

**To: The Deputy Leader and Members of the
Planning and Development Board
(Councillors Simpson, Bowden, L Dirveiks,
Fox, Jenkins, Lea, Morson, B Moss, Sherratt, M
Stanley, Swann, Sweet, Winter and Wykes)**

For the information of other Members of the Council

This document can be made available in large print and electronic accessible formats if requested.

For general enquiries please contact David Harris, Democratic Services Manager, on 01827 719222 or via e-mail - davidharris@northwarks.gov.uk.

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

PLANNING AND DEVELOPMENT BOARD AGENDA

15 MARCH 2010

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 15 March 2010 6.30 pm.

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Declarations of Personal or Prejudicial Interests.**
(Any personal interests arising from the membership of Warwickshire County Council of Councillors Fox, Lea, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors Fox (Shustoke), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) are deemed to be declared at this meeting.)

- 4 **Minutes of the meetings of the Board held on 7 December 2009, 18 January and 15 February 2010** - copies herewith to be agreed as a correct record and signed by the Chairman.

PART A – ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

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

Summary

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

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

- 6 **Section 106 Monitoring Report** – Report of the Head of Development Control.

Summary

This report provides a first review of outstanding Section 106 Agreements, highlighting where outstanding contributions have been expended.

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

PART C - EXEMPT INFORMATION (GOLD PAPERS)

- 7 **Exclusion of the Public and Press**

Recommendation:

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

- 8 **Building Control Partnership** – Report of the Director of Community and Environment (to follow)

The Contact Officer for this report is Ann Mclauchlan (719202).

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

7 December 2009

Present: Councillor Simpson in the Chair.

Councillors L Dirveiks, Fox, Jenkins, Lea, Morson, B Moss, Sherratt, Swann, Sweet, Winter and Wykes.

Apologies for absence were received from Councillors Bowden and M Stanley.

Councillors Phillips and Smith were also in attendance.

54 **Declarations of Personal or Prejudicial Interests**

Personal interests arising from the membership of Warwickshire County Council of Councillors Fox, Lea, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors Fox (Shustoke), B Moss (Kingsbury) and Sherratt (Coleshill) were deemed to be declared at this meeting.

55 **Minutes**

The minutes of the meetings of the Board held on 17 August, 21 September, 19 October and 16 November 2009, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

56 **Planning Applications**

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

Resolved:

- a **That consideration of Application No 2009/0424 (Devitts Green Farm, Devitts Green Lane, Arley) be deferred; and**
- b **That Application No 2009/0451 (Ash End Farm, Middleton Lane, Middleton) be approved subject to the conditions specified in the report of the Head of Development Control.**

57 **Community Infrastructure Levy Consultation Paper**

The Head of Development Control reported that the Government had published a consultation paper in respect of the introduction and working

for the new Community Infrastructure Levy. Members were invited to comment on the paper.

Resolved:

That the observations set out in the report of the Head of Development Control be referred to the Local Development Framework Group for consideration, before referral to Executive Board.

58 Tree Preservation Order – Beechwood House, Long Street, Atherstone

The Board was invited to confirm a Tree Preservation Order made in respect of a yew tree at the rear of 211a and 215 Long Street, Atherstone.

Resolved:

That the Order as described in the report of the Head of Development Control be made permanent, ensuring that the Schedule to the Order specifies the correct address as at the rear of 211a and 215 Long Street, adjacent to the boundary of 217 Long Street, Atherstone.

59 Exclusion of the Public and Press

Resolved:

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

60 Breaches of Planning Control

The Head of Development Control reported on the current situation in respect of the site at CW Young's Builders Merchants, Common Lane, Corley Moor and the Board was asked to agree a suggested course of action.

Resolved:

- a That the Solicitor to the Council be authorised to commence Court proceedings under Section 179 of the Town and Country Planning Act 1990 due to the continuing breach of three extant Enforcement Notices covering land at the premises in Common Lane, Corley Moor; and**

- b That the Company who owns the land the subject of these Notices, be notified of this resolution.**

M Simpson
Chairman

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

18 January 2010

Present: Councillor Simpson in the Chair.

Councillors Bowden, L Dirveiks, Fox, Jenkins, Lea, Morson, B Moss, Sherratt, M Stanley, Swann, Sweet, Winter and Wykes.

Councillors Lewis and Phillips were also in attendance.

61 **Declarations of Personal or Prejudicial Interests**

Personal interests arising from the membership of Warwickshire County Council of Councillors Fox, Lea, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors Fox (Shustoke), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) were deemed to be declared at this meeting.

62 **Corporate Plan 2010/11**

The Chief Executive presented the updated Corporate Plan for 2010/11. The Board's approval was sought to those parts of the Corporate Plan for which the Board was responsible. Members were also asked to agree the 2010/11 Service Plan for the Development Control Division.

Recommended to the Executive Board:

- a **That those parts of the Corporate Plan for which the Board is responsible, as set out at v), vi)b and vi)c in Appendix A to the report of the Chief Executive, be agreed; and**

Resolved:

- b **That the Service Plan as set out in Appendix B to the report be agreed.**

63 **General Fund Fees and Charges 2010/11**

The Board was asked to consider the fees and charges for 2009/10 and the proposed fees and charges for 2010/11.

Resolved:

That the schedule of fees and charges for 2010/11 as set out in the report, be accepted.

64 General Fund Revenue Estimates 2010/11

The Director of Resources detailed the revised budget for 2009/10 and an estimate of Expenditure for 2010/11, together with forward commitments for 2011/12 and 2012/13.

Resolved:

- a That the revised budgets for 2009/10 be accepted; and**
- b That, the Estimates of Expenditure for 2010/11, as submitted in the report of the Director of Resources be accepted, and included in the budget to be brought before the meeting of the Executive Board on 8 February 2010.**

65 Planning Applications

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a That in respect of Application No 2009/0424 (Devitts Green Farm, Devitts Green Lane, Arley)**
 - i) planning permission be granted subject to the conditions specified in the report of the Head of Development Control; and**
 - ii) that subject to the applicant confirming that there would be no application for an award of costs, the Council withdraws the Enforcement Notice, the subject of the current appeal, and that the Planning Inspectorate be notified immediately.**
- b That in respect of the proposed Nuneaton Rail Project Consultation by Network Rail**
 - a that in view of Rail Network's letter of 17 December 2009, this Council's objection to the original HGV construction route be withdrawn, and, that it now supports the alternative as described in that letter; and**
 - b the Department of Transport be notified accordingly.**

66 Exclusion of the Public and Press

Resolved:

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

67 Breaches of Planning Control

The Head of Development Control reported on three alleged breaches of planning control and the Board was asked to agree suggested courses of action.

Resolved:

- a That in respect of White House, Middleton Lane, Middleton, the Solicitor to the Council be authorised to issue an Enforcement Notice relating to:**
 - i) the change of use of the land from dwelling house and adjoining agricultural land to a mixed use comprising dwelling house together with the storage of plant; equipment; machine parts; containers/lorry bodies; skips; builders materials; scaffold; and aggregate/soil together with the construction of a builders compound;**
 - ii) the owner be required to cease the unauthorised use of the site by removing the unauthorised storage and reinstating the land by demolishing and removing the builder's compound; and**
 - iii) the compliance period be three months.**

- b That, for the reasons outlined in the report of the Head of Development Control**
 - i) it is not considered expedient to instigate enforcement action in respect of Lunn Engineering, Manor Road, Mancetter;**
 - ii) a meeting be sought with O2 to discuss the circumstances of this case; and**
 - iii) procedures in respect of planning and related applications be amended so that any undertakings are in writing from the applicant and not the agent.**

- c** That in respect of Hillside Meadow Farm, Quarry Lane, Mancetter the Solicitor to the Council be authorised to issue an Enforcement Notice relating to:
- i)** the unauthorised change of use of this land to a mixed use of agriculture and the residential use of the land and buildings, including the siting of a residential mobile home;
 - ii)** the Notice to require the cessation of the residential use of the land and the removal of one of the mobile homes on site (to exclude the static mobile home being stored on the site as approved under consent ref: 0984/95) and the removal of all items stored on the site that are incidental to the residential use of the land; and
 - iii)** that the compliance period be nine months.

M Simpson
Chairman

Planning and Development Board

18 January 2010

Additional Background Papers

Agenda Item	Application Number	Author	Nature	Date
4	N/A	Minutes of Portfolio Group	Note	06/01/10
7/4	2009/0424	Agents	Email	11/01/10
7/55	Nuneaton Rail	B Hamson	Representation	08/01/10
		Mancetter Parish Council	Representation	14/01/10

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

15 February 2010

Present: Councillor Simpson in the Chair.

Councillors Bowden, Fox, Lea, Morson, B Moss, Sherratt, M Stanley, Swann, Sweet, Winter and Wykes.

An apology for absence was received from Councillor L Dirveiks.

Councillor Phillips was also in attendance.

68 **Declarations of Personal or Prejudicial Interests**

Personal interests arising from the membership of Warwickshire County Council of Councillors Fox, Lea, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors Fox (Shustoke), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) were deemed to be declared at this meeting.

Councillors Simpson and Swann declared a personal interest in Minute No 75 (Breach of Planning Control) left the meeting and took no part in the discussion or voting thereon.

69 **Planning Applications**

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

Resolved:

- a **That in respect of Application No 2009/0544 (The Stables Garages, Caldecote Hall Drive, Caldecote)**
 - i) **planning permission be refused for the following reason**

“It is considered that the garages are not in keeping with the immediate setting and wider surroundings, and thus do not present a visually attractive environment. This is because of the hap hazard location of the garages, and particularly their appearance when considered against the overall setting of Caldecote Hall and its parkland which has seen substantial improvement in recent years. The proposal is thus not in accord with saved policies ENV12 and ENV13 of the North Warwickshire Local Plan 2006.”

- ii) the Head of Development Control be asked carry out further discussions with the applicant; and
 - iii) that consideration of whether or not it is expedient to issue an enforcement notice be deferred to a future meeting of the Board.
- b That Application No 2010/0004 (Land adjacent to 34 Laurel Drive, Hartshill) be approved subject to the following condition:
- “i) Within twelve months of the commencement of development a landscaping scheme to include new trees shall be submitted to the Local Planning Authority for approval. Details shall include the replacement species and their location.”

70 Rights of Entry

Following staffing changes in his section, the Head of Development Control reported on the need to review authorisations in respect of the power to enter property.

Recommended:

That the posts named in the report of the Head of Development Control be given authority, under the Legislation referred to, to enter property in undertaking their planning and related duties.

71 Government Consultations

The Head of Development Control reported that the Government had published three further consultation papers in response to the recommendations of the Killian Pretty Review into the planning application process. The Board was asked to approve a suggested course of action.

Resolved:

- a That the papers be noted;
- b The Council records its objection to the intention to retain mandatory Newspaper adverts for some planning applications, and that CLG be notified accordingly; and
- c That the Council informs CLG, that whilst it welcomes the change towards the management of new development, particularly at the strategic level, it considers that there needs to be more balance in that approach at the local level. It has concerns that the overall thrust of the changes

now being introduced as a consequence of the Killian Pretty Review, will weaken the care taken by planning officers and Members in the micro-management of development which is often of particular concern to local residents and their community representatives. The full detail of proposals; the need for conditions and the enforcement of breaches are all necessary in this balance, and the Council considers that the current changes give far too little weight to these considerations, in its apparent rush towards adoption of the new approach.

72 Countryside and Heritage Portfolio Group

The minutes of the last meeting of the Countryside and Heritage Portfolio Group held on 6 January 2010 were received and noted.

73 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2009 – December 2009

Members were informed of the achievement of the Council's Corporate Plan and Performance Indicator targets for 2009 during April to December 2009.

Resolved:

That the performance achieved for the Corporate Plan and Performance Indicator targets for April to December 2009, be noted.

74 Exclusion of the Public and Press

Resolved:

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

[At this point in the meeting Councillor Simpson vacated the Chair and left the meeting. Councillor Lea in the Chair]

75 Breach of Planning Control

The Head of Development Control reported on an alleged breach of planning control at Bates Butchers, 6 Market Street, Atherstone and the Board was asked to agree a suggested course of action.

Resolved:

- a** That the Solicitor to the Council be authorised to issue a Listed Building Enforcement Notice relating to the new UPVC window in the side elevation of 6 Market Street, facing Derby Lane at ground floor level and partial removal of render from the same elevation;
- b** That the Notice requires:
 - i.** The removal of the unauthorised UPVC window.
 - ii** That a replacement, single glazed, casement, wooden window be installed, to a traditional design, to be specified in detailed drawings, which are to accompany the Listed Building Enforcement Notice.
 - iii** The window shall be set back within a 100mm reveal.
 - iv** The render shall be reinstated to match existing surrounding render.
- c** That the compliance period be three months.

M Simpson
Chairman

Agenda Item No 5

Planning and Development Board

15 March 2010

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 Availability

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site www.northwarks.gov.uk

- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 12 April 2010 at 6.30pm in the Council Chamber at the Council House.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2010/0009	3	<p>Land adj. to Dog Inn Public House Marsh Lane Water Orton Erection of building to provide 30 sheltered apartments plus 1 guest apartment, communal day room, warden's office, two car parking areas and private amenity space.</p>	General
2		14	<p>Heart of England</p>	

General Development Applications

(1) Application No PAP/2010/0009

Land adj. to Dog Inn Public House, Marsh Lane, Water Orton.

Erection of building of 30 sheltered apartments plus 1 guest apartment, communal room, warden facility, car parking and private amenity space.

For Bluemark Developments Ltd & Punch Taverns (ptl) ltd

Introduction

The application is referred to the Board as there is an accompanying Section 106 Agreement.

The Site

This is within the settlement of water Orton adjacent to The Dog Inn Public House. It comprises an area of 0.3308 ha between Marsh Lane and the railway line. This is currently undeveloped, with half of the site being rough grass whilst the other half provides occasional vehicle parking associated with the adjacent public house. The site was identified for housing development in the previous North Warwickshire Local Plan, but has no specific allocation within the current local plan. The siting of the proposed building is constrained by a public sewer which crosses the front of the site, and by the requirement to retain vehicle access to the pub car park.

The Proposal

This is to erect a building comprising 31 residential apartments in a sheltered environment with a communal day room, warden's office, two car parking areas providing 26 spaces and private garden amenity space. The application seeks outline planning permission, with details of access, appearance, layout and scale all submitted for consideration now, leaving the landscaping detail reserved for consideration in a further application for reserved matters.

The proposed two storey building would provide 31 apartments on two floors accessed by three stairways and one lift. The apartments are designed for elderly residents and comprise 7, 2 bedroom and 24, 1 bedroom units, each with living room, kitchen and bathroom. A communal lounge, kitchen and warden's office are also to be provided. One of the one bed apartments would remain available for overnight stays for resident's guests.

The development is intended for active elderly residents who wish to live in an environment where a measure of support is available. Sheltered developments vary in the support offered, from a full range of support for less able residents, to the minimal level envisaged in this development provided through the presence of a non-resident warden.

Background

A planning application for a development of 36 apartments in a part two, part three storey building was submitted in 2009. This was withdrawn prior to determination. The current application is a resubmission, which presents a revised scheme reflecting comments made on the previous application.

Development Plan

North Warwickshire Local Plan 2006 Saved Policies :-

CP1 – Social and Economic Regeneration,

CP2 – Development Distribution

CP8 – Affordable Housing

CP11- Quality of Development

ENV10 – Energy generation and conservation

ENV11 – Neighbour Amenities

ENV12 – Urban Design

ENV13 – Building Design

ENV14 – Access design

HSG2 – Affordable Housing

HSG4 - Densities

HSG5 – Special Needs Accommodation

TPT1 and TPT3 Transport in New Development; Access and Sustainable Travel.

TPT6 – Vehicle Parking

Other Relevant Material Considerations

Regional Spatial Strategy (Phase Two Revised Draft) Policies: -

CF3 – New Housing Development; CF5 – Re-use of Land; CF6 – Efficient use of Land;

CF7 – Delivering Affordable Housing; CF8 – Delivering Mixed Communities

Government Guidance:-

Planning Policy Statement Number 3 - Housing; Policy Guidance Note Number 13 –

Transport; Planning Policy Guidance Note Number 24 – Planning and Noise.

Supplementary Planning Guidance:-

Water Orton Village Design Statement 2002

Consultations

WCC Highway Authority – Does not object in principle, but has raised concerns about the detail of the proposed parking and vehicle access arrangements. It advises that a revised layout to address its concerns will be considered. The further comments of the County will be reported when that revision is submitted.

Severn Trent Water – No objection subject to a condition requiring prior approval of drainage.

Environmental Health Officers – No objection

Assistant Director (Housing) – Supports the proposal and the Section 106 Agreement.

Representations

Representations have been received from twelve local residents and neighbours, seven of whom specifically object to the proposal. The grounds raised by these include:- over-development of the site; insufficient car parking and amenity space; congestion arising from increased traffic levels; adverse impact on highway safety arising from additional vehicle access to Marsh Lane and increased traffic levels; loss of light to existing properties; loss of view; decrease in existing property values; adverse noise impact on residents adjacent to railway; overlooking and loss of privacy; adverse impact on neighbours during construction phase due to noise, dust and increased traffic; access to local services and amenities is unsuited to elderly residents due to steep gradient on Marsh Lane.

Members are aware that concerns over decrease in property value and loss of view are not material planning considerations. Additionally, whilst the construction period will be characterised by building activities, this will be time limited and the impact of the construction activities can be mitigated through conditions to limit times for deliveries, hours of working and noise levels of equipment. The concerns over access and traffic, amenity, privacy, noise and accessibility are considered in the observations below.

Observations

The site is within the settlement boundary for Water Orton which is designated as a local service centre within the 2006 Local Plan. Residential development is thus appropriate in principle and this proposal thus accords with saved Core Policy 2. The concept underlying this type of development is predicated on people wishing to move from properties they now consider too large; these existing properties are usually family sized dwelling houses, often in the local area. This “downsizing” releases capital for the elderly owners and can result in improved match of household size to dwelling size in the local housing stock. This is a desirable objective, consistent with saved Core Policy 1 of the Local Plan, and thus the type of housing being proposed here is supported in principle.

The proposed apartment building comprises two arms joined off-centre in a ‘T’ shaped arrangement. The frontage to Marsh Lane measures 38 metres long; has a depth of 17 metres, and eaves at 5.2 metres high, and an overall height to the roof ridge of 9.2 metres. The other arm extends from the rear of this block towards the railway and presents a frontage to the adjoining pub car park. This is 32 metres long with a depth of 17 metres, eaves at 5.2 metres and an overall height to the ridge of 9.2 metres. The rear elevations of both arms overlook the private amenity area which adjoins the rear garden of No 50 Marsh Lane.

The proposed development of 31 apartments is equivalent to a density of some 90 dwellings per hectare. This is not a high figure in the context of a development of 1 and 2 bed apartments and saved policy HSG4 of the Local Plan does encourage higher densities, where these can be achieved without compromise for the quality of the environment.

The layout and the design of the apartment building seek to minimise the overall impact of this large building. The restriction to two storeys throughout, and the adoption of a double pitched roof with an internal valley reduces the overall height, so that the resulting building is not much taller than the nearby Dog Inn and surrounding two storey houses. The submitted street scenes illustrate how the heights do not impact on the appearance of the area.

The elevations to Marsh Lane and to the Dog Inn car park are varied by the inclusion of projecting two storey elements with double pitch roofs at a right angle to the plane of the main roof, and the use of different facing materials and treatments, whilst the use of similar window detail provides coherence. The design has considered local design characteristics, which are set out in the Water Orton Village Design Statement. These are reflected in the pitch of the roof and elevation details. The immediate surroundings are characterised by a mix of building types, ranging from the Victorian style of the Dog Inn; through to the post war style of two storey semi-detached houses on Marsh Lane opposite, the bungalow adjacent the site and the older two storey dwelling houses to the east. The layout and design are not considered to be out of keeping with the character or appearance of the local area. They thus accord with saved Local Plan policies CP10, ENV12 and ENV13.

The site is close to the railway. A noise and vibration survey has been undertaken to establish the ambient noise climate and this concludes that residential development is appropriate, and in accordance with national guidance set out in PPS24. Any potential noise impacts can be mitigated through the inclusion of appropriate construction features and materials. These can be required by condition. The siting and the orientation of the building will also reduce the impact of railway noise and minimise the impact on neighbouring residential properties. The Council’s Environmental Health Officers concur with the

conclusions from the survey and have no objections to the proposals.

The development will inevitably change the hitherto open character of the site but it is not considered that it will result in unacceptable loss of amenity or privacy enjoyed by occupiers of neighbouring or nearby properties; nor will existing buildings or premises unduly affect the amenity offered for residents of the proposed building. The elevation of the rear arm facing the garden of No. 50 Marsh Lane is at a slight angle to the boundary and windows in this elevation are minimum distance of 18 metres from the boundary, and existing mature trees and shrubs within the application site will limit views across the garden. The retention of these will be sought when the reserved matter of landscaping is considered. The proposal is thus considered to accord with saved policy ENV11.

The Highway Authority has raised concerns over the detail of access arrangements proposed, but not as a matter of principle. These concerns relate to visibility along Marsh Lane to the west from the re-aligned westernmost vehicle access; the lack of appropriate footpaths into the site from Marsh Lane, and a query over the position of the boundary between the site and the public highway at the entrance to the eastern car park. All these matters can be resolved through revisions to the plans within the application site or other land currently controlled by the applicant. Discussions between the developer and the Highway Authority are ongoing. As a consequence, revised plans have been requested, and these revisions can also be required by conditions attached to any permission granted. The further comments of the Highway Authority on the revised layout to be submitted will be reported separately. The 26 parking spaces provided are considered to be adequate for this type of development. Most apartments will be occupied by single person households and are unlikely to have more than one associated vehicle. Indeed frequently with this type of sheltered elderly development, a significant proportion of households have no car. The site is close to the village centre, local bus services and the train station. As a consequence this proposal meets Development Plan parking standards and parking standards recommended by Government advice. Members will recall that in the New Road appeal case, the Inspector did not conclude that a perceived shortfall in parking provision could be substantiated given the central position of that site within a settlement well provided for by public transport. Subject to the resolution of the revised plan, the proposal would accord with saved policies ENV14; TPT1; TPT3 and TPT6.

The implementation of appropriate measures to secure the requirements of Policy ENV10 concerning energy conservation and generation will be required through condition.

Given the number of dwellings proposed the requirement to provide affordable housing set out in saved Core Policy 8 and saved Policy HSG2 is relevant. This requires 40% of the dwellings provided on the site be affordable housing, unless it can be shown that this level would render the scheme unviable. The provision of affordable housing units on site within the sheltered apartment development proposed does have implications for the viability of this scheme. The financial viability of this form of development is compromised by the practicalities of obtaining development funding for what become effectively a joint public/private sector development but within one single building, given the differing accounting and development standards that apply to the public and private sector. The management responsibilities for private and public sector elements within a single apartment building with shared communal facilities and the provision of warden services would be challenging. As a consequence, traditional Registered Social Landlords, such as Housing Associations, are not attracted by this type of development, to the extent that there is little reasonable prospect of delivering an affordable element within this type of development, though their involvement.

In such situations the provision of a financial contribution for off-site provision may be acceptable, particularly where the opportunity exists to provide affordable housing elsewhere. The Council is actively engaged in developing affordable housing on sites within Water Orton and the Assistant Director (Housing) confirms a financial contribution would be appropriate as an alternative in this context, providing this is sufficient to deliver the required affordable housing. This approach is thus considered to be acceptable in the context of this

proposed development and the availability of opportunities to provide affordable housing off-site.

A draft legal agreement under Section 106 of the 1990 Planning Act is submitted with the application. This contains the offer of a financial contribution in lieu of provision on site of affordable housing. This offers to pay a sum equivalent to 40% of the residual value of the site, subject to a minimum value. The Council's Valuer considered that this approach was reasonable and appropriate when he was asked for comments on the previous withdrawn application, and thus the same approach has been adopted here. The draft agreement submitted proposes a minimum sum of £220,000. This is calculated by the applicant to be the cost of providing 3 two bed houses, 40% of an assumed alternative development of the site for 8 dwelling houses, equivalent to a density of 30 dwellings per hectare. This is considered to be a low estimate of the cost of providing those 3 two bed houses. This is because the floor space figure used by the applicant is low. Substituting a floor space figure for the 2 bed family houses that is in line with the quality standards produce by the HCA/ Housing Corporation and English Partnerships, produces a higher figure of £247,250. The Valuers' comments on this calculation are awaited. Subject to the negotiation and completion of a S106 Agreement that delivers the appropriate financial contribution, the proposal is considered to accord with saved Core Policy 8 and saved Policy HSG2.

Recommendation

- A) That the Board agrees to grant an outline planning permission subject to the receipt of acceptable plans that satisfy the Highway Authority concerns; the conditions as set out below, and the prior completion of a Section 106 Agreement to provide a financial contribution of £247,250 in lieu of on-site affordable housing.
- B) If the terms of the Agreement as set out above can not be settled, then the application is referred back to the Board for further deliberation.

Conditions

1. This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, as an outline approval and the further approval of the Local Planning Authority shall be required with respect to the undermentioned matters hereby reserved before any development is commenced:-

- i) 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 9567/PI106, 9567/PI104, 9567/PI105, received by the Local Planning Authority on 12/01/2010 and the plan numbered 9567/PI107 received by the Local Planning Authority on 13/01/2010.

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:- a) facing bricks and roofing tiles (b) surfacing materials, and (c) the windows to be used, have been submitted to and approved by the Local Planning Authority in writing. Only the approved materials shall then be used.

REASON

In the interests of the amenities of the area.

6. No development shall commence until a scheme for the construction of the surface water and foul drainage system has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in only accordance with the approved details.

REASON

To prevent pollution of the water environment.

7. No development shall take place on site until a scheme for protecting the proposed dwellings from noise from the railway has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are occupied. These measures should include protection of the amenity of the garden area and details of the glazing proposed for the property.

REASON

To ensure that noise levels within the dwellings and the curtilage of the dwellings are not appropriate in the interests of protecting amenity

8. No development shall commence on site until details of the arrangements and associated structures for the storage (prior to disposal) of refuse have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented.

REASON

In the interests of the amenities of the area.

9. No development shall be commenced until a plan and details of the position and design of the vehicle accesses to be provided, visibility splays, the layout of access roads including footways, verges, car parking areas and refuse/delivery vehicle turning areas have been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of safety on the public highway.

10. No tree or shrub adjacent to the boundary with No 50 Marsh Lane or within the private amenity area proposed for the development shall be lopped, topped or felled without the prior approval in writing of the Local Planning Authority.

REASON

In the interests of amenity.

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

REASON

In the interests of safety on the public highway.

12. No external lighting shall be placed or erected on the site without details first having been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

13. No demolition, site preparation, construction or other on-site works shall take place before 07:30 hours or after 18:00 hours on Monday to Friday inclusive, nor before 08:00 hours or after 13:00 hours on Saturday. There shall be no working whatsoever on Sundays or Public Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

14. The dwellings hereby approved shall not be occupied by persons under the age of 50 years without the prior approval in writing of the Local Planning Authority.

REASON

In the interests of amenity given the reduced parking provision and to limit occupancy to households for which the development was designed in the interest of promoting the efficient use of the local housing stock

Justification

The site is within the settlement boundary for Water Orton which is designated as a local service centre within the North Warwickshire Local Plan 2006 where residential development is appropriate in principle. The site is an accessible location close to the village centre, local bus services and the train station. The proposed development will offer accommodation to match the needs of the elderly and the opportunity to improve the match of household size to dwelling size in the local housing stock. The proposed development will result in an efficient use of the land that will not compromise the quality of the local environment. Although the development will change the open character of the site, the resulting development is considered to complement the diverse character of this locality. The design, siting and layout of the building minimise adverse impacts due to noise from the railway and nearby premises and reduce the impact of the development on nearby properties; the development will not result in unacceptable loss of amenity or privacy enjoyed by occupiers of neighbouring or nearby properties.

The provision of safe access for the development that does not comprise safety on the public highway is essential. It is possible to provide such an arrangement within the application site or within adjoining land under the control of the applicant. The access arrangements can thus be required by conditions attached to any outline permission granted.

Saved Policy HSG2 of the Local Plan requires affordable housing be provided through the proposed development. The applicant maintains the provision of affordable housing on site would compromise the viability of this development and has offered a financial contribution in lieu. This is considered to be acceptable in the context of this proposed development and the opportunities to provide affordable housing off-site, as is the suggested methodology that the sum should equate to 40% of the residual site value, subject to a guaranteed sum which is the minimum required to provide the affordable housing required. The completion of an agreement under Section 106 of the 1990 Planning Act will therefore be required to secure this prior to the grant of any planning permission. The proposed development is thus considered to accord with saved policies CP1; CP2; CP8, CP8; CP11; ENV11; ENV12; ENV13; ENV14; HSG2; HSG4; TPT1; TPT3 and TPT6 of the North Warwickshire Local Plan 2006, and Government advice in PPS3, PPG13 and PPS24.

BACKGROUND PAPERS

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

Planning Application No: PAP/2010/0009

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	
2	WCC Highways	Consultation	12/2/2010 & 2/3/2010
3	S.T. Water	Consultation	15/2/2010
4	S Cleaver	Representation	14/2/2010
5	R Bell	Representation	14/2/2010
6	M & P Ensor	Representation	14/2/2010
7	B Sadler	Representation	12/2/2010
8	P Cooley	Representation	15/2/2010
9	E Goodman	Representation	15/2/2010
10	A Goodman	Representation	15/2/2010
11	F Moore	Representation	16/2/2010
12	H Gilbert	Representation	09/2/2010
13	Mr & Mrs B Mann	Representation	16/2/2010

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.



Introduction

In November last year a number of planning applications were refused planning permission, and enforcement action authorised. This action was to be held in abeyance pending further discussions between the Company and Members. A meeting was held recently and this report details the matters covered. Additionally, the Board resolved that it would consider the expediency of further enforcement action in respect of alleged breaches of planning control concerning use of the woodland on site, together with the alleged use of the house on the site for hotel accommodation. It is thus opportune to bring all of these matters back to Board in the form of a progress report.

The Meeting

An initial meeting in August last year provided an opportunity for the Company to outline its vision for this site, and for the Council to draw attention to its own Planning Policies and Priorities for the area. Matters have moved on with the subsequent determination of a series of applications in November and the consequent authorisation of enforcement action. With the Council's position in respect of the site established through these decisions, the second meeting was requested to see how far the Company would be prepared to amend and to re-align its vision for the site as a consequence. This meeting took place on 15 February.

The Company representatives indicated that it is to submit one comprehensive application for the whole site, bringing together its proposals for the various parts of the site into one application, and that this would also address the issues that were raised as a consequence of the recent refusals. It is said that this will be submitted before the end of March. Officers have since written to the applicant informing the Company that the Enforcement Notices will be issued if there is no application submitted within this time period.

The Two Marquees

The November Board authorised prosecution of the Company for failure to comply with the requirements to remove two unauthorised marquees from the site. Papers have been submitted to the Court, and initial hearings have taken place, but a trial date has not yet been fixed.

The Agricultural Building

The Company's appeal into the issue of an Enforcement Notice alleging that this building had not been constructed in accordance with the approved plans was dealt with by way of a Public Hearing on 9 February. The outcome is not yet known, but will be reported to the Board if received before its meeting.

The Woodland

a) Introduction

There has been increasing concern about the scale and nature of activities in the woodland at the site, both in terms as to whether it constitutes a breach of planning control and secondly, whether the activities were and are harming the habitats in the wood. A Planning Contravention Notice was issued and returned, and representatives of the Council, the Forestry Commission and the Warwickshire Ecology Unit have inspected the woodland. Activities in the woodland include paint ball games; a variety of motorised activities, including small all-terrain vehicle (ATV) driving and a 4 by 4 vehicle driving circuit, together with “educational and team building activity”, access by the visitor “train”, a play area for children and more general pedestrian access. The main activities e.g.- all-terrain driving and paintballing, take place within specific identified areas of the woodland.

b) Operational Development

The inspections have revealed that building and engineering operational development has taken place. Appendix A provides a number of photographs of these operations. The building operations amount to the construction of buildings, shelters, and structures e.g.- tents, netting and polytunnels, in a variety of materials in order to facilitate activities in the woodland. These are mainly associated with the paintball activity in the woodland and for some of the other recreational/educational activities. The majority of the buildings and structures are fixed into the ground and they are not designed or used for forestry purposes. Neither can they benefit from temporary permitted development rights, as those rights only relate to “moveable structures” associated with the temporary use of the land which are removed from the land after the temporary event. Those buildings and structures that are fixed into the ground and that are used specifically and regularly in connection with temporary uses are therefore considered to constitute unauthorised development.

The engineering operations amount to tracks; driveways, mounds, ditches, and depressions, which are used mainly in association with motorised activities. These take place over a series of prepared routes or tracks. New tracks have been created through rides in the woodland, and some existing ones adapted to accommodate these activities. Adaptation includes new surfacing and the creation of depressions, undulations and mounds. Tracks through woodland are often required for access and forestry reasons, and they from time to time will require maintenance. It is thus not unreasonable for tracks to be seen within woodland, and for new ones to be provided under forestry permitted development rights. Such tracks however can be differentiated from the prepared routes/tracks associated with the motorised activities provided here. Their provision is directly related to these non-forestry uses, and they have been engineered and designed to meet the requirements of that use rather than any other. Such tracks are considered to be unauthorised development. Additionally, other tracks and driveways have been provided, and existing ones hard surfaced, in order to gain more general access to the various activities in the woodland e.g.- to accommodate the “train” rides through the wood. It is clear that engineering operations have been undertaken as described. Forestry permitted development rights do include the formation, alteration and maintenance of private ways. However the formation or alteration of a private way is subject to a prior approval procedure that has not been followed here. It is thus considered that unauthorised engineering operations have taken place.

Members will be aware that unauthorised operational development can become immune from enforcement action if that development has been substantially completed for four years. In this case, it is known that the building operations in connection with the paintballing use has moved to its present location within the woodland within the past four years, and that the building operations used in connection with the educational/children’s/recreational activities has not been present for four years. The hard surfacing of the main tracks too has been undertaken recently. As a consequence any enforcement action will have to take this matter into account.

It is necessary to assess whether it is expedient to take enforcement action against identified unauthorised operational developments. Apart from the time element referred to above, that assessment should also take into account any conclusions arising from whether the activities served by these developments are of such a scale as to amount to a material changes of use, and to their impacts. These issues are now discussed.

c) Material Changes of Use

The recreational use of the woodland is not specifically permitted by virtue of the fact that the current planning permissions covering other parts of the holding, do not extend into the woodland. Moreover there are no public footpaths through the woods, and thus their use by visitors is outside the current planning permissions.

It is considered that the current extent of the woodland for recreational activity is by fact and degree a material change of use of that woodland from a forestry use to a mixed use of forestry together with recreational activity. There are reasons for this conclusion. These are the number of different activities presently provided and catered for within the woodland; the scope of the publicity information available by the Company owning the land both in terms of the range of activity offered, its frequency and its location, their scale, the adaptation of the woodland to accommodate them through new engineering and operational development, the active management of the woodland to accommodate the activities by defining "activity" areas, the visual impact within the woodland of the operational development, and the number and range of people engaged in the activities.

The current owners acquired this woodland within the last ten years, and the woodland was not used for these activities prior to this acquisition. Some use was made by a more limited range of activities in connection with the owners' use of other land and buildings under the terms of his planning permission for recreational use. However the activities in the woodland were beyond the scope of his planning permission, but at that time the owner of the site argued that the use was taking place under temporary use permitted development rights. This may have been so, however it is apparent that recently, the scale, variety and frequency of these activities has materially surpassed the thresholds for those rights, and by fact and degree resulted in a material change of use.

d) Expediency

Two planning applications – one for paint balling activity and the other for quad and 4 by 4 driving activity within the woodland - were refused in 2005. The reasons for refusal related only to the fact that at that time, there was insufficient evidence submitted on which to properly assess the impacts of the proposed activities on the nature conservation value of the woodland. As these activities are now material, in operation and because the site has been recently inspected, their current and likely impacts can be assessed so as to conclude on whether those impacts are adverse and of sufficient weight to warrant enforcement action. However, even if there is, the Board will need to consider whether those impacts can be mitigated through other measures rather than through an Enforcement Notice.

Inspections of the woodland have taken place by officers of the Forestry Commission and the Ecology Unit of the Warwickshire County Council. Their conclusions on the impact of the current level of activity and likely continued impact, provide a level of evidence on which the Council can give substantial weight.

The Forestry Commission describes the woodland as a replanted ancient woodland – the site being recorded as being wooded since 1600. The current cover is a plantation mix of pines and spruces all in mid to late commercial rotation, and heavily under thinned. There are significant areas of plantation oak and regenerated birch within the woodland. There is no overall management plan for the woodland. The Warwickshire Ecology Unit confirms that the woodland is registered as an Ancient Woodland, and that it is also an Ecosite and potential Local Wildlife Site in ecological terms. Protected species have been recorded. Ground flora within the plantation areas is varied, but that there is a wider variety in the broadleaved areas; the “rides” and wetter areas. The Unit considers that there are still sufficient woodland indicators consistent with its Ancient Woodland designation and for the woodland to qualify as a Local Wildlife Site. Appendix B provides the record from the Unit.

Both the Commission and the Ecology Unit have assessed the current impact of the various activities taking place in the woodland, on the base line record as described above. These are now dealt with.

- Paint balling. The Commission concludes that the gaming infrastructure within the fenced off area used for paint balling can easily be removed and that it does not pose a long term threat to the woodland flora and fauna, subject to the current level of use continuing. However its use needs constant monitoring as there is currently compaction of soils and denudation of ground cover through over use. The Ecology Unit agree, and add that there is the potential for the leaching of toxins into the soil from some of the materials used in the games.
- ATV tracks. The Commission conclude that no further tracks should be provided as they are generally destructive of the ground flora. The tracks need management through resting, draining and regenerating –i.e. they need proper management so as to rotate them through parts of the woodland. In particular it is highly recommended that the tracks are re-located to the areas of younger plantations where the woodland ecology is not so sensitive to damage. The Ecology Unit agrees that long term damage will occur if there is not active management of these tracks.
- The 4 by 4 circuit. The circuit is becoming destructive to the woodland's ecology – particularly upsetting soil structures through compaction, rutting and poor drainage. The Commission advised the owners some time ago on this concern, but despite some limited management following that advice, the circuit is expanding and needs to be curtailed. The activity needs to be strictly managed. The Ecology Unit agree.
- Ad Hoc events. The Ecology Unit considers that such events –e.g. a Halloween “Spooktacular” can cause considerable disturbance particularly if carried out in the evening or at night. These events need to be restricted to identified areas of the woodland.

- The import of materials for surfacing tracks. The Commission is seriously concerned about the significant import of bitumen and road planings to the site in order to hard surface tracks and the main “rides” through the woodland, together with their storage for this use. The leachate from this material is toxic and damaging. This practice should be curtailed and other surface materials used. Storage areas too need to be identified. A similar conclusion arises from the use of woodchip into certain areas, particularly where people congregate. This also has the potential to contain contaminants that can cause damage through leaching. This import should be curtailed.

The overall conclusion from this analysis, is that the current scale, nature and scope of activities in the woodland is beginning to have an adverse impact on its ecology, and thus its designations. Some practices and activities need to be prevented; further intensification curtailed and an active management plan agreed, activated and monitored on a regular basis.

Other impacts need to be assessed. The applications referred to earlier, included a Noise Impact Assessment, and at the time the Council’s Environmental Health Officers did not take issue with its conclusion that there would be little noise impact subject to hours restrictions. No further noise impact assessment has been undertaken based on the current levels of activity, and no complaints have been forwarded to the Council directly relating to noise emanating from these activities. Similarly there has been no cause to examine any lighting impacts at night.

Members will know that the range and scope of activities has increased at this site, particularly with it opening up more for public access during the 2009. The permitted use of part of the site for recreational activity, and the permitted development benefits for the temporary use of land result in increased activity at the site and in large numbers of visitors. It is not possible to specifically separate the impact of these woodland uses within this total activity, and thus to conclude that they have materially added to the impacts arising from increased patronage. However, clearly the cumulative range of activity on offer here has now increased, and this results in the site becoming more of a “destination” in its own right. It is thus reasonable to say that the Council’s overall approach to this site, as evidenced in the November 2009 Board report, is not supported by the scale of these activities.

Members will be aware too that from previous reports - the November 2009 one in particular - that these activities are supporting a number of jobs; that they do enhance the tourist potential of the site, and that the site itself supports other local businesses and traders. Any curtailment in the scale of activity or indeed cessation of such uses could impact adversely on local employment opportunity, and potentially on the other local business and on the viability of the Heart of England Company itself.

e) Conclusions

It is concluded that on the evidence outlined above, that a material change of use from a forestry use to a mixed use comprising forestry and recreational use has taken place in this woodland. It is also considered that such a mixed use is having an adverse impact on the nature conservation value of the woodland, and thus for this reason, the issue of an Enforcement Notice would be expedient. Before recommending such a course of action, it is necessary to examine whether there are planning circumstances that are of such weight to warrant not doing so.

The first circumstance, would be an argument based on the fact that outdoor recreational activity is appropriate at this location in planning policy terms, and that to a degree, permitted development rights reflect this, as they do benefit the introduction of such activity. This is acknowledged, but it does not carry enough weight to alter the recommendation for three

reasons. This is because the level of activity currently undertaken in the woodland is now having an adverse impact on the nature conservation value of the woodland to the extent that the competent agencies are suggesting that its wildlife designations could be removed. Secondly, it is considered that the purposes and objectives of retaining land within the Green Belt are not met. This approach was taken by the Board in its assessment of the applications in November 2009, when it concluded that the retention of attractive landscapes, retaining land in agricultural use, safeguarding open countryside, and securing nature conservation interests were not met. It is considered that the retention of these woodland activities will not secure these purposes and objectives. In other words the provision of outdoor recreation activity is outweighed by the combined importance of the other Green Belt objectives. Thirdly, the scale of building operations within the woodland is impacting on the openness of the Green Belt hereabouts. This principle was supported by an Inspector following a recent appeal into paintballing activity, but in another North Warwickshire woodland. It is thus the impact of the activity on the Green Belt's most important attribute that is given added weight.

The second circumstance, would be an argument based on the contribution of the Company and its associated woodland activity on the local economy. This consideration does carry weight, but insufficient to outweigh the recommendation. This is because of the reasons set out above – namely that the activities are causing harm to nature conservation interests, and to the very purposes and objectives of retaining land within the Green Belt. This approach was adopted by the Council in respect of the main activities elsewhere on the site, and remains a consistent line when dealing with these other activities.

The third circumstance, is that the impacts could be mitigated through the use of planning conditions or an agreed woodland management plan. This is accepted and would be seen as the way forward. However, there has been no planning application supported by sufficient and robust evidence on which to agree such conditions or an overall management plan. Unauthorised development has continued, even following the 2005 refusals, and the scope of that unauthorised development has now proceeded to a level where it is material and causing harm. In the absence of a properly conceived planning proposal to mitigate the harm, enforcement action is expedient.

An Enforcement Notice under Section 172 of the 1990 Act is recommended, alleging the unauthorised mixed use of the woodland at this site for forestry and recreational uses. The Notice would require the cessation of that mixed use through the removal of the recreational uses to the limits set by Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended. The compliance period would be three months. This would address the major concern here –i.e. the use of the woodland, and bring that use down to permitted development levels. However it would not address the operational development associated with that use. The proper course here would be to issue a second Enforcement Notice requiring the demolition and removal of the unauthorised operational development. As referred to above, the main difficulty is to ensure that the Notice only relates to that development not immune from such action through the lapse of time. Officers are confident that the buildings and structures numbered 1 to 5 on Appendix A can be enforced against. The Notice would require their demolition and removal within a period of three months. Additionally, the most damaging of the unauthorised engineering operations is the hard surfacing of tracks with bitumen, and the storage of bitumen within the woodland. The Notice should include the length of track just outside the woodland and within it that has this covering, as well as the area used for storage of this material. The Notice would require the removal of the bitumen, and its safe disposal off site.

The Alleged Hotel Use

The Heart of England web-site has for some time now, been showing that hotel accommodation is available at the main farmhouse on the site. This now offers seven rooms available for booking. Appendix C is a copy of the web pages. It is considered that the scale and nature of this accommodation, together with the manner of its marketing, does constitute a material change, by fact and by degree, in the use of the main house on the site, from a residence to a hotel. The Company representatives confirmed the presence of this accommodation at the meeting of 15 February referred to earlier. The Board has to assess whether it is expedient to issue an Enforcement Notice.

Development Plan policy is quite explicit. Saved Core Policy 2, and saved Policy ECON11 of the North Warwickshire Local Plan 2006, reflect the overall strategic approach that such uses should be located within sustainable locations such as the Borough's main towns and settlements where other services and facilities are available, and where there is a higher level of public transport availability. The site here is outside of any such settlement. The accommodation is not considered to be part of an overall farm diversification project, as there is no farm holding here. Thus saved policy ECON8, is not relevant. Moreover, the first pre-condition under saved Policy ECON9, relating to the re-use of rural buildings is not met, given that there is not a range of means of travel and transport to the site. As a consequence there are Development Plan policies that run against the continuation of this mixed use. There are however Development Plan policies that would support the use – namely saved Policy ECON10 which relates to “small scale development in existing tourism facilities”. This also is reflected by Government Guidance in the shape of its new PPS4 on Planning for Sustainable Economic Growth. The Board will need to assess what weight is given to these two sets of policies. It is considered that the starting point should be the Council's overall approach taken to the whole site – namely that of support for balanced and conditional recreational usage. This carries significant weight as it reflects current planning permissions; is supported by recent appeal decisions, and has been used in the determination of recent planning applications and decisions to pursue further enforcement action. The approach too has already taken account of the mitigating policies referred to above, and the arguments expressed by the owners. As a consequence it is considered that something fairly substantial is needed to deflect the Council from changing approach. This use extends the range of activities; alters that balance, and neither is it considered to be essential to the running of the business, or the maintenance of that balance. It therefore does not provide that additional weight. As a consequence enforcement action is expedient. Such action would require the cessation of the C1 Hotel use within a period of six months.

It will be necessary to confirm whether or not the hotel use is now the whole use of the former farmhouse on the site, or whether there is still a dwelling house use present, before the issue of any Enforcement Notice. The content of the Notice will need to reflect the conclusion of this inspection.

The Board has been made aware that the former farmhouse, and the building the subject of the above discussion, is a Grade 2 Listed Building. No Listed Building Consent has been granted for the internal works undertaken to provide this hotel accommodation. As a consequence there would appear that an offence has been committed, as unauthorised works to a Listed Building are illegal. Officers have not inspected the interior of the building, and it is recommended that such an inspection is required. Members will be aware too that there is no time period in respect of Listed Buildings for works to become immune from action.

Other Land

Other land within the Heart of England's ownership, but outside of the woodland, has been used for motor uses. This relates to a field on the west side of the site. It has been used for quad bikes and "rage carts" that race around a small dirt circuit. There are two structures built for this use within this field – see Appendix D. These two are unauthorised as they are not temporary or moveable structures and are here as a direct consequence of the motor activities. The use too is considered to be a material change in the use of the land given that the activity is one that is associated with the range and variety of uses and activities advertised and on offer at the site. Whilst these activities are not known to have an adverse nature conservation impact, they do have an adverse visual impact on the character and appearance of the rural landscape, and they do materially impact on the openness of the Green Belt. As a consequence it is considered that an Enforcement Notice is expedient, requiring cessation of the use and the removal of the associated buildings. A compliance period of three months would be recommended.

Overall Approach

As set out at the beginning of this report, the Board has held the issue of a number of Enforcement Notices in abeyance. It is clear from the meeting of 15 February that the Heart of England Company is to address these issues through the submission of an all-encompassing planning application. They have stated that this will be submitted by the end of this month. Given this position, it is suggested that the Board takes decisions on the expediency of further enforcement action as reported here, and that should action be agreed, then the Company be notified that that action will again be held in abeyance pending resolution of these matters through the planning application process. A further reminder will be sent concerning the date of submission as promised by the applicant.

Recommendations

A) That the issue of the following Notices be agreed in principle:

- i) An Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 be issued in respect of the unauthorised change in use of land at the Heart of England centre from forestry land to a mixed use of forestry together with recreational uses, including paint ball activities and motor driving activities. The Notice will require the cessation of the recreational uses, such that they do not exceed the limits set out in Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, and that the compliance period be three months. The reasons for this Notice are as set out in this report.
- ii) An Enforcement Notice under Section 172 of the Town and Country Planning Act 1990, be issued in respect of the construction of buildings and structures as identified in this report as numbered 1 to 5 in Appendix A to this report, and that the Notice requires their demolition and the removal of the resultant materials from the site within a period of three months. Additionally the Notice to include the unauthorised engineering operations of hard surfacing a length of track with bitumen, together with the formation of a bitumen storage are, requiring their removal and safe disposal, also within a period of three months. The reasons for the Notice are as set out in this report.
- iii) An Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 be issued in respect of the unauthorised change in use of land at the Heart of England centre for motor recreation activity, with the requirement to cease the use of that motor recreation activity, together with the removal of two buildings used in association with this use, within a period of three months. The reasons for the Notice are as set out in this report.

- iv)** That an Enforcement Notice be issued under Section 172 of the Town and Country Planning Act 1990, as amended, in respect of the unauthorised material change in the use of a building at the Heart of England centre from a dwelling house to a hotel use, with the requirement to cease the hotel use of the building within a period of six months. The reasons for the Notice are as set out in this report.

- B)** That the precise wording and land areas to be covered by each of the Notices be agreed by the Solicitor to the Council prior to their service.

- C)** That the Company be notified that it appears that there may well have been breaches of Listed Building Control in respect of works undertaken within the house at this site, and thus an internal inspection is required to establish the situation. A further report will be submitted to the Board as appropriate.

- D)** That, if these recommendations are agreed, that the Heart of England Company be informed that the Council will hold their service in abeyance until the end of March 2010.

APPENDIX A



Operator:	
Department:	
Drawing No:	
Date:	05/11/14
Scale:	1:500



North Wiltshire Borough Council



LAND – Material change of use from agriculture to use for motorised leisure pursuits and for use of land for car parking

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- Quad Trips
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TYPE:	CORSTONE
DESIGNATION:	4 HOUR
EXPIRES:	4 YEAR SESSION
INSTRUCTOR:	1
COST:	200 per person
PERIODS:	8:00 - 12:00pm, 1:00 - 5:00pm, 6:00 - 9:00pm
PRICES:	75 per person, 100 per person

The Quad Experience is a motorised activity for everyone. It's a day out for the whole family. You'll get to experience the thrill of driving a quad bike on a specially designed course. You'll get to experience the thrill of driving a quad bike on a specially designed course. You'll get to experience the thrill of driving a quad bike on a specially designed course.

Buy Now

Describes the land as a motorised activity field
 Offers hour long sessions
 Includes images of the use of the field

Heart of England - Windows Internet Explorer
 http://www.heartofengland.co.uk/egp.htm#nav

Heart of England
 Conference & Events Centre
call us!

Corporate Sales 01172 340333
 Reservations 01172 343322
 Mail 01172 340333
 Wholesale 01172 340333
 Adventure Fun 01172 350061
 Registered in England No. 02088824

THE HEART OF ENGLAND CONFERENCE AND EVENTS CENTRE - CONFERENCE CENTRE JOURNAL

About Us | The Team | News | Contact | Buy Tickets | Gift Vouchers | What Our Customers Say | Home

QUICK LINK TO OUR WEBSITES

- The Quaker Club Events & Club
- Old Hall House Hotel
- Adventure Park & Beach Sports
- Book of the Year
- Event Calendar
- The Fun Shop & Events Hire

CORPORATE LEISURE - Weddings | Births | Off Road Fun | Children's Parties | Events | Corporate | Adventure Fun | Hotel | Restaurant

Conferences | Fun Days | Team Building & Leadership | Product Launches | Parties | Birthdays | Ideas Village | Custom Vehicles | Hire and Off Site

TEAM BUILDING AND LEADERSHIP

When you're building a team - you need to use of your own to develop, with no solo, no distractions. So, whether you want to do a conference, build a team together, or let off some steam on the weekends, you're with a real plan. Below are a few examples of our team building and motivational style events - give us a call and we'll put together a bespoke programme for your team!

Historical Activities

- Quad Biking
- Rage Karts
- 4x4
- Team Build
- Motorbike Hire

Team Building Activities

- Personal Development Activities



RAGE KARTS

TYPE: OUTDOOR ONLY
 ALL WEATHER
 5 HOURS

SESSION LENGTH: 1 HOUR

DELEGATES: 1 PER PARTY

INSTRUCTOR: 1 PER GROUP

Rage Karts provide a fantastic opportunity to race around at the speed of your own two feet. As a delegate, you'll have a chance to experience the thrill of driving a kart, and you'll be able to see your colleagues in a whole new light. It's a great way to build a team, and it's a great way to have fun. The karts are all about being in control - pushing the vehicle to its limits, but ensuring you're in control of the kart.

This is why Rage Karts are a great team building activity for the working world - proving that no matter how you're connected, you can still have fun. It's a great way to build a team, and it's a great way to have fun.

And apart from that - Rage Karts are just great fun! It's a great team building activity, and the thrill of driving a kart is a great way to build a team. It's a great way to have fun, and it's a great way to build a team. It's a great way to have fun, and it's a great way to build a team.

Photographs show the Rage Carts at the Heart of England field/track



9/1/08 - Worn circuit visible on field



9/1/08 Trackway visible



9/1/08 Trackway and wooden structure



19/6/09 Trackway and structure visible



19/6/09



19/6/09 Trackway and two structures visible (see photographs below for close up details of the structures)



19/6/09



19/6/09



15/8/09 - Worn trackways visible on the field

Material Change of Use – Evidence

WOODLAND – Material change of use to a mixed use of woodland, use for paintball games, use for motorised leisure pursuits and use for recreational events (Spooktacular/visit Santa etc)

Web Site: 22 February 2010



OFF ROAD FUN

Reference to use of Woodlands

Includes images of the use of the woodland

Details use of Quad Bikes, Rage Carts, Land Rovers, Supertruck and Haglander

Offers off-road sessions

Offers activity in all weathers, all year.

Heart of England
 Corporate & Retail Centre
 call us!

Corporate Sales 0115 340111
 Marketing 0115 340000
 Retail 0115 340220
 Wholesales 0115 340112
 Advertising 0115 340110
 Fax 0115 340111

THE HEART OF ENGLAND CONFERENCE AND EVENTS CENTRE - CONFERENCE CENTRE SOLUTIONS

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QUICK LINK TO OUR WEBSITES

The Quality Inn Association
 The Hotel Sector Index
 Agriculture & Rural Events
 Sustainable & Green
 Award Calendar
 The Venue Guide & Directory

CORPORATE | EVENTS | AWARDS | PARTNERS | OFF ROAD DRIVING | TRAINING | SPECIAL EVENTS | CONFERENCE | ADVERTISING | HOME | CONTACT US

Conferences | Partials | Team Building & Leadership | Product Launches | Events | Roadshows | Exhibitions | Custom Vehicles | Hire and Off-Road

GIFT VOUCHERS - THE HEART OF ENGLAND EXPERIENCE!

Presented by The Heart of England, our 4x4 off-road driving experience is a unique and exciting way to spend your time. It's a professional off-road course designed by the British Off Road Driving Association (BORDA) and is suitable for all ages and abilities. The course is set in a beautiful woodland and offers a variety of challenges and obstacles. It's a great way to spend your time and enjoy the outdoors.

4x4 BRONZE

PRICE: £100.00
PERSONS/VEHICLE: 1-2
ESTDAYS: 480-500
FACTORY: 1
USED: 480-500
POWERS: 480-500
PROFITS: 480-500

**Package and Time One
 4x4 and 4x4 2.5L**

5* Visitor Rating of 4.8/5

4x4 Bronze is a great experience for all ages and abilities. It's a professional off-road course designed by the British Off Road Driving Association (BORDA) and is suitable for all ages and abilities. The course is set in a beautiful woodland and offers a variety of challenges and obstacles. It's a great way to spend your time and enjoy the outdoors.




4X4 BRONZE EXPERIENCE
 Describes an off road course as 'a professional off-road course'
 Describes it as being a 'BORDA designed course' (The British Off Road Driving Association)
 Offers hour long sessions
 Includes images of the use of the woodland

Heart of England - Window: Internet Explorer
 http://www.heartofengland.co.uk/gifts/4
 heartofengland

THE HEART OF ENGLAND CONFERENCE AND EVENTS CENTRE - CONFERENCE CENTRE SOLUTIONS

About Us | The Team | Press | Contact | Buy Tickets | Gift Vouchers | About Our Conference Day | Home

OUR OFFERS TO OUR MEMBERS

- THE QUEEN THE CONFERENCE
- ONE FULL HOUSE NIGHT
- Adventure Park & Beach Event
- Event/AGM at Hillcrest
- Event Calendar
- THE PRO SHOP & EVENT HUB

CORPORATE | **LECTURE** - Weddings | Parties | Off Road Fun | (Q)uality Parties | Events Calendar | Adventure Park | Food | Transport

Conferences | Fun Days | Team Building & Leadership | Product Launches | Parties | Exhibitions | Wine Village | Custom Vehicles | Hire and Off Site

GIFT VOUCHERS - THE HEART OF ENGLAND EXPERIENCE!

From quad biking to off-road fun - from specialist 4x4s to top to down for fun - the team at Heart of England can provide the best in gift vouchers for every occasion - all at our member's choice. Choose your gift from the attractive packages - for that extra special gift. Just right for yourself, as a treat, or as a gift. You will receive a beautiful gift certificate which is personalised to your recipient. We can even send out direct to your recipient for that first special gift. Gift Certificates are arranged on receipt of the gift certificate.

Motorised Activities

- Quad Experience
- Quad Ride and Quad Racing
- 2x2 Bronze
- 2x2 Silver
- 2x2 Gold
- 4x4 Quad
- The Rover

Pamper and Take Out
 (Gifts and Goodies to be)

Gift Voucher Terms and Conditions

4X4 GOLD

PRICE:	£200/£210
DRIVERS:	£200/£210
INSTRUCTOR:	£20 (included in price)
COST:	£150
INCLUDES:	2 hours, 100m course
FACILITIES:	200m, 750m, 1000m

We offer a comprehensive 4x4 Off Road Package - a 2 hour, 100m, 200m, 750m and 1000m course. One of our specialist instructors will be with you throughout the day. You will receive a comprehensive 4x4 off road course, including a 200m, 750m, 1000m and 200m course. The 4x4 off road course is a professional off-road course.

Buy Now

4X4 GOLD

Describes an off road course as 'a professional off-road course'

Describes it as being a 'BORDA designed course' (The British Off Road Driving Association)

Offers three hour long one to one sessions

Involves taking the vehicle through water and tough terrain

Includes images of the use of the woodland

Heart of England Conference & Events Centre
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THE HEART OF ENGLAND CONFERENCE AND EVENTS CENTRE - CONFERENCE CENTRE NATIONAL

Next Up: The Team | News | Contact | Buy Tickets | Gift Vouchers | What Our Customers Say | Home

QUICK LINKS TO OUR HIGHLIGHTS

- The Quads Time Trial event
- Old Fashioned Hunt
- Adventure Polo & Beach Tennis
- Food & Drink at (Hillcrest)
- Event Calendar
- The Great Ship & Boat Race

CORPORATE | LEISURE | Indiana (Fishes) | Off-Road Fun | Children's Parties | Events Calendar | Adventure (Hillcrest) | Bookings

Conferences | Fun Days | Team Building & Activities | Events Calendar | Fishes | Food & Drink | Boat Village | Galas | Venues | Hire and Off-Site

TEAM BUILDING AND LEADERSHIP

When you're building teams - you need some of your team to develop with valuable situations. So whether you want to get your employees built into a team, or get your team to work together, you're in the right place. Our team building events are a fun way to get your team to work together and give you a lot of fun and laughter together in a unique programme for your team.

Outdoor Activities

- Quad Trekking
- High Winds
- 4 x 4
- Team Building
- Off-Road Fun

Team Building Activities

PERSONAL DEVELOPMENT ACTIVITIES

QUAD TREKKING

Quad Trekking is a highly popular activity here at Heart of England. And it's not just for the young and fit, it's for everyone. It's a fun way to get your team to work together and give you a lot of fun and laughter together in a unique programme for your team.

FREE: OUTDOOR EVENT
ALL LEVELS OF FITNESS

SESSIONS AVAILABLE: 900 30 MINUTES

EXPERIENCES: 1/2 DAY TEAM BUILDING

DISTANCE: 1/2 DAY TEAM BUILDING

Quad Trekking is a highly popular activity here at Heart of England. And it's not just for the young and fit, it's for everyone. It's a fun way to get your team to work together and give you a lot of fun and laughter together in a unique programme for your team.

Quad Trekking is a highly popular activity here at Heart of England. And it's not just for the young and fit, it's for everyone. It's a fun way to get your team to work together and give you a lot of fun and laughter together in a unique programme for your team.

QUAD TREKKING
 Offers Quad Trekking on fields and tracks and a '4km woodland track'

Heart of England
Conference & Events Centre
call us!

Corporate Sales 01175 940331
 Reservations 01175 943300
 HRM 01175 940331
 HRM 01175 940331
 Adventure Park 01202 881061

Registered in England No 05248934

THE HEART OF ENGLAND CONFERENCE AND EVENTS CENTRE

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QUICK SKIP TO OUR HIGHLIGHTS

- The Golden Tree Restaurant
- Old Hall House Hotel
- Adventure Park & Beach Front
- Speakers' Club at Harlowton
- Event Calendar
- The Shop Shop & Front Line

CORPORATE | LEISURE | Weddings | Parties | OFF-ROAD FUN | Children's Parties | Events Calendar | Adventure Park | Hotel | Restaurant

Conferences | Fun Days | Team Building & Leadership | Product Launches | Parties | Socials | Other Village | Custom Vehicles | Hire and Off Site

TEAM BUILDING AND LEADERSHIP

When you're building a team - you need a space of your own to develop, with the outside distractions. So, whether you want to do an off-site, build skills together, or let all your ideas on the table, people in the right place. Below are a few examples of our team building and outdoor style events - give us a call and we'll help you put together a bespoke programme for your team!

Motorised Activities

- Quad Biking
- Wipe Boards
- ATV
- Snow Cat
- Woodland Drive

Team Building Activities

Personal Development Activities



SNOW CAT

TYPE: OUTDOOR TEAM BUILDING
RESOURCES REQUIRED: 10-15 PEOPLE
ESTIMATED COST: £5 PER PERSON
OWNER: 1 PER GROUP

The Haglander is one of the most eye-catching vehicles on the market. It's a highly entertaining and challenging activity for all ages. The vehicle is designed to be used on a variety of terrain and is perfect for team building exercises. It's a highly entertaining and challenging activity for all ages. The vehicle is designed to be used on a variety of terrain and is perfect for team building exercises.

SNOWCAT/HAGLANDER
 Describes putting the 'Haglander' through 'the most demanding of woodland tracks'

Heart of England - Windsor, Maidenhead

www.heartofengland.co.uk/central.html

Heart of England

Heart of England
 Conference & Events Centre
call us!

Corporate Sales 01619 540332
 Reservations 01619 543300
 Sales 01619 540333
 Wedding 01619 540333
 Advice on Party 07964 131190
 Registered in England no: 02246558

THE HEART OF ENGLAND CONFERENCE AND EVENTS CENTRE - CONFERENCE CENTRE SOLIHULL

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QUICK SKIP TO OUR HIGHLIGHTS

- The Queen's Tree Restaurant
- Our Facilities
- Adventure Park & Beach Escape
- Booked as for at Palace
- Event Calendar
- The Food Shop & more here

CORPORATE | LEADERSHIP | Webinars | Parties | Off-Road Fun | Corporate Parties | Events | Conferences | Adventure Park | Hotel | Packages

Conferences | Fun Days | Team Building & Leadership | Product Launches | Parties | Shows | Events | Weddings | Custom Vehicles | Hire and Off-Site

TEAM BUILDING AND LEADERSHIP

When you're building a team - you need some of your own to drive you, in many outside situations. So, whether you want to run conferences, build office凝聚力, or let off some steam on the sports, you're in the right place. Below are a few examples of our team building and professional style events - give us a call and we'll put together a bespoke programme for your team!

Workshop Activities

- Team Building Activities
- Escape
- In the Spotlight
- Lateral Thinking
- VR
- Fire Fighting
- Paintball
- Archery
- Building Bridges
- IT's a Minefield Assault
- Out and About
- Wolf Whuffing
- Rescue Work
- Pub Quiz

Personal Development Activities

PAINTBALL

TYPE: OUTDOOR

SESSION LENGTH: 1.5H TO 2.5H (MIN)

DELEGATES: UP TO 20 (MAX OF 10)

INSTRUCTOR: 2 (1 PER GROUP)

And then - the adrenaline kicks in. That's all you've been set on temporarily, but it's breathing for fear of getting hit - or even worse, being hit, and knowing yet if you can be seen, or equipped a full arsenal equipped by ourselves, it's a competition - not your standard kind of paintball. Develop a strategy as if you're the driver of a tank.

This isn't just a game - this is a team!



PAINTBALL
 Describes 'acres of medieval woodland, crashed vehicles, hides, shacks and plenty of hiding places'.

Heart of England
 Conference & Events Centre
 call us!

Corporate Sales 01870 540333
 Bookings 01870 545300
 Hire 01870 540333
 Weddings 01870 540333
 Adventure Parks 01792 331200
 Registered in England no: 021405214

THE HEART OF ENGLAND CONFERENCE AND EVENTS CENTRE - CONFERENCE CENTRE SOLIHULL

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QUICK SKIP TO OUR FAVORITES:

- The Quickest Time to Book
- Old Hall House Hotel
- Adventure Parks & Beaches
- Good Causes at Heart of England
- Event Calendar
- The First Step & Event Hire

CORPORATE LEASURES: Weddings | Parties | Golf Club Hire | Children's Parties | Corporate Celebrations | Awards | Family Events | Entertainment

Conferences | Fun Days | Team Building & Leadership | Product Launches | Parties | Roadshows | HR Hub Village | Client Vehicles | Hire and Off-site

TEAM BUILDING AND LEADERSHIP

When you're building a team - you need a space of your own to develop, with no outside distractions. So, whether you want to sit in conference, build skills together, or let all your teams run the park, you're in the right place. Below are a few examples of our team building and motivational style events - give us a call and we'll put together a bespoke programme for your team.

Historical Activities

Team Building Activities

- Colapull
- So the Spotlight
- Escape Thinking
- Strike
- Fire Fighting
- Football
- Defence
- Building Bridges
- It's a Knockout Assault
- Hot Air Balloon
- Wrestling
- Treasure Hunt
- Prisoner Escape

Personal Development Activities



TREASURE HUNT

TYPE: CONFERENCE OR OFF-SITE

SESSION LENGTH: 90-120 MINUTES

DELEGATES: UP TO 15 PER TEAM

INSTRUCTOR: 1

It's not always the code - but the getting there that counts in this mixture of cryptic, physical, lateral and co-operative activities to find the hidden treasure.

Treasure Hunt teams will have to find specific items using a number of clues - and complete tasks to receive the next clue.

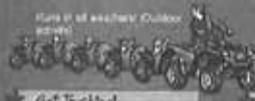
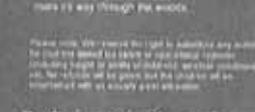
Completely based within your own 100-acre site, this could be more of a challenge than the teams are used to. The journey could take shape over fields, trees, ponds, benches and woodland - a complete range of environmental areas to test their skills of deduction, powers of observation and their ability to cooperate as a team.

It's a race against time to find the hidden treasure - only one team will reach the prize first, so every second counts.

TREASURE HUNT
 Indicates that use is made of the wood, in conjunction with the wider land holding for Treasure Hunt/Team Building activities.

Children - Windows Internet Explorer
 http://www.heartofengland.co.uk/children_parties.html
 Children

The Activities - Choose 1 (and send one activity to the party) you would like to have for your party (all for 15 per party child)

<h4>Get Muddy!</h4> <p>Practice and extending side through the woods, safety assured in our individual Quad Pods towed by our Quad bike.</p> <p>Suitable for all ages from 21 with appropriate adult accompaniment.</p> <p>Runs in all weathers! Outdoor activity!</p> 	<h4>Get Rowing!</h4> <p>Put your new Mini Quad bike away - you better drive! Join in 'miniature' Canoeing with our hand made canoes.</p> <p>Suitable for ages 8+ depending on height.</p> <p>Outdoor activity - cannot run in wet weather!</p> 	<h4>Get Bouncing!</h4> <p>Boogie bounce bounce away with your new bouncers!</p> <p>Suitable for all ages with appropriate adult supervision.</p> <p>Can be used indoors or out - so suitable for all weathers.</p> 	<h4>Get on the Water!</h4> <p>Our beautiful white swan pedalo will take you on a ride across the lake - what will you choose? And how fast can you pedal?</p> <p>Suitable for all ages with appropriate adult supervision.</p> <p>Outdoor activity!</p> 
<h4>Get Trucking!</h4> <p>All aboard the Supertruck of Haglander - for a thrilling woodland journey. The all new party van set at the back of the Supertruck - and lower over nature as the giant wheels spin through the undergrowth (that means surprise along the way). Or choose the Haglander - a whole lot for smaller numbers. Full menu is available through the woods.</p> <p>Please note: We cannot be held liable for additional any activity for that the child has taken or any other children. Children liable for safety of children. Weather conditions etc. No refunds will be given but the children will be entertained with an activity and picnic.</p> 	<h4>Get Exploring!</h4> <p>Have you ever been on a Mini Beast Hunt? Do you know what a rabbit in the woodland? Our expert investigator, Thelma, will take you on a journey of discovery in to the forest world of the woodland.</p> <p>Suitable for all ages.</p> <p>Outdoor activity - water resistant!</p> 	<h4>Get Zipping!</h4> <p>Our zip wire is an exhilarating experience - which you get to choose a lot more! Get zipped in - and zip across the park, till you reach the river and...</p> <p>Suitable for older children (dependent on height - please ask for details).</p> <p>Outdoor activity - cannot run in wet weather!</p> 	<h4>Get Picking!</h4> <p>Quick! Jump, grab Connect 4 and a host of other games and ready to play!</p> <p>Suitable for all ages.</p> <p>Outdoor or indoor!</p> 

Party Times to Choose from

Saturday and Sunday	School holiday weekdays	Term time weekdays
10.00 - 11.30	10.00 - 11.30	4.15 - 5.45
11.45 - 13.15	11.45 - 13.15	8.00 - 7.30
13.30 - 15.00	13.30 - 15.00	
15.15 - 16.45	15.15 - 16.45	
17.00 - 18.30	17.00 - 18.30	

Under 5's - Term Time, weekdays package! Birthdays, childrens get together packages!

Minimum number of 10 children	Under 5's termtime - weekdays
Only £7.00 per child	10.00 - 11.30
Includes mini picnic, drink and playtime on the beach or mini beast hunt! One free adult per child included. (appropriate supervision required)	11.45 - 13.15
	13.30 - 15.00

Prices per child (based on number booked)

43 children +	£8.95
36 to 40 children	£9.50
31 to 35 children	£9.95
26 to 30 children	£10.45
21 to 25 children	£10.95
15 to 20 children	£11.35
Under 5's - Term Time weekdays - Minimum number of 10	£7.00

CHILDREN'S PARTIES
 Offers Quad Pod Rides through the woods
 Offers Mini Beast Hunts in the woods
 Offers a Supertruck or Haglander woodland journey
 Parties available all year round



Available at additional cost:
 To access these activities, please purchase either 1 ticket - £11 of the Rock, Step or Boat House, (or security reasons, tickets are not refundable, but can be used in future years).

Supertruck Woodland Trips	£1 per person
GoBoat mini Boat Rowers	£1 per person
Haglander (Snowdon Woodland Trips)	£2 per person
Swan Boats on the Lake	£2 per person (then 2 people)
Quad Pods (towed by a quad bike)	£2 per person
Mini Quads	£3 per person (not Winter Season)
Zip Wire or Parachute Drop	£4 per person (not Winter Season)

NB: Some activities have a maximum height or age range. Some activities cannot operate in poor weather.
 All boat vehicles and Zip Wire Parachute Drop operate at varying times throughout the day.

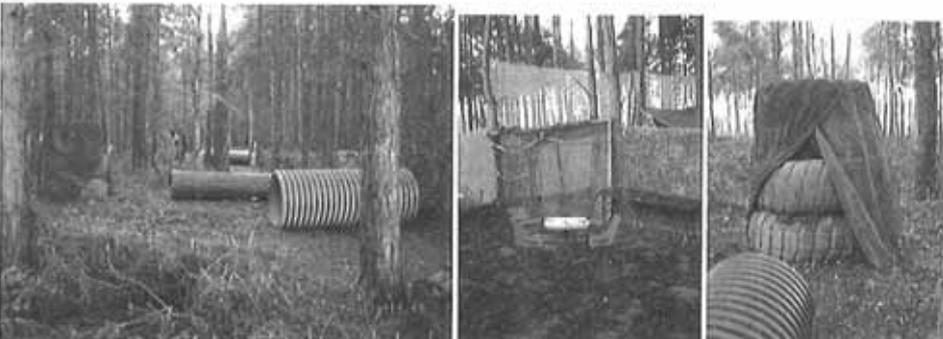
Image of Supertruck at Heart of England

EDUCATION AND SCHOOLS PROGRAMME 2009/2010 -

Supplied as part of Robert William's Statement for the Agricultural Building Enforcement Hearing
Woodland activities investigating Mini-beasts and Trees based around National Curriculum objectives.

PHOTOGRAPHS

PAINTBALL – 10/12/09



1

STRUCTURES - 10/12/09



2



4



3



3

EXCAVATIONS – 10/12/09



5

SANTA/SPOOKTACULAR CLEARANCE - 10/12/09



SURFACES – 10/12/09





VEHICLE COMPOUND - 10/12/09



ROADWAYS -- 10/12/09





Old Hall House Hotel

Extracts copied from web site – 22 February 2010

Seven, individually designed rooms which are 'luxuriously appointed'

Room 1

Ground floor room with huge flatscreen TV and en-suite shower room.

Comfortable double bed, with white linen and throws & cushions themed in bronze and autumn golds.

The room benefits from a beautiful, solid wood wardrobe, desk/dressing table, bedside tables with drawers, tea/coffee making facilities and minibar.

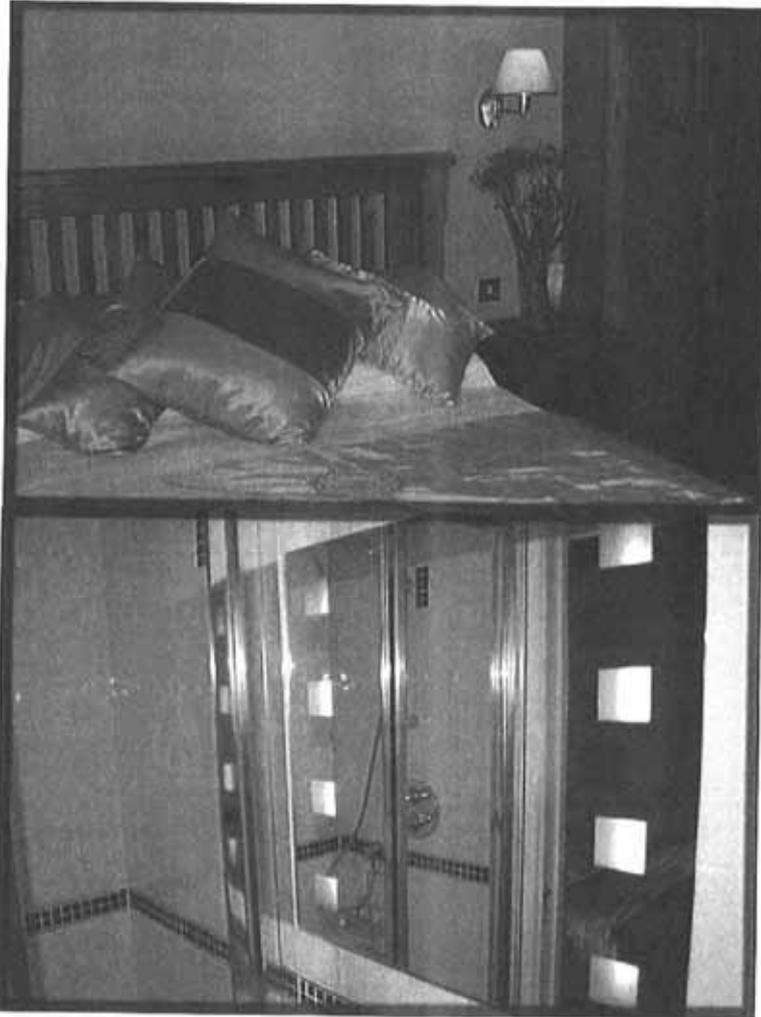


Room 2

Intimate, first floor room with flatscreen TV and en-suite shower room.

Comfortable double bed, with white linen and throws & cushions themed in pale golds.

The room benefits from a beautiful, solid wood wardrobe, desk/dressing table, bedside tables with drawers, tea/coffee making facilities and minibar.

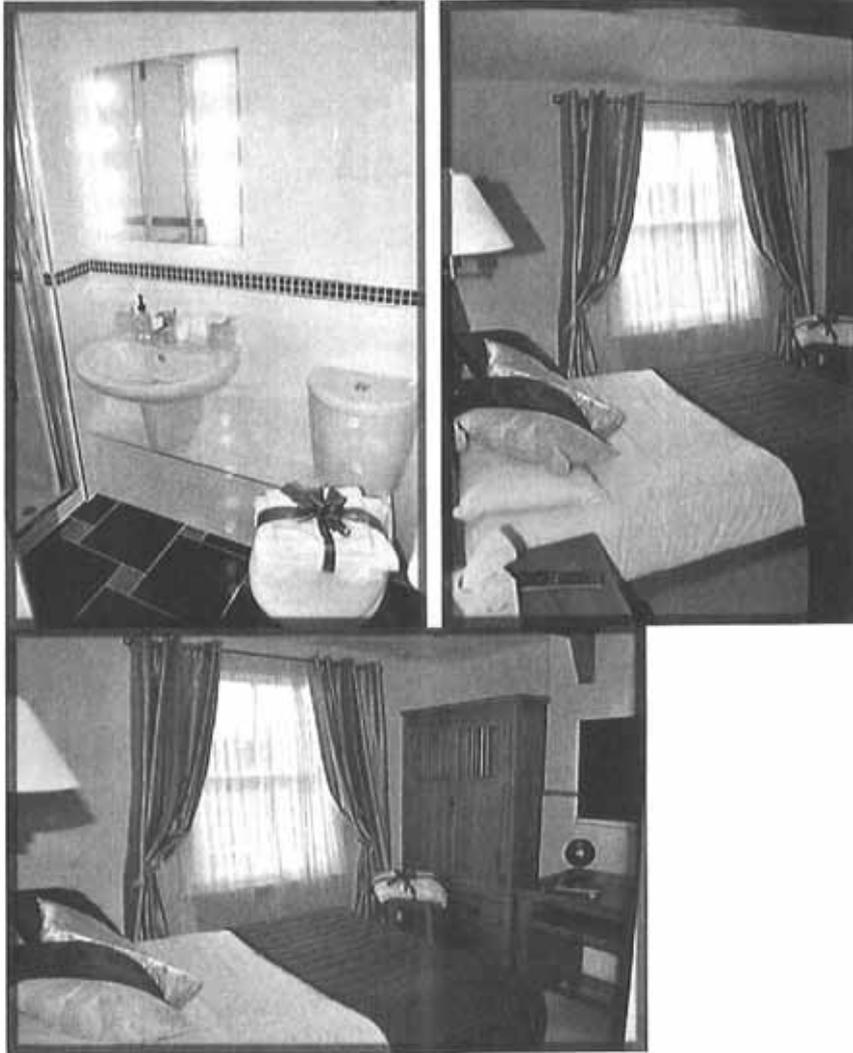


Room 3

Beautiful, first floor room with flatscreen TV and en-suite shower room.

Comfortable double bed, with white linen and throws & cushions themed in damson and deep pink. Vibrant pink back wall with dusky pink drapes combine to create a calm, yet energized environment.

The room benefits from a beautiful, solid wood wardrobe, desk/dressing table, bedside tables with drawers, tea/coffee making facilities and minibar.



Room 4

Spacious, first floor room with flatscreen TV and en-suite shower room.

Comfortable double bed, with white linen and throws & cushions themed in plum, purple and ivory. Calming plum back wall with dusky pink drapes combine to create a calm, yet energized environment.

The room benefits from a beautiful, solid wood wardrobe, desk/dressing table, bedside tables with drawers, tea/coffee making facilities and minibar. Plenty of room for a travel cot in this room.



Room 5

Pretty, first floor room with flatscreen TV and en-suite shower room.

Comfortable double bed, with white linen and throws & cushions themed in coffee, ivory and pale gold.

The room benefits from a comfortable leather tub chair, desk/dressing table, bedside tables with drawers, tea/coffee making facilities and minibar.



The Old Hall Suite

The one with the WOW factor. The Old Hall Suite has been designed with opulence and extravagance in mind.

Huge, sumptuous four poster bed - decked in pale gold brocade and white linen, and featuring a starlit bed canopy, with twinkling stars (controlled by you).

Solid wood furniture enhances the warmth of the room, and the spacious area is complemented by a huge, flat screen TV, and mini bar.

The en suite bathroom is another luxury to behold - an elegant, spacious environment, with mood-lighting, separate shower and an enormous double size jacuzzi bath.



Secret Seven....Sssssh

On the ground floor, there's a door. Unlock it, and find your own private staircase, descending to your room.

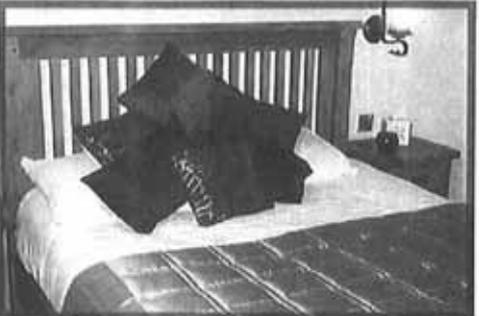
The staircase is beautifully crafted in woods, with brick walls and inset lighting.

Your room is naturally lit, with draped windows at 'ground' level - and the theatrical nature of the room is enhanced with blue inset mood lighting and purples & gold fabrics.

There are all our usual facilities - huge flat screen TV, mini bar, and tea/coffee facilities - and an en-suite, featuring a fabulous steam shower.

What about the secret? Well, this is our 'playful' room...discover our little secret, and we'll give you a bottle of champagne when you dine in our restaurant!

Secret Seven...ssssh



Web site - 22-2-2010



Telephone reservations: 01676 540333

Old Hall House

A Luxury Country Retreat in the Heart of England

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- Facilities
- Room Choice
- Breakfast
- Location
- Contact
- Home



Room Rates

All rates are per room, per night. Rooms sleep 2 persons.
Room rate includes full, farmhouse breakfast.

Old Hall Suite	£120 (four people, two en-suite, ensuite jacuzzi bath)
Secret Seven	£100 (private entrance, steam shower, secret)
Room 1	£ 80
Room 2	£ 80
Room 3	£ 80
Room 4	£ 85
Room 5	£ 80

booking...

To make a reservation, please call us on 01676 540333



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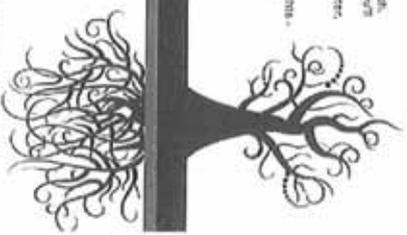
We're different - because we spend our lives in the pursuit of leisure.

Our grounds, lakes, beach and woodlands are dedicated to leisure activities and relaxation - whether you want to simply stroll and take in the peace and quiet - or be launched from our slipway, or stumble across an abandoned horses in the woodlands.

On sunny days, you'll be tempted by our swims, sandy beach, where like waves lap gently across the shoreline. Plus, you'll be delighted by the fact that you are about as far from the hassle as you can get in the south. Take a hour out on the water, or simply gaze across the Warwickshire countryside.

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SITE REPORT

Office use

WARWICKSHIRE BIOLOGICAL RECORDS CENTRE: County Museum, Warwick

Name of Site	Heart of England Woodland	Date of Visit	10/12/09	Time on Site	2 hours
Grid Ref.	SP 269 847	Weather: Sunny, cold		Surveyor: B May	
Parish or location	Fillongley				
Access arrangements	On foot				
Use of site	Woodland with paintballing, 4x4 and quad bike tracks	Owner/tenant of site	Heart of England		
Public access	No	Strict confidence	No		
Adjacent land use	Improved grassland fields, man-made lake	Any threats or Application	Possible enforcement action due to unauthorised change of use		

General description/interest:

The viewed site consisted of an ancient plantation woodland of approx 27 hectares. The woodland was divided into different compartments by a network of paths and the composition of the woodland varies between sections. The woodland was used for a variety of activities such as paintballing, quad biking and 4x4 driving.

The southern part of the woodland consisted of a Scots Pine plantation area, with occasional oak in the canopy. There was no understorey in this area. Ground flora consisted of locally abundant bracken with locally frequent bramble, honeysuckle and bluebell – some more open areas additionally contained locally frequent wood sorrel. Other, occasional species included holly, herb Robert and male fern. Badger snuffle holes were noted in this section. To the west of the main path through the woodland in this section, there was a fenced off area, which was subject to disturbance through existence of a café and other permanent structures relating to paint-balling. Adjacent to this fenced off area was a clearing with piles of large rocks and deadwood. The ground surrounding the clearing was quite water-logged. Marginal vegetation surrounding the clearing included creeping thistle, dock spp, monbretia (?), hard rush, buddleia, pendulous sedge, tufted hair grass, reed canary grass, foxglove, cocksfoot grass, broad-leaved willowherb, ground ivy and trefoil spp.

To the north of this area (to the east of the main north-south path through the wood) was an area of dense conifer plantation. There was virtually no ground flora here due to heavy shading and dense pine needle leaf litter.

The western mid-section of the wood comprised mixed plantation with young Corsican pine and silver birch. Further north the canopy was younger, with oak and cherry also noted. Through this section, an established understorey wasn't noted. Ground flora included bluebell, foxglove, honeysuckle, cleavers, fescue spp and bedstraw spp (heath?).

The northern sections of the wood, either side of the main north-south path, comprised a mixed canopy of larch, sweet chestnut, Corsican pine, oak and silver birch and a sparse understorey with hazel, elder and holly. The ground was wetter here, due to the presence of a watercourse running from west to east. Ground flora included locally frequent soft rush, pendulous sedge, wavy bittercress, bedstraw spp (heath?), bracken, stitchwort spp, herb Robert, bugle, male fern, bramble, yellow pimpernel, tufted hair grass, common nettle, creeping buttercup and willowherb spp.

The south-eastern boundary of the woodland comprised a ditch and embankment with linear trees such as holly, hazel, alder, oak, cherry, broom and newly planted hawthorn hedge. Ground flora included compact rush, foxglove, tufted hair grass, bramble, creeping thistle and pendulous sedge.

Pendulous sedge and iris spp. were both noted all the way through the woodland, with some areas of local abundance.

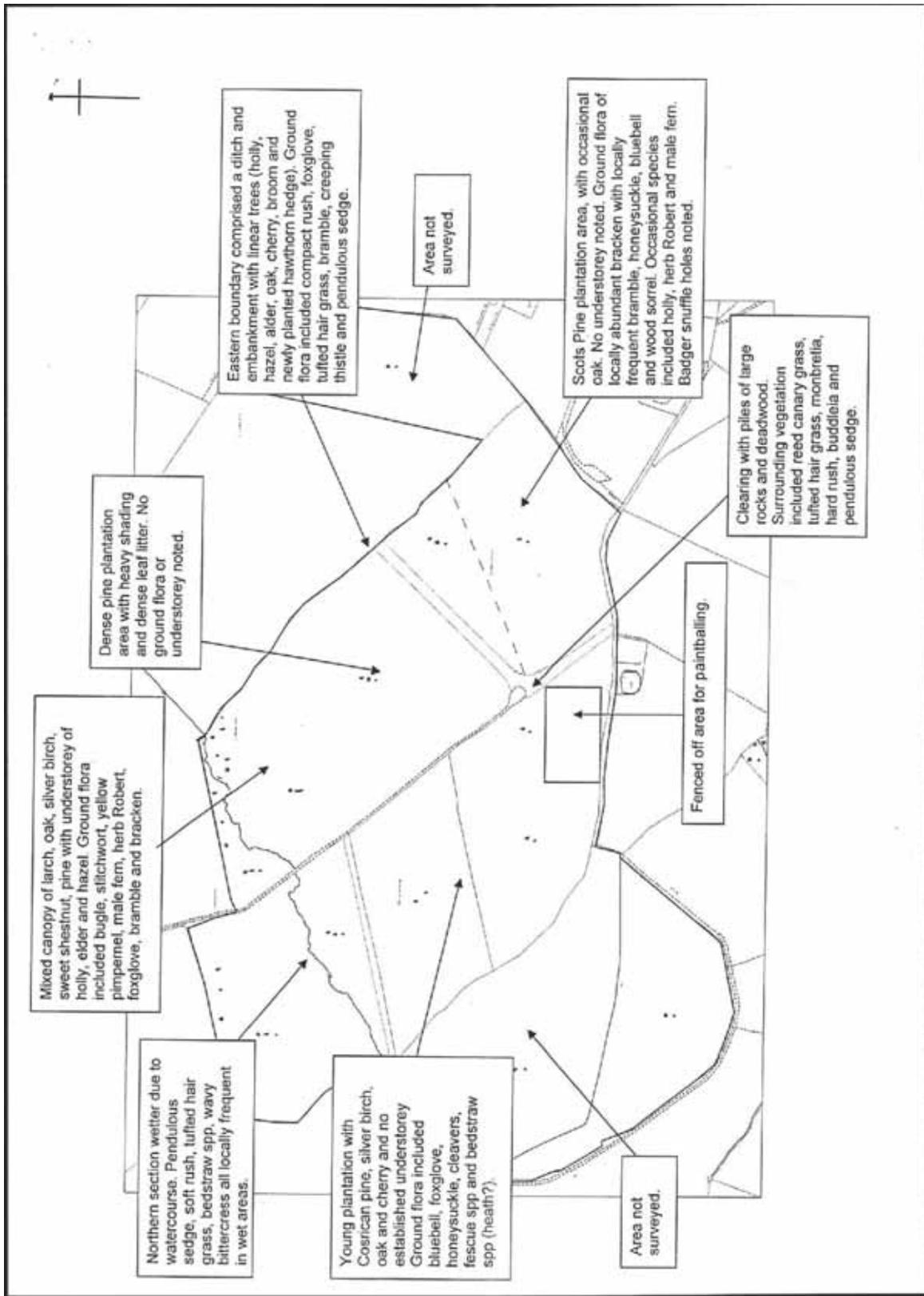
Plants (DAFOR*) + animal records

Corsican pine *Pinus nigra*
Scots pine *Pinus sylvestris*
Larch *Larix decidua*
Oak spp *Quercus* spp.
Silver birch *Betulus pendula*
Cherry *Prunus avium*
Hazel *Corylus avellana*
Elder *Sambucus nigra*
Sweet chestnut *Castanea sativa*
Holly *Ilex aquifolium*
Alder *Alnus glutinosa*
Hawthorn *Crataegus monogyna*
Broom *Sarothamnus scoparius*
Bramble *Rubus fruticosus*
Bracken *Pteridium aquilinum*
Tufted hair grass *Deschampsia cespitosa*
Cocksfoot *Dactylis glomerata*
Reed canary grass *Phalaris arundinacea*
Fescue spp *Festuca* spp.
Hard rush *Juncus inflexus*
Soft rush *Juncus effusus*
Compact rush *Juncus conglomeratus*
Pendulous sedge *Carex pendula*
Iris spp. *Iris* spp.
Bluebell *Hyacinthoides non-scripta*
Bugle *Ajuga reptans*
Yellow pimpernel *Lysimachia nemorum*
Stitchwort spp. *Stellaria* spp.
Wavy bittercress *Cardamine flexuosa*
Honeysuckle *Lonicera periclymenum*
Herb Robert *Geranium robertum*
Male fern *Dryopteris filix-mas*
Wood sorrel *Oxalis acetosella*
Foxglove *Digitalis purpurea*
Cleavers *Galium aparine*
Bedstraw spp (heath?) *Galium* spp. (*saxatile*?)
Creeping thistle *Cirsium arvense*
Dock spp *Rumex* spp.
Monbretia spp. (??) *Montbretia* spp.
Buddleia *Buddleia* spp.
Broad-leaved willowherb *Epilobium montanum*
Ground ivy *Glechoma hederacea*
Trefoil spp. *Trefoil* spp.
Common nettle *Urtica dioica*
Creeping buttercup *Ranunculus repens*

Occurrence Frequency:

* DAFOR Key: D = dominant, A = abundant, F = frequent, O = occasional, R = rare

Map on reverse. Access point, boundaries, adjacent land use main habitats scale, north, slope etc.



Old Hall House Hotel

Extracts copied from web site – 22 February 2010

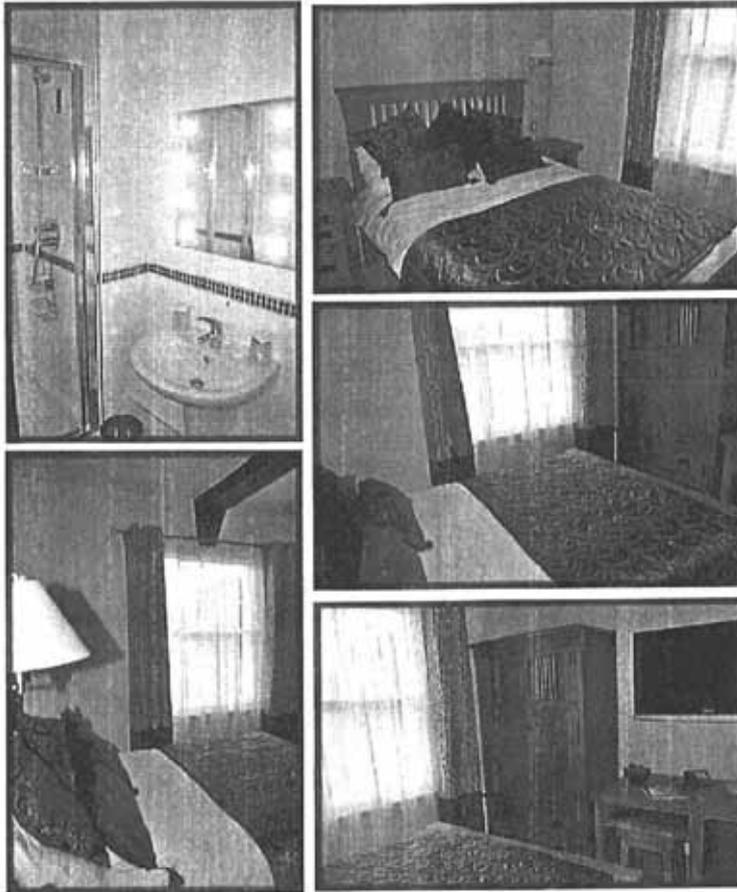
Seven, individually designed rooms which are 'luxuriously appointed'

Room 1

Ground floor room with huge flatscreen TV and en-suite shower room.

Comfortable double bed, with white linen and throws & cushions themed in bronze and autumn golds.

The room benefits from a beautiful, solid wood wardrobe, desk/dressing table, bedside tables with drawers, tea/coffee making facilities and minibar.

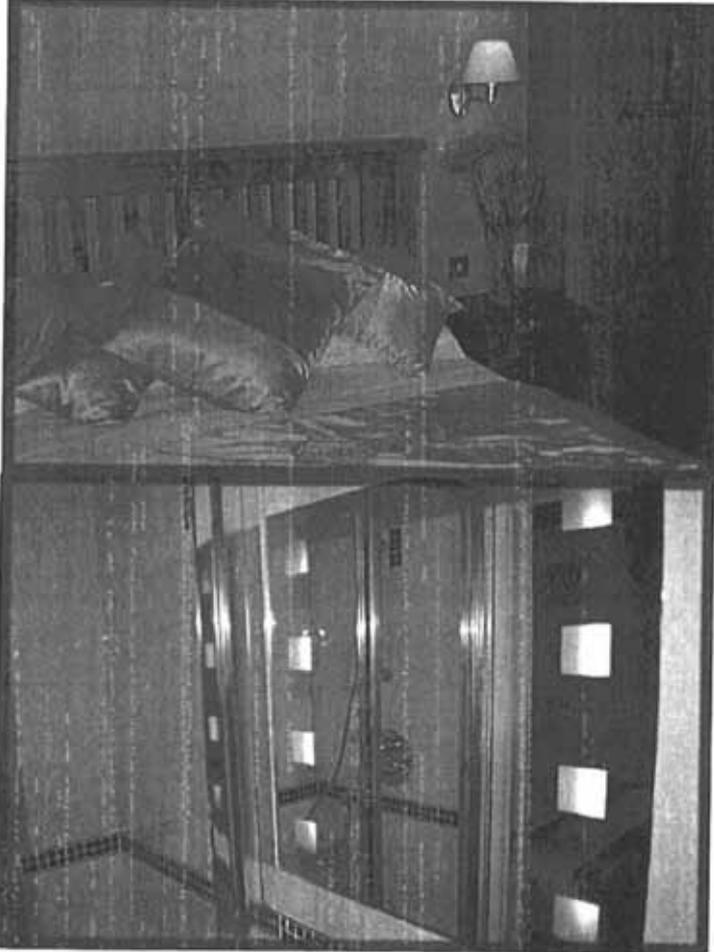


Room 2

Intimate, first floor room with flatscreen TV and en-suite shower room.

Comfortable double bed, with white linen and throws & cushions themed in pale golds.

The room benefits from a beautiful, solid wood wardrobe, desk/dressing table, bedside tables with drawers, tea/coffee making facilities and minibar.

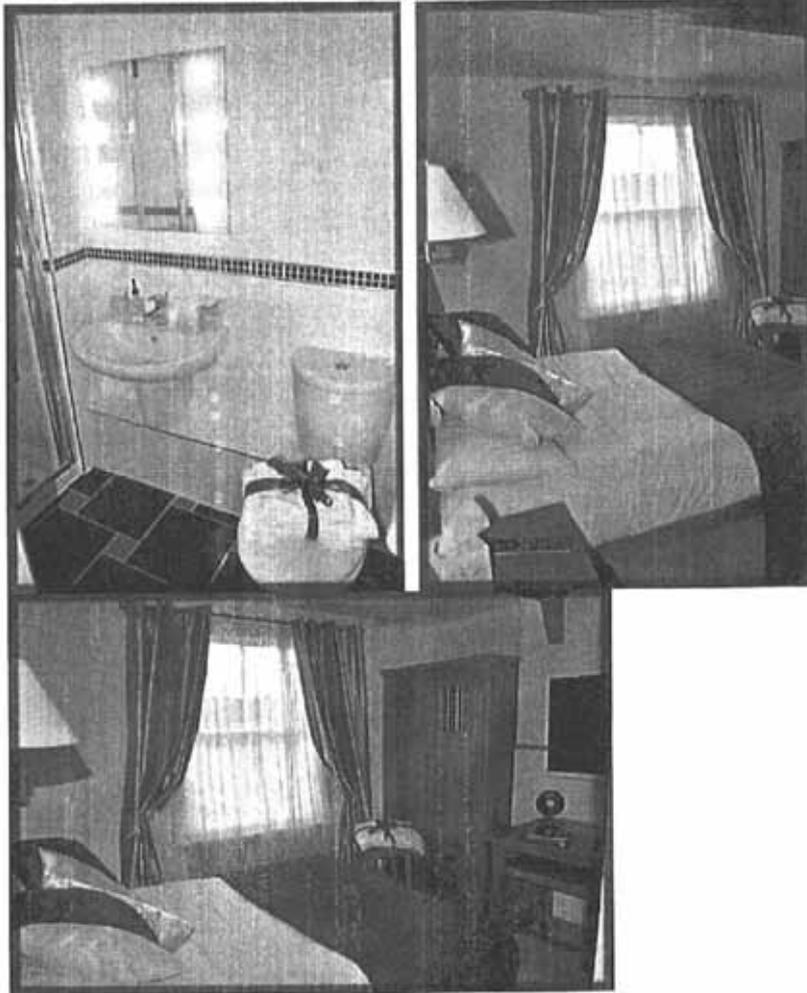


Room 3

Beautiful, first floor room with flatscreen TV and en-suite shower room.

Comfortable double bed, with white linen and throws & cushions themed in damson and deep pink. Vibrant pink back wall with dusky pink drapes combine to create a calm, yet energized environment.

The room benefits from a beautiful, solid wood wardrobe, desk/dressing table, bedside tables with drawers, tea/coffee making facilities and minibar.



Room 4

Spacious, first floor room with flatscreen TV and en-suite shower room.

Comfortable double bed, with white linen and throws & cushions themed in plum, purple and ivory. Calming plum back wall with dusky pink drapes combine to create a calm, yet energized environment.

The room benefits from a beautiful, solid wood wardrobe, desk/dressing table, bedside tables with drawers, tea/coffee making facilities and minibar. Plenty of room for a travel cot in this room.

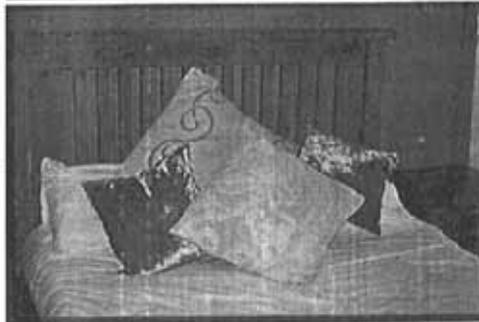


Room 5

Pretty, first floor room with flatscreen TV and en-suite shower room.

Comfortable double bed, with white linen and throws & cushions themed in coffee, ivory and pale gold.

The room benefits from a comfortable leather tub chair, desk/dressing table, bedside tables with drawers, tea/coffee making facilities and minibar.



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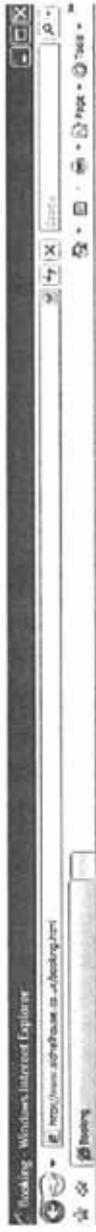
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15/8/09 - Worn trackways visible on the field

Web site - 22-2-2010



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- Facilities
- Room Choice
- Reservations
- Room Rates
- Locations
- Contact
- Jobs



Room Rates

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Room rates includes tax, turndown service.

Old Hall Suite	£120 (four people, four en-suite, double jacuzzi bath)
Secret Seven	£100 (private entrance, steam shower, sauna)
Room 1	£ 80
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Room 5	£ 90

booking...

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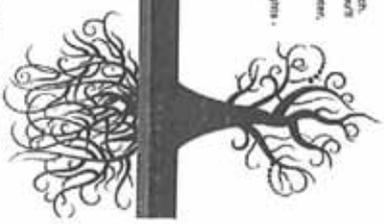
So different - because we spend our time in the pursuit of leisure.

Our grounds, lawns, pools and woodlands are enclosed by stone walls and perimeter fencing. You want to enjoy the sun, or shelter from the wind, or simply relax in the woods.

On sunny days, you'll be surprised by our privacy, many paths, views take you to the quietest of the woods. This, you'll see as you get in the car. You'll see a boat out on the water, or simply gaze across the countryside.

For 16 years, we've been providing exclusive days - and nights - for our guests. We've been providing exclusive days - and nights - for our guests. We've been providing exclusive days - and nights - for our guests.

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9/1/08 - Worn circuit visible on field



9/1/08 Trackway visible



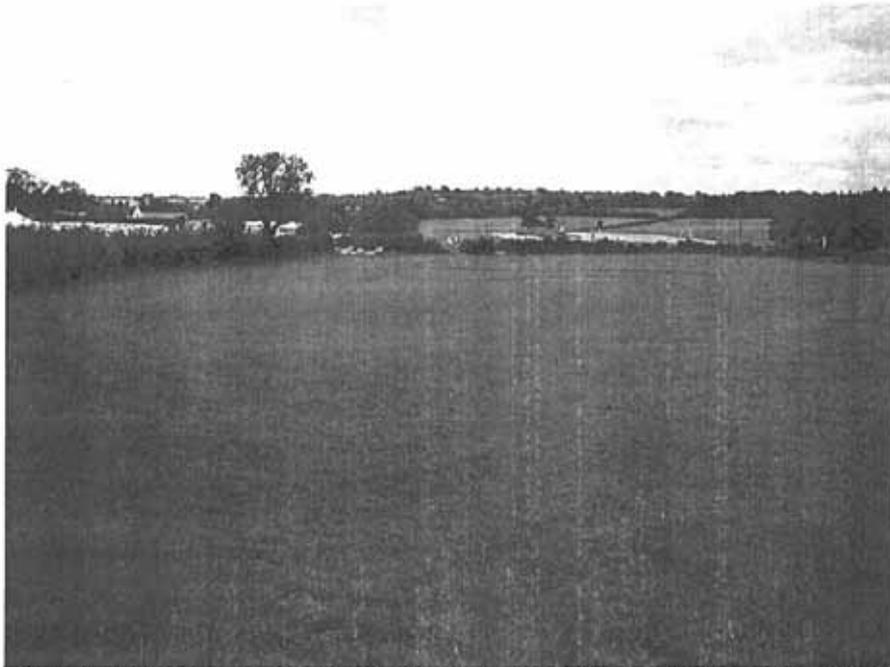
9/1/08 Trackway and wooden structure



19/6/09 Trackway and structure visible



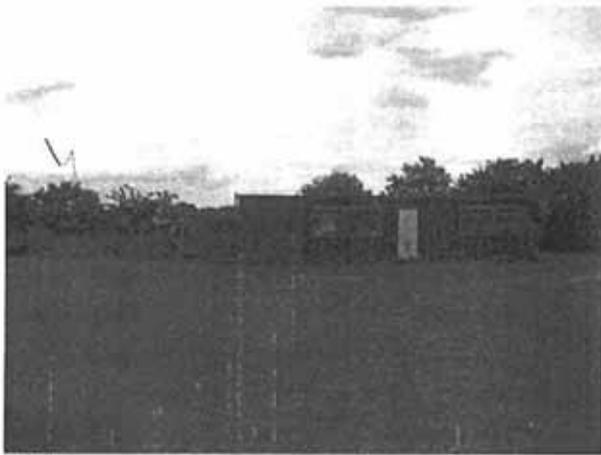
19/6/09



19/6/09 Trackway and two structures visible (see photographs below for close up details of the structures)



19/6/09



19/6/09



15/8/09 - Worn trackways visible on the field

Agenda Item No 6

Planning and Development Board

15 March 2010

**Report of the
Head of Development Control**

Section 106 Monitoring Report

1 Summary

- 1.1 This report provides a first review of outstanding Section 106 Agreements, highlighting where outstanding contributions have been expended.

Recommendation to the Board

That the report is noted.

2 Consultation

2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 No specific Member consultation has taken place, as the report content is a progress report only.

3 Background

- 3.1 In September last year, the Board received a report outlining all of the Section 106 Agreements that the Council had entered into. This was to enable a monitoring system to be set up. The Board resolved that six monthly reports should be provided. This is the first such report since that resolution.

4 Progress

- 4.1 There have been no new Section 106 Agreements signed since September last year.
- 4.2 However, some of the monies held by the Council have now been transferred, and thus the only update required is to report on the current position. The balance held in September last year was £816,318, and it is now £744,900. This is shown on the Table below.
- 4.3 The majority of the monies being held relate to Phase One of the Birch Coppice Site. With the imminent submission of the application for Phase Two of this development, officers are in negotiation with the County Council, other agencies and landowners concerning the expenditure of the outstanding monies. The outcome will be referred to in the reports to Board dealing with Phase Two.

Site	Payments to date	Outstanding Payments	Expenditure to date	Balance held	Notes
Birch Coppice	£796,040	Nil	£280,591	£635,739	
Hams Hall	£50,000	Nil	£57,968	Nil	(i)
Aston Villa	£50,000	Nil	£25,000	£29,491	(ii)
Aldi Store	£30,000	Nil	£30,000	Nil	(iii)
Aldi Warehouse	£10,000	Nil	Nil	£10,000	
Persimmons	£69,700	Nil	Nil	£69,700	
TOTAL:				£744,900	

Notes:

- (i) WCC has now agreed a traffic calming scheme with the Lea Marston Parish Council, and with E-ON UK Ltd. As a consequence the contribution has now been transferred to WCC, with a scheme completion date of March 2011.
- (ii) Payments have been paid to two parties as agreed by Board. We are waiting for the third – the Wishaw Parish Council – to submit its claim.
- (iii) The balance of the £30k reported to the September Board, has now been transferred to the Atherstone Conservation Partnership scheme, so as to increase the grant aid available.

5 Report Implications

5.1 Finance and Value for Money Implications

- 5.1.1 Regular monitoring of these contributions means that there is an audit trail, as well as ensuring that the benefits expected from the developments are delivered.

5.2 Legal and Human Rights Implications

- 5.2.1 These Agreements are often subject to conditions and clauses that require regular monitoring to ensure that the Obligations can be completed.

5.3 Environment and Sustainability Implications

- 5.3.1 These Obligations often contain clauses that are directly related to making development more sustainable.

5.4 Links to Council's Priorities

- 5.4.1 The obligations within these Agreements are often linked to delivery of outcomes that support the Council's priorities – safeguarding countryside; recreation provision and enhancing employment opportunities.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
None			