentrated at locations which are a significant distance from the nearest sensitive receptor. However, some operational and management control measures may be required to limit noisy activity.

Roof-top parking, in the context of relatively high baseline noise levels already existing at the site, especially at night, will result in negligible impact from patron and parking activity on the nearest noise sensitive receptor.

For road traffic effects, the noise level change has been predicted for the nearest major roads. For the year 2021 the majority of nearby roads experience a negligible noise impact with one road experiencing a minor impact. No specific mitigation is considered necessary for road traffic noise.

### 6.0 Air Quality

The air quality assessment examines existing air quality, outlines the relevant air quality standards and guidelines and considers the likely effects on air quality arising from the construction and operational phases of the development. A review and assessment of air quality has been undertaken by Solihull Metropolitan Borough Council, following which no Air Quality Management Area (AQMAs) has been declared in the Borough.

The construction effects of the proposed development on local air quality would be primarily where dust may arise during the duration of construction activities. The assessment has demonstrated that the environmental risk in terms of air quality associated with the construction of the proposed development would be high due to the scale of the development, but could be reduced to medium/low with the application of appropriate mitigation measures.

A screening assessment using recognised air quality methodology has been conducted to predict the changes in air quality as a result of the operational traffic flow changes in the area surrounding the application site. The pollutants assessed were nitrogen dioxide and fine particulate matter. These have been forecast for the existing year of 2011 and opening year of 2014, both with and without the proposed development.

The forecast concentrations indicate that the UK air quality objectives and EU limit values will not be exceeded at any modelled location within the modelled traffic network and the changes in local air quality are imperceptible.

Taking into account the potential impact from the proposed development, the significance of the predicted changes in air quality are judged to be insignificant.

Overall the schemes potential air quality impact is considered to be a low priority consideration in the planning process, using the Environmental Protection UK approach.

### 7.0 Ecology and Nature Conservation

Potential impacts to habitats and species that may be affected during the construction and operational phases of the proposed development have been assessed. The development will result in loss of habitats with very little opportunity to retain or make use of any of the existing ecological features as the building footprint occupies the majority of the site area.

An ecological site walkover and Habitat Survey was undertaken in June 2010. The key habitats identified within the application site boundary are:

- Scattered Trees;
- Species-poor Intact Hedgerows;
- Amenity Grassland – the principle habitat;
- Marginal Vegetation around the lakeside;

# Environmental Statement

## Non Technical Summary

- Ephemeral/Short Perennial Vegetation;
- Southern Marsh Orchid and Common Spotted Orchid;
- Japanese rose;
- Birds.

All the habitats and species identified on site are considered to be of parish value or less. Ecological features of parish or lower value are not likely to be considered by the local planning authority as material to the decision to proceed with the scheme. Therefore, no further assessment of the impacts on these habitats was undertaken. However, mitigation and enhancement measures to identify potential ecological gain from the proposed development have been considered.

### Proposed Mitigation

Japanese Rose is an invasive species of concern. It will be carefully excavated and removed off-site to a licensed landfill without spreading plant fragments and causing a possible legal infringement.

Where it is not possible to protect the orchids, it will be necessary to translocate them to a suitably prepared receptor site, which is unaffected by the development proposals.

### Habitat Creation

- Along the frontage of the proposed development with Pendigo Lake brushwood planters should be established;
- Areas of thorn scrub, using native species characteristic to the local area (such as hawthorn and blackthorn), could be planted in areas adjacent to the site to provide habitat and nest sites;
- Provision of a green roof.
- bird and bat boxes should be incorporated in to the building design.

Should the proposed habitat creation and enhancement measures be secured, there would be benefits for biodiversity arising from the scheme and contribution to UK Biodiversity Action Plan and Warwickshire, Coventry and Solihull local objectives for a range of species. The scheme would therefore be in accordance with policy by delivering biodiversity benefits.

### 8.0 Townscape and Visual

An assessment of the potential townscape and visual effects arising during the construction and operational phases of the proposed NEC leisure/entertainment complex has been undertaken. Where townscape and visual effects are identified,

suitable mitigation measures are proposed to prevent or reduce these effects wherever possible.

*Photo 1: The proposed location site, to the right of the Crown Plaza Hotel, photo taken from the northern side of Pendigo Lake, looking south.*



The townscape assessment has considered the site features and relevant Townscape Character Areas.

There are no landscape or townscape designations covering the site or any of the character areas within the study area. The Bickenhill Conservation Area approximately 1.2km to the south west and Pendigo Lake and The Rough Ecosite is adjacent to the northern boundary of the site.

The condition of the townscape within the site is judged to be fair because generally the amenity grass and trees, and also the disused section of tarmac car park, appear to be relatively well maintained and the application site is tidy. The application site consists of a substantial open green area which contributes to the overall relatively peaceful environment of Pendigo Lake. The character of the townscape is neither locally, regionally or

# Environmental Statement

## Non Technical Summary

nationally rare and therefore the value of this character area is judged to be low and has a low sensitivity to change.

There are no recommended mitigation measures relating to the townscape resource during the operation of the development since it is judged to be neutral to beneficial for each townscape character experiencing change.

The visual impact assessment has identified features with may be affected by the proposed scheme. The features can be grouped as:

- Public and Leisure
- Residential
- Commercial
- Employment
- Transport

There will potentially be an adverse visual impacts at Longacre Farm for which mitigation will need to be considered. Proposed elevated television display screens on the southern building façade should be positioned so as not to be directly viewed from the residential receptors at Longacre Farm.

Suggested mitigation measures to limit the temporary but adverse impacts on the townscape and visual resource during the construction phase might include:

- Hours of working and directional lighting / baffles to limit light spillage to sensitive visual receptors;
- Appropriate design of hoardings;
- Careful selection of compound locations as part of the indicative phasing strategy.

Slight adverse residual impacts remain at the footpath around Pendigo Lake and the Rough. These are due to visual impacts sustained during the construction and operation of the development.

In addition, there are possibilities for more meaningful landscape improvements which will significantly improve the setting of the buildings immediately outside the application site boundary. This could include:

- Soften the building aspect facing the Crowne Plaza by planting large semi-mature trees alongside the Resorts World building;
- Through sensitive and coordinated design provide a landscape that encourages pedestrian movement

between the proposed development and the LG Arena so that each facility can benefit from the other's success;

- Identify other areas within the NEC complex where improvements to landscape can be made to offset the loss of green space and vegetation. This could include enhancements to marginal planting around the lake, areas of native species scrub and copse planting and planting of mixed age, mixed species trees.

### 9.0 Water Quality and Hydrology

The proposed development is located in a developed environment. There is one key water feature in close proximity, Pendigo Lake that currently accepts all surface waters from the NEC currently developed. This water body discharges into Hollywell Brook.

During the construction phase there is a risk of contaminated surface waters discharging to the lake, tainted by silt, fuel oils and other construction materials. Introduction of these substances could reduce the water quality of the lake. However, under contemporary construction standards surface water discharges, silt movements and fuel oils all have to be strictly controlled on site. As long as the construction area is managed correctly residual discharges of pollutants should be minimal.

At the operational phase the only risk presented to the water environment is an increase in downstream flood risk caused by an increase in surface water discharges to Pendigo Lake. However, it has been recognised that the surface water management strategy should include on site attenuation to reduce discharges into the lake to below existing rates. This improves Pendigo Lakes ability to accommodate the water generated during extreme rainfall events across the NEC complex. This philosophy is in accordance with best practice and the Environment Agency's requirements.

### 10.0 Ground Conditions and Waste

The environmental impact assessment has been carried out in line with current UK guidelines and legislation and has considered the existing baseline conditions present at the site and how the proposal will impact the underlying ground conditions and potentially create waste impacts.

A review of publically available data has been carried out and a Landmark Envirocheck report was commissioned for the

# Environmental Statement

## Non Technical Summary

proposed development site. Historical maps revealed the site was located within a rural setting with very little change between 1887 and the 1970s. During the 1970s the site and surrounding area was developed into the NEC complex. The application site itself became a car park in the southern section, with the northern section providing amenity grassland.

A review of the underlying geology revealed that the site is underlain with Made Ground which may have been deposited during the construction of the adjacent Pendigo Lake and/or the excess waste material from the general construction of the NEC site.

Beneath the Made Ground lies localised Alluvium and the Mercia Mudstone Group. The Mercia Mudstone Group is an unproductive strata and not considered a sensitive groundwater receptor, although this may allow contamination to mobilise through leaching and migration. Nearby surface water includes the Pendigo Lake which is a designated Ecosite, and the River Blythe catchment into which the lake feeds.

Recent site investigation data (January 2011) reveal limited low level soil contamination in localised areas, within the Made Ground. Groundwater chemical analysis has been carried out and identified slightly elevated selenium, chromium, sulphate and total PAHs, with respect to Environmental Quality Standards. Ground gas monitoring identified methane and carbon dioxide concentrations with low associated flow levels which may require consideration of gas protection measures.

The key impacts of the proposed development to ground conditions and waste have been identified and a significance of effect has been applied. Mitigation measures have been proposed to reduce the impacts. It is considered that the excavation of the basement of the proposed building and the earthworks will cause a minor adverse effect if the material is disposed to landfill. Mitigation measures include sourcing alternative disposal options, in line with current legislation and guidelines, including the reuse of the material. The removal of potential existing contamination which may occur on site within the Made Ground would result in a minor beneficial impact as low level contaminated material is removed from the area of the building footprint.

During operation of the proposed development the loading bays and servicing plant could potentially harm human health and/or nearby surface water courses, through accidental spills

and leaks, however this is assessed as minor to negligible. If mitigation measures are adopted there should be no significant effect.

### 11.0 Cumulative Effects

A cumulative effects assessment has examined the incremental contribution of the Resorts World development at the NEC. No other proposed developments were identified to be included in the assessment.

No significant cumulative effects were identified. However recommendations have been made for linking the changes to the public realm within the application site boundary to other public realm improvements around the NEC.

### 12.0 Summary

The proposals for the Resorts World NEC have been the subject of an Environmental Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. A specialist assessment has been undertaken for each of the key environmental topic areas and for any significant impacts identified, mitigation measures have been provided to either reduce or remove the impacts where possible.

In some circumstances the opportunity for improvement has been highlighted and incorporated into the design of the proposed scheme. Further details can be found in the Environmental Assessment Statement.

In addition recommendations have been made for enhancement measures outside of the application site boundary. It is anticipated that the recommendations for mitigation, made in the Environmental Statement will be secured through planning conditions or a 106 agreement.

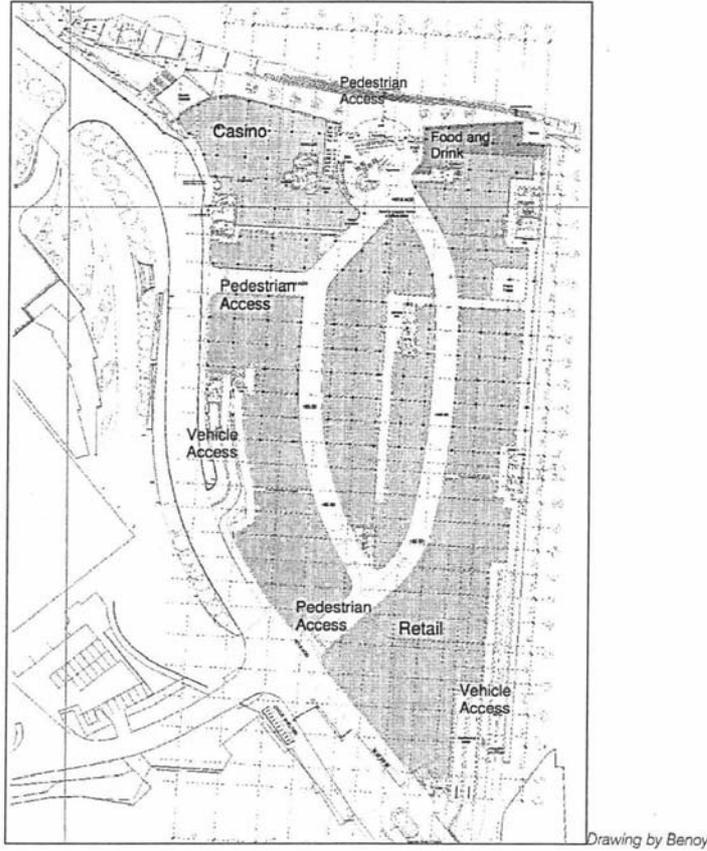
### 12.0 Further details and contact information

Further details relating to the Environmental Assessment of the scheme are provided in the Environmental Statement. This can be viewed at: [www.resortsworldnec.co.uk](http://www.resortsworldnec.co.uk)

# Environmental Statement

## Non Technical Summary

Figure 3, Resorts World Development – Proposed ground floor arrangement with access points.



## 9.0 Summary & Conclusions

9.1 This Retail and Leisure Assessment (RLA) has been prepared by Turley Associates on behalf of Genting Solihull Ltd. Genting is seeking planning permission to develop a major leisure and entertainment complex at the National Exhibition Centre (NEC) in Birmingham.

9.2 The application site is located within the NEC Complex and situated between the LG Arena (former forum) and the Crowne Plaza hotel. In summary, planning permission is sought for the following:

'Erection of a mixed-use leisure/entertainment complex comprising casino (sui generis), factory outlet centre (Class A1), hotel (Class C1), spa (Class D2), cinema (Class D2), conference and banqueting centre (Class D1), food and drink uses (Class A3/A4/A5), car parking and servicing, plant and associated public realm and landscape works'.

9.3 This RLA considers the economic and planning policy issues associated with proposed development.

### Development Context

9.4 The principal retail element of the proposal is a factory outlet centre (FOC). The proposal in this case is a 'Designer Outlet Centre' or 'Designer Village', the most upmarket of the various FOC formats, characterised by high quality brand retailing and extensive trading areas (with up to 50% of trade draw from beyond a one hour drive time).

9.5 The proposed Casino is one of the eight 'large casinos' awarded a licence by the Government following the Gambling Act of 2005. Solihull is one of two locations in the Midlands to be granted a large casino licence (with Milton Keynes); a 'small casino' licence was awarded to Wolverhampton.

9.6 Research commissioned by Genting indicates that large casinos have extensive catchment areas, with domestic (UK) customers primarily drawn from a 90 minute drive time. 80% of visits by residents are, however, estimated to originate from those living within a one hour off-peak drive from the application site.

9.7 The casino's catchment population therefore has much in common with the proposed Designer Outlet: it is anticipated to be extensive (principally defined by a 60 minute isochrones), with 28% of visits (168,000 of the estimated 600,000 casino visitors) originating from beyond a one hour drive time (a combination of residents living in the 60-90 minute area, domestic and overseas tourists, and NEC visitors).

9.8 This is accordingly considerable synergy between the casino and retail elements of the scheme in respect of catchment population and trade draw characteristics.

### Cinema and Leisure Uses

9.9 The proposed 10-screen cinema, spa, conference centre and hotel will be a complementary to the proposed casino and retail uses. All of these uses have synergy with the NEC and the overall development, although are likely also to be independent generators of trips, expenditure and economic activity. As similar wide catchment area is anticipated, with impacts dispersed over a wide area.

9.10 Of these additional scheme components, however, it is anticipated that cinema will also be attractive to a more localised catchment, competing with existing cinema complexes in the immediate area. However, linked usage with the scheme's other elements will also occur.

### Principal Competing Centres within Catchment

9.11 A catchment area for the development based on a 60 minute, off-peak drive time catchment area has been assumed. Taking into consideration the trade draw characteristics of the casino and Designer Outlet FOCs, 30% of expenditure is estimated to derive from beyond this area. The 60 minute isochrone has been used as the basis for the household survey area.

9.12 The assumed trading characteristics of the scheme's retail floorspace and casino will be largely repeated for the other components, with which there is considerable synergy. However, the cinema may have a more localised effect, which we reflected in our analysis.

**Identified Catchment Area**

- 9.13 In preparing this assessment and considering the appropriate methodology to be adopted, we have had regard both to the guidance sent out within PPS4 (and the accompanying practice guide) and to recent studies and the evidence base used to inform the preparation of various Local Development Framework documents within the area. We have also had regard to pre-application advice from Solihull Metropolitan Borough Council Officers and other case studies of comparable forms of development.
- 9.14 In order to reflect the nature of the development proposed in this case, this assessment has used the results of a household interview survey specifically conducted within an overall catchment area appropriate to the likely attractiveness of the scheme (see Section 6).
- 9.15 Whilst there will inevitably be inflows and outflows of retail and leisure expenditure, the defined catchment area provides, in our view, a robust basis for assessing the proposal's economic impacts.

**Economic Assessment Methodology**

- 9.16 Turley Associates has adopted the goods-based approach to the economic assessment in accordance with Government advice. We favour a simple methodology for assessing proposals, with six key stages. These are as follows:
- Stage 1: determine an appropriate base, price and design year for the analysis.
  - Stage 2: define an appropriate catchment area.
  - Stage 3: quantify existing and future available retail and leisure expenditure based on local expenditure estimates and population forecasts.
  - Stage 4: estimate the turnover of the proposal in the design year, based on published turnover information, and forecast the development's pattern of trade draw in relation to the catchment area.
  - Stage 5: assess the impact of the proposal on the town centres and other relevant facilities by reference to trade draw identified through the results of the household telephone survey.

**Sequential Assessment**

- 9.17 The application proposal is specifically designed to support directly the ongoing development and success of the NEC. This is a key objective of both regional and local policy. The proposal cannot, therefore, reasonably be located on a more 'central' site: it is location-specific and must be situated in the location proposed by this application if defined policy objectives are to be met.
- 9.18 The adopted Solihull UDP specifically supports development within the NEC boundary (and the application site falls within this boundary). The UDP acknowledges the need for the NEC to retain its competitive position as a nationally important exhibition venue, and acknowledges that it will therefore be required to develop improved facilities. This includes facilities of the type proposed by this application.
- 9.19 Meeting the aspirations of key business such as the NEC is an objective that is taken forward by the emerging Solihull Core Strategy, and the emerging Birmingham Core Strategy. The West Midlands RSS also acknowledges and supports development plan policies relating to the further development and success of key regional tourism and cultural assets such as the NEC.
- 9.20 The different uses within the scheme are dependent upon each other for their individual success, and thus the success of the development as a whole. Disaggregation of the scheme would fail to support stated planning policy objectives. A comprehensive mixed-use development is therefore necessary if a financially viable scheme is to be delivered that meets the ongoing regionally significant role of the NEC.
- 9.21 Notwithstanding this policy position, we have undertaken a sequential assessment of potential sites within relevant centres and have shown flexibility with regard to the quantum of floorspace promoted.
- 9.22 The broad range of sites that we have assessed, and found to be either unsuitable, unavailable or unviable, serves to confirm that the form and scale of development proposed by this application cannot be located in an alternative sequentially preferable location.

9.23 In undertaking our sequential assessment, regard has been given both to relevant policy and advice, and to the nature and scale of the development proposed. The assessment that has been undertaken has had full regard for the need to demonstrate flexibility in terms of the scale of the development, the development's format, and the scope for disaggregating specific parts of the development. We have also demonstrated flexibility as regards the scope of the assessment, by focussing on major strategic sites located in principal centres within a 30-minute catchment, a catchment that we consider extends beyond locations that could appropriately serve the defined role of the NEC.

9.24 In conclusion, although due consideration has been given to potential sequentially preferable sites, and the scope for disaggregating the development proposals has been considered, the link with the NEC cannot be dismissed: the application proposals represent a locationally specific development. In any event our assessment has demonstrated that there are no suitable, viable and available sequentially preferable sites that are capable of accommodating the development proposals. The application therefore complies with the requirements of PPS4 Policy EC15.

9.25 The nature and role of the NEC is an important material consideration in relation to the site-specific nature of the application proposals, and the application scheme will support the economic success of the NEC, in accordance with defined planning policy aims and objectives.

#### Economic Impact Assessment

9.26 9An assessment of the economic impact of a proposed development for main town centre uses is a key policy test for new development identified in PPS4.

9.27 Impacts to be considered include resilience to climate change, accessibility, inclusivity and quality of design, economic and physical regeneration, local employment (Policy EC10) and any 'locally important impacts' identified by local authorities in Development Plan Documents (DPDs) (Policy EC3.1.e).

9.28 PPS4 Policy EC16 states that planning applications for main town centres uses that are not in a centre (unless EC16.1.e applies) and not in accordance with an up-to-date development plan should be assessed against six impact criteria.

9.29 As set out above, it is recognised that the development proposed within this application constitutes 'main town centre uses' that would not be located within a centre and that are not in accordance with an up to date development plan. As a result, an impact assessment has been undertaken with regard to the requirements of PPS4 Policies EC10 and EC16.

#### The Nature of Impact

9.30 The nature of the economic impact likely to arise as a result of the proposed development has been considered. In this case and consistent with the nature of the floorspace promoted, the impact will be concentrated on comparison goods retail expenditure and patterns of trade within the identified catchment area, together with leisure impact associated with the proposed use of the hotel, leisure facilities, cinema and casino.

9.31 We conclude that the nature of impact likely to be felt will be limited and is likely to be spread throughout the competing centres both within and beyond the identified catchment area. We do not consider that the floorspace will draw a significant amount of trade from any specific centre or that it will disproportionately impact upon any existing facilities that are subject to retail planning policy protection.

9.32 In addition, and given the increased attractiveness of the NEC overall, we consider the likely beneficial impact associated with visitors being drawn to the wider area. We consider how the application proposals will be able to attract new visitors.

#### PPS4 Policy EC17 –

#### The Consideration of Planning Applications

9.33 This assessment sets out a through consideration of the economic issues associated with the proposed development, with specific reference to impacts on relevant town centres. An appropriate sequential assessment has also been undertaken that confirms there are no suitable, viable or available sequential sites capable of accommodating the development proposed.

9.34 It is recognised that it is inevitable that new retail and leisure development will have some impact. Against this background, however, there is clear evidence that the proposed development would not lead to significant adverse impacts, which is the test pursuant to Policy EC17.1b of PPS4.

9.35 As there are no significant adverse impacts, a balancing act should be undertaken taking into account the material considerations in presumption of development.

9.36 9.36 Indeed, it is our view that the positive impacts associated with the proposal far outweigh any perceived adverse impacts and that a positive and constructive approach should be adopted by the Council in line with Policy EC10.1. The impacts of the development are summarised as follows:

Policy	Impact				Does Not Apply
	Significant Adverse	Negative	Neutral	Positive	
EC10.2 a				✓	
EC10.2 b			✓		
EC10.2 c				✓	
EC10.2 d				✓	
EC10.2 e				✓	
EC16.1 a				✓	
EC16.1 b			✓		
EC16.1 c			✓		
EC16.1 d		✓			
EC16.1 e			✓		
EC16.1 f					✓

9.37 Furthermore, the applicant has demonstrated compliance with the requirements of the sequential approach as outlined in Policy EC17.1b.

9.38 Policy EC17 is clear that, where no significant adverse impacts have been identified under policies EC10.2 and 16.1, consideration can be given to the consideration of positive and negative impacts of a proposal and 'other material considerations'.

9.39 Accordingly, significant weight can and should be given to the benefits that the development will deliver. There is a positive presumption in favour of granting planning permission.

## 8.0 Summary and Conclusions

The Resorts World development proposals comprise of an exciting new mixed-use leisure/entertainment complex comprising casino (sui generis), factory outlet centre (Class A1), hotel (Class C1), spa (Class D2), cinema (Class D2), conference and banqueting centre (Class D1), food and drink uses (Class A3/A4/A5), car parking and servicing, plant and associated public realm and landscape works.

The development will be located at the NEC and is highly accessible by a number of modes. Following detailed discussions with the highway authorities, this Transport Assessment report has considered the impact of the development on the strategic highway network and in particular M42 Junction 6. The analysis undertaken has shown that the development will have only a limited impact on the network peak periods and will not affect the overall operation of the junction. These findings are unsurprising as the mixed leisure nature of the development will attract trips principally in the evening and weekend peak periods.

The LinSig analysis of M42 Junction 6 showed that even allowing for significant growth in background trips as well as the consented trips associated with Birmingham Airport Runway Extension, overall queues and delays are not impacted upon significantly. Sensitivity analysis has also been undertaken to provide the highway authorities with additional comfort with regard to the potential impacts.

The development will also generate both bus and rail patronage which will help to support the existing services which serve Birmingham International Station and the Interchange. The proposals are also supported by a standalone Travel Plan which seeks to promote the use of sustainable modes particularly for employees but also providing opportunities for visitors.

In summary, the proposed development is considered to have been robustly tested and shown to have no significant impacts on the strategic highway network.

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## 4.0 Resorts World Travel Plan

### 4.1 Focus of the Travel Plan

This Travel Plan is primarily focused on employee trips and therefore the majority of measures proposed within the Plan are intended to encourage employee trips to the development by sustainable modes with the ultimate aim of reducing single car user trips to the development by employees. Measures identified will also provide opportunities for visitors of the development to use sustainable modes as well.

This focus on employees has been adopted because the Government's main focus for Travel Plans has been towards employers and as such, it is considered realistically more feasible to evaluate travel patterns and successfully implement quantifiable initiatives with employees than with the more variable visitor base.

It is recognised that there is the potential to influence visitor travel behaviour and therefore the majority of measures aimed at visitors are more dedicated towards increasing awareness of alternatives to private car use through the display and promotion of information on electronic media, notice boards and/or leaflets.

### 4.2. Objectives of the Travel Plan

There are a number of objectives, both at national and local level that the implementation of the Travel Plan is intended to help fulfil. The main aims of the Travel Plan are supported by the following objectives of the occupiers:

- To support the existing work by the NEC Group to offer improved opportunities for travel by public transport;
- Offer and promote discounted public transport to staff and investigate opportunities to work with operators to promote public transport to staff and visitors;
- Develop and encourage car sharing among Resorts World employees and seek to develop a common strategy with the NEC;
- Provide cycle facilities at the Resorts World site;
- Develop a communications strategy and initiatives to promote sustainable travel by staff and visitors.

The aim of this travel plan is to ensure that realistic sustainable transport options are available for employees and visitors. Its primary objective is to reduce reliance upon single occupancy car use, one of the main sources of congestion and least sustainable forms of transport, by encouraging car sharing and the use of public transport.

### 4.3 Travel Plan Initiatives

In order to ensure that the opportunities for sustainable trips are maximised, there are a number of measures that will be implemented and encouraged. All measures will be in place at the opening of the development.

#### 4.3.1 Physical Improvements

The proposed development is located adjacent to the Crowne Plaza hotel and a short walk from the main exhibition hall at the NEC itself, the LG Arena and the Hilton Hotel. The development itself has been designed to have entirely vehicle free internal areas. It is also proposed to upgrade the linkage between the development and the NEC exhibition halls to be largely traffic free. This will enhance the pedestrian connectivity between the development and the NEC and onwards to the Interchange for visitors arriving on foot. The proximity of the Crown Plaza and Hilton Hotels provides easy walking access to the development for guests staying at the 1,000 rooms and delegates using the conferencing facilities at the hotels.

It is also proposed to provide cycle storage to be located immediately at the front of the development. The cycle storage would be covered and is located adjacent to Security Gate 2 therefore ensuring that cycles are left in a highly visible and secure location.

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## 4.0 Resorts World Travel Plan

### 4.3.2 The Travel Plan Co-ordinator

The Travel Plan will be implemented by Genting Solihull Ltd. Genting Solihull Ltd will designate a Travel Plan Co-ordinator who will work in conjunction with the highway authorities and local planning authority, occupiers within the development, other local businesses investing Travel Plans, the local community and other interested parties for the continuing progression of the Travel Plan. Details of the Travel Plan Co-ordinator will be provided to the local authority once appointed.

The role of the Travel Plan Co-ordinator will be as follows:

- To promote and encourage the use of travel modes other than the car, including publicity;
- To provide a point of contact and travel information for employees;
- To ensure that all relevant information is provide to occupiers of the site to disseminate to employees;
- To ensure that relevant information is made available to visitors and is updated as necessary;
- To arrange for initial travel survey and annual monitoring to be undertaken where necessary;
- To provide a point of contact with transport operators and officers of the Council and work with other local businesses to pursue joint plans and initiatives where relevant.

In addition, it is proposed that the Travel Plan Co-ordinator will work closely with Travel Plan Co-ordinators within the area to learn from and share experience from the various measures and incentives that have been rolled out elsewhere.

### 4.3.3 Measures to Reduce Car use for Visitors

Although it is difficult to control the travel behaviour of the public, several measures will be put into place to increase awareness and encourage visitor trips by sustainable modes. These include:

- Taxi and Private Hire Vehicles – provision at the development has been made for pick-up and drop-off by taxis and private hire vehicles. This will provide visitors with the opportunity of travelling to and from the site without the need for their own vehicles. This is seen as a positive commitment as visitors to the retail could need the use of a vehicle to transport bulky or heavy shopping home and also, visitors to the leisure elements of the development have the opportunity to enjoy the food and beverage offer as well as the late opening without the constraints imposed by the times of the last bus or train. Free phones will be provided within the development to allow visitors to easily arrange a taxi home after making alternative means to access the development.
- Provision of Travel Information - information relating to potential means of car-alternative access to the development will be publicised on any website which is developed to promote the development. The information will include any relevant travel awareness information including up to date public transport timetables, cycle route maps and information, along with contact numbers and other relevant information.
- Cycle Racks - cycle parking spaces will be provided close to the entrance to the development with 20 cycle parking spaces are provided. The number of cycle parking spaces will be reviewed as part of the on-going monitoring and if utilisation is seen to be favourable, the opportunity exists to increase this.
- Disabled Accessibility - to cater for the needs of people with physical disabilities, the development will include specially marked spaces for visitors with disabilities. These will be close to the development entrance and will be larger than the normal parking spaces providing sufficient room for visitors who need to manoeuvre wheelchairs. The car park and walkways will be designed to be 'wheelchair-friendly' with no steep gradients or changes of level. Toilets within the development will also be provided with are specially adapted to the needs of those with disabilities.
- Measures to support and promote enhanced public transport use by employees could also benefit visitors.

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## 4.0 Resorts World Travel Plan

### 4.3.4 Measures to Reduce Car use for Employees

As part of the on-going discussions with regard to the development, Genting Solihull Ltd are committed to ensuring that employment opportunities are made available to the local community. The development will have in the order of 1,100 full time equivalent jobs and with the surrounding catchment areas, there is significant potential for local employment.

#### 4.3.4.1 Facilities provided on and around the development

The development will provide a wide range of on-site facilities for employees, serving to negate the need for further trips to be made away from the site. Facilities include food and beverage opportunities within the development and cash machines. The proximity of the main NEC buildings some 300m away via a largely traffic free environment will allow employees to easy walk access to the wider facilities and amenities available including further banking, food and beverage options as well as a newsagents/mini-market/convenience during break time periods.

#### 4.3.4.2 Provision of Travel Information

Employees will receive information packs regarding the travel options available to them as part of their induction upon commencing work at the development. The information packs will include a letter outlining the principles of the Travel Plan, where to obtain additional information and details of the Travel Plan Co-ordinator.

A copy of the Travel Plan will be held by the Travel Plan Co-ordinator and available to all employees.

#### 4.3.4.3 Measures to Provide and Facilitate Cycling

The following measures to promote cycling will be incorporated into the proposed development:

- Cycle parking spaces will be provided as part of the development proposals located close to the development entrance.
- Changing and drying room, and washing facilities including showers for staff;
- Secure lockers for staff;
- Secure and illuminated staff cycle parking will be provided;
- Information on the local cycle network routes to staff and visitors and include this information on maps made available through the Travel Plan notice boards in the development;
- Arrangement of free transport home for staff pedal cyclists in the event of an emergency;

The annual monitoring will canvas the views of employees as to any barriers that may exist to cycling either on the NEC site or on the wider network. Genting Solihull Ltd will then discuss these barriers with the NEC and the highway authorities to see if there are realistic measures that could be implemented to further encourage cycle use.

#### 4.3.4.4 Measure to Promote Walking

As detailed earlier, the opportunities for employees to walk to the site are largely constrained by the surrounding network and the fact that there are few residential areas from which walking trips could occur. Nevertheless, the development is located within the NEC and walking routes around the site are to be improved. For any employees that choose to walk to the development changing and washing facilities will be made available on-site as well as secure lockers. Additionally, Genting Solihull Ltd would organise a free ride home for staff walkers in the event of an emergency.

Again, the annual monitoring will canvas the views of employees as to any barriers that may exist to walking either on the NEC site or on the wider network. Genting Solihull Ltd will then discuss these barriers with the NEC and the highway authorities to see if there are realistic measures that could be implemented to further encourage walking trips.

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## 4.0 Resorts World Travel Plan

### 4.3.4.5 Measures to promote and Facilitate Public Transport Use

Increased accessibility to, and use of, public transport is considered to be a component of any Travel Plan. The proposed development will deliver in the order of 1,100 jobs and therefore the potential additional public transport catchment could be significant. The following measures to encourage public transport use will be implemented:

- The Travel Plan Co-ordinator will ensure that the development is linked into Travelwise.
- Provision of up to date information including timetables and bus company contact information;
- Consider providing employees with assistance with season tickets and passes;
- The Travel Plan Co-ordinator will provide regular updates to employees of transport options including any changes to public transport provision.
- Organise a free ride home for employees travelling by public transport in the event of an emergency.

### 4.3.4.6 Car Sharing

Car sharing is a potential means of reducing single-occupancy travel, although it is also noted that the varying start and finish times associated with the employees at the development may inhibit car-sharing to a certain extent.

Car sharing is a good means of reducing single-occupancy journeys to work. The practicalities of car sharing within the development may be limited due to varying staff shift times etc.

Genting Solihull Ltd will work with the NEC to investigate the potential for a car sharing scheme for employees to encourage those driving to work to offer lifts to employees. The promotion of any scheme will be undertaken through a range of methods including:

- A car sharing questionnaire will be circulated to all staff as part of the initial travel survey to canvas the potential for any such scheme.
- Should there be an appropriate level of interest from employees for a car sharing scheme, a car sharing registration form will be circulated to all those that indicate a willingness to enter the car share scheme.
- The car sharing scheme could be advertised on the development website which may assist employees or those potential future employees.
- Any car sharing scheme would be administered by the Travel Plan co-ordinator. The Travel Plan Co-ordinator can assist any interested members of staff in understanding how the scheme works and in their options.

### 4.3.5 Monitoring and Review Mechanisms

The intent of Travel Plans is that there will be an ongoing improvement process including independent annual monitoring, where necessary. Monitoring will take the form of distribution of questionnaires to employees and a summary report will be produced.

The first will be carried out 12 months after opening and the second will be carried out after 24 months and then annually for the five year life of the Travel Plan.

In addition, surveys of visitor travel patterns will also be undertaken in order to try to understand the factors which may affect visitor travel patterns.

### 4.3.6 Targets and Sanctions

Travel Plans are evolving documents that need to remain adaptable to changing working practices and local conditions. On-going monitoring is required to ensure that the plan is effective in promoting sustainable travel behaviour over its five year life. In parallel to the monitoring, best practice requires that targets are established to seek to reduce the reliance on the use of the private car. As

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## 4.0 Resorts World Travel Plan

part of the Transport Assessment Report, a public transport mode share of between 15% and 25% was tested under the various scenarios. As detailed earlier in the report, existing NEC employee and visitor trips have a public transport mode share of around 20%. It is therefore considered that a mode share target of 25%, as tested in the Transport Assessment Report is set. This is in excess of the existing public transport mode share for employees to the NEC whilst remaining realistic and achievable.

It is recognised that in order for these targets to be realised and for the objectives to be fulfilled that there needs to be an ongoing commitment from Genting Solihull Ltd. As such, Genting Solihull Ltd are willing to set aside funds to be spent in conjunction with the agreement of the highway authorities.

Following each of the annual reviews, feedback will be given to all employees with regard to the level of modal shift that has occurred, in order to share information regarding the performance of the scheme, and encourage employee 'buy in'. This process will give the employees ownership of the Travel Plan and the modal shift achieved.

Should the targets set by the Travel Plan not be met, then sanctions are proposed to reinforce the requirements of the travel plan and re-advertise the scheme amongst the staff.

During the first five years, should there be a failure to achieve mode share Genting Solihull Ltd propose invest a budget of £100,000 (£20,000 pa) following a 5% shortfall on that years mode share target. This budget, may be spent on such initiatives as free breakfast club or free coffee morning for cyclists, etc. or in agreement with the highway

authorities in further supporting off site sustainable measures including subsidised public transport tickets, cycle infrastructure etc.

The sanctions are to be promoted on a sliding scale depending on how much remediation is required in order to achieve the set targets. For shortfalls of less than 5% monies will be allocated as detailed within Table 4:

Table 4: Annual Remedial Funds available to Promote and Support Sustainable Travel

Mode Share Achieved	Remedial Funds
25% or more	£0
24%	£4,000
23%	£8,000
22%	£12,000
21%	£16,000
20% or less	£20,000

It should be noted that whilst no targets are proposed for visitors, visitor mode share has been robustly tested within the transport assessment. The sensitivity analysis in the transport assessment equates to a relatively low public transport mode share of around 15% which is seen to be below the levels achieved by the LG Arena which principally operates at times when availability to public transport may not be as good.

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