

**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**

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

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

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

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**21 SEPTEMBER 2009**

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 21 September 2009 at 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.)

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

- 4 **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).

- 5 **Killian Pretty Review Further Consultation Papers** - Report of the Head of Development Control

### **Summary**

Three further consultation papers have been received relating to the Government's response to the Killian Pretty Review. They will result in fewer planning applications being submitted; less information being required with submissions and changes to publicity arrangements.

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

- 6 **Draft Planning Policy Statement Number 15 – Consultation** - Report of the Head of Development Control

### **Summary**

The Government has published a revised Planning Policy Statement (PPS) for consultation on Planning and the Historic Environment, which will replace existing Guidance Notes. This report outlines its content.

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

- 7 **Monitoring of Section 106 Agreements** - Report of the Head of Development Control

### **Summary**

This report provides a schedule of all Section 106 Agreements and recommends a system for their regular monitoring.

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

- 8 **Budgetary Control Report 2009/2010 Period Ended 31 August 2009 -**  
Report of the Assistant Director (Finance and Human Resources)

**Summary**

The report covers revenue expenditure and income for the period from 1 April 2009 to 31 August 2009. The 2009/2010 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

The Contact Officer for this report is Nigel Lane (719371)

**PART C - EXEMPT INFORMATION  
(GOLD PAPERS)**

- 9 **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.**

- 10 **Proposed Tree Preservation Order -** Report of the Head of Development Control

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

JERRY HUTCHINSON  
Chief Executive

## **Agenda Item No 4**

### **Planning and Development Board**

**21 September 2009**

### **Planning Applications**

#### **Report of the Head of Development Control**

#### **1 Subject**

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

#### **2 Purpose of Report**

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

#### **3 Implications**

- 3.1 Should there be any implications in respect of:

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

#### **4 Site Visits**

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

#### **5 Availability**

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

- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 19 October 2009 at 6.30pm in the Council Chamber at the Council House.

Item No	Application No	Page No	Description	General / Significant
1	PAP/2009/0306	4	<p><b>The Green Post Office Row off Nuthurst Lane Astley</b>                      Installation of a Heritage Interpretation Art Feature (Sculpture) for the North Arden Heritage Trail Project</p>	General
2	PAP/2009/0322  PAP/2009/0324  PAP/2009/0323  PAP/2009/0326  PAP/2009/0325  PAP/2009/0327  PAP/2008/0571  PAP/2008/0607	12	<p><b>Heart Of England Old Hall Farm Meriden Road Fillongley Coventry</b>                      PA 2008/0571                      Improvements to an existing access and retention of gates 18 metres from the road, and fencing</p> <p>PA 2008/0607                      Variation of condition 21 of application 2007/0503 to permit use for construction traffic and for public access to the land in association with the recreational use of land</p> <p>PA 2009/0324                      Variation of condition 22 of application 2007/0503 for the importation of material from 10000 cubic metres to 36000 cubic metres</p> <p>PA 2009/0322                      Variation of condition 7 of application 2007/0503 to use the lake and adjacent land on Sundays from 0900 to 1800 hours in addition to the present permitted hours</p> <p>PA 2009/0323                      Variation of condition 3 of planning permission 1381/2002 and appeal decision APP/R3705/A/05/1189445, to open the buildings and land on Sundays from 0900 to 1800 in addition to the present permitted hours</p> <p>PA 2009/0326                      Retention of beach, rockery and first aid building</p>	
3	PAP/2009/0350	53	<p><b>Artworks - Poetry Trail Land at including High Street / Bridge Street Polesworth</b>                      Installation of Art works at 5 sites detailing poems as part of the Polesworth Poetry Trail</p>	
4	Consultation by the Secretary of State	68	<p><b>Proposed New Freight Connection-Nuneaton Station</b></p>	

## **General Development Applications**

**(1) Application No: PAP/2009/0306**

**The Green, Post Office Row, off Nuthurst Lane, Astley**

### **Installation of a Heritage Interpretation Art Feature (Sculpture) for the North Arden Heritage Trail Project**

#### **Introduction**

The application is brought before the Board as the project is being run by the Borough Council.

#### **The Site**

The Sculpture would be located on the tri-angular village green, with Nuthurst Lane to the west and Post Office Row to the east. To the north of the site is a small path with a hedgerow and field beyond. A public footpath runs north from the site.

#### **The Proposal**

This is the proposed installation of a Heritage Interpretation Art Feature (Sculpture) for the North Arden Heritage Trail Project. The proposal is the "Lantern of Arden"

The Sculpture would be 2.26 metres high in total including the iron ring at the top. The main body is 1.8 metres tall, with the base being 1.15 metres by 1.0 metres. The base has a six faces with each being 0.577 metres in width. The iron ring is 0.4 metres wide. A technical drawing is shown in Appendix 1, with an artist's drawing at Appendix 2.

Stainless steel panels would fill the window spaces on each face of the proposal and they would be 0.94 metres high by 0.33 metres wide. Each panel is 0.45 metres above the ground level. Of the six sides, three would have with solid stone backing, with the remainder having areas of the metal cut away to reveal the stone so that the colour is used to form part of the image.

The proposal would be sited as shown on Appendix 3, and would not block the existing path that runs to the north of the village green.

The proposal will have six images which cover themes of queens, crowns, the castle, the church, an oak tree and Henry Grey. The images will be on stainless steel panels and have been developed following consultation with the Astley Community.

The main body of the proposal will be made from stone so as to match the nearby Church, and the ring will be painted black.

#### **Background**

The piece of public art is the direct result of meetings and consultation with Astley residents and Arbury Estates. The art work is part of the North Arden Heritage Trail, which is a three year Heritage Lottery Funded project that is working with local communities to establish a circular Heritage Trail.

## **Development Plan**

Saved Policies from the North Warwickshire Local Plan 2006 - ENV3 (Green Belt); ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design)

## **Consultations**

Warwickshire County Council Highways – No objection subject to a condition.

Warwickshire County Council Countryside Access/Footpaths – no objection

## **Representations**

A resident from Manor Park Road in Nuneaton makes the following comments:

- The village green should be protected, from bus stops, telephone boxes poles etc...
- Astley makes a valuable contribution to the Heritage of North Warwickshire.
- The sculpture in the proposed location seems to be inappropriate for the following reasons:
  - Due to the height, it will be visible from Nuthurst Lane and could be a distraction.
  - If there is a special service at the Church, the green could be used for parking which could damage the sculpture.
  - Not opposed to modern sculpture in a rural area, but will it be out of place in its setting, and what will it enhance?
  - An oak tree should be planted with a wrought iron tree guard, which would enhance the cottages and gardens of Post Office Row.
  - The proposal should be rejected.

## **Observations**

The site is in the Green Belt, being outside any development boundary as identified by the Local Plan, saved policies. It is considered that the proposal is inappropriate development because as built development it does not meet any of the categories for such purposes in PPG2. In these circumstances it is necessary to show that there are very special circumstances of such weight to warrant overriding the presumption of refusal. In this case it is considered that the circumstances are that the sculpture helps to illustrate and provide links to the cultural importance of Astley, and that it forms part of a much wider heritage trail throughout the Borough, thus enhancing the historical interpretation of the area. The proposal is not considered to be so large as to materially impact on the openness of the Green Belt hereabouts.

The proposal is also considered to comply with Policy ENV12 of the Local Plan 2006, in that it would make a positive contribution to the public realm. The design and siting of modern sculpture, can always give rise to differing views of what is acceptable in size, design and materials, but the planning circumstances will always be about visual impact rather than design. The materials and especially the stone will be a close match to the nearby church of St Mary The Virgin, Astley. The scale of the proposal maybe considered large, but in order for it to be seen and noticed it is considered to be an appropriate size, and it has a relatively small footprint.

The siting is close to a children's nursery and a row of three dwellings, with the nearest dwelling being 17metres away. This is considered acceptable to protect the amenity, privacy of those dwellings and not lead to any loss of light. The proposal complies with Policy ENV11 of the Local Plan 2006.

The proposal will be visible from the road, but following a consultation with Highways Authority, there is no objection.

The Village Green to which the proposal is sited is not identified as a Green Space by the Local Plan.

When considering the objection and comments, the following response can be offered:

- The type and size of the proposal follows consultation with the Astley community.
- There are various items of public art in the area and region – notably in the former mining areas and along the canals.
- The parking of vehicles on the green is not considered to be a material planning consideration.

## **Recommendation**

That the application be **Granted** Subject to Conditions

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

### **REASON**

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

2. The development hereby approved shall not be carried out otherwise than in accordance with site location / site plan, and the plan of art feature received by the Local Planning Authority on 25th June 2009.

### **REASON**

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

3. The body of the lantern sculpture shall be Lazenby Red Sandstone; the Iron 'hanging hoop' shall be in a black galvanised finish and the six design panels shall be stainless steel silver. No other materials shall be used unless approved in writing by the Local Planning Authority.

### **REASON**

In the interests of the amenities of the area.

4. The applicant should consult with the Highway Authority as to the precise location of the sculpture, to ensure that it does not obstruct the junction visibility splay.

### **REASON**

In the interests of safety on the public highway.

## Notes

1. The Development Plan policies which are relevant to this Decision are as follows:  
North Warwickshire Local Plan 2006 (Saved Policies) : ENV2 - Green Belt, ENV11 - Neighbour Amenities, ENV12 - Urban Design, ENV13 - Building Design and ENV14 - Access Design
2. When considering condition 4, you should be aware that the position as shown by the X on the site location plan is the approved siting of the Sculpture, and if it is to change location, then a new application may be required or it could be a minor amendment. In any case you are advised to contact the Development Control team.

## Justification

- 1 The sculpture which is part of the North Arden Heritage Trail, is considered to be acceptable in terms of scale and design. It is sited on a small green close to properties and is not considered to result in a loss of amenity, privacy or loss of light that would result in unacceptable loss of amenity and privacy in the area. The proposal does not lead to highway issues. The sandstone proposed is a close match to that used in the nearby Astley church. The sculpture is not considered to affect the openness of the Green Belt.

## BACKGROUND PAPERS

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

### Planning Application No: PAP/2009/0306

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	25/6/09
2	WCC Countryside Access	Consultation Response	10/7/09
3	WCC Highways	Consultation Response	16/7/09
4	Ian Griffin	Email to applicant	20/7/09
5	Applicant	Response to email	21/7/09
6	Applicant	Email to Case officer	27/7/09
7	J M Lapworth	Objection / comments	28/7/09
8	Ian Griffin	Copy of objection to applicant	28/7/09
9	Applicant	Email to Case officer	29/7/09
10	Applicant	Email to case officer	5/8/09
11	Ian Griffin	Email to applicant	7/8/09
12	Applicant	Email to Case Officer	4/9/09

*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.*

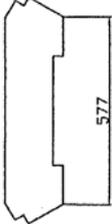
*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*



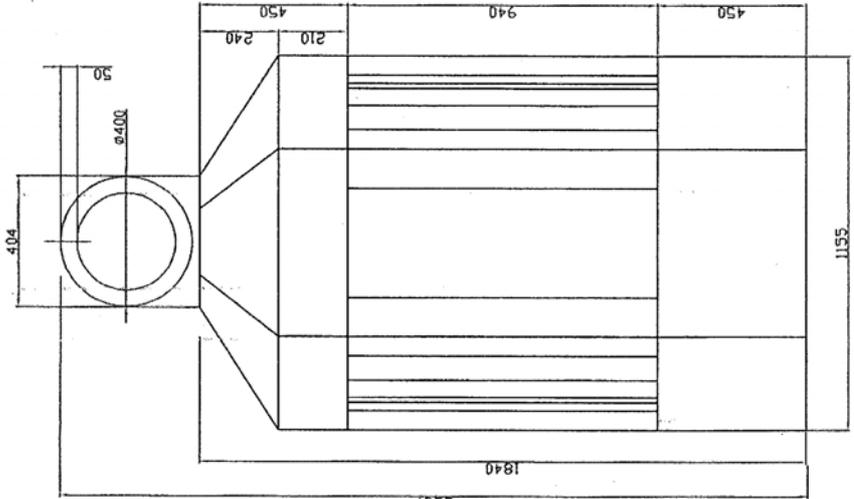
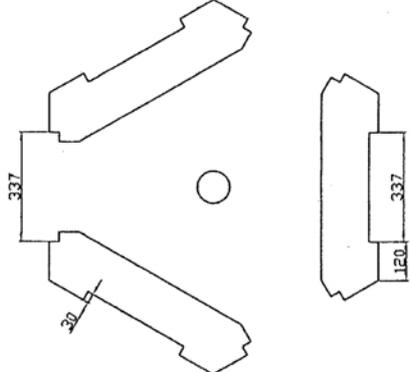
2009 / 0306

NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
25 JUN 2009  
PLANNING DIVISION

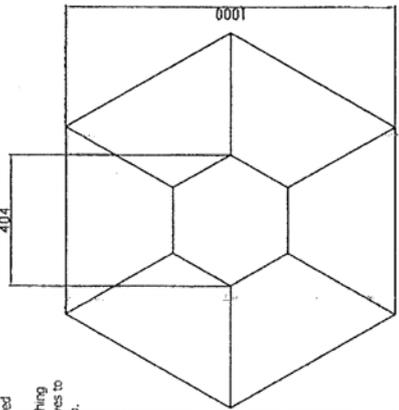
Side slab section X 3 off



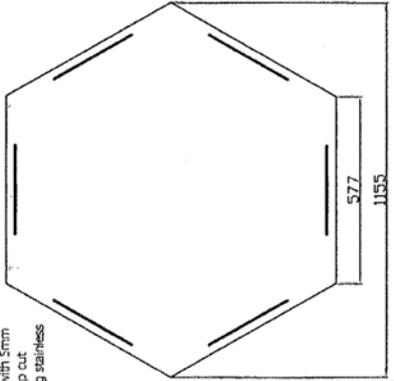
Side slab section arrangement on hexagon



Top view of top section at 450 mm high, tapered towards top. Underside has matching sheet location grooves to base but 30mm deep.

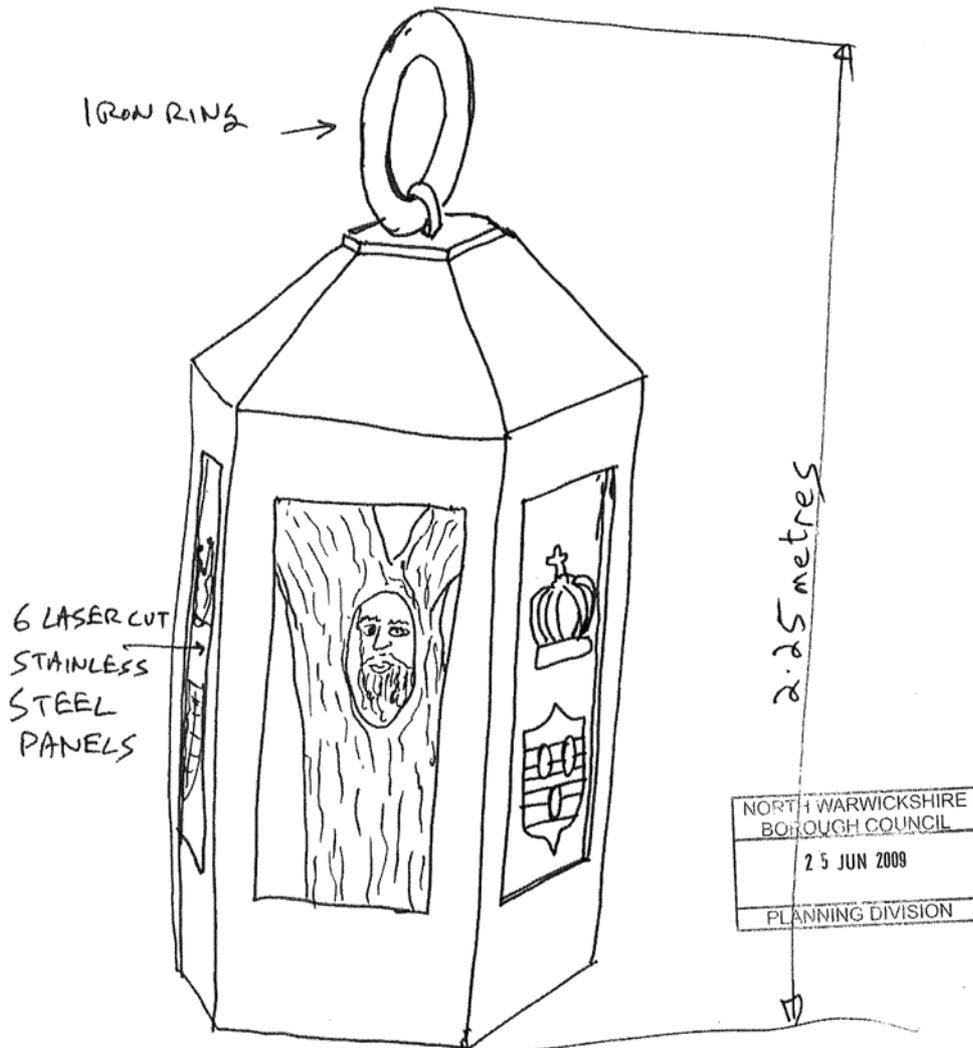


Base at 450 mm high, 1 metre across flats with 5mm wide by 15mm deep cut grooves for locating stainless sheet.



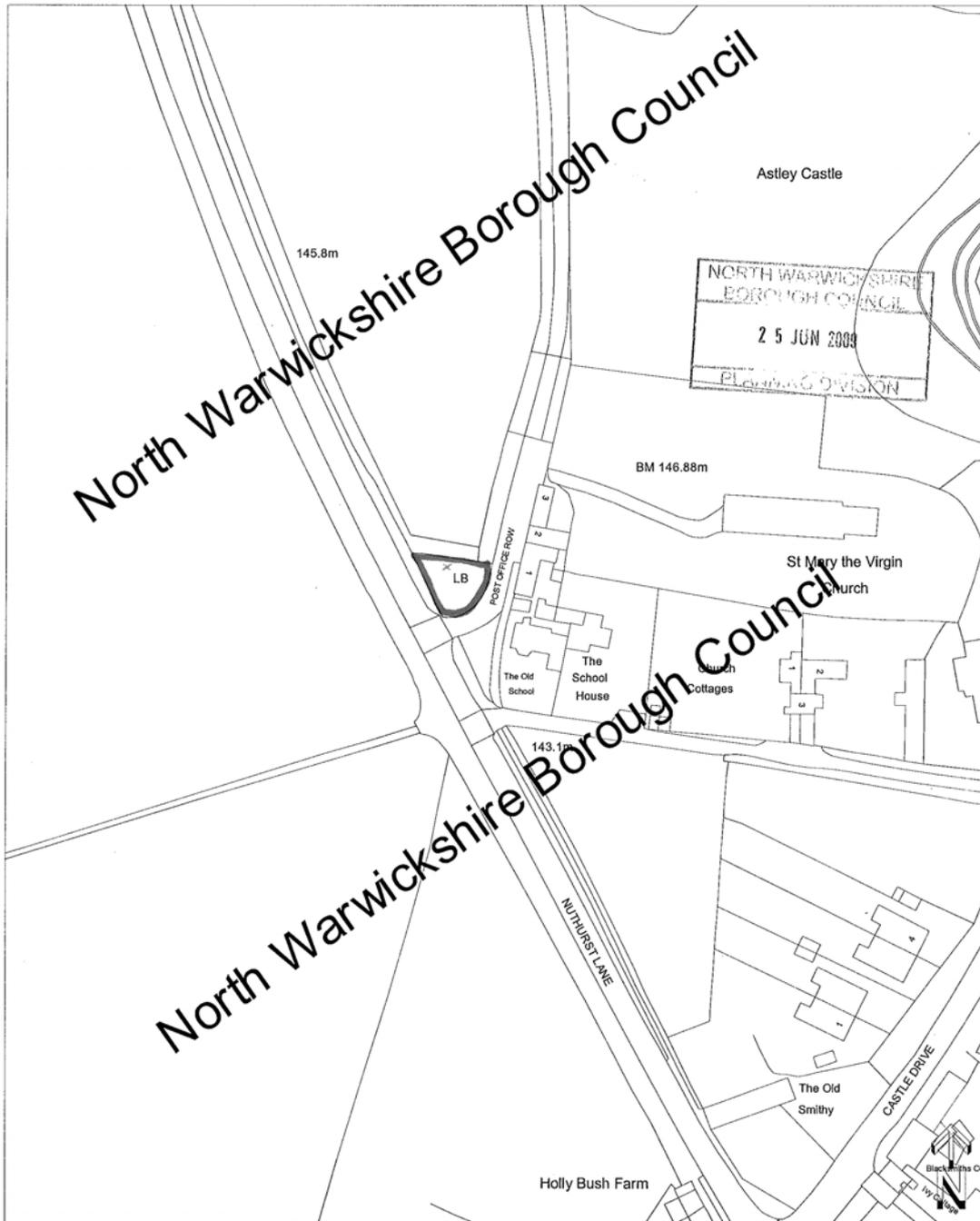
THE LANTERN OF ARDEN

2009 / 0306



MAIN BODY OF SCULPTURE IN RED SANDSTONE  
- HOPEFULLY HOLLINGTON RED - PANELS IN STAINLESS  
STEEL - RING IN ROLLED MILD STEEL, GALVANISED  
AND TREATED TO ACHIEVE A BLACK FINISH.

2009 / 0306



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Borough Council

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(2)

**Heart of England Ltd, Old Hall Farm, Meriden Road, Fillongley**

**PA 2008/0571**

**Improvements to an existing access and retention of gates 18 metres from the road, and fencing**

**PA 2008/0607**

**Variation of condition 21 of application 2007/0503 to permit use for construction traffic and for public access to the land in association with the recreational use of land**

**PA 2009/0324**

**Variation of condition 22 of application 2007/0503 for the importation of material from 10000 cubic metres to 36000 cubic metres**

**PA 2009/0322**

**Variation of condition 7 of application 2007/0503 to use the lake and adjacent land on Sundays from 0900 to 1800 hours in addition to the present permitted hours**

**PA 2009/0323**

**Variation of condition 3 of planning permission 1381/2002 and appeal decision APP/R3705/A/05/1189445, to open the buildings and land on Sundays from 0900 to 1800 in addition to the present permitted hours**

**PA 2009/0326**

**Retention of beach, rockery and first aid building**

**PA 2009/0325**

**Retention of pump house and electrical plant room**

**PA 2009/0327**

**Retention of jetty**

**All for Heart of England Ltd**

### **Introduction**

All of these applications will be reported to the Board for determination in view of the likely impacts of these proposals on the environment, the community and their significance to the applicant Company. Additionally, the site has been the subject of enforcement action, and refusal of one or other of these applications could involve further such action.

They will be reported together in order that the Board can consider them both on their individual merits, and cumulatively, not only in terms of their impacts, but also within the context of the lawful use of the site, and the enforcement action already taken.

The applications have currently attracted objections from several Agencies, as well as from the local community. These are recorded below. The Agencies in particular are requesting much more information and detail in order to come to conclusions. These requests have been forwarded to the applicant to address. It is important that he is aware of these, and that he responds. Members will be aware that in appeal proceedings, an applicant can claim that the Council has acted unreasonably, if he is not made aware of material consultation responses, and that he has not been given the opportunity to respond. In this case the applicant has confirmed that he will address these matters. As a consequence, these applications are not ready to be reported for determination to this meeting.

The opportunity has been taken however to use this report to include a significant amount of background information that will provide the context for the determination of these applications. It sets out the usual first sections of a determination report, and then highlights the approach that is to be taken when determinations are made, including identifying some of the key issues that will need to be considered at that time.

Members have already visited this site, and a note of that visit is attached at Appendix A.

## **The Site**

The applicant owns several hectares of land, buildings and woodland, centred on the former Old Hall Farm holding. This is located on the south side of the Meriden Road, (the B4102), and Wall Hill Road just south of the M6 Motorway bridge over the B4102. This is 2.5 kilometres south of Fillongley and about a kilometre west of Corley Moor. The overall site is shown at Appendix B.

The former farm house and agricultural buildings form a complex of buildings in the northern part of the site with direct access onto the Meriden Road. The former access to the farm off Wall Hill Road is now closed. The main house is a Grade 2 Listed Building, and apart from a small range of single storey brick built buildings, the others here are modern steel clad former agricultural buildings.

The holding extends to the south comprising open fields and a newly provided lake. Beyond are large areas of woodland known as Birchley Hayes, and designated as Ancient Woodland. The land slopes down from the south west to the north east, with the land form of a small valley. There are hedgerows and trees within the remaining field boundaries. A public footpath (the M 292) crosses the site from east to west skirting the present lake, and a second runs along the eastern site boundary (the M293). These are shown on Appendix B.

There are three or four residential properties to the north east of the holding on Wall Hill Road. The closest of these is about 100 metres from the main complex of buildings and 250 metres from the lake. Four or five other residential properties lie on the north west side of the Meriden Road between it and the Motorway. These are 100 metres from the main entrance and 350 metres from the lake. There are more residential properties at Corley Moor, being some 7 to 800 metres from the lake to the east

## **Planning Background**

### **a) The Lawful Use**

In short, the majority of the site as described above has lawful use for recreational use, which is subject to a series of planning conditions. There are four permissions that provide and proscribe this lawful use.

In 2002, planning permission (ref: 1381/2002) was granted for the change of use of land and buildings comprising the former agricultural buildings, for recreational use. The extent of this is illustrated at "A" on Appendix C. This permission was conditioned. One of these conditions restricts Sunday use.

In 2007, planning permission was granted on appeal (ref: APP/R3705/A/05/1189445) to allow use of part of these same buildings as a restaurant. It again was conditioned so as to restrict Sunday use.

In 2007, planning permission was granted (ref: 2007/0503) for the construction of a lake and wetland area for use by water and other sports in association with the recreational use of the land. This was conditioned to there being no Sunday use, and restricting activities on the lake to "passive" uses. Construction traffic for the lake was to use an existing field gate access rather than the main site access. This would be closed when the lake was

completed. The extent of this permission is shown as “B” on Appendix C. The field gate access is at “C”.

In 2005, details were approved at appeal (ref: APP/R3705/A/04/1166383) for a new agricultural and forestry building under an Agricultural Determination. This is located at “D” on Appendix C.

## **b) Enforcement**

The Council has issued Enforcement Notices pertaining to alleged breaches of planning control at these premises.

A Notice alleging unauthorised use of part of the premises as a restaurant was quashed at appeal, and permission granted as described above (E on Appendix C).

A Notice alleging the erection of a tower, was upheld at appeal, and the tower has now been relocated to within the area covered by the 2002 permission (F on Appendix C).

A Notice alleging the unauthorised erection of two marquees was recently upheld at appeal. The compliance period for their removal expires towards the end of October this year (G on Appendix C)

An Enforcement Notice was issued at the end of August, alleging that the construction of the agricultural building as described above, has not been in accordance with the approved plans.

Planning Contravention Notices have recently been served requiring information about the use made of the woodland, as it is alleged that unauthorised structures and buildings have been erected here in association with the recreational use of these woods outside the areas granted consent for recreational use as described above.

In early June, the Council served a Temporary Stop Notice requiring cessation of engineering and building operations in connection with ongoing operations at the lake as it was not being constructed as approved, together with the creation of a “beach” and associated structures at the lakeside. This expired in mid July. Construction work on the lake ceased during this period. However, building operations did continue on structures associated with the “beach”. Six planning applications as described above, were then submitted.

## **The Proposals**

### **a) Background**

The applicant Company acquired these premises and sought consent for their use in connection with the corporate hospitality and training events that it organised. The permission therefore enabled the buildings to be used for these purposes. The small range of brick built buildings was converted to offices; one of the large former agricultural buildings was used to store equipment and plant that was hired out for corporate events off site as well as for use on-site, and the main building was converted into a function room and smaller rooms for corporate use. Catering facilities were provided. Many of the on-site events involved outdoor recreational and sporting activities – hence the tower for abseiling and zip-wire use. Use was made of the woodland for paintballing; quad bike racing and other motorised activity. This woodland is outside of the area covered by the 2002 permission, but it was understood that these activities were being undertaken under permitted development rights for the temporary use of land.

The catering facilities on site were opened up for more general public use, rather than being confined to “delegates” in connection with the corporate use. This became “The Quicken Tree” restaurant, which is now lawful. The site has a Licence for conducting Civil

Ceremonies under the Marriage Act. Marquees were erected for both this use and as “expansion” space for corporate activities. These are now the subject of an extant Enforcement Notice. Occasional themed events take place on site run by the Company – Halloween parties for instance.

In 2008, permission was granted for the lake. This was to be used in association with the corporate activities run from the site, by offering a wider range of outdoor activity. The construction traffic would use an existing gated access, but this was to be closed on completion of the lake. People using the lake would already be on site because of the corporate events. As indicated above the use of the lake and its surrounding land was conditioned to “passive” uses so as to protect the amenity of occupiers of nearby residential property; nature conservation interests, and to retain the visual character of the open countryside.

Work commenced on the construction of the lake in late 2008. It is understood from the applicant that due to a combination of operational reasons, including the quality of the imported clay for the liner; the nature of the material that was to be used from the site to create the surrounding bunds, and the hydrology on the site itself, that the lake would not be constructed to the approved profile. As a consequence amended plans were sought.

## **b) Recent Developments**

The current economic downturn has, according to the applicant Company, had a substantial impact on its core business. Because that business was no longer there, the Company sought to “diversify” in order to continue operating. It decided to open up the lake for use by the general public as a “beach”. The lake’s profile was therefore further amended so as to provide that beach on a portion of its perimeter, and to construct a sandstone wall for protection along its rear. The stone came from the site itself beyond the lake. In order to provide bunding for the wall, additional material from the site was used. Public access to the “beach” was to be via the gated access that had been permitted only for temporary use during the lake’s construction period.

The “beach” theme was followed through by the Company with further developments, including a first aid post/shop on the beach; handrails along the top of the wall, access stairs and tracks to the lake, climbing frames, a beach volley ball area, decking for a roundabout, a jetty, and the provision of inflatables for a “bouncy kingdom”. Two fields are used for car parks, one of which is outside of the 2002 and 2007 permitted areas and there is a car park entrance booth. The former field gate access has also been removed and replaced with more substantial gates and fencing.

The “beach” opened in mid-July, and has been in operation since then including Sunday use.

The agricultural building – “D” on Appendix C – has been constructed, but not in accordance with the approved plans. Structurally, a block of toilets and showers, an internal stair, a first floor and a cantilevered platform have been added together with an external superstructure to one side. These works are the subject of a recent Enforcement Notice. The building is also now in mixed use. Part of the ground floor is used to garage agricultural/forestry vehicles, but the toilets and showers are available to the public; the first floor provides a café/shop, and the cantilevered platform provides an outside sitting area for customers.

## **c) The Applications**

The current outstanding applications as set out above, are an immediate response by the applicant to the issue of the Temporary Stop Notice. However they were submitted whilst the “beach” concept was still being developed on the site. As a consequence they do not include a number of other unauthorised developments presently on the site – e.g.: the associated “beach” structures, the car park areas and access tracks. They neither address several breaches of conditions relating to the use of the lake and its surrounding land as permitted in

2007 – the retention of equipment on site beyond 28 days, the failure to remove temporary equipment, the use of the “train” and quod pods as motorised vehicles, the playing of recorded music, failure to discharge conditions and failure to comply with nature conservation requirements. These matters have been raised with the applicant, and an opportunity has been given for the Company to address them.

#### **d) The Applicant’s Perspective**

The applicant Company has stressed two main factors, and considers that the Board should give them significant weight - see Appendix D.

Firstly, the Company is operating a business that has significant local economic and community benefits. In particular local employment opportunities are present on the site – up to 41 jobs; he uses local businesses in connection with his operations, from florists to provide arrangements in the main buildings, to local garages who maintain and service his vehicles, and he supplies local businesses through his off-site operations. Moreover, visitors to the site, return to the local area and frequent other local facilities. In terms of economic development and the promotion of business activity and recreational use, the Company argues that its operations are therefore fully compliant with Development Plan policy and Government objectives. The success of the business has been seriously affected by the current recession, and in order to maintain viability; retain the local contracts and provide local jobs, the Company has had to diversify. In this respect, it is argued that the introduction of the “beach” theme is unique to the area, and that it opens up new business opportunities that will benefit both the Company and the local economy and community.

Secondly, the Company argues that the lawful use of the site is for recreational purposes and uses, and the activities presently on site all fall under this designation. The introduction of the “beach” theme is thus wholly consistent with the lawful use of the land. Moreover, Government policy in respect of Green Belts is that outdoor recreation and leisure uses are appropriate to such a location. The Company therefore concludes that the use of the site and the activities it provides are lawful and appropriate.

#### **e) A Comprehensive View of the Site**

As can be concluded from this account, the development of this site has changed in character, and these changes have occurred incrementally. In order to ascertain if the applicant Company had an overall “vision” or concept of the future of the site, a meeting was held with its representatives, and the agreed minute is attached at Appendix E. It is clear that there is no master plan, nor overall view that is being worked towards, but there do appear to be a series of ideas and thoughts about its potential, and the evidence to date points to the applicant taking an opportunistic view about its future.

Further illustrations of the applicant's aspirations for the site are illustrated on the Company's web site (see Appendix F)

#### **f) Local Concerns**

The information on the applicant's web site, and the fact that unauthorised developments have occurred on site, have led to significant concerns from the local community. This is indeed frustrating, but Members are aware of the scope of current planning legislation, and in this case, the lawful use of much of this site is clearly relevant. Retrospective applications have been submitted, including the most significant ones seeking variations of conditions governing use and access. The applicant has now been given the opportunity to address outstanding matters on the site. This is the proper course for the Council to take.

### **Development Plan**

**a) Regional Spatial Strategy – 2004 (“RSS”):** Policies PA10 (Tourism and Culture); PA14 (Economic Development and the Rural Economy), QE1 (Conserving and Enhancing

the Environment), QE6 (The Conservation, Enhancement and Restoration of the Region's Landscape), QE7 (Protecting, Managing and Enhancing the Region's Biodiversity and Nature Conservation Resources), QE8 (Forestry and Woodlands), QE9 (The Water Environment), T2 (Reducing the Need to Travel)

**b) The Saved Policies of the North Warwickshire Local Plan 2006 ("Local Plan"):** Core Policy 1 (Social and Economic Regeneration); Core Policy 3 (Natural and Historic Environment), Core Policy 6 (Local Services and Facilities), Core Policy 10 (Agriculture and the Rural Economy), Core Policy 11 (Quality of Development), Policy ENV1 (Protection and Enhancement of the Natural Landscape), Policy ENV2 (Green Belt), Policy ENV3 (Nature Conservation), Policy ENV8 (Water Resources), Policy ENV11 (Neighbour Amenities), Policy ENV13 (Building Design), Policy ENV14 (Access Design), Policy ENV 16 (Listed Buildings), Policy ECON7 (Agricultural Buildings), Policy ECON8 (Farm Diversification), Policy ECON10 (Tourism), Policy TPT1 (Transport Considerations).

### **Other Material Planning Considerations**

**a) RSS Phase Two Review 2009:** Policies PA10, PA14, QE1, QE5, QE6, QE7, QE8, QE9 and T2.

**b) Government Guidance:** PPS1 (Delivering Sustainable Development); PPG2 (Green Belts), PPG4 (Industrial, Commercial Development and Small Firms), PPS7 (Sustainable Development in Rural Areas), PPS9 (Biodiversity and Geological Conservation) PPG 13 (Transport), PPG17 (Planning for Open Space, Sport and Recreation), PPG 18 (Enforcing Planning Control), PPG24 (Planning and Noise), PPS 25 (Development and Flood Risk), and the Good Practice Guide on Planning and Tourism.

Draft PPS 4 (Planning for Sustainable Economic Development)

**c) Other Documents:** Warwickshire Landscape Guidelines

### **Consultations**

**Environment Agency** – The agency objects to the proposal to allow an increase of imported material onto the site. It considers that the need for this increase does not arise from any Agency requirement, guidance or advice. The works undertaken presently on site do not benefit from the terms of the current Exemption Licence for the working and deposit of material, agreed for the lake approved under the 2007 planning permission.

**Warwickshire County Council as Highway Authority** – The Authority objects to the proposals until such time as a full Transport Assessment is undertaken by the applicant. This should be undertaken in accordance with national guidelines and take into account all of the activity/use of the site already permitted, as well as that generated by the present activities. This is because the gate access presently used for the "beach" is considered to be substandard by virtue of poor visibility for wider use beyond that of temporary construction traffic. Given that there is an approved access to the site, it is appropriate to see if that can cater for increased generation, before agreeing to a second access.

**Forestry Commission** – The Commission has two main concerns. Firstly it considers that any increased activity in the woodland beyond the permitted development rights, will have irreparable damage to the Ancient Woodland environment. Secondly, the planning approval for the lake has not affected the condition of the woodland to date, but there is the potential to do so through poor maintenance and particularly in times of heavy rainfall. There could be changes to the water table as well as to the hydrology of the woodland, if matters are not properly monitored.

**Warwickshire Wildlife Trust, and the County Council Ecologist** - The proposed variations to the lake are not accompanied by any analysis of the impact on bio-diversity and conservation management. The proposals are unlikely to have any enhancement value and

are not likely to deliver the gains that would have arisen from the approved scheme. If additional material is to be brought onto the site this should solely be for hydrological reasons and not to support amenity features. The pump house on the lake will reduce the ecological value of the island. The beach and rockery “grossly limit” the available habitat for water vole conservation as originally envisaged. The rockery will have very limited ecological value. The beach and the nature of the use of the lake have been changed since the original approval, with priority being given to the beach and to the increased use by the public that will result. Sunday use too will exacerbate this problem. The overall “vision” for the lake has therefore severely limited its nature conservation value, and thus these proposals do not meet the objectives of PPS9.

## **Representations**

**Rambler’s Association** – Any alterations to ground levels should not impact on the public footpath therefore impeding access. The beach and rockery are not natural features of the Arden Landscape.

**Corley Parish Council** – There is a general objection to the importation of material onto sites, as this seems to be increasing and is unmonitored. The field gate is unsuitable for HGV traffic bringing in any more material. The artificial beach is incongruous with the rural character of the surrounding landscape and is considered not to comply with policies ENV3 and 1 of the Local Plan. The lighthouse is visible and has an adverse visual impact not complying with policy ENV3 of the Local Plan. There are serious concerns about the use of the second access by the public. There have been fatalities here. There is no objection to Sunday use provided that this does not cause problems for nearby residents.

**Local Residents (Objections)** – Six letters of objection have been received to date. In general terms the objectors are concerned about the change in character of the area and the traffic and noise impacts arising from the use of the “beach” and its associated activities. Matters covered refer to a number of areas:

- Traffic and Highways - the amount and impact of more HGV traffic, the nature and standard of the local road network, the accident record of this stretch of road, the potential traffic generation from seven day use
- Visual Impact – the beach and rockery are incongruous features, the other “beach” features are intrusive and not in keeping with the rural setting, the lake mounding is not in keeping, the nature conservation assets have been removed, impact on the rural character of the Green Belt, not removing equipment thus adding to the impact, tannoy system
- Noise and Disturbance – seven day use, existing problems with the site would be exacerbated, experience from the last few weekends has led to increased noise levels and disturbance, proposals for further noisy activities
- Disregard to Planning system – blatant disregard to both planning policy and to the planning process, retrospective applications
- Agricultural Building – not built as approved and now used for non agricultural purposes
- Other matters – concerns about health and safety, water quality issues

**Local Residents (No Objections)** - Two letters have been submitted that do not object to the proposals. The reasons given are that the site provides employment opportunities for the local population; the site supports local businesses, the site needs support in the current downturn, and the site (the beach) can not be seen from the surrounding roads.

## **Observations**

### **a) The Approach to Be Taken**

One of the difficulties with considering these applications is that they are initial responses to works that are evolving on site, and thus they do not include all of the developments now occurring. Secondly, they do not thoroughly reflect all of the changes made to approved plans, either in terms of built development or through breaches of conditions. In order to steer a course through this, it is considered that the Board should not focus on any one particular application in the first instance, but rather look at the wider perspective. If that is established, then the applications and their impacts can be properly assessed.

In essence, the critical issue is thus for the Board to establish its approach to this site as a whole, and then to assess whether or not, these applications “fit” or “enable” that approach. In order to establish that overview, the Board’s starting point will be the scope of the existing planning permissions for the site; all of the relevant policies of the Development Plan, including those pertaining to economic development and recreational use, together with Government guidance on planning and economic development issues

### **b) Consideration of the applications**

Once this overview is established, the applications can be considered. The section below deals with the applications as submitted at the time of preparing this report. As indicated in the Proposals section above, the applicant has been given the opportunity to address other outstanding matters. Should further applications be submitted, then consideration of these will also need to be dealt with. However it is considered that the ones already submitted deal with the substantive issues, and that any decisions taken on these will not prejudice subsequent applications. This is because those applications should all be consequential to the introduction of the “beach” and its use. If the Board’s overall approach is agreed, then the determination of subsequent applications should have a background context.

It is evident that some of these are more significant than others, and it is important to deal with them accordingly. Planning permission exists for a lake at this site, and all of the applications before the Board stem from the alterations made to that permission, in terms of both operational development and the use made of it and the surrounding land. The first application to be considered should be that covering the engineering operations that have led to a different size, shape and profile of the lake originally permitted (Application 2009/0324). The three main issues involved here will be whether the lake itself now on site has an adverse impact on the character and appearance of the countryside hereabouts; whether the lake as altered can also provide the nature conservation benefits as approved under the original approval, and thirdly whether there are any impacts, in particular on the hydrology of the area, including the adjoining woodland. The original permission set out HGV access to the site for the lake’s construction, and it will be necessary to establish whether this arrangement can continue under the current application.

The second application to be considered should be that introducing the beach and rockery to the lake shore (Application 2009/0326). This is the most significant application submitted, as it introduces the concept behind the current use of this part of the site. This moves away from the use of the lake as an extension of activities in association with existing visitors to the site, to use as a “destination” in itself, by the general public. It will be necessary first to explore the actual creation of the beach and rockery themselves. The two main issues are their visual impact on the character and appearance of the countryside hereabouts, and secondly whether they add or detract from the nature conservation benefits established under the current consent. Normally that would be the extent of the issues involved. However here, the beach is the source and focus of the use now made of this part of the site, and indeed it gives rise to the submission of the other applications. The issues involved will be whether the change in scope and nature of the recreational use of the site is acceptable, and if not to establish the planning reasons for that conclusion.

The third and fourth applications to consider need to be looked at together – namely the use of the approved “construction” access as the main access to the “beach resort”, together with its improvement (Applications 2008/ 0607 and 571). Dependant on the conclusions reached above it will be necessary to establish the best means of access to the site as a whole – whether via a single access as at present, or through the introduction of a second access. This matter will heavily depend on the advice of the Highway Authority, together with the visual and ecological impact of any engineering works required to establish the most appropriate access arrangements.

The fifth and sixth applications to be considered again need to run together. These are the ones proposing Sunday use of the main complex of buildings, including the restaurant, and secondly for the “beach resort” (Applications 2009/0322 and 323). Dependant on decisions reached above, the issues here will revolve around assessment of the impacts of Sunday use on the residential amenities of surrounding householders; on traffic generation and the adequacy of the local road network, and any potential nature conservation or visual impacts arising from greater accessibility.

The final applications to consider will be the ones for the minor building operations – the jetty together with the pump and electrical plant houses, including the lighthouse (Applications 2009/0325 and 327). The main issues here are the assessment of the visual impact of these buildings and whether they have adverse nature conservation impacts.

### **c) Enforcement Issues**

As indicated above there are a number of breaches of planning control apparent on the site – either as a consequence of unauthorised operational development, or through breaches of conditions. Some of these may be addressed through further applications, and they will be dealt with accordingly. However others may not. Once determination of the current applications is made, the approach to the site will be established and hence the expediency of enforcement action can then be considered.

However there is one significant breach of planning control that needs to be addressed – that of the material change in use of the approved agricultural building (D on Appendix C). As recorded above, the Board authorised an Enforcement Notice requiring this building to be built in accordance with the approved plans. This Notice has now been issued. However it is apparent from site inspections, including the visit made by Members, that there is now a mixed use of this building. This is use for agricultural/forestry purposes together as an amenity block, café and shop in association with the recreational use of the lake and the surrounding land. This change of use is material by fact and by degree, given the scale of the alterations made to the building; their nature and appearance. The Board is therefore requested to consider the expediency of enforcement action requiring the cessation of the additional uses, and the consequential removal of all plant and equipment required for those uses to function. A compliance period of three months would be appropriate.

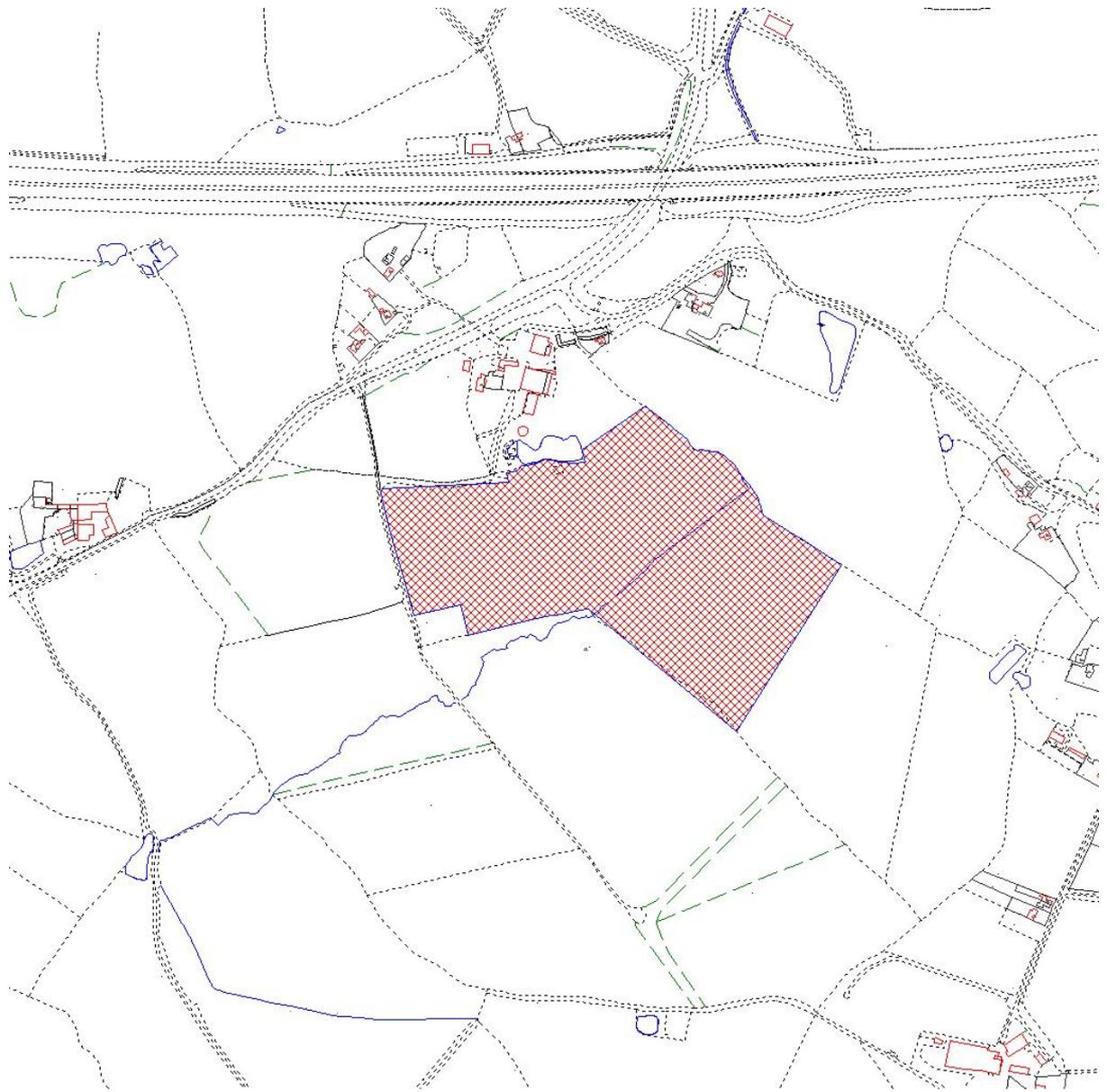
It is necessary however to first establish whether the consideration of the expediency of enforcement action in this case would pre-determine any decisions on the outstanding applications. It is considered that it might be construed in this way, and thus this matter will be referred to the next meeting. Clearly the use of the building in association with the recreational use of the lake and surrounding land, will be affected by any decisions made on the continuation and nature of that recreational use. The Board however should be aware that there is an Enforcement Notice served in respect of the building requiring re-instatement to its approved structure for agricultural use. That Notice still stands.

#### **d) Conclusions**

Officers will bring Members up to date on matters at this site at the meeting. It is indeed frustrating that these matters remain undetermined, but the report sets out the reasons for this together with outlining the difficulties that there are in how to treat the applications and other matter at the site.

#### **Recommendations**

That the present position in respect of these applications be noted



**Board Site Visit  
Old Hall Farm, Corley  
Sat 15 August 2009 – 1000 hours**

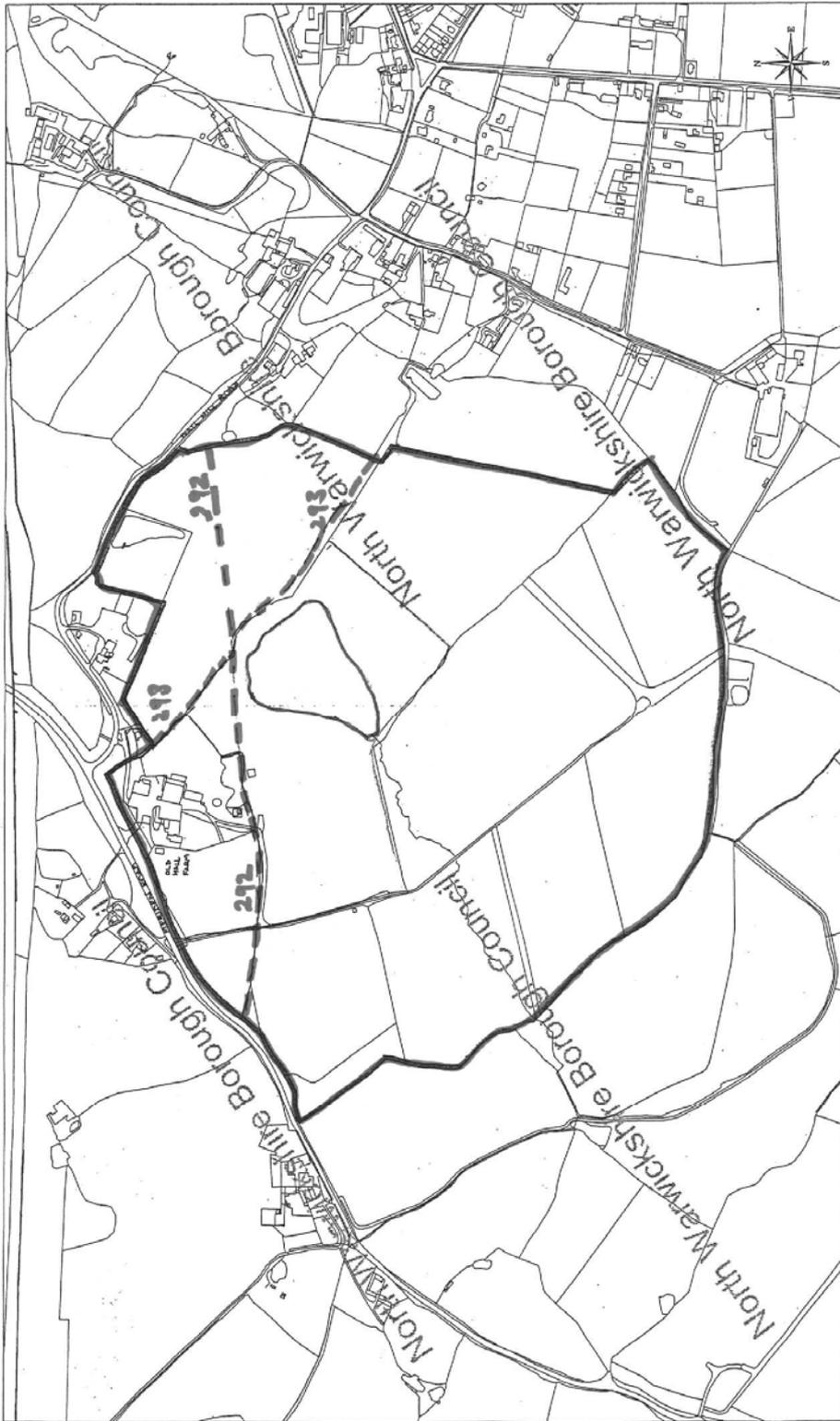
**Present:** Councillors Simpson, Fox, Jenkins, Lea, Sherratt, Sweet, Winter  
Together with A McLauchlan, E Levy and J Brown

1. The purpose of the visit was to look around the premises of the Heart of England Company's site at Old Hall Farm, given the issue of a Temporary Stop Notice, and the subsequent receipt of six further planning applications relating to developments at the lake on the site. In particular these were connected with the use of the lake and the surrounding land as an Adventure Park based on the beach created at the Lake.
2. The owners gave an initial description of how they have used the premises up to now, and explained the reasons for the introduction of the "park" theme to the site, also outlining the educational and social side of the activity.
3. Members then passed through the main function room and into the restaurant area, before moving into the marquee area. The outlook from the restaurant was observed taking in the views over the remainder of the site, including the lake.
4. From here, Members walked down to the lakeside in order to see the beach and the "rockery" cliff. The jetty, the pump house and lighthouse together with the First aid post/shop were all seen from here. The access to the beach was seen as were the "bouncy kingdom" a beach volleyball area; a roundabout, a climbing frame and swings, and a small area set aside for junior quad bikes. Whilst on site Members could see the double decker bus, the small train driving around the site and the swan "pedalos".
5. Members also saw the area beyond the lake where the earth moving had to be completed, and now the subject of a variation application.
6. The route of the public footpath across the site was pointed out.
7. Members inspected the agricultural building. They noted the balcony/viewing area; the toilets at ground floor, the garaging of tractors at the other end of the ground floor, the cafe/shop at second floor and the access to the viewing area. The whole site could be seen from this platform. The access from the road was identified together with the two fields that had been used as car parks for visitors to the park.
8. Members then returned to the main complex of buildings, completing the visit at around 1115.

Members asked several questions. The responses were:

The most number of visiting cars has been 130  
The parking fields alternate depending on ground conditions.  
Cars queue inside the site if there is a hold up at the gate house – up to 30 can wait off the road.  
The hours are intended to be from 1000 to 1700  
Access in the evenings is being considered for barbeques to be run by the site.  
The water is checked for cleanliness every month.  
The water comes from a borehole on site

Sand has had to be imported to the site to “top” it up in order to compensate for that which has blown away or been washed into the lake.  
No swimming is allowed – only paddling – in an area about 10 metres from the beach.  
No swimming is allowed beyond this area.  
The site is really for families with small children.  
The surface below the lake here is Astroturf to prevent mud etc.  
Ideas for the future include other activities for the children when it is raining etc.  
These potentially include “den” building within the woodland areas.  
The area to the rear of the Boat House is being used to house a generator and as a maintenance area.



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 Scale: 1: 5000

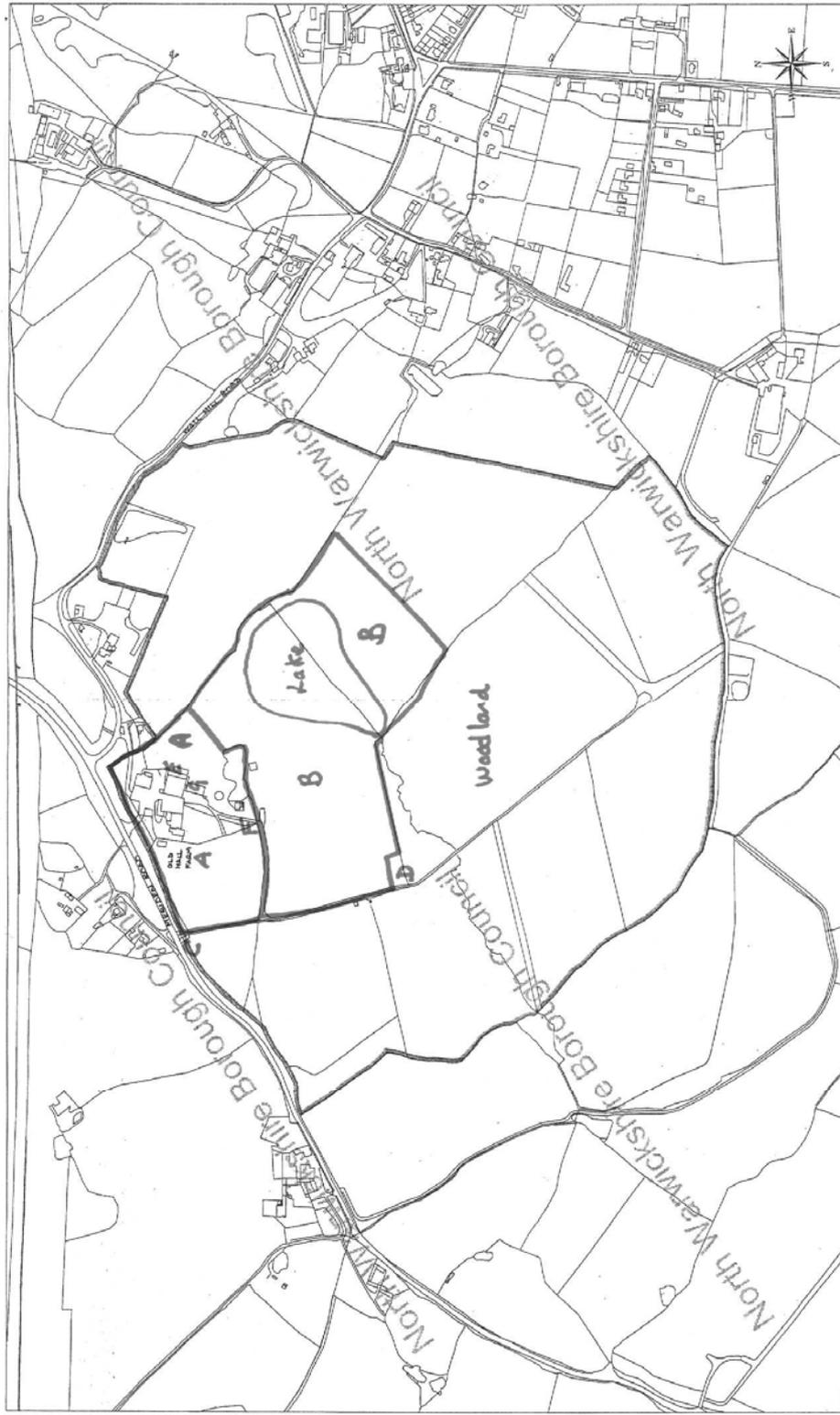


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Date: 26/11/08  
Scale: 1 : 5000



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**From:** Steve Hammon [mailto:steveh@heartofengland.co.uk]  
**Sent:** 19 June 2009 16:05  
**To:** Brown, Jeff  
**Subject:** FW: letter edited

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Dear Jeff Brown

Following recent economic events, and the recession that has hit this country, as a local businessman I set about thinking of ways that I could develop my own business in a manner which would survive the situation.

In doing this, I have also managed to develop a situation where I am also supporting the local tourist industry, the local economy and dramatically increasing job opportunities for the local community.

You would think that this would be perceived as an incredible success story within the midst of redundancies and factory closures.

So, imagine my dismay, this morning, when I received a 'stop' notice from the local council.

Let me give you a little more background.

I started my company 25 years ago - Heart of England Promotions Ltd. 8 years ago, I purchased a dilapidated farm, upon which I built a conference centre and fine dining restaurant. Since then, I have

19/06/2009

been successfully providing corporate events, weddings and parties; and running a successful restaurant. Then, the recession hit. Corporate customers began to cut back on their event spend...quite naturally cautious. This had an immediate impact on my business. I employ around 25 full time staff and over 25 part time staff and I was concerned that I was able to continue to secure their employment, as well as the future of the business.

I looked at our resources. We have a large site, with medieval woodlands and fields. We're in a rural position, but ideally situated just ten minutes from Birmingham Airport. I realised that whilst commercial conferences were on the decline, tourism was also on the decline. People were staying at home, rather than going abroad. I developed the idea of creating an adventure park together with England's most central sandy beach and lake – right in the centre of England.

I developed this project with the utmost sensitivity to the environment. There is now a beautiful lake, natural beach and cove and acres of clear fields, surrounded by our carefully tended woodlands. Offering access to the park would give local people – together with those from further afield, the opportunity to spend a family day on the beach, without travelling far from home.

The park is due to open to the public on 18<sup>th</sup> July. The local press, TV and radio are excited at the new development. Local people are buying season tickets. And, great news for the local economy, we've this week placed an ad for many careers and jobs. We're offering full time, part time, job share, casual, temporary and flexible positions. We're inviting applications from people of all ages and skill levels. We quite literally have the entire range of jobs available. (I've copied some of them below).

I'm asking for your help. The council have issues with some minor planning matters...OK, I admit, there are a few elements that have been overlooked. But nothing of great note, nothing that could not be resolved amicably with some support from the local authority.

I have received no help, grants or funding. I have fought every step of the way to provide something that can only be positive for local people, local industry and for the economy. This, on top of the increase in rates - from an original rate value of £1100, they have been increased to £33,000 and now to £85,000. This, too, is proving crippling to my business.

I am appealing for common sense – a realistic attitude to what we are doing here and the massive positive impact it will make on so many people's lives.

This is a desperate time for our country – businesses need to support the economy by diversification and flexibility without being constricted by bureaucracy.

I would invite you to look at our business, to come along and visit us, see what we are doing here – and make a decision based on the benefits to all of us.

Thank you for reading this email

Stephen Hammon  
Managing Director  
Heart of England Conference and Events Centre  
Meriden Road  
Nr Meriden  
Warwickshire

19/06/2009

**VACANCIES AT THE HEART OF ENGLAND CONFERENCE AND EVENTS CENTRE**

Would you like to work within a beautiful park, woodland, beach and lakeside resort? We're recruiting many new positions for the park, and also our existing Conference and Restaurant facilities.

**Sales and Business Development Manager (Conferences and Events)**

Enthusiasm essential! With experience of a busy conference/events environment or similar customer-led environment.

**Head Park Ranger**

Good people management skills and woodland or land management experience or qualifications are particularly sought. Responsible for managing the park, and co-ordinating staff.

**Park Rangers**

A fantastic opportunity to work with the general public in a fabulous leisure environment. Varied role, will include helping the public, providing tours etc. Flexible working, inc weekends.

**Food and Beverage Manager**

To manage the restaurant and food & beverage operation to a high standard. Promotion and business development is a key requirement.

**Food and Beverage Supervisor (Job Share)**

To manage the restaurant and food & beverage operation to a high standard. Promotion and business development is a key requirement.

**Accounts Assistant**

Reporting to the Accounts Manager, assisting with various roles in the accounts department. Experience useful.

**Attraction Supervisors**

To take tokens from visitors and control various attraction sessions. Attractions include pedaloos, rowing boats, trampolines, bouncy castles etc. Friendly personality essential!

**Café Staff**

Providing a counter service, operating till, serving visitors with snacks, hot and cold drinks and simple meals. Various shifts available between 10am and 5pm, seven days a week, on a rota.

**Shop Assistants**

Working on the beach! The rock shop is an indoor store, embedded into the cove. You'll be serving customers so a friendly personality and ability to work on own initiative essential.

**Drivers**

For our Supertruck, Haglander, Land Train and Land Rover - taking our visitors on trips around the park and woodlands.

**Park Maintenance**

Staff General maintenance staff, for grounds, attractions etc. Varied, flexible role.

**Security Personnel**

24 hour vacancies for security personnel to patrol the park during opening hours, and out of hours, on a shift/rota basis.

19/06/2009

**Park Cleaners**

Conscientious cleaning staff required to keep our park sparkling!

Full time, part time, temp, job share & casual positions available.

DOWNLOAD APPLICATION FORM

or write with CV (stating positions of interest) to:

Personnel Dept, Heart of England Conference and Events Centre, Meriden Road,  
Nr Meriden, Warwickshire, CV7 8DX

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19/06/2009

**Heart of England Ltd****Minutes of a Meeting held on 17 August 2009  
Held at the NWBC Offices commencing at 1630****Present:**

Mr Hammon (SH) the owner of Heart of England  
Mr Williams (BW) from Alder Mill, acting as planning advisor to Heart of England  
Councillor Simpson (MS) Chair of the Council's Planning and Development Board  
Councillor Sweet (RS) Opposition Planning Spokesperson on the Planning Board  
Ann McLauchlan (AM) Director of Community and Environment – NWBC  
Jeff Brown (JB) Head of Development Control – NWBC  
Erica Levy (EL) Senior Planning Officer and case officer for the site – NWBC

1. AM opened the meeting, pointing out that the discussion would be on a “without prejudice” basis. Members and officers present could not pre-empt or guarantee any planning outcome. The Council's Planning Board is concerned that at present, the Council and Heart of England appear to be reacting to each other's actions. The Board felt that it was important for it to understand the overall vision of the Company for the site, and wished to hear this from the owner. In this way it could better understand what is presently going on at the site. Moreover, the meeting could also explore that vision, and to see if there was common ground between the Council and the Company. The Board was interested to know how that vision might fit with Council's own planning policies and objectives.
2. BW thanked the Council for giving his client the opportunity to present his vision and proposals for the site. He outlined how the Company had built up a successful corporate hospitality and entertainment business, involving off site activities (through the hire of equipment etc) as well as those on the site. This was impacting on the local economy through providing opportunities for local employment, and for the use of local businesses and contractors working with and for the Company eg: local florists, and Fillongley Garage. The Company had also always wanted to encourage the public to visit the site. He now had the restaurant on site, and themed events had taken place.
3. In the past eighteen months, the corporate events side of the business had reduced considerably due to the national economic situation. In order to retain the viability of the business, the Company had to “diversify”. It had done so through providing greater access to the site by the public. This was through an Adventure Park, largely based on the theme of a “beach”. In order to attract the public to the site, it had to be treated as a “destination” and one with activities to keep the public on site. The site is therefore now multi-functional. The Company's view is that the Park and beach theme fits within the terms of the planning permission for the site for recreation activity.
4. When the upturn occurs, then the Company will return to its core business. However if the Park is successful too, then the Company would retain this activity. Moreover, it would also be looking at other ways/activities in order to diversify and retain the economic and community benefits for the local area. The Company is seeking long term business continuity as a recreational destination, based on activities and experiences that are not offered elsewhere.

5. The Company was concerned that overall, it considered that it had been met with a “negative” attitude from the Council. That experience to date, gave a general perception that the Council was preventing the business from continuing and indeed developing.
6. MS confirmed that it was not in the interest of the Council to be anti-business, and that its record in respect of its approach to planning matters showed that to be the case. The economic and community benefits from business and commerce were essential, and tourism was recognised as a key activity in helping to provide those benefits. The Council’s planning policies and priorities reflected this approach, and these were always considered when appropriate in the planning process. However there are other policies and interests that the Council has to consider when it decides on future planned developments. These include the Green Belt and the need to have these developments in the right places, and indeed there might well be occasions when certain developments were inappropriate in principle. The Council’s role therefore was often one of balancing conflicting issues and policies. Whilst decisions might be seen as negative to the Company, others would be seen as negative to the local community if greater weight was given to economic development and tourism interests.
7. One of the issues with the Company’s development of its site had been the lack of an overall vision or Masterplan for the site. It was thus true that it was reacting to individual developments because these were seen as incremental. In these circumstances it was difficult to come to a balanced decision because we lacked an overall objective.
8. BW indicated that the Green Belt and the countryside were the assets that gave the site its success. However the activities here need to use both land and buildings. The Company was presently doing all that it wanted to.
9. MS reminded the Company that that as a matter of fact, that involved unauthorised developments.
10. SH confirmed that his perception had always been that the Council had taken a negative attitude towards his business. The Company had had a series of refusals and had been served with Notices. These had to be fought through appeals. He felt that he could work with the Council if it recognised the significance of his business to the locality, and the importance of retaining its viability in order to protect that significance.
11. JB expanded on the other issues that the Council had to consider when coming to a balanced view on new developments at this site – namely the importance of retaining the openness of the Green Belt and protecting the rural character of the countryside hereabouts. The Company had indicated that the site’s setting was its asset. This was common ground with the Council, but there needed to be recognition that such an asset carried certain requirements and obligations in planning terms. The key issue is how to balance business interests in the Green Belt without conflicting with the retention of the openness of the Green Belt.
12. JB referred to an earlier meeting of several years ago, when he suggested that what was needed for the site was an agreed outline or guidance relating to future development proposals, which offered the Company confidence and surety, whilst still protecting the Council’s interests. This could take the form of a Section 106 Agreement or a Memorandum of Understanding. Whilst this had not been followed through at that time, it was perhaps worthwhile looking

at this approach again. The references and guidance to Annex C sites in PPG2, and the introduction Local Development Orders suggests that such an approach was something that could be developed. The approach would need to identify and recognise the “very special circumstances” surrounding the Company’s use of the land; the weight that should be given to these, and perhaps to the identification of zones or areas where certain developments/ activities might take place and those where they should not.

13. The Members asked to look at the display material that had been brought by the Company. It was noted that there was reference here to an “Ethos” village and to a Waterside Hotel. There was surprise that these issues had not been raised when the Company was asked to outline its overall vision for the site. The Company indicated that these were purely ideas and thoughts at this time.
14. At the conclusion of the meeting, JB indicated that he would write to BW with a minute so that this could be agreed, and that the letter would invite the Company to consider the approach set out in paragraph 12 above. In the interim EL would be writing to BW outlining all of the matters that had arisen from the recent applications and as a consequence of the Member site visit on Saturday 15 August.
15. The meeting closed at 1730 hours.

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## Welcome

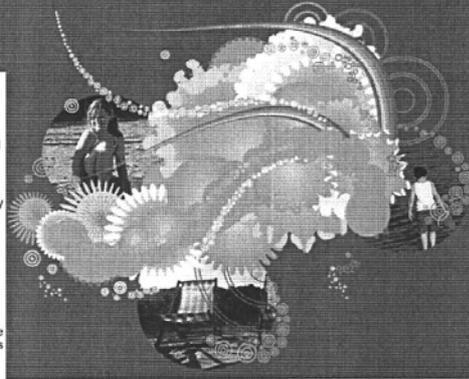
Welcome to the Heart of England Adventure Park and Beach Resort - we're the most **CENTRAL BEACH** in ENGLAND OFFICIAL!

Set in 160 Acres of Warwickshire Countryside, with a 5.5 acre paddling lake, beautiful medieval woodlands and a soft, sandy beach - Heart of England Adventure Park makes a great day out for the whole family.

We've added some extras, too! Our own park train circles the park throughout the day - so you can hop off at the next stop to visit another area of the park, or just go for a relaxing ride. We've got our Inflatable Kingdom - with bouncy castles, bungee run, trampolines, jousting and ball pit, for children of all ages - and our double-decker playbus makes regular appearances by the pier. Or maybe you just want to relax on one of our old-fashioned striped deckchairs, paddling your feet in the cool water.

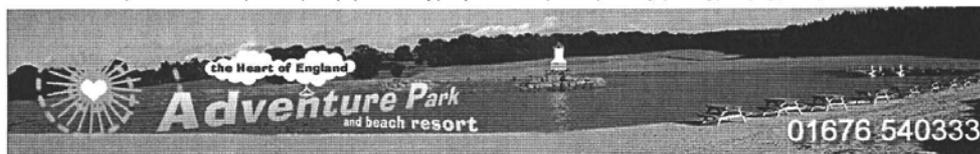
Best of all, all of the above are **INCLUDED** in your admission price!

We've got other activities that you can enjoy (at a small cost, simply buy tokens at the park) - including zip wire, parachute drop and climbing wall, swan pedaloes and boats on the lake.



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## Planning Your Visit

We're not a theme park - and we're not an actual seaside. We're something in the middle. Our visitors don't come along for loads of 'fairground' style attractions - we don't have any of those. We like to think that people come to Heart Park to enjoy spending family time together, in a setting that has quite a few more amenities than your average beach!

So - you can go on a trip round the site, you can paddle in the lake, build sandcastles, relax on our old fashioned deckchairs, take a 'swan' pedalo out on the lake, and watch the kids bounce about on our inflatable kingdom and trampolines. We've got a zip wire and parachute drop, too, for the more adventurous.

We're here to give you the facilities and environment to have a great time...but at the same time, don't expect to queue for two hours for a rollercoaster - we don't have any of those either.

First and foremost, we're a beach and lake. A rural, tranquil, peaceful location to bring a picnic and build sand castles. We've got some interesting extra activities that you won't find at a normal park, and we've kept the 'countryside' feel...so don't expect miles of tarmac. Parking is in a field, the roadways do get muddy when it rains (although we have our beautiful train to take you from the car park to wherever you want to go) - and we've added some extras to make your day more comfortable (ample toilet facilities, beach shop, cafe etc).

We are a unique location - and this is a completely new concept in spending time as a family. Some visitors have been disappointed that we don't offer noisy fairground rides - but most are absolutely delighted to find a unique oasis where traditional family fun is the order of the day. Think of us as a trip back in time, to the days when a bucket and a crabbing net were all you needed...but with a few modern twists, just to keep the comforts of modern day life within arms reach!



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## The Beach

We are OFFICIALLY England's most CENTRAL beach.

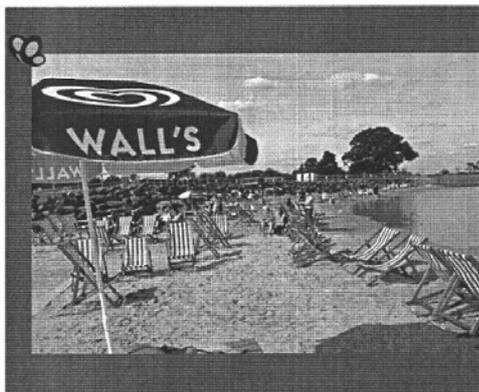
Our soft sand is specially sourced (it's not builder's sand) - and it's five feet deep..so, sand castles are not a problem!

Our lake is 5.5acres - with a beautiful pier from which to take a swan pedalo ride - and the water quality is deemed EXCELLENT by Birmingham Council Laboratories and Severn Trent, who carry out stringent tests on it. We are well within the excellent category under the Bathing Waters Directive and are very proud of the cleanliness of the water - which is fantastic for paddling in. We have lots of fish...with many babies being born...and a great big Heron that's adopted the lake - so the wildlife seem to think it's great, too.

The beach shelves gently into the water - and we've laid soft astroturf under the sloping bank into the water, to protect your toes from lake bed stones. The lake is clay-based (stops the water escaping!) and is very natural...so please don't expect a chlorinated swimming pool!

We don't allow dogs, glass or smoking on the beach...further enhancing safety.

We have 200 red and white striped, traditional beach deck chairs laid out ready and waiting for you to use - together with plenty of picnic benches and sun shades (courtesy of our very good friends at Wall's).



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## The Park

Heart of England Adventure Park is set in 160 acres of rural Warwickshire.

We are determined to preserve the natural environment and limit our development of the site to only that which is necessary to create an environment which can be accessed for leisure, education - and to promote accessibility for all members of the community.

For this reason, when it rains...it will be muddy in places! The fields and woodland get wet...and you might get muddy too. We agree with a famous brand of washing liquid that "Dirt is Good" - and believe us when we tell you that there's nothing more exhilarating to under tens than a 'Quad Pod' ride through our woodlands... bringing them back splattered with mud.

Come and have a game of football, or beach volleyball. Bounce on our inflatables - run around (there's lots of space)-jump about on our trampolines. It's great fun - and good for you too!

Fresh air, family fun and good times.



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## Facilities

While keeping a natural environment - there are a few things that we think are fairly integral to a day out. So we've made sure that we've provided what we think you'll need.

### Toilets

We have two toilet locations - a 'mobile' style block (just above the beach cove) and larger permanent toilets at the Boat House Cafe (includes accessible toilets and showers\*)

### Food and Drink

**Rock Shop** (situated on the beach)  
Open every day during park hours.  
Sells hot and cold drinks, sweets, ice cream, beach toys, buckets and spades, beach towels, footballs, sun cream etc.

### Boat House Cafe

Open every day during park hours

### The Quicken Tree Restaurant.

Open for lunches and fine dining dinner every day (except Monday).  
Open noon till 6pm on Sundays. Visit: [www.thequickenree.co.uk](http://www.thequickenree.co.uk)

### Parking

Parking is free (think field, not NCP!)

### Deck Chairs and Picnic Tables

200 Traditional deck chairs, picnic tables and sun shades are FREE to use. Come early to guarantee your seats!

### Changing Huts.

We have a small number of huts on the beach which can be hired by the day if required. (£25 per day).

### Baby Changing Facilities

Located in the Boat House

### Breast Feeding Mothers

Breast Feeding Mothers are welcome EVERYWHERE at Heart of England Adventure Park. Bottle and food warming is offered at the Boat House Cafe.

\*shower use by arrangement



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## Fun for all ages

We believe that the heart of our Park is the beach and lake. But for those of you who'd like to try out a few 'different' activities - we've got a great assortment for you to try.

Included with your ticket price:

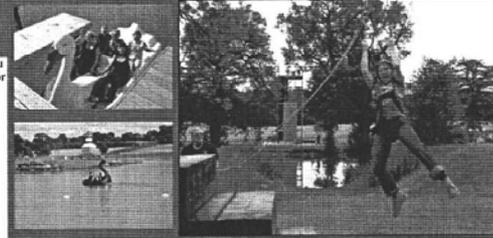
- Entrance to the park, beach and lakeside (paddling only)
- Use of the Park Train (wheelchair accessible)
- Use of the Inflatables Kingdom
- Use of the Trampolines



NB: Some activities have a min/max height or age range. Some activities cannot operate in poor weather. Off-Road vehicles and Zip Wire/Parachute Drop operate at varying times throughout the day.



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### Available at additional cost:

To access these activities, please purchase tokens (1 token = £1) at the Rock Shop or Boat House. For security reasons, tokens are not refundable, but can be used on subsequent visits).

Supertuck Woodland Trips	£1 per person
GoBots and Mini Rovers	£1 per person
Haglander (Snowcat) Woodland Trips	£2 per person
Swan Pedaloes on the Lake	£2 per person (min 2 people)
Quad Pods (pods towed by a quad bike)	£2 per person
Mini-Quads	£3 per person
Zip Wire or Parachute Drop	£4 per person

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## Food and Drink

### Food and Drink

#### **Rock Shop** (situated on the beach)

Open every day during park hours.

Sells hot and cold drinks, sweets, ice cream, beach toys, buckets and spades, beach towels, footballs, sun cream etc.

#### **Boat House Cafe** (near the woodland)

Open every day during park hours - selling hot and cold drinks, cream teas, paninis, cakes and muffins, crisps and sweets and hot snacks.

#### **The Quicken Tree Restaurant**

Open for lunches and fine dining dinner every day (except Monday).  
Open noon till 6pm on Sundays.

Dine inside, or on the terrace overlooking the lake in the distance.

NB: No sandy shoes or swimming attire please...and tops must be worn in the restaurant. Dine in the Quicken Tree and get HALF PRICE park admission from your waitress (same day park entrance only).

Visit: [www.thequickenree.co.uk](http://www.thequickenree.co.uk) to view menus.

### THE ROCK SHOP

### The Boat House Café

### the Quicken Tree Near Meriden, Warwickshire



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## Junior Rangers' Club

### Junior Rangers Wanted!

If you're under 12, you can join the JRC!

For just £40 per year, you'll get:

FREE ENTRY to the park for a WHOLE year.

Quarterly newsletter with news on the season's environmental changes at the park from Phillipa, our Children's Ranger.

An invitation to a special 'den building' event at the park and other special events and offers throughout the year.

Want to join? [Click here!](#)



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## Admission Prices

### Adults (18+)

Day ticket - on the gate £8.00 or book online for just £7.50  
Season Ticket - per year - £45.00

### Seniors (60+)

Day ticket - on the gate £5.00 or book online for just £4.50  
Season Ticket - per year - £30.00

### Person with a Disability (all ages)

Day ticket - on the gate £5.00 or book online for just £4.50  
(includes free admission for one personal assistant)

### Season Ticket - per year - £25.00

(includes free admission for one personal assistant)

### Teens (12-17)

Day ticket - on the gate £7.00 or book online for just £6.50  
Season Ticket - per year - £35.00

### Children (5-11)

Day ticket - on the gate £5.00 or book online for just £4.50  
Season Ticket - per year - £30.00  
Season Ticket with Junior Ranger Membership - £40

### Under 5's

Free admission

Family Day Ticket - (2 adults, 2 children) - £23

Family Season Ticket - £100 (OFFER PRICE)

(2 adults and up to 3 children or 1 adult and up to 5 children)

[TO BUY DAY TICKETS OR SEASON TICKETS ONLINE, CLICK HERE NOW!](#)



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## Special Offers

### CURRENT PARK SEASON TICKET OFFER

Family Season Ticket - £100 (usual price £150)  
(2 adults and up to 3 children or 1 adult and up to 5 children)  
[CLICK HERE TO BUY NOW](#)

### MULLER CORNER PROMOTION

2 FOR 1 ADMISSION TO THE PARK - SEE PROMOTIONAL PACKS  
OF MULLER FRUIT CORNER



[TO BUY DAY TICKETS OR SEASON TICKETS ONLINE, CLICK HERE NOW!](#)



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## Corporate Events

Heart of England Conference and Events Centre has been providing quality corporate, motivational, team building, sales and fun day events for over eight years.

Our Conference centre offers facilities for up to 350 delegates - with break-out rooms, on site catering, fine dining restaurant, country house hotel and, of course, 160 acres of fabulous countryside and woodlands for a full range of activities from zip wire and parachute drop, to lake activities (raft building/island adventures) and many more besides.

PLUS - we offer exclusive use of the park and evening private Beach Parties - all of which can be combined to offer a unique event, for every size of company.

Call our Corporate Sales Manager - Julie Johnson - on 01676 540333 or email [operations@heartofengland.co.uk](mailto:operations@heartofengland.co.uk)



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## Accessibility

*This is what we've done so far..*

We are absolutely committed to accessibility to our site for ALL our visitors. It's a tall order, for a natural site, but we are working hard to ensure that all visitors can enjoy the facilities.

We know from our conversations with carers that access to a beach is virtually impossible for many children with disabilities.

We're working to make this dream a reality - see the list on the right for what we've done so far. We're still working on it, but we are developing accessibility rapidly.

For more information, contact our Accessibility Champion - Mandy Cooper - by emailing [mandy@heartofenglandadventurepark.co.uk](mailto:mandy@heartofenglandadventurepark.co.uk)

### Accessible toilets

We have provided Accessible toilets within both our ladies and gentlemen's facilities.

### Transport

Our park train has a wheelchair accessible carriage and will transport you from the car park to the beach and pier.

### Beach

The road leading to the beach is a smooth surface, which should be relatively easy to access via wheelchair. This road area cuts through the first section of the beach, with sand either side - providing an effective 'pathway' through the initial part of the beach. We're still working on this - and are determined to create a beach environment that is accessible to all!



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## Groups

We have quite a lot of large groups come to visit us!

Maybe you're a Scout or Guides group... a large extended family group...even a school group just looking for a fun day out.

We offer tailored facilities for groups of 20 or more people - including discounted or free entry for adults/carers, special picnic packs or catering and reserved session use of activities as arranged.

Contact our Head Park Ranger - James Griffiths - to arrange your day!



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## Schools

Our Education Ranger is a graduate in Conservation and the Environment. She has been delivering educational programmes for over three years - and provides inspiring and fun lessons to children of all ages.

The schools' programme covers various areas of the National Curriculum - Biology, Geography, Social Studies and 'Green' issues. Plus, we can combine a morning of educational activities with an afternoon playing on the beach and taking advantage of our onsite play facilities. All in all - a great day out for everyone.



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## Weddings

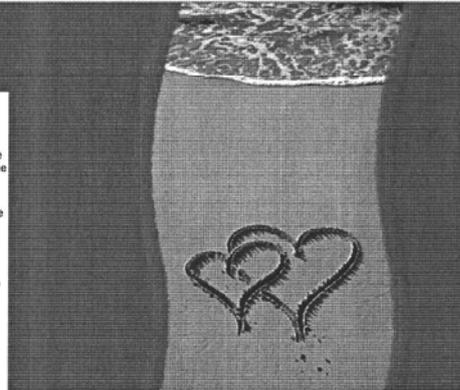
Heart of England Conference and Events Centre is licensed for marriages. We've had many brides enjoy their special day here in the heart of rural Warwickshire.

We offer fabulous facilities - including luxury overnight accommodation, marquee and banqueting hall - but why not combine this with your evening reception on the beach?

We don't conform to the standard venue way of building your wedding day - we're completely flexible and will make it as formal or fun as you like. Our lake, beach and grounds offer amazing photo opportunities - and your family and friends will be talking about your unique day for years to come.

Give us a call, and arrange an appointment to view the site and see how much we have to offer!

Call our Wedding Co-ordinator - Pippa Wells - on 01676 540333 or email [pippaw@heartofengland.co.uk](mailto:pippaw@heartofengland.co.uk)



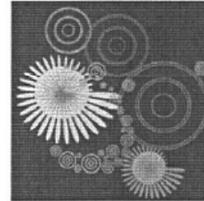
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## Parties



Beach Party anyone?

We offer parties from a children's activity party - right through to an adult or family evening beach party and barbeque.

### Children's Parties

### Grow Up Beach Parties

We offer a fabulous party - that allows YOU to select the menu and the activity of your choice.

The park closes to the public at 5pm - and re-opens at 6pm for private parties.

All parties are planned over 90 minutes...which gives ample time for fun and games - just choose the options that best suit your child.

Bring the family, hold a birthday party or other celebration on your own private beach!

Our party host is Phillipa - our Children's and Conservation Ranger and she's got a huge variety of activities to choose from. Click below to view what's available.

We can supply everything from food and drink, to evening activities - and prices start at just £15 per person, including food (minimum numbers apply).

[CLICK HERE TO VIEW THE CHILDREN'S PARTIES](#)

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## Fishing

We have a wonderful 5.5 acre lake, which we are currently stocking.

We are building excellent angling facilities - please check back soon to see more developments and notice of opening times.



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A paddling lake, a sandy beach - and acres of woodland and fields - plus all the comforts of home (hot showers, beautiful toilets, cafe and restaurant).

Camping at Heart Park is an experience all of its own.

**Rates include:**

Excellent toilet facilities (lovingly cared for by a dedicated team)  
 Hot Showers  
 Use of the beach, lake (paddling), inflatable kingdom, trampolines, playground,  
 Park train and beach deckchairs (during normal park hours and subject to seasonal  
 variation). Other attractions available at small local cost.

Other on-site facilities - Cafe (day time), Restaurant (till 11pm), Shop (toys, drinks,  
 sweets, ice cream) (daytime),  
 24 hour security.

**Pitches**  
 Low Season (November - March) Per night  
 Tents up to 4 persons - £25 per night

High Season (April - October) Per night  
 Tents up to 4 persons - £45 per night

**Add Ons Per Night**  
 Extra Child £3.00  
 Extra Adult £5.00  
 Extra Car £2.00

**Caravans/Motor Homes**  
 Per night £55  
 Power hook-up (Caravans/Tourers only) £7.00 per night

Price includes entrance to the park and use of facilities as described left



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### **(3) Application No: PAP/2009/0350**

#### **Artworks - Poetry Trail, Land at and including High Street / Bridge Street, Polesworth**

#### **Installation of Art works at 5 sites detailing poems as part of the Polesworth Poetry Trail**

#### **For North Warwickshire Borough Council**

#### **Introduction**

The application is brought to the Board as the applicant is North Warwickshire Borough Council.

#### **The Site**

The proposal covers five sites around Polesworth, which can be described as:

Site 3 – Front garden of 2 High Street, at the junction of Bridge Street and High Street.

Site 4 – Grassed area between the Library and Dovecote, opposite the Tithe Barn.

Site 5 – At the entrance to the Library.

Site 6 – To the front of 10 -12 Bridge Street, which is a Butchers Shop.

Site 10 – On the canal towpath, off the Tamworth Road.

It should be noted that the artwork at five other sites does not require planning applications because they are on Local Authority land and are thus permitted development. Whilst drawings have been provided with the application, they are not to be determined.

#### **The Proposal**

The installation of art works at five sites detailing poems as part of the Polesworth Poetry Trail. Overall there are ten works as part of this Trail, and each site would have a poem etched onto them, or contained as part of the art work itself. The locations are shown in Appendices 1, 2 and 3.

Site 3 (Appendix 4) – A grey Granite stone, 1.2 metres in diameter and 1.1 metres high. There will be a archway (copper/bronze) cut into the granite stone. The poem will be etched into the metal.

Site 4 (Appendix 5) – The overall height of the art work is 1.8 metres, with the granite stone square plinth would be a maximum of 1.0 metres high, 0.4 metres wide and 0.4 metres long. The art work will be in the shape of a feathers and a wing, with the poem being written on the feathers.

Site 5 (Appendix 6) – This oak/chestnut block will have a carved book on top with the poem written on the pages of the book. The art work is 0.8 metres wide, 0.5 metres deep, 0.9metres high to the front and 1.1 metres high at the rear.

Site 6 (Appendix 7) – The oak display cabinet will have perspex windows for displaying two poems. It will have gold leaf design work. The art work will be 1.2 metres above the road level, 0.75 metres high, 0.54metres wide and 0.15 metres in projection.

Site 10 (Appendix 8) – A granite block, with a miners head made of stainless steel/copper or brass inlaid into the rock. The poem will be etched onto the head. The block is 1.2 metres high, 0.7 metres long and 0.5 metres in depth.

## **Background**

The idea of the poetry trail came about in 2006 following the publication of Heritage and Church tourist guides developed by North Warwickshire Borough Council. The trail is designed to attract tourists into Polesworth. The project is being delivered using the Advantage West Midlands Better Welcome Grant.

The poems were chosen through a national competition, with 10 sites chosen. The steering group has consulted the relevant land owners, and interested parties such as the Environment Agency and British Waterways.

The majority of the Poetry trail structures are constructed from local granite from Mancetter Quarry. Metal plates will be made of copper, bronze or stainless steel fixed to the granite. The poems will be etched onto the plates. Two of the ten sites will have installations made of hardwood and metal.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 11 (Quality of Development), ENV5 (Green Space), ENV8 (Water Resources), ENV11 (Neighbour amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ENV16 (Listed Buildings), ECON5 (Facilities Relating to the Settlement Hierarchy), ECON10 (Tourism, Heritage Sites and Canal Corridors)

## **Other Relevant Material Considerations**

Government Advice - Planning Policy Guidance 15: Planning and the Historic Environment

Supplementary Planning Guidance - SPG, A Guide to Shop Front Design, September 2003.

## **Consultations**

English Heritage – The application should be determined in accordance with national and local policy guidance.

Warwickshire County Council as Highways Authority – No objection

British Waterways – No objection subject to a planning condition, and additional information to be added in the event of an approval.

## **Observations**

Each site will be looked at in turn.

Site 3 – The site is at the junction of Bridge Street and High Street, and is currently a front garden to 2 High Street. The size of the proposal is not considered to affect the amenity, privacy or loss of light to that property to make it unacceptable. The art work will improve the area of land and the design and scale of the art work is considered appropriate. The site lies within the Conservation Area but the proposal is not considered to have a harmful effect upon its character or appearance.

Site 4 – This is the grassed area between the Dovecote, Library and opposite the Tithe Barn. The siting of the art work has been moved further away from the front of the Dovecote, so as to lessen its impact on the setting of that Listed Building. Its position is now not considered to be prominent or detract from the character, appearance or historic value of the Dovecote or the Tithe Barn. The site is within an area defined as an Open Space by Policy ENV5. The art work will take up a very small area of land and it is not considered to result in a loss of open

space that requires an assessment to be carried out, nor to conflict with the overall objective of the policy in retaining openness. The art work could lead to the greater use of the Open Space. The site lies within the Conservation Area but the work is not considered to have a harmful effect upon its character or appearance. Overall the siting is not considered to result in a loss of amenity, privacy or loss of light that would result in unacceptable loss of amenity in the area or to nearby businesses, residential properties and building uses.

Site 5 – An oak block with a book to the front of the library. The siting is within an area of landscaping, and next to the road leading from the public car park to the Tithe Barn. This is an appropriate location. The nearest residential property is 30 metres away and overall the siting is not considered to result in unacceptable loss of amenity, privacy or loss of light. The site lies within the Conservation Area but again it is not considered to have a harmful effect upon its character or appearance.

Site 6 – A cabinet display to the front of the Butchers shop. The site is in the town centre boundary and within the Core area of Polesworth. The work may well assist in bringing additional people to the area. The design is considered to be appropriate in this case and seeks to be in keeping with the style of the butcher's shop frontage. The site lies within the Conservation Area but it is not considered to have a harmful effect upon its character or appearance. Overall the siting is not considered to result in unacceptable loss of amenity, privacy or loss of light to the area and nearby properties.

Site 10 – A granite block to the canal towpath. The siting is considered to be appropriate, as it is close to an existing public information sign board and just off the existing canal towpath, where it will be visible to members of the public using the path. The design is considered to be acceptable. The nearest dwelling to the site is approximately 50 metres away at the Lynch, but due to the raised height of the Lynch, there is no loss of amenity.

All of these works are considered to comply with Policy ENV12 of the Local Plan 2006, in that they would make a positive contribution to the public realm. There will always be different views about art work, but members are asked to concentrate on the planning circumstances, which will always be about visual impact rather than design. Overall it is considered that the art works as part of the Poleworth Poetry Trail will attract visitors to the area and benefit the town and the area.

## **Recommendation**

That the application be **Granted** Subject to Conditions

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

### **REASON**

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

2. The development hereby approved shall not be carried out otherwise than in accordance with map 1, map 2, map 3, Art Work No.3, Art Work No.4, Art Work No.5, Art Work No.6 & 6a and Art Work No.10 received by the Local Planning Authority on 21st August 2009.

### **REASON**

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

3. Art works No.s 3, 4 and 10 will be made from grey granite stone; art work No.5 will be a oak/chestnut block and art work No.6 will made from oak with a perspex window and gold leaf design work, unless approved in writing by the Local Planning Authority.

REASON

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

4. Notwithstanding the plans submitted prior to the commencement of development, details of the proposed foundations to be undertaken for art work No.10 shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

REASON

Demolition, excavation, earth removal and/or construction of foundations have the potential to adversely impact on the integrity of the waterway infrastructure.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc., Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet entitled "The Party Wall etc., Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the Communities and Local Government web site - <http://www.communities.gov.uk/publications/planningandbuilding/partywall>.
3. This informative relates to Art Works at sites 9 and 10, to which are land controlled by British Waterways.  
The applicant/developer is advised to contact third party works engineer, Des Harris (01827 252 038) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works affecting British Waterways".  
"The applicant/developer is advised that an agreement would be required for the erection of foundations or attachments to/on British Waterways property or access onto British waterways property to carry out works such an agreement should provide for the maintenance of the structures and surrounding land as long as they are in position and their removal and restoration of the ground once they are no longer

acceptable to BW.”

“British Waterways offer no right of support according to the Party Wall Act. to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.”

Condition 4 relates to Art Work No.10, however British Waterways will also require foundation details for art work No.9.

### Justification

- 1 The art works for the poetry trail are considered to be of a design and scale that is appropriate in each location. Of the 10 art works, only 5 require formal planning permission. Art work No.4 which is close to the Listed Building of the Dovecote, is in a position which is not considered to be prominent or detract from the character, appearance or historic value of the Dovecote, nor its setting. Of the works that are sited within the Conservation Area of Polesworth they are not considered to have a harmful effect upon its character or appearance. The proposals are considered to make a positive contribution to the public realm, and will attract visitors to Polesworth. Overall the siting of the art works are not considered to result in unacceptable loss of amenity, privacy or loss of light to the area and nearby properties.

## BACKGROUND PAPERS

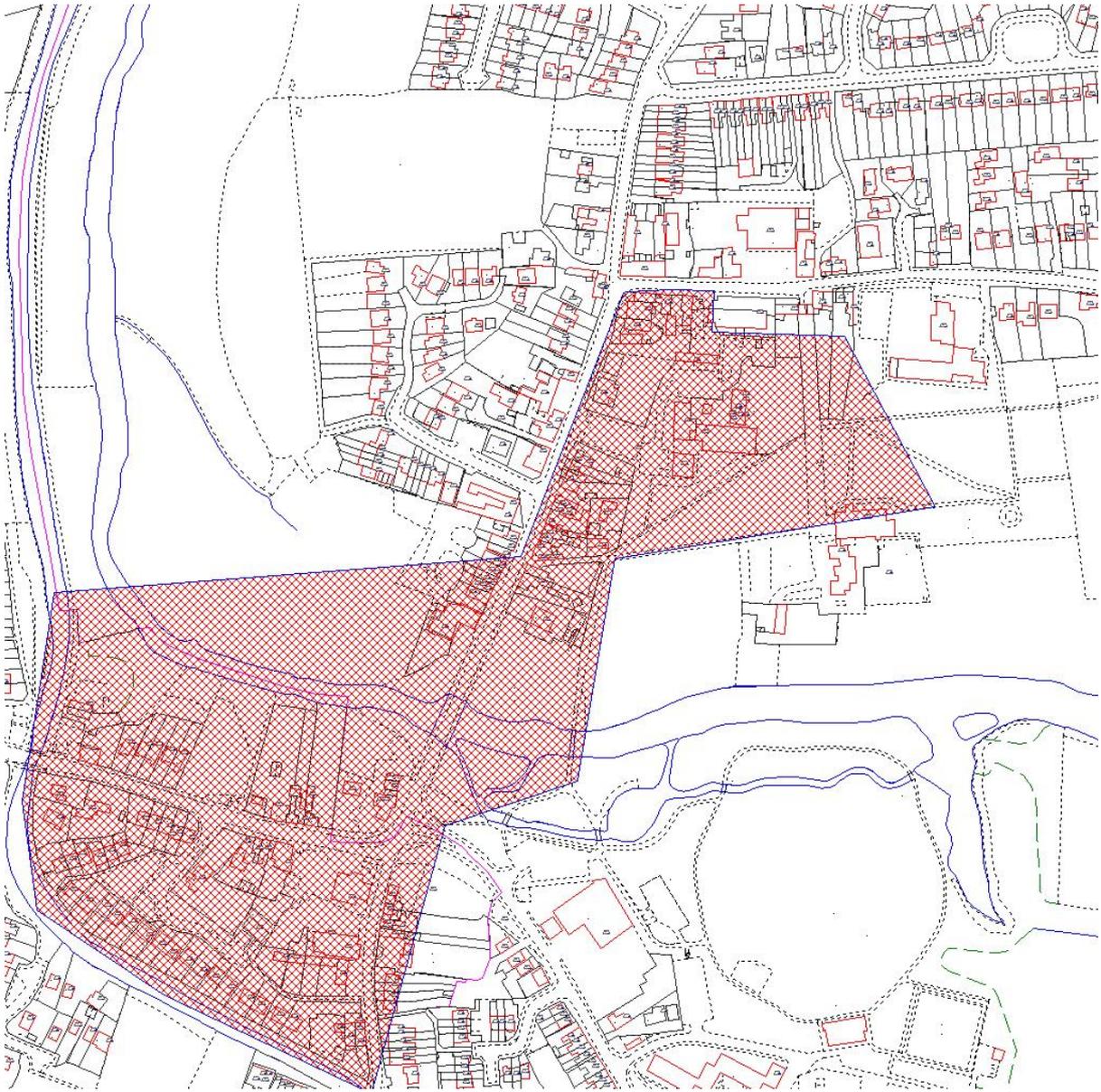
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

### Planning Application No: PAP/2009/0350

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	27/7/09
2	The Applicant or Applicants Agent	Further information to make application valid	29/7/09
3	English Heritage	Consultation response	5/8/09
4	WCC Highways	Consultation response	10/8/09
5	Ian Griffin	Site visit	11/8/09
6	Ian Griffin	Email to Jaki Douglas NWBC	12/8/09
7	Ian Griffin	Email to Jaki Douglas following meeting with Richard Meredith	13/8/09
8	WCC Footpaths	Consultation response	17/8/09
9	The Applicant or Applicants Agent	Revised plans and location of art work 4	21/8/09
10	Development Control	Re-consultation on plans	21/8/09
11	British Waterways	Consultation response	3/9/09
12	Ian Griffin	Email to Jaki Douglas	3/9/09
13	Jaki Douglas	Condition details	7/9/09
14	Ian Griffin	Email to Jaki Douglas	7/9/09
15	Ian Griffin	Email to British Waterways	7/9/09
16	Jaki Douglas	Condition information	7/9/09
17	British Waterways	Condition Information	7/9/09

*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.*



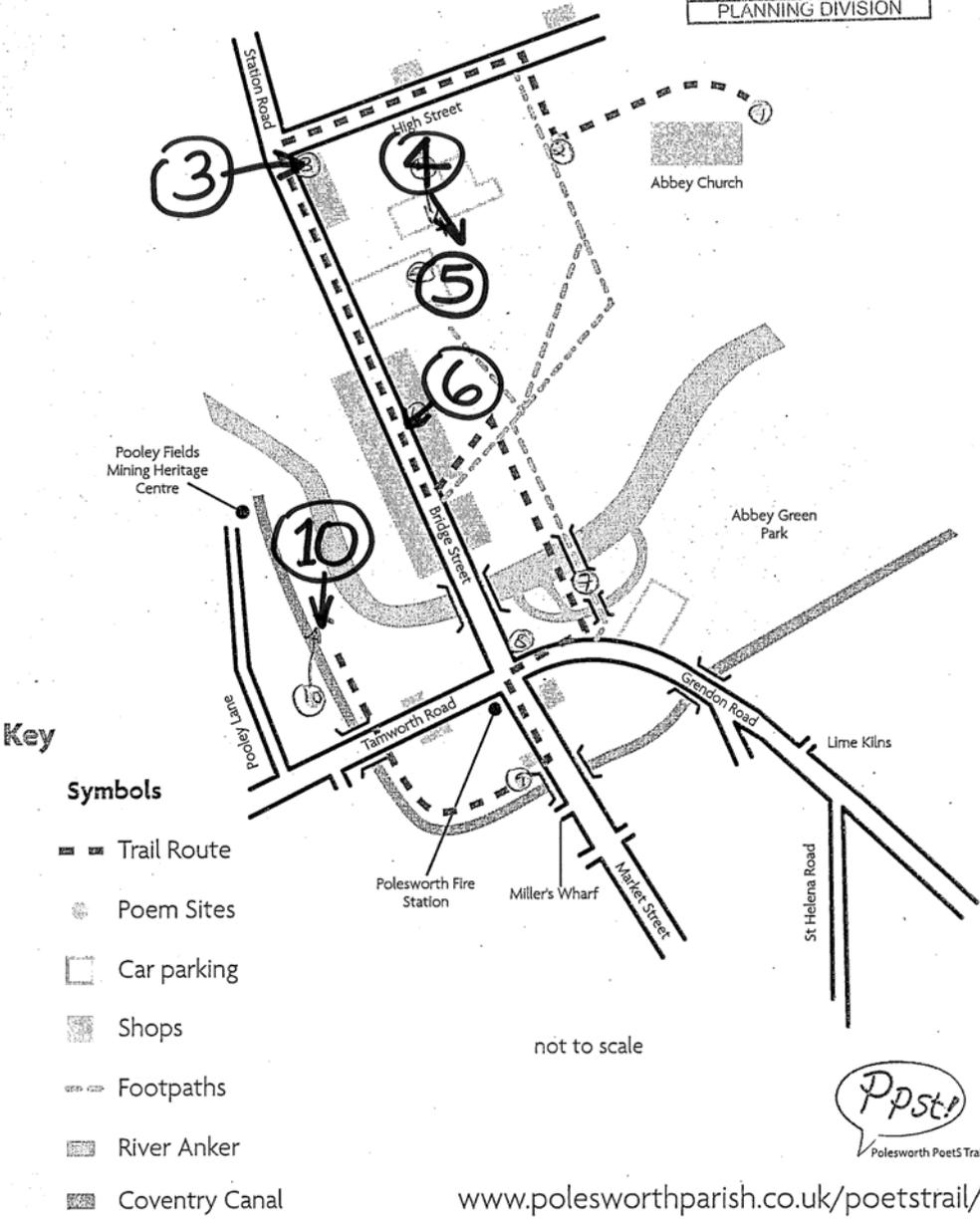
MAP ①

# Map of The Trail

2009 / 0350

## Central Polesworth

NORTH WARWICKSHIRE BOROUGH COUNCIL
21 AUG 2009
PLANNING DIVISION



### Key

- Symbols**
- Trail Route
  - Poem Sites
  - Car parking
  - Shops
  - Footpaths
  - River Anker
  - Coventry Canal



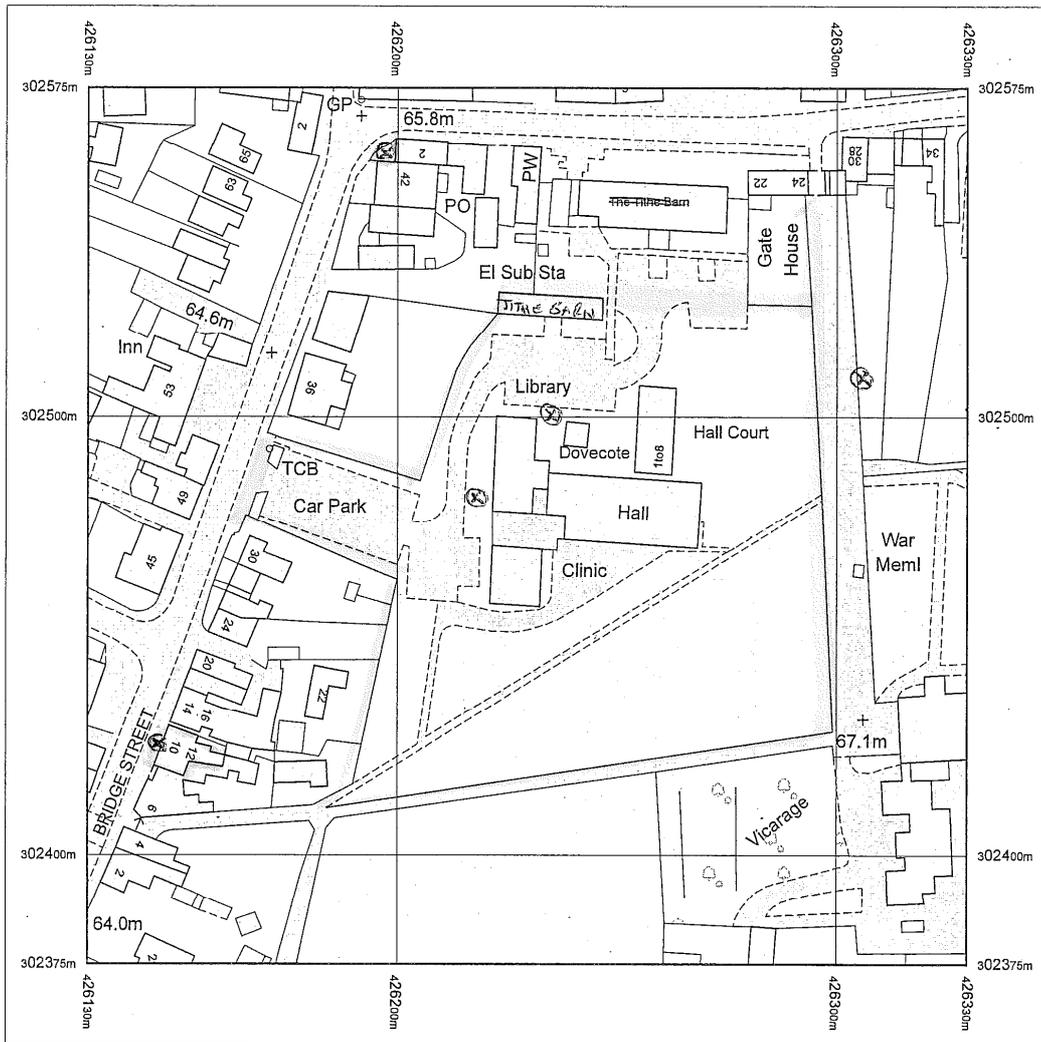
[www.polesworthparish.co.uk/poetstrail/](http://www.polesworthparish.co.uk/poetstrail/)

MAP 2

2009 / 0350



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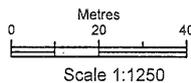
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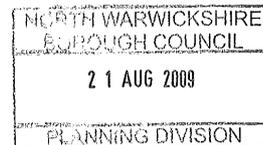
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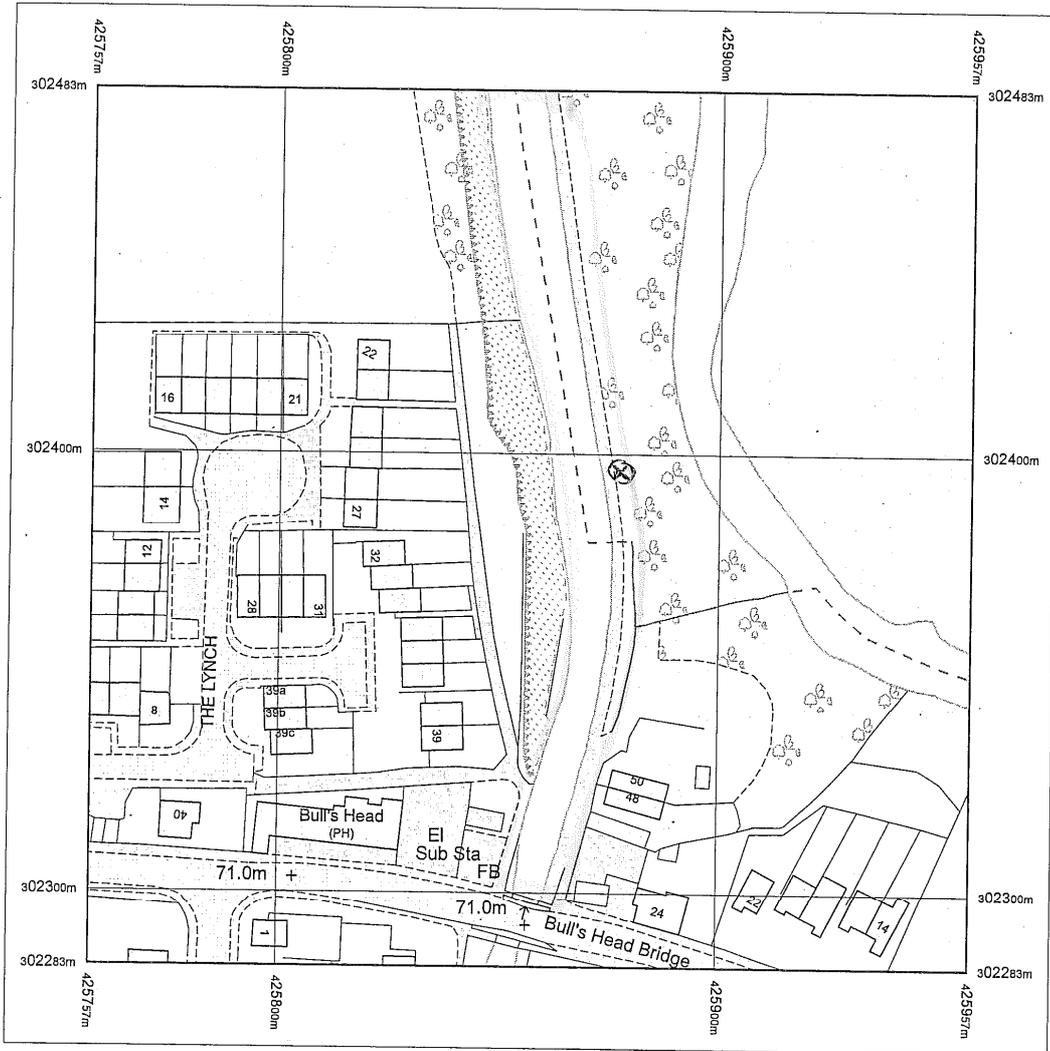


MAP ③



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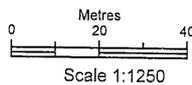
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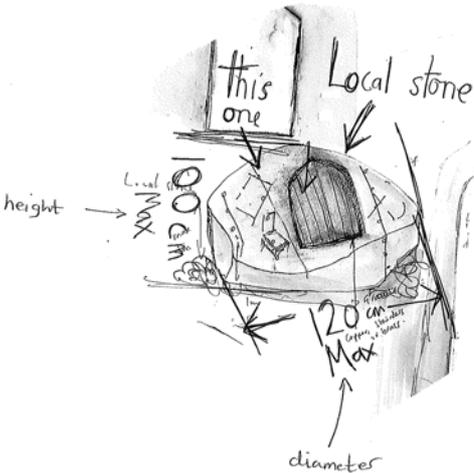
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21 AUG 2009
PLANNING DIVISION

APPENDIX 4

No 3

2009 / 0350

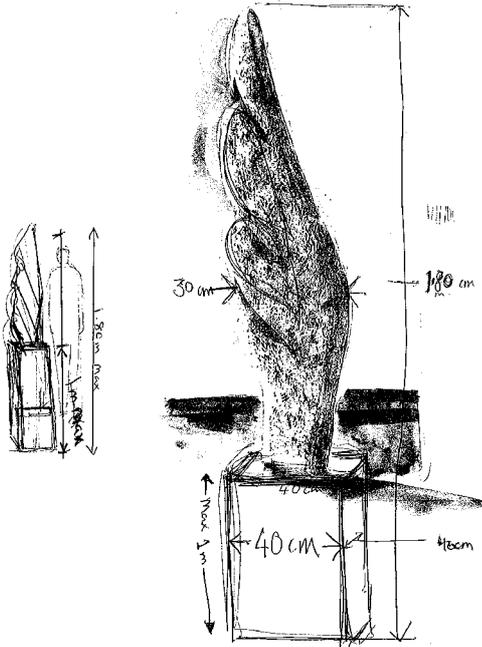


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APPENDIX 5

No 4.

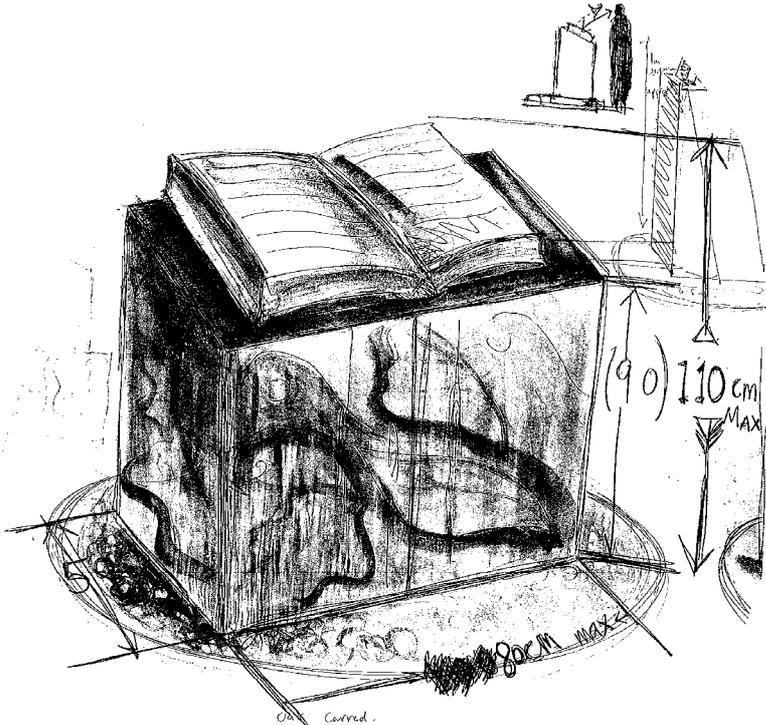
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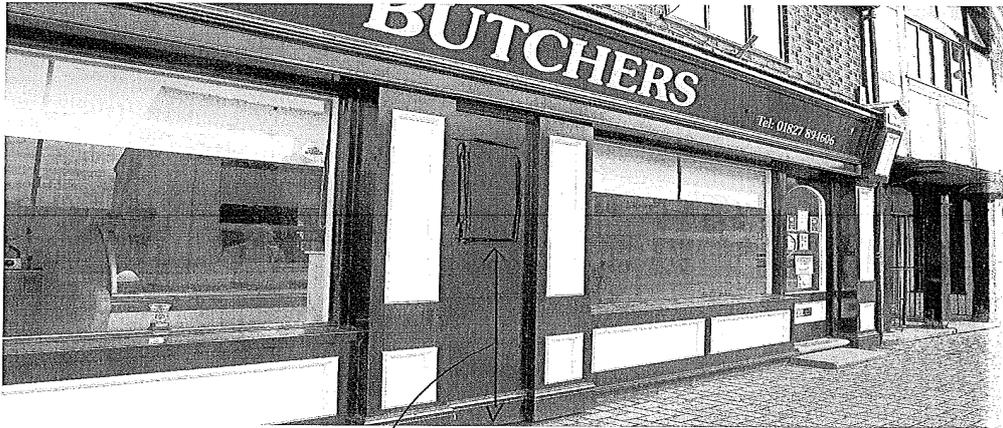
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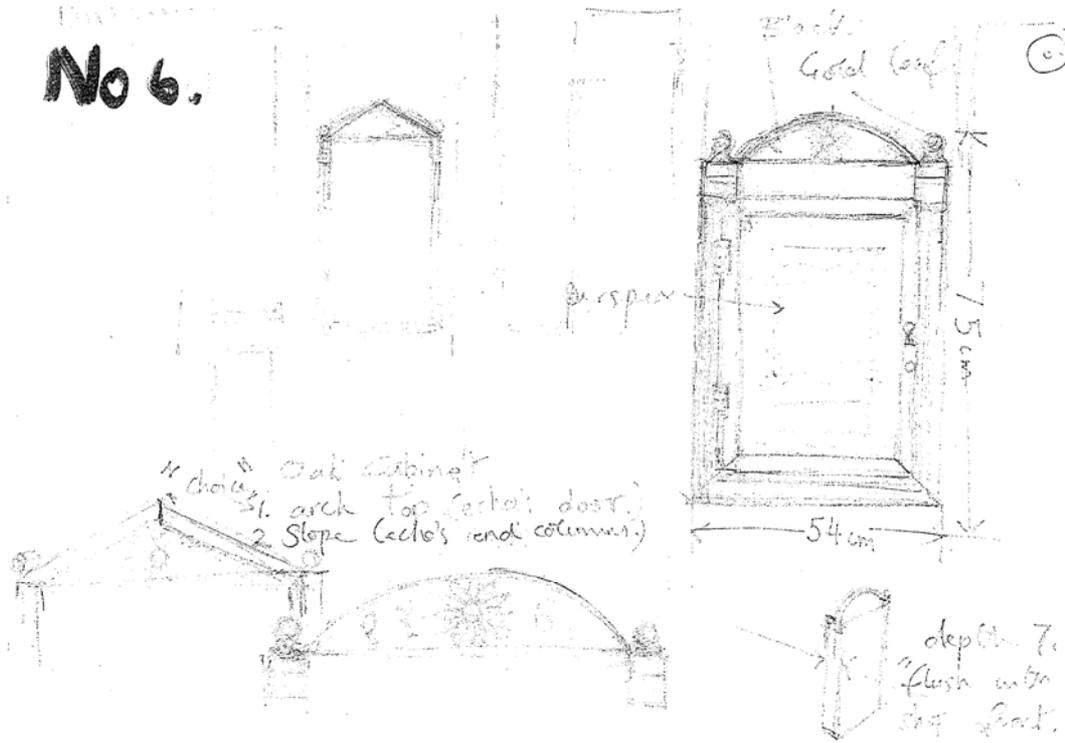
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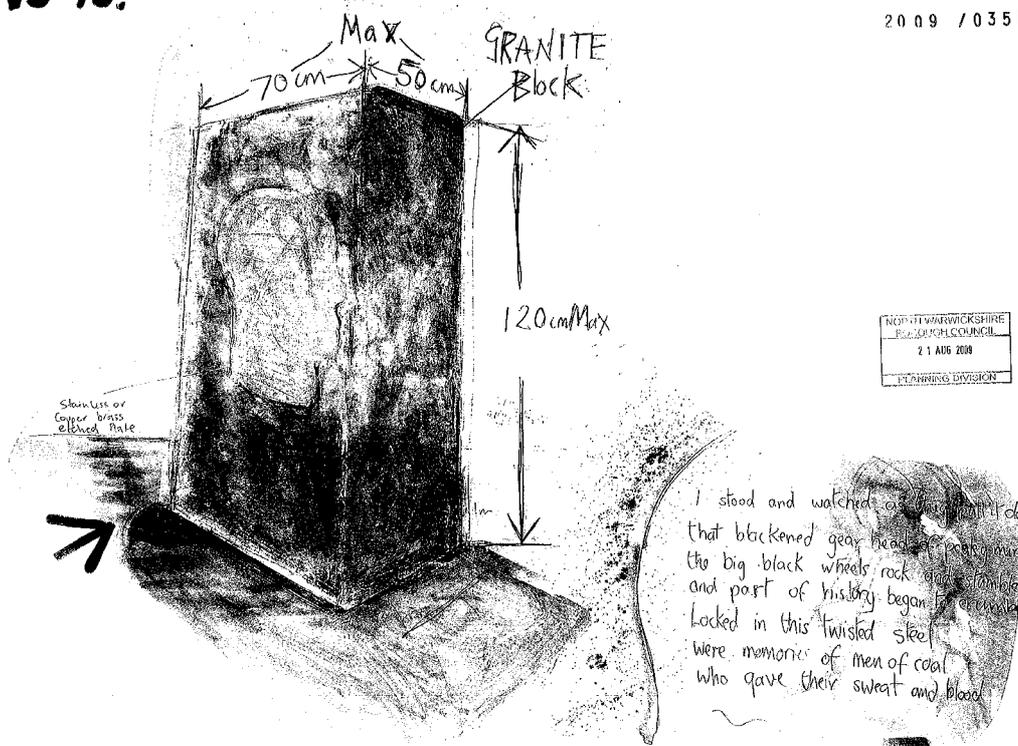
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APPENDIX 8

No 10.

2009 / 0350



NON-FURNERICKSHIRE  
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21 AUG 2009  
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(4)

## **Proposed New Freight Connection Nuneaton Station**

### **Consultation by the Secretary of State for Transport**

#### **Introduction**

A report was brought to the July Board outlining initial proposals by Network Rail to add a new rail link at Nuneaton, so as to enable freight traffic from the east coast ports to access the West Coast mainline, without first having to travel via London. Whilst none of the actual works would be in North Warwickshire, Network Rail indicated that the preferred construction traffic route would be via Tuttle Hill, to the Anchor Hill and the B4114, and then on to the roundabout at the A5. The Board resolved to object, indicating its preference for the use of Woodford Lane as the section through to the A5 from the B4114.

Network Rail has now formally submitted its proposal to the Secretary of State for Transport under the Transport and Works Act of 1992. This seeks an Order which would give statutory authority to undertake these works. The Borough Council has been formally consulted on the proposals.

#### **The Proposals**

There is no need to describe the proposals in detail as they do not affect North Warwickshire. However, the preferred route for HGV construction traffic does pass through the Borough.

Network Rail has identified what it sees as a “worst case” scenario. This would be if all of the construction works were undertaken within a three month period. It estimates that over a 12 hour day (0700 to 1900 hours), this would amount to one HGV movement in either direction every 8 minutes. A longer construction period would reduce this frequency, as would a shorter working day. These figures would mean a 50-60% increase in HGV traffic along the preferred route for the three month period, and an overall 4% increase in total traffic volume.

The access to the works site would be at the bottom of Tuttle Hill. In order to get construction vehicles from the A5 to this point, Network Rail has identified three routes. The first, and preferred, is as described above and illustrated as 1 on Appendix A. The second is to use the first section of that same route, but then to use Woodford Lane as the final section to the A5—see 2 on Appendix A. The third is to use The Long Shoot (the A47) from the A5 and then to have all traffic going through Nuneaton Town Centre and through Abbey Green – 3 on Appendix A.

Network Rail consulted the County Council as the Highway Authority during the drawing up of this project. The County has advised Network Rail that its preferred HGV route is that as described above, i.e.-via Mancetter. Network Rail has thus taken that advice. The County first removed the route via Nuneaton from its consideration, because that was unacceptable in terms of introducing HGV traffic to the town centre; because the route would pass the largest number of residential properties by far of any of the three routes, and that it would have to pass through a designated Air Quality Management Area. This left the two North Warwickshire options. The Mancetter route was preferred because of the road hierarchy (Woodford Lane is a C-Class road whereas the Mancetter route is a B-Class route); the quality of the road's construction and width (the Mancetter route being wider and constructed to a higher specification that specifically includes a capacity to take regular HGV traffic), the existing volume and nature of traffic carried, and the safety of access to the A5 itself. The County accepts that the Mancetter route passes through a residential area, but it says that that road already is designed and designated to take HGV traffic, and therefore it is expected to carry regular HGV traffic. Moreover, the traffic generated from this project would only be

for a temporary period. The advice from the Highways Agency, responsible for the A5, and the Police, is still awaited, and any comments will be reported verbally to the Board if received in time.

## **Consultation**

There has been some concern from the local Mancetter community, that the consultation letter from Network Rail did not refer to the preferred construction route or to the traffic figures outlined above. Whilst the letter might have referred people to Network Rail's website etc, it is suggested that there was no reason to people to look at this, if the only project description referred to Nuneaton. Network Rail has been asked by officers, and supported by the local Members, to write again to local Mancetter residents. The Board will be updated on this at the meeting. However, the local Ward Members and the Parish Council are strongly objecting to the preferred route, and they have said that this position reflects the views of those residents. The reasons for the objection are on the grounds that it passes through a residential area, and that Woodford Lane now carries HGV traffic, so they see no reason not to continue with that route if the project is indeed going to only require it for a temporary period. This was reflected in the Board's objection to the initial invitation for comments.

Following that objection, representatives of Network Rail and the County Council met the Local Members in order to explore the reasons for the selection of the preferred route, and to outline the community's concerns about increased HGV traffic in Mancetter. The representatives could not agree, but as a consequence Network Rail did agree to look at the possibility of undertaking a re-consultation with Mancetter residents as reported above, and secondly to look at the possibility of using Woodford Lane, but with a left only exit onto the A5. The Board will be brought up to date on this, as no further indication is yet known as to the outcome of this suggestion.

## **Procedures**

As reported before, these works will not require a planning application to be submitted to the Nuneaton and Bedworth Borough Council. Network Rail is seeking an Order from the Secretary of State to undertake these works under the Transport and Works Act 1992. If this is granted, the works become "permitted development" by virtue of Part 11 of Schedule 2 to the Town and Country General Permitted Development Order of 1995 as amended.

The Borough Council is being consulted as a statutory party under the 1992 Act's procedures. It must submit its representations by 24 September to the Secretary of State for Transport. He will decide whether or not to hold a Public Inquiry into any objections that are received as part of the consultation process.

## **Observations**

The Board will be updated on the outstanding matters referred to above at its meeting.

It was clear from the outcome of the meeting with Network Rail and the County Council representative, that the Highway Authority would not alter its advice, and thus an objection from this Council on highway grounds would not be supported by the appropriate Highway Authority. That objection would thus not be expected to carry weight when it is considered by the Secretary of State. Given this Council's earlier representations and the continuing objections from the two local Members on behalf of the local residents, it is considered that continuing with an objection should focus on the adverse amenity aspects of the HGV traffic as opposed to highway matters. Whilst the County is saying that the route is appropriate in highway terms e.g. capacity and road specification, this Council would be saying that it isn't appropriate in amenity terms. In this respect, the objection would focus on the number of residential properties on the route; the other "sensitive" users alongside the road, the additional noise and dust arising from over a 50% increase in HGV's and the extended hours during which this would take place. It is also suggested that, given the County Council's concern about the safety issues of turning HGV traffic onto the A5 from Woodford Lane, that

the Secretary of State be invited to explore a fourth option as outlined above – namely using Woodford Lane but enforcing a left only turn out on to the A5.

### **Recommendation**

That the Secretary of State for Transport be notified that this Council **Objects** to the proposed route for construction traffic in connection with this project for the reasons set out in this report, and requests that a fourth option be evaluated, as described above.

## BACKGROUND PAPERS

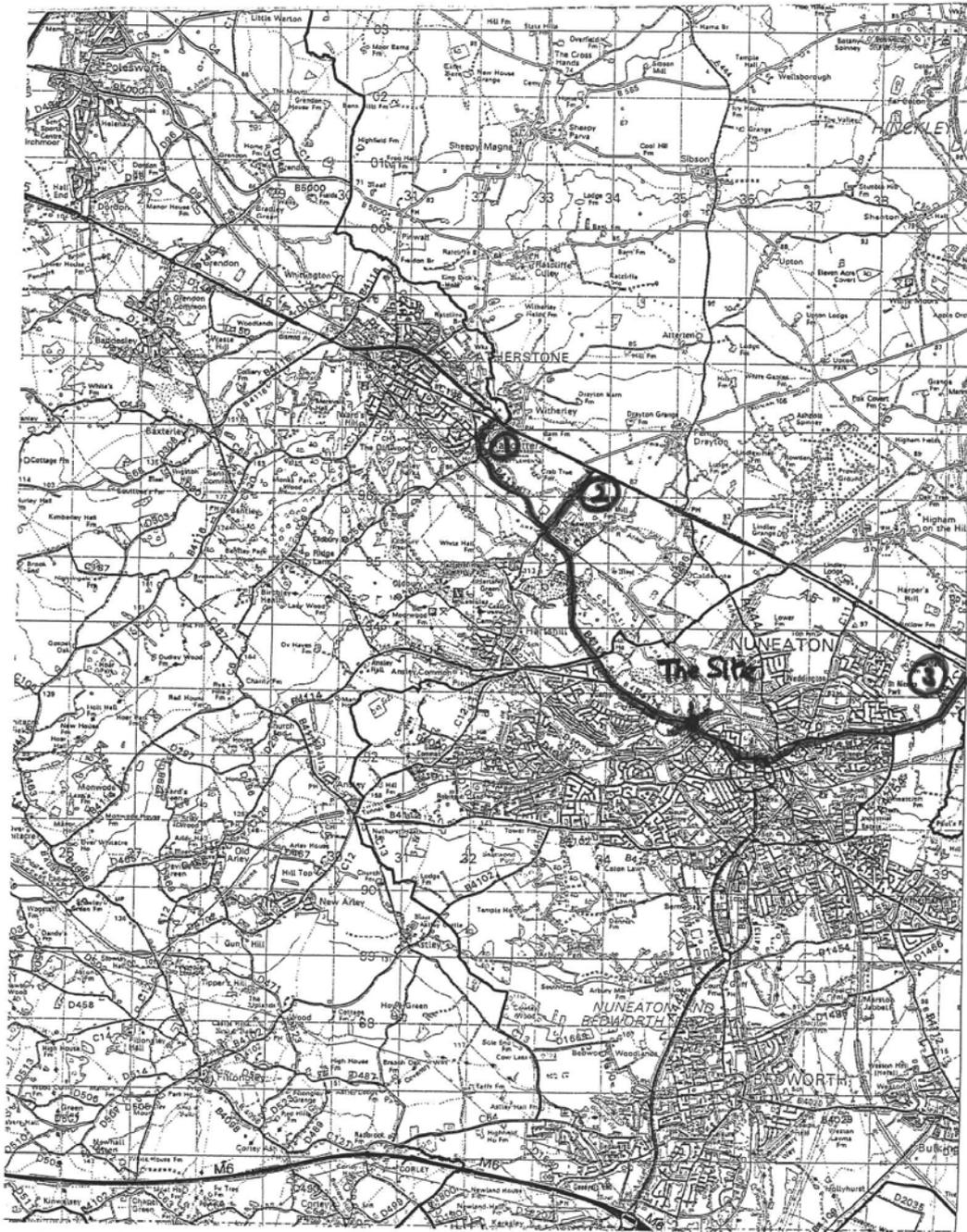
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Head of Development Control	Letter of objection	21/7/09
2	Winkworth Sherwood	Order Application	30/7/09
3	Head of Development Control	E-mail	25/8/09
4	Councillor Freer	Objection	26/8/09
5	Councillor Davis	Objection	27/8/09
6	Network Rail	E-mail	27/8/09

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

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

Appendix A



## Agenda Item No 5

### Planning and Development Board

21 September 2009

Report of the  
Head of Development Control

Killian Pretty Review  
Further Consultation Papers

#### 1 Summary

- 1.1 Three further consultation papers have been received relating to the Government's response to the Killian Pretty Review. They will result in fewer planning applications being submitted; less information being required with submissions and changes to publicity arrangements. Further papers are also identified.

#### **Recommendation to the Board**

- a That the CLG be notified that this Council does not wish to see permitted development rights removed for non-domestic developments within Conservation Areas;**
- b That the CLG be notified that the Council wishes to see full planning control retained over alterations to shop fronts;**
- c That it is this Council's view that air conditioning units be brought into planning control; and**
- d That it welcomes the proposed changes to the statutory arrangements for giving publicity to planning applications.**

#### 2 Background

- 2.1 Following the Killian Pretty (KP) review of planning procedures and process, the Government responded by publishing a number of consultation papers to take forward that review's recommendations. A report to the last Board dealt with some of these matters. A further three papers have now been published, together with a schedule outlining further papers to be published in October. This report describes the recommendations made in the three current papers in respect of extending permitted development rights for non-householder developments; changes to the statutory requirements for advertising planning applications, and the streamlining of information required to be submitted with applications.

#### 3 Permitted Development for non-householder Developments

- 3.1 Members will recall the changes made in October last year to the General Permitted Development Order affecting householder developments. In effect this changed the thresholds whereby a planning application is needed for alterations to a residential property. The impact in North Warwickshire was estimated to be a reduction in such applications of around 15%. The current paper deals with changing the same Order but now in respect of non-householder developments – eg: for shops, offices, industrial and commercial premises, schools and other institutional buildings, agricultural uses and some waste management facilities. The paper suggests that

the changes promoted in the paper would lead to a reduction nationally of 25000 applications. The proposed changes are:

a) Shops

There are currently no permitted development rights for shops, and so the introduction of any new thresholds would immediately lead to a reduction in applications received. In short an application would not now be required for alterations and extensions to existing buildings up to 50 square metres, or 25% of existing floor space whichever is the greater. Conditions are imposed such that a single storey extension could be no taller than 5 metres; that the extension must not be at the front or closer to a highway, within 2 metres of a boundary, with no reduction in vehicle manoeuvring space, and that similar materials must be used. These rights are withdrawn for all Listed Buildings, although confusingly not in Conservation Areas. Some trolley parks would not require an application.

As far as North Warwickshire is concerned, it is considered that the conditions above should require applications for all extensions within Conservation Areas too, as most of our main shopping areas are in town centre Conservation Areas. These proposed rights would have little impact on the Borough because most of our shopping sites are very tightly drawn with little expansion room if any on site. There are only a few of the supermarkets that might benefit. This proposal is unlikely to lead to a significant reduction in applications.

b) Offices

As with shops, there are currently no permitted development rights for offices. It is proposed to use the same criteria as above for shop extensions, except that some of the dimensions would be different. As far as this Council is concerned this could reduce the number of applications, but as there a few free standing office premises in the Borough, this will not be significant.

c) Universities, Colleges and Hospitals

Some significant relaxations are proposed for these premises – up to 100square metre extensions. However, this particular category is not well represented in the Borough, if at all, and thus there will be very little impact.

d) Schools

Schools are to be allowed a new building or extension, up to 50 square metres in area but on condition that no more pupils are admitted and that it is not located on playing fields. As the County Council mostly deal with these applications – the Borough Council being a consultee, this again will have little impact.

e) Industry and Warehousing

Currently, these premises enjoy significant extension rights under permitted development – up to 1000 square metres in some cases. These are to be added to by allowing a new building to be erected of 100 square metres for each existing building on the site subject to conditions. This may result in fewer applications on the Borough's estates, particularly on the Logistics sites. However this is not considered to have a significant impact.

f) Air Conditioning Units

There is still some debate as to whether these units constitute “plant” or building operations, and thus there are different approaches in different Authorities. The

consultation paper therefore asks for views as to whether such units should be “permitted”. It is considered that such units can create noise problems, and are often very unsightly, hence there would be a reluctance to see these works permitted under a more general relaxation of rights.

#### g) Prior Approvals

Members will be aware that currently, some agricultural and telecommunication developments do not require the submission of a full planning application, only the submission of an application seeking prior approval of the proposed development's siting and design. The Council has either 28 or 56 days to deal with these cases, otherwise approval is given by default. It is proposed to extend this regime so as to include Automated Teller Machines and alterations to shop fronts outside of Conservation Areas – with a default period of 28 days. This approach would apply to the installation of roller shutters; other security grills and to the installation of new fascias as well as complete shop frontages. There would be no requirement to consult, and Authorities could only consider the design, appearance and siting, but not the principle of the proposal. If there was a refusal, the applicant could then submit a full planning application. A fee would be required for the Prior Approval application, and £150 has been suggested.

This suggestion is not agreed. The impact of changes to shop fronts affects the appearance and character of our streets. Whilst the main shopping areas would not be included in this because of them being in Conservation Areas, many village shops and local convenience stores add to the character of an area, and the relaxation here could have an adverse impact in such a rural area. The whole suggestion is clearly focussed on urban settings and locations.

#### h) Hard Surfacing

Following on from the changes to householder rights now bringing hard standings within the control of the Planning Authority, a similar approach is advocated for all of the premises referred to above. It is seeking advice as to the minimum areas to be hard surfaced prior to applications being necessary.

#### i) Article Four Directions

Local Authorities can use these Directions to withdraw permitted development rights locally if there is a planning case to do so. Presently, in some cases, they require Secretary of State approval, and compensation can be paid if there is a refusal of planning permission for something that previously would have been permitted development. The new 2008 Planning Act altered the compensation arrangements such that claims could only be made in the first twelve months following the introduction of a Direction; but that if the Authority gave owners twelve months notice of the Direction, then no compensation claims could be entertained following its introduction. These provisions are to be introduced in April 2010. Additionally, on the same date it is proposed to alter the procedure for making such Directions. The Secretary of States approval will no longer be required but there will be a reserve call-in power, and there must be public consultation on the proposed Direction. The test for their introduction is that “there has to be a real and specific threat” to the environment to justify such action.

## 4 Information Requirements for Planning Applications

4.1 The following proposals are designed to meet one of the key recommendations from the KP Review – namely that the information and detail required to be submitted with applications has to be proportionate to the proposal itself and its likely impact. Presently there is a Standard Application Form and all Authorities have to prepare a list of local requirements setting out the information that they require for each type of application. Research work carried out for the Government since the introduction of these Local lists finds that many are too onerous for smaller scale developments, and that Authorities are “risk averse”, in that they are insisting on too much detail. As a consequence this consultation paper reviews three particular areas, aiming to make them more proportionate.

a) The Local Lists in General

It is proposed that all Authorities review and replace their Local Lists by the end of December 2010, so as to comply with new guidance to be published by DCLG. A draft of this guidance is already available. All information requirements set out in the revised lists should be necessary; precise, proportionate, fit for purpose and assist in understanding the proposal. A draft revised list should be made available for consultation prior to adoption by the Authority. In addition, in order to monitor these lists, there is a strong hint that their content will be used in connection with a new performance indicator.

The current Local List used by the Council is indeed lengthy, but it has led to there being a greater understanding of several new development proposals. The practical problems however that are currently most common, relate not to additional information, but to the quality of the submitted applications. Often they are poorly presented and inaccurate. The Government should be pressing for greater use of accredited agents so as to balance the call for Local Authorities being too “heavy” in their information requirements.

b) Design and Access Statements

The Planning Act of 2008 introduced these Statements in order to promote good design. These statements were intended to demonstrate how the design of a particular building or proposal evolved, and how it fitted in with its local setting. Alternative designs and approaches were meant to be included and reasons given for their dismissal. In practice this has not happened, as Statements are required for practically all new developments – even stables and containers – and there is little to say about how these “designs” have evolved; they often just describe the proposal with no analysis of the site and its setting, and they certainly very rarely discuss design options and alternatives.

Two main changes are proposed. Statements will now only be required for larger development proposals only, and their content is to be simplified as to provide a statement as to how the context of the site and the development has influenced its design. These changes are welcome. It is to be noted that they do not alter the need for specific Listed Building and Conservation Area Statements, where clearly more detail is justified.

c) Agricultural Holdings Certificates

One of the most common delays in the validation process is that applicants do not sign this Certificate on their application forms. It is a statutory requirement to do so even if the application site is in a built up and urban area. Understandably this requirement appears not to be relevant to the majority of applicants, and so mistakenly they do not sign the relevant box. Whilst the requirement will remain under this consultation paper, the Application Form will be made more explicit. This is welcome.

## 5 **Publicity for Planning Applications**

- 5.1 There is no change recommended to the principle of consultation and notification on planning applications. However, one of the representations made by Local Authorities to the KP Review was of the procedures involved. There is Statutory requirement to publish receipt of certain applications within a local newspaper. Research shows that members of the public rarely become aware of planning applications via this source, and that in some areas, such as North Warwickshire, there is no one common newspaper circulating throughout the Borough. Additionally the cost of placing these Notices is large and increasing. In North Warwickshire, the cost this year will be around £15,000. The consultation paper recommends alterations to the statutory requirements.
- 5.2 In short, the recommendation is that the use of newspapers as a vehicle for publicity would no longer be a Statutory requirement. Authorities would have to use their websites, together with a mixture of site notices and individual letters to neighbours as considered appropriate. However, they could continue with newspaper publicity if they so wished. Because of the change needed to legislation, the earliest that this could come into effect would be April 2010.
- 5.3 This recommendation is fully supported, given the saving involved and the lack of one common newspaper circulating in the Borough. The discretion thus given to Authorities is welcomed as the use of Press Releases focussed on particular applications could be effective.

## **6 Future Consultations**

- 6.1 There is to be further consultation on other matters arising from the KP Review, and these will be circulated in October. They will cover:
- new permitted development rights for renewable energy installations
  - moving towards development management and away from development control
  - the introduction of Local Development Orders
  - a framework for pre-application discussions and charging
  - revised guidance on the use and discharge of planning conditions,
  - the role of statutory consultees, and
  - the development of a new National Indicator as a measure of the quality of a planning service.
- 6.2 All of these matters have been raised in the KP Review and are therefore to be expected, and the urgency with which consultation and change is being introduced is noticeable. The key paper from the list above is that to do with the move towards dealing with the planning application process as the management of development and not as the control of development. Those Members that attended the recent training sessions heard about this at that time. It is proposed that the presentation given at that time be the subject of a training session with the full Planning Board at one of its regular meetings, so that all Members can be introduced to this fundamental change in the way that new development is to be seen.
- 6.3 Members will also note the inclusion of a paper dealing with pre-application discussions. The introduction of charges for pre-application work is one of the areas identified in the current Service Plan. Work has been delayed until the approach of the Government was known, and with the forthcoming publication of a consultation paper in the Autumn, work can then begin on this outstanding item.
- 6.4 The consultation papers will be reported to Board as and when they are received.

## **7 Report Implications**

### **7.1 Financial and Value for Money Implications**

7.1.1 It is not yet known what the likely impact will be in the reduction of applications consequential to the changes to permitted development rights set out in this report. For the reasons given, there is not expected to be significant, but a fall in planning fee income should be expected.

7.1.2 There could be a saving of £15000 a year if the changes to the publication of planning applications are agreed by Government. This would commence in 2010/11.

## 7.2 Environment and Sustainability Implications

7.2.1 For the reasons outlined in the report there is likely to be little effect on the Borough through new development occurring without Council approval, and thus little material impact on the environment. However there is concern about increasing permitted development rights within Conservation Areas, and for shop fronts in rural locations.

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
1	CLG	Taking forward the Government's response to the Killian Pretty Review	July 2009
2	CLG	Improving Permitted Development	July 2009
3	CLG	Streamlining information requirements for planning applications	July 2009
4	CLG	Publicity for planning applications	July 2009

## Agenda Item No 6

### Planning and Development Board

21 September 2009

#### Report of the Head of Development Control

#### Draft Planning Policy Statement Number 15 – Consultation

#### 1 Summary

- 1.1 The Government has published a revised Planning Policy Statement (PPS) for consultation on Planning and the Historic Environment, which will replace existing Guidance Notes. This report outlines its content.

#### **Recommendation to the Board**

**That the Consultation Paper be noted.**

#### 2 Background

- 2.1 As part of the process of reviewing the planning system, the Government is reviewing its guidance as well as taking the opportunity to reduce the amount of that advice. This latest consultation paper will, when finalised, replace and combine the existing Planning Policy Guidance Note Number 15 on Planning and the Historic Environment, as well Note Number 16 on Archaeology and Planning.

#### 3 The Draft PPS

- 3.1 Significantly, the draft PPS, contains just a list of policies, and this is then accompanied by a separate publication from English Heritage that provides detailed guidance and interpretation of these policies for practitioners. The 13 draft policies are attached at Appendix A. In brief they:

- Deal with all types of heritage in a single document looking at heritage assets as a whole.
- Put far greater emphasis on pre-application discussion focussing on the evaluating the significance of the heritage asset.
- Ensure that there is a focus on what is significant about a building and then determining the impact of proposed changes on that significance.
- Support “constructive conservation”. That is to say how best to use the heritage rather than seeing it as a barrier.
- Emphasise the need for sustainable developments.
- Maintain the same levels of protection as previously.
- Provide more on issues to do with setting and design than before.
- Provide explicit criteria for “enabling development”

#### 4 Observations

- 4.1 There is nothing within this draft PPS that gives cause for concern, particularly as it reflects good practice already prevalent throughout Local Planning Authorities. Once again however it does point to the benefits and advantages of early discussions with appropriate officers and the need to focus on evaluating the significance of the asset, its setting and the impact of proposed changes on that asset.

## 5 Report Implications

### 5.1 Links to Council Priorities

- 5.1.1 This draft and the accompanying detailed English Heritage guidance will assist in the Council's objectives to protecting and enhancing the Borough's heritage.

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
1	DCLG	Consultation Paper on a new PPS15	July 2009
2	EH	Historic Environment Planning Practice Guide	July 2009

# ANNEX A: Planning for the Historic Environment

## INTRODUCTION

1. Planning policy statements (PPS) set out the Government's national policies on different aspects of planning in England. This PPS sets out planning policies on the conservation and enhancement of the historic environment through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy<sup>1</sup>. This PPS replaces *Planning Policy Guidance Note 15: Planning and the Historic Environment* published in September 1994 and *Planning Policy Guidance Note 16: Archaeology and Planning* published in November 1990. Guidance to help practitioners implement this policy is provided in the *Historic Environment practice guidance*<sup>2</sup>.
2. The policies set out in this PPS should be taken into account by regional planning bodies in the preparation of revisions to regional spatial strategies<sup>3</sup>, by the Mayor of London in relation to the spatial development strategy for London, and by local planning authorities in the preparation of local development documents. The policies in the final PPS may also be material, depending on the particular circumstances of the case, to decisions on individual planning applications.
3. The policies and principles set out in this statement also apply to the consideration of the historic environment in relation to the other heritage-related consent regimes for which planning authorities are responsible.
4. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. Some heritage assets have a level of interest that justifies official designation (see Annex 1) and particular procedures apply to development decisions that involve them. This statement also covers heritage assets that are not currently designated or are not capable of designation under current heritage protection legislation, but which have a level of interest which should be conserved and, where appropriate, enhanced<sup>4</sup>.

<sup>1</sup> They are consistent with our obligations as a signatory to the Council of Europe's 'Granada' Convention (The Convention for the Protection of the Architectural Heritage of Europe), 'Valetta' Convention (The European Convention on the Protection of the Archaeological Heritage), the 'Florence' Convention (The European Landscape Convention) and the 1972 UNESCO World Heritage Convention

<sup>2</sup> See [www.english-heritage.org.uk/PPS](http://www.english-heritage.org.uk/PPS)

<sup>3</sup> Following enactment of the Local Democracy, Economic Development and Construction Bill, the responsible regional authorities will be responsible for revision of regional strategy, which will replace the RSS; for reference see footnote 6

<sup>4</sup> The glossary at Annex 1 describes these terms in more detail.

## THE GOVERNMENT'S OBJECTIVES

5. The Government's broad aim is that the historic environment, and heritage assets in particular, should be conserved, enhanced and enjoyed for the quality of life they bring to this and future generations. To help achieve this vision, the Government's objectives for planning for the historic environment are:
- to apply the principles of sustainable development to proposals involving the historic environment, by ensuring that policies and decisions concerning the development and use of land take account of the positive benefits of conserving and, where appropriate, enhancing heritage assets (such as encouraging sustainable tourism to support economic growth or re-using existing heritage assets for example as part of regeneration)
  - to conserve and, where appropriate, enhance England's heritage assets in a manner appropriate to their significance by ensuring that:
    - decisions are based on an understanding of the nature, extent and level of that significance
    - wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation
    - that the positive contribution of such assets to local character and sense of place is recognised and valued and
    - that treatment of the historic environment is integrated into general planning policies, promoting place-making
  - to contribute to our knowledge and understanding of our past by ensuring that opportunities to capture evidence from the historic environment and make this publicly available are taken, particularly if a heritage asset is to be lost.

## PLAN MAKING POLICIES

### Policy HE1. Evidence base for plan-making

HE1.1 Regional and local planning authorities should ensure that they have evidence about the historic environment, and heritage assets in particular, in their area and that this is publicly documented. The evidence should be proportionate and sufficient to inform adequately the relevant planning process. Local planning authorities should ensure that they either maintain or have access to a historic environment record.<sup>5</sup>

<sup>5</sup> All local planning authorities currently maintain or have access to a historic environment record (HER) providing coverage of their area. Most HERs are hosted by unitary/upper tier local authorities and National Park Authorities – and in Greater London, by English Heritage. Details can be found at <http://www.heritagegateway.org.uk/Gateway/CHR>

- HE1.2 This evidence, in particular that contained in relevant historic environment records, should be used to assess the extent, significance and condition of known heritage assets and the contribution that they may make to future development in the area. It should also be used to help predict the likelihood that new heritage assets, particularly sites of historic and archaeological interest, will be discovered, including through the development process.
- HE1.3 Where planning bodies are addressing the conservation of the historic environment they need to consider both known heritage assets and areas where there is a potential for such assets to be discovered.

### **Policy HE2: Regional planning approach**

- HE2.1 The character and significance of the historic environment in a region should inform the regional spatial strategy (RSS)<sup>6</sup> with particular attention paid to the landscapes and groupings or types of heritage assets that give distinctive identity to a region or areas within it<sup>7</sup>.
- HE2.2 The RSS should ensure a consistent approach across the region to the conservation, enhancement and enjoyment of the historic environment.
- HE2.3 In determining its strategy, the regional planning body should take full account of the positive contribution that the historic environment can have for regeneration, encouraging tourism, and enhancing the quality of the environment and the region's sense of place, alongside other objectives such as economic growth and housing supply. Their approach should be consistent with securing progress against the UK's carbon emissions targets.

### **Policy HE3: Local planning approach**

- HE3.1 Having assessed the evidence, local planning authorities should, where appropriate, set out a positive, proactive, strategy for the conservation, enhancement and enjoyment of the historic environment in their area. They should particularly focus on the local distinctiveness of the historic environment and how this can be used to promote a sense of place. They should include consideration of how best to conserve individual, groups or types of heritage assets that are most at risk of loss through neglect, decay or other pressures (See also policy HE6.1).

<sup>6</sup> References in this paragraph to the regional spatial strategy should be taken to refer to the regional strategy once the Local Democracy, Economic Development and Construction Bill is enacted and brought into force. The latest version of the Bill can be found at <http://services.parliament.uk/bills/>

<sup>7</sup> Historic characterisation provides a useful approach for assimilating this information.

HE3.2 Within the plan-making process, the historic environment should be seen as a stimulus to inspire new buildings of imaginative and high quality design that respect and harmonise with their setting and help to enhance the appearance and character of an area.

#### **Policy HE4: Heritage assets and sustainable development**

HE4.1 The continued use of heritage assets can contribute to sustainable development. Keeping assets in use reduces the consumption of building materials and energy and reduces waste.

HE4.2 Local planning authorities should contribute to mitigating, or adapting to, the effects of climate change when devising policies and making decisions relating to heritage assets by seeking to reuse and, where appropriate, modify heritage assets so as to reduce CO<sub>2</sub> emissions and secure sustainable development. While there may be occasions when climate change objectives conflict with conservation of heritage assets there will normally be opportunities for enhanced energy efficiency, improved resilience to weather, greater use of renewable energy, or sustainable drainage and use of water, that will make a contribution without such conflict arising.

#### **Policy HE5: Permitted development and article 4 directions**

HE5.1 Local planning authorities should consider whether allowing the exercise of permitted development rights would undermine the aims for the historic environment within the development plan or the general aims of conservation and enhancement set out in this planning policy statement. If so, they should consider the use of an article 4 direction for a single heritage asset, class of heritage assets or an area to limit the extent of such development.

#### **Policy HE6: Monitoring indicators**

HE6.1 Local planning authorities should consider how they can best proactively monitor the impact of their planning policies and decisions on the historic environment. They should pay particular attention to the degree to which groups of heritage assets and individual heritage assets are at risk of loss or decay, how they expect this will change over time, and how they propose to respond<sup>8</sup>.

<sup>8</sup> The local planning authority has a duty to consider conservation area designation pursuant to s69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## DEVELOPMENT MANAGEMENT PROCESS

### Policy HE7: Pre-application discussions and assessment

- HE7.1 PPS1<sup>9</sup> says that local planning authorities and applicants should consider the benefits of early engagement in pre-application discussions. Early engagement is particularly beneficial for applications with the potential to impact on heritage assets or their setting: understanding the significance of affected heritage assets is key to successful design (design that uses the advantages of the asset's interest, whilst conserving its significance). The more the applicant and the local planning authority explore and understand that significance before designs are drawn up, the greater the chances of a successful application.
- HE7.2 Where a development site includes heritage assets with an archaeological interest, local planning authorities should require developers to carry out appropriate desk-based or field evaluations as part of any application for consent. They should refer to the results of these evaluations when determining the design of the proposed development. A copy of the outcomes of such evaluations should be deposited in the relevant historic environment record.
- HE7.3 A heritage asset can be better conserved and the burden of the consent process lessened or even removed if through the use of pre-application discussions an owner and the local planning authority can agree the nature and extent of the significance of the asset. There is no obligation on either party to do so but the benefits should be considered by both parties.

### Policy HE8: Information requirements for validation of applications for consent affecting heritage assets

- HE8.1 Local planning authorities should require the applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. This should set out the information that has been considered and the expertise that has been consulted. As a minimum the relevant historic environment record should have been consulted and the assets themselves should have been assessed<sup>10</sup>.

<sup>9</sup> *Planning Policy Statement 1: Delivering Sustainable Development* (ODPM 2005) p4 para 12.

<sup>10</sup> Advice on the scope of heritage statements is included in CLG's guidance on the validation of planning applications, available at <http://www.communities.gov.uk/publications/planningandbuilding/validationplanningapplications>. At the time of publication (summer 09) this guidance was likely to be updated; please ensure you refer to the most up-to-date version.

- HE8.2** Local planning authorities should consider the evidence provided by that description alongside the outcome of any consultation with the local community and expert advice from professional experts and/or statutory consultees as required. (This should include the results of any desk-based or field evaluations undertaken by the developer as set out in HE7.2 above.)
- HE8.3** Local planning authorities should not validate applications for consent where the extent of the impact of the proposed development on the significance of any heritage assets affected cannot be fully understood from the application and supporting documents.

**Policy HE9: Policy principles guiding the determination of applications for development relating to all heritage assets**

- HE9.1** In considering applications<sup>11</sup> local planning authorities should seek to identify and assess the significance of any element of the historic environment that may be affected by the relevant development (including development within the setting of an asset) drawing on the evidence provided by any relevant designation records, the relevant historic environment record, the heritage assets themselves and the outcome of consultations with interested parties and specialist advice. In considering the significance of a heritage asset, local planning authorities should take into account the particular nature of the interest in the asset and the value that it holds for this and future generations. This understanding should be used to avoid or minimise conflict between conservation of that significance and proposals for development.
- HE9.2** Local planning authorities should use appropriate expert advice to inform decision-making relating to heritage assets where the need to understand the significance of the heritage asset demands it. This may be from in-house experts, experts available through agreement with other authorities, or consultants, complemented by specialist national organisations and local amenity societies.
- HE9.3** Local planning authorities should particularly seek the views of the local community where the evidence suggests that the asset may have a historic, archaeological, architectural or artistic significance to the local community that may not be fully understood from records or statutory consultees alone<sup>12</sup>.
- HE9.4** In determining individual applications, local planning authorities should take into account the desirability of enhancing the significance of heritage assets, securing their conservation for the longer term and utilising their positive role in place-making.

<sup>11</sup> This may relate to an application for planning permission, Listed Building Consent, Conservation Area Consent or any other necessary consent for development.

<sup>12</sup> Annex 1 provides an explanation of the different types of significance a heritage asset may have.

- HE9.5 Where development proposals that are promoted for their contribution to mitigating climate change have a potentially negative effect on heritage assets, local planning authorities should, prior to determination, and ideally during pre-application discussions, help the applicant to identify feasible solutions that deliver similar climate change mitigation but with less harm to the significance of heritage assets and their setting.
- HE9.6 Local planning authorities should aim to ensure that, where reasonably practicable, new developments are designed in a way that respects their setting and reinforces the distinctiveness of heritage assets they stand alongside, in terms of scale, height, massing, alignment, and use of materials. In doing so, local planning authorities should, in line with PPS 1, take care to avoid stifling innovation and undermining investment in sustainable development.
- HE9.7 Where a development proposal has a negative impact on the significance of a heritage asset, through alteration or destruction, or through development within its setting, the local planning authority should weigh the public benefits of the proposed development against any harm it has on the heritage asset, recognising that the greater the harm to the significance of a heritage asset the greater the justification will be needed for any loss.
- HE9.8 Local planning authorities should not accept material harm to or removal of significance in relation to a heritage asset unless:
- (i) the harm or partial removal is necessary in order to sustain the asset in its original use or, if the original use is not possible, some other sustainable use that conserves the asset
  - (ii) the heritage asset impedes all reasonable uses of the site, there is clear evidence that no viable use of the site can be found in the medium term that will enable the retention of the asset's significance, and conservation through grant-funding or some form of charitable or public ownership is not possible or
  - (iii) it can be demonstrated that the material harm to or removal of significance is outweighed by the wider social, economic and environmental benefits, including mitigating climate change, that will be delivered by the proposed development
- HE9.9 Where there has been any deliberate neglect of the heritage asset in the hope of obtaining consent, local planning authorities should disregard any deterioration resulting from such neglect when determining consent.
- HE9.10 Where loss of significance is justified on the merits of new development, local planning authorities should make every effort to satisfy themselves of the likelihood that the proposed new development will proceed before approving the application.

**Policy HE10: Additional policy principles guiding the consideration of applications for development related to designated heritage assets**

- HE10.1 Local planning authorities should be guided by the principle that the more significant the heritage asset, the greater the presumption in favour of its conservation.
- HE10.2 Material loss of heritage assets of the highest significance, including scheduled ancient monuments<sup>13</sup>, protected wreck sites, battlefields, grade I and II\* listed buildings and registered parks and gardens, should be wholly exceptional.
- HE10.3 Local planning authorities considering applications for development related to designated heritage assets should be particularly alert to policy 9.8(ii) which sets out the requirement for evidence that alternative ownership or uses for the asset have been explored. To be confident that no appropriate and viable use of the asset can be found, local planning authorities should require evidence that other potential owners or users of the site have been sought through appropriate marketing and that reasonable endeavours have been made to seek grant funding for the asset's conservation and to find charitable or public authorities who may be willing to take on the asset.
- HE10.4 In considering the significance of heritage assets local planning authorities should bear in mind that not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Those elements that do contribute to the significance should be considered as designated assets in themselves (whether subject to separate statutory designation or not). When considering applications for development, local planning authorities should take into account the significance of such individual elements and their contribution to the significance of the World Heritage Site or Conservation Area as a whole.
- HE10.5 Where an element of a World Heritage Site or Conservation Area does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of the World Heritage Site or Conservation Area, including, where appropriate, through development of that element. This should be seen as a positive public benefit and part of the process of place-making.

<sup>13</sup> Development affecting Scheduled Monuments and Protected Wreck Sites will also require prior consent from the Secretary of State for Culture, Media and Sport (see <http://www.culture.gov.uk/>). In such cases, local planning authorities should encourage applications for all relevant consents to be made in parallel.

**HE10.6** Due to the discretionary approach taken to the scheduling of monuments and the statutory limitations on what can be designated as a monument there are many sites that are significant for their archaeological interest that are not designated at present. The absence of designation does not necessarily indicate lower significance. Non-designated assets of archaeological interest equal in significance to that of scheduled monuments should be treated according to the same principles.<sup>14</sup>

**Policy HE11. Additional policy principles guiding the consideration of applications for development affecting the setting of a heritage asset**

**HE11.1** When considering applications for development within the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that enhance the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any loss of enhancement of the asset against the wider benefits of the application. Reflecting the importance Government attaches to development that contributes to the wider principles of sustainable development, such benefits may include the wider benefits associated with increased production of energy from low or zero-carbon sources. The greater the negative impact on the significance of the asset, the greater the benefits that will be needed to justify approval.

**HE11.2** Where an aspect of an asset's setting does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance, including through high quality design of new development. This should be seen as a positive public benefit and part of the process of place-making.

**Policy HE12: Additional policy principles guiding development of a heritage asset that is otherwise contrary to the development plan (also known as enabling development)**

**HE12.1** Local planning authorities should use the following criteria to determine whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan, bearing in mind the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004<sup>15</sup>.

- Will it materially harm the significance of the asset or its setting?
- Will it avoid detrimental fragmentation of management of the asset?

<sup>14</sup> Advice and information about the significance of known, but non-designated heritage assets with archaeological interest may be obtained from County Archaeologists and historic environment records, respectively

<sup>15</sup> Note that these criteria are listed as a starting point; what is a material consideration will always depend on the circumstances of the individual case and this list is not comprehensive.

- Will it secure the long term future of the asset and, where applicable, its continued use for a purpose sympathetic to its conservation?
- Is it necessary to resolve problems arising from the inherent needs of the asset, rather than the circumstances of the present owner, or the purchase price paid?
- Is there a source of funding that might support the asset without the need for enabling development?
- Is the level of development the minimum necessary to secure the future conservation of the asset and of the design and type that minimises harm to other public interests?

**Policy HE13: Policy principles guiding the recording of information related to heritage assets**

- HE13.1 A documentary record of our past is not as valuable as retaining the asset. The ability to record evidence of our past should not therefore be a factor in deciding whether consent for development that would result in a heritage asset's destruction should be given.
- HE13.2 The process of investigating the significance of the historic environment, as part of plan- or decision-making, generates information and furthers understanding of our past. This information should be made publicly available, including through the relevant historic environment record.
- HE13.3 Where a decision has been made that will result in the loss of the whole or a material part of an asset's significance, local planning authorities should ensure that developers maximise opportunities to advance understanding of the asset's significance before this is lost. Developers should publish the outcomes of such investigations and the advancement in understanding that those results bring. They should deposit copies of the reports with the relevant historic environment record. They should also offer the archive generated to a local museum or other public depository. Where appropriate, local planning authorities should impose planning conditions or obligations to ensure such work is carried out before commencement of the development.

## **Agenda Item No 7**

### **Planning and Development Board**

**21 September 2009**

#### **Report of the Head of Development Control**

#### **Monitoring of Section 106 Agreements**

#### **1 Summary**

- 1.1 This report provides a schedule of all Section 106 Agreements and recommends a system for their regular monitoring.

#### **Recommendation to the Board**

**That bi-annual reports are provided to the Board in respect of outstanding Section 106 Agreements.**

#### **2 Background**

- 2.1 One of the outstanding actions for the Service has been the need to set up a system to monitor and audit the obligations under Section 106 Agreements. These obligations often require works to be undertaken, or they apply on going restrictions on new development akin to planning conditions. They can of course also include financial contributions, with payments being made to the Council, and then the monies being expended directly by the Council, or being transferred to other parties eg the County Council. Monitoring of these Agreements has not been undertaken to date on a regular basis, with matters being dealt with as individual cases rather than through a systematic process. This report provides the basis for introducing a more robust system of audit and monitoring.

#### **3 Observations**

- 3.1 Officers from the Development Control service and the Finance Division, have undertaken a trawl through the Agreements made both under Section 106 and its predecessor, Section 52, of the Planning Act, in order to establish a data base. The complete list is attached at Appendix A. This is divided into two parts – those  
...  
... Agreements that involve a financial contribution and those that do not. Appendix B provides a summary of the outstanding financial information. It can be seen that all payments due, have been paid, and that there are no outstanding contributions to be made.
- 3.2 It is proposed that these schedules are now refined so as to include only those Agreements where obligations remain outstanding. Where the obligations do not include financial measures, it is proposed that the Service's enforcement team will commence a series of inspections, where appropriate, in order to establish whether the obligations affecting physical factors on the sites have been complied with. Additionally, case officers will ensure that obligations affecting the submission of further details have been completed.
- 3.3 Finance Officers have provided up to date information on the payments made to the Council, as well as where monies have been transferred. This information can be

updated on a regular basis. Planning Officers will follow up any cases where transfers should have been completed. In doing so, checks will be made to establish any deadlines for any payments.

3.4 All new Agreements will be added to the schedule, and officers will undertake regular monitoring of the schedule.

3.5 It is proposed to report the schedule of Agreements bi-annually to Members, through the Planning and Development Board. If matters arise on individual Agreements then these will be the subject of individual reports to the Board as when they might be appropriate.

#### **4 Report Implications**

##### **4.1 Finance and Value for Money Implications**

4.1.1 Without regular monitoring of the obligations involving financial payments, the Council might not be benefiting to the degree expected from the Agreements. Moreover, the regular monitoring of these Agreements means that there is an accurate audit trail of these monies.

##### **4.2 Legal and Human Rights Implications**

4.2.1 These Agreements are often subject to conditions and clauses that require regular monitoring to ensure that the obligations can be completed.

##### **4.3 Environment and Sustainability Implications**

4.3.1 These Agreements often contain obligations that are directly related to making development more sustainable, such as through enhanced 'bus services, or by providing mitigation and compensatory measures to lessen adverse environmental impacts, such as Landscape Management Plans.

##### **4.4 Links to Council's Priorities**

4.4.1 The obligations within these Agreements are often linked to the objectives of safeguarding countryside; protecting the Borough's heritage, and providing affordable housing all of which are Council priorities.

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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
None			

Section 106 Agreements  
Monitoring Record

APPENDIX A

PART A: Those with No Financial Contributions

Parish	Planning Ref	Signatories	Development	Date of Agreement	Obligations	Time Periods	Progress	Comments	Action
Arley	2006/0684	N Szifris	Householder extensions (Miners Rescue Cottages)	12/02/07	Revoke earlier planning permission with claim for compensation.			Inspection needed to conform position on the ground.	
Astley	Enforcement Notices	R de Mulder	Removal of HGV use and portacabins (Wood Farm)	04/08/06	Phased programme of works to comply with Notice requirements.			Majority of works completed - superceded by a permission (ref: 2008/0286).	
Astley	2008/0286	R de Mulder	Parking of HGV's and office conversion (Wood Farm)	03/06/08	Revoke earlier planning permission 1366/1999 without claim for Compensation.			Inspection needed when permission taken up.	
Atherstone	2006/0389 & 0390	David Wilson Homes Ltd (South Street)	Residential Estate	23/08/06	a) To provide 13 affordable housing units. b) To set up a Management Company to manage/maintain the open space and highway in the estate.	a) Only to occupy 10 Market houses before the affordable units are made available. b) To set up the Company within three months of the date of the completion of the open space and highway.	a) To be checked. b) To be checked.		
Austrey	2009/0012	Mr Martin	Extension at Meadow Farm.	02/02/09	Not to implement an earlier permission.				
Austrey	1278/2002	J and M Upperdine (off Main Road)	Residential	21/06/04	Two of the units to be affordable houses.	On going.	To be checked.		
Baddesley	0081/1996	British Rail; T Dugdale; J Wallace; W Dugdale; Sir W Dugdale; J Paul; E Whiteside	Car storage and distribution depot (Former Baxterley Tip)	12/07/96	a) To provide and implement a scheme for the landscaping and Management of part of the site for community use. b) To provide and implement a scheme for the nature conservation management of the railway line. c) To allow public access. d) To establish a liaison group as a forum to discuss issues connected with community access.	a) Within three months of commencement of the permission. b) As above. c) Within three years of approval of the management scheme. d) No date given.	a) b) and c) undertaken.		
Baddesley	715/2001	Praedium Developments Ltd	Residential (Old School Court)	20/03/07	a) To provide 40% of the units as affordable houses.		Undertaken.	This 106 amends a previous one dated 5/9/2003 with WCC. The Amendment relates to the mechanism for defining affordable.	
Baxterley	0927/1993	K and A Broomfield	Private Airstrip and Hanger (Charity Farm)	19/12/94	a) To hold no more than six events at the site each calendar year. b) To give a months notice to NWBC of each event.			On going conditions to be monitored.	
Baxterley	1044/2004	L and A Wheeler; Lloyds Bank	Swimming Pool (Teq House)	20/12/04	a) Not to commence any further development under Class E, Part 1 of the GPDO 1995.			On going conditions to be monitored.	
Bentley	2006/0524	N Hollinshead	Conversion of agricultural building to restroom (Nightingales Farm)	07/01/08	a) Not to use the building for residential accommodation. b) Written confirmation of compliance every two months. c) Access to monitor.		Written confirmation received and inspected, no current breach.		

Parish	Planning Ref	Signatories	Development	Date of Agreement	Obligations	Time Periods	Progress	Comments	Action
Coleshill	1459/1991 and 759/1995	West Midlands Health Authority; K Wingfield Digby; Bryant Properties	Conversion of Coleshill Hall to offices and erection of new offices (Coleshill Manor)	30/06/1994 & 29/03/1996	To agree a Landscape Management Scheme for the development site.			Scheme agreed. The second Agreement recognised amendments made to the Grant of the original planning permission.	
Coleshill	1171/2000	Barberry House Waterfront Ltd	Redevelopment for office accommodation (Brackenlands Farm)	31/05/01	To prepare a Green Travel Plan prior to first occupation.			The permission has been superceded by later ones that are now conditioned. To include a Green Travel Plan. No action needed.	
Coleshill	0938/2005	Arnold Holdings Ltd and Nat West Bank	Residential development (Park Cottages, Birmingham Road)	28/06/07	To provide 6 affordable housing units on the site so as to discharge a Planning condition.			Condition discharged. Implementation to be monitored.	Inspection ne
Curdworth	0367/2001	Cembre Ltd; Borno Ltd; WCC	Industrial Units (Dunton Park, Kingsbury Road)	17/01/02	To prepare and implement a Green Travel Plan.			Plan agreed. To be monitored.	
Curdworth	562/2003	Crest Nicholson	Residential Development (The Paddocks)	23/07/07	To provide six affordable housing units on the site in order to discharge a Planning condition.			Condition discharged. Implementation to be monitored.	
Dordon	1359/1993	Downes Homes Ltd; British Coal Corporation	Residential (Birchwood Avenue)	16/05/94	To undertake off site landscaping and to provide play equipment.			Undertaken	
Dordon	1290/1995	G Ingram; Nat West Bank	Garden Centre (Planters)	05/12/97	To agree a schedule of products to be sold from the premises.			Schedule agreed. Need to be monitored.	
Fillongley	297/1998	C and S Antrobus	New dwelling (Greenways Farm)	26/03/99	To revoke an earlier permission (1329/1993) without a claim for Compensation.			Undertaken.	
Fillongley	0830/1997	R and M Allen	Residential dwelling and restoration of land (Fillongley Motor Spares, Hardingwood Lane)	22/04/98	Not to use the site as a scrap yard/car breakers yard, and to remove all Buildings associated with such uses, and to implement a planting scheme.			Undertaken.	
Fillongley	1404/1999	Powwow water; Crystal Spring Water Co Ltd	Water bottling plant (Powwow Water, Tamworth Road)	04/12/00	To operate HGV's via an agreed route.			To be monitored.	
Fillongley	1381/2002	WCC; Heart of England Promotions; S Hammon; Lloyds Bank	Outdoor recreation site (Heart of England, Old Hall Farm)	27/08/04	To agree a Green Travel Plan.			Plan agreed. Need to Monitor.	
Fillongley	728/2005	J and S Bowden; Nat West Bank	Extensions (Shawbury View, Station Road)	19/09/05	Not to continue with an earlier permission.			To be inspected.	
Fillongley	1381/2005	A Woodfield; Barclays Bank	Fishing pond at Blabers Hall Farm	17/11/05	To agree and implement a Landscape scheme together with a Habitat Management Plan.			Agreed Plans. To be monitored.	
Grendon	1191/2003	T Everritt	New house at Riddings Farm	16/12/03	Occupancy restrictions transferred to an existing property.			To be inspected.	
Hartshill	117/2003	R and B Hartley	House at Fletchers Drift	10/06/05	Not to erect a garage as previously permitted.			To be inspected.	
Kingsbury	869/1996	P and S Maiden	Retention of barns for industrial use (Bodymoor Green Farm)	13/10/96	To construct a new drive within four months, and close the existing.			Undertaken.	
Kingsbury	684/2004	Waterloo Housing Association	Residential development (Dexter Court Hurley)	05/11/04	To provide affordable units on the site.			Undertaken.	
Kingsbury	2008/0480/2 & 3	Mr Fray and Kingsbury Hall Preservation Ltd	Refurbishment of Kingsbury Hall	27/04/06	Use proceeds from sale to pay for repairs to hall.				
Lea Marston	0054/2004	M Neachell	Buildings for industrial use (Wood House Farm)	13/04/05	Not to permit the site to become an Operating Centre under the Goods Vehicles Act 1995.			On going restriction.	
Lea Marston	952/1995	Powergen PLC	Hams Hall Rail Freight Terminal	25/01/96	a) To submit details of the terminal. b) To let contracts for road access to the Terminal.		Completed.		
Lea Marston	508/1992 and 952/1995	Powergen PLC	Hams Hall	06/08/96	a) Seek Diversion of Public footpath M30.		Completed.		
Lea Marston	397/2002 and 683/2000	Powergen PLC; ABP	Vehicle storage at the Rail Freight Terminal	31/05/02	a) Temporary use only. b) Use best endeavours to generate new rail business. c) To provide crane and other infrastructure.		Completed.		

Parish	Planning Ref	Signatories	Development	Date of Agreement	Obligations	Time Periods	Progress	Comments	Action
Lea Marston	591/2001 and 592/2001	BMW Motorgen	BMW Phase 2 Factory at Hams Hall	07/03/03	a) To amend and implement variations to the original Green Travel Plan.		Completed.		
Mancetter	1087/1995	Purley Chase Developments Ltd; Purley Chase Golf and Country Club	Golf Club, Hotel and Leisure Centre (Purley Chase)	19/03/96	To agree and implement a Landscape Management Plan for the golf course.			Scheme agreed. Updated through later planning permissions and conditions. Requires monitoring.	
Newton Regis	1287/2202	C and S Arrowsmith; Nationwide Building Society; Nat West Bank	Residential development of Arrowsmiths Garage	20/02/04	To provide one unit of affordable housing on the site within the Development.			Permission has lapsed; not renewed.	
Newton Regis	1119/1987	J Allton	Garden Centre	07/08/98	No applications for residential development to be made on the site.			On going restriction.	
Over Whitacre	2008/0480/2 & 3	Mr Fray and Kingsbury Hall Preservation Ltd	Refurbishment of Kingsbury Hall	27/04/06	Use proceeds from sale to pay for repairs to hall.				
Over Whitacre		P and P Barrs	Residential (The Cottage Monwode Lea Lane)	31/10/03	To cease use of land as a caravan site and to restore to agricultural use.			Needs inspection.	
Polesworth	0463/1992	Walker Homes Ltd	Residential Estate (off Birchmoor Road)	21/07/92	To transfer woodland to the Parish Council.			Undertaken.	
Polesworth	0198/1993; 0991/1996; 0843/1997	S Wright; Roses Stores Ltd; Nat West Bank	Erection of shops offices and flats (39/45 Bridge Street)	10/12/1993; 18/12/1997 and 02/08/2007	To construct and maintain the car park so that it is available to the public with the provision of ten spaces, and then to transfer the same to the Council.			The second Agreement recognises amendments made to the grant of the first Planning permission and added further obligations that were undertaken. The third Agreement varies the second so as to safeguard the site as car parking but with access rights across it.	
Shustoke	214/1992	G and A Fisher	Building for Car Repairs (Dove House Farm)	16/12/92	Demolition of existing buildings, and restriction on the use of a further building.			To be inspected.	
Shustoke	572/1994	F W and F J Hales	Residential development off The Green	16/03/95	a) To transfer land to the County Council. b) To include no less than 12 low cost homes on the site.			a) Has been undertaken. b) Needs monitoring.	
Shuttington	1223/1993; 139/1996 and 676/1998	B and M Hodgetts; Agricultural Mortgage Corporation PLC	Kart Racing Circuit at Priory Farm	21/06/1994; 05/06/1996 and 16/04/1999	Restrictions on engine size and type; kart ownership; noise emissions and scope of use of other land whilst circuit is in use.			Second and Third Agreements update the first in respect of engine types and noise emissions. Monitoring needed, but no complaints.	
Shuttington	928/1993	Narrowcraft Ltd	New House at Alvecote Marina	05/03/94	House to be used for hiring and letting of boats.			Monitoring needed.	
Water Orton	933/1996	F and B Ingram; B Harding; C Sharp; Groutage and Ingram; Barclays and Lloyds	New offices and stores (Jack O Watton)	30/03/98	Not to implement previous permissions.			On going restriction.	
Water Orton	632/2002	W H Smith and Sons; C and F Smith	Alterations and extensions to an existing factory (Smiths of Water Orton Lane)	04/02/04	a) Landscaping works to be undertaken on land elsewhere in the ownership. b) The agreed 2002 Green Travel Plan to be extended.			Permission was not taken up.	
Water Orton	559/2004	The Miller Group Ltd	Residential development (Fuel House)	13/08/04	Two dwellings to be identified as low cost units with arrangements to ensure affordability.			Undertaken.	
Wishaw	151/2004; 2007/0650	E and M Jones	Reuse of buildings for industrial uses (Over Green Farm)	02/07/2004 and 21/02/2008	a) To limit specified uses to certain buildings. b) To introduce a Lorry weight restriction.			a) The second Agreement was in response to the renewal of permission (the first being a temporary consent) and to add an HGV route. b) Continuing applications to be determined.	

## PART B: Those with Financial Contributions

Parish	Planning Ref	Signatories	Development	Date of Agreement	Obligations	Time Periods	Progress	Comments	Action
Atherstone	194/2004	Aldi Stores Ltd	Supermarket (Station Street)	04/08/05	a) £30k to be spent for promoting and developing the regeneration aims of the Market Towns Programme for Atherstone. b) Use of car park for non-customers. c) £15k to WCC to provide a zebra crossing.		a) None. b) On going. c) To be paid before development commences.	a) £13k left to be spent. b) On going. c) Completed.	a) Discussions continuing with Aldi on expenditure of balance.
Atherstone	2007/0594	Atherstone Garage; HSBC Bank	New houses and offices.	12/02/08	£260,000 to be paid to NWBC on occupation of 15th dwelling for affordable housing.			Work has not yet commenced. So no payment made.	
Atherstone	2005/0579	Aldi Stores Ltd	Extension to Warehouse	03/11/05	£10,000 for training.			Money paid.	Check progress.
Atherstone	2007/0594	Atherstone Garage; HSBC Bank	Residential (Atherstone Garage)	12/02/08	a) To pay £260k to the Council for off site affordable housing units.		a) To make the payment prior to sale of the 15th dwelling on site. b) To repay the contribution if not expended within seven years of payment.	Work has not yet commenced.	No action possible at present.
Coleshill	0932/1991	Walker Homes; G Darby	Residential (Roman Way Estate)	31/01/92	Transfer of land as Open Space to NWBC together with commuted sum.				Completed transaction.
Coleshill	0746/1993 and 0412/1995	British Gas PLC	Industrial redevelopment	29/10/1993 and 01/09/1995	Transfer of land to NWBC for car park in connection with reopening of the Coleshill Station at a price to be agreed.				Transaction completed. The second Agreement recognised amendments to original grant of Planning permission.
Coleshill		WCC	Coleshill Multi Modal Centre and bridge	05/09/05	Transfer of retained monies paid to the NWBC by other parties, via other Section 106 Agreements for the purposes of undertaking the above Development, together with the transfer of land under the British Gas Agreement above.				Transfers completed.
Dordon	1247/1997; 82/2000; 0937/200; 1040/2000	IM Properties (Dordon) Ltd	Industrial park; site reclamation and rail head (Birch Coppice)	28/05/1999; 14/7/2000; 19/10/2000	a) To pay £121,500 for public transport purposes. b) To pay £60k for employee training purposes. c) To pay £75k for off site "landscaping". d) To pay £93k for traffic calming in adjoining settlements.		The above to be paid by way of an initial payment on the grant permission followed by instalments based on a formula related to floorspace completion. If the whole has not been paid within seven years of the date of commencement, then the balance be paid to the Council.		The second and third Agreements were required as the original permission was varied via the subsequent permissions. The instalments formula in the second Agreement had to be adjusted to account for the initial payment made under the First Agreement, and the Third formula had to be adjusted again to account for instalments already paid under the Second Agreement.
Dordon	158/2003	IM Properties (Dordon) Ltd; WCC	Rail Terminal and Warehouse (Birch Coppice)	22/12/04	a) To pay £445k to the Council to be expended as follows: £35k on public transport; £75k on employee training; £5k on HGV route signage and £330k on off site landscaping and environmental improvements. b) To survey the mound to verify its stability and suitability for public access. c) To provide public access as above provided the survey or subsequent surveys show that this is suitable and safe. d) To provide and maintain a Green Link across the site. e) Not to complete the unimplemented detail in an earlier permission. f) To use best endeavours to make rail terminal available for other users.		a) On the commencement of development - any balance not expended by 22/12/2019 to be returned to IM. b) First survey by 22/12/2009. c) Survey every five years if no access after first. d) No dates. e) and f) On going.	a) payment made. B) survey submitted. D) link provided.	

Parish	Planning Ref	Signatories	Development	Date of Agreement	Obligations	Time Periods	Progress	Comments	Action
Hartshill	312/1993	JS Bloor Ltd; K Anderton; W Randall Ltd; Randall Developments Ltd; E Randall; D Wilkinson; R Temple	Residential estate (Moorwood Estate)	21/07/93	a) Cease quarrying and mining operations pursuant to a 1962 permission. b) Restore the land the subject of this 1962 permission as per the 1991 approved scheme. c) Provide a car park off the Coleshill Road and to transfer this to NWBC. d) Provide and lay out open spaces to be transferred to the Council.			a) Undertaken. b) Undertaken - WCC responsibility. c) Superseded as all parties agreed not to pursue the car park. d) Undertaken.	
Hartshill	336/2007	WCC	Residential redevelopment of the Michael Drayton School Annex	10/01/08	a) To provide and to ensure that 40% of the houses on this site are available via an RSL. b) To pay £55514 to the Council as an Open Space payment for upgrading existing play areas in the vicinity of the site or for new areas. c)	a) No more than 50% of the non affordable units to be sold until all of the affordable units have been constructed and transferred to an RSL. b) Not to bring about the occupation of more than 50% of any of the houses until this payment has been made. The Council to expend the payment within sevenyears of receipt.		No action required presently.	
Hartshill	0746/2007	Persimmon Homes	Residential Development (off Hayes Road)	21/02/08	a) Not to cause occupation of more than 30% of the non affordable houses on site until a contract has been signed to transfer the affordable units to an RSL. b) To pay £1700 per house to the Council as an Open Space payment to extend, enhance or maintain local recreation facilities.	a) As above. b) Payment to be made not later than the commencement of development. c) The Council to repay the payment if not expended within five years of receipt.		b) money paid.	
Kingsbury	224/2002	Aston Villa PLC; HSBC Bank; Aston Villa Football Club	FA Football Academy and Training Centre (Bodmooor Heath)	13/10/05	a) To pay £50k to the Council for off site landscaping works in Middleton and Wishaw. b) To enable the community use of the Academy.	a) To pay the £50k in two payments prior to development commencing. b) To agree use by first occupation.		a) full payment made. B) Community and Leisure division has set up meeting with the Club to agree principles of Community Use.	
Lea Marston	508/1992	Powergen PLC; Trafalgar House Business Parks Ltd	Warehouse and Industrial Park and Rail Freight Terminal (Hams Hall)	07/05/1993; 05/11/1997; 15/02/1999; 31/03/2000	a) To pay £1.27 million for the purposes of setting up and endowing a Hall Environmental Trust; and the construction of the Coleshill Railway Station. Initial payments to amount to £945k . b) Long term protection for the Water Meadows and other Environmental areas. c) Design Guides and other Cconstruction schedules to be agreed. d) The Playing Field to be retained for community use and for use by occupiers of the future businesses.		All obligations completed. The 1997 Agreement released Trafalgar House from any ongoing obligations. The 1999 Agreement clarified how remaining instalments of the contribution was to be paid after initial payments had been made. The 2000 Agreement altered the payments for the Station in view of design changes, and the balance to be paid to the Trust.		
Lea Marston	508/1992	WCC	As above	15/06/93	a) To pay £100k to WCC for traffic calming measures in local villages.		Completed.		
Lea Marston	651/1999	Powergen PLC	The BMW plant at Hams Hall	04/02/00	a) To pay £100k as a further contribution to the new bridge at the station. b) To pay £50k for traffic calming in Lea Marston. c) To spend £50k to facilitate car loading/unloading at the Terminal.	a) and b) To be repayed if not expended by 04/02/2005.	a)paid. B) agreement between EON and NWBC to retain contributions beyond 2005.		

Parish	Planning Ref	Signatories	Development	Date of Agreement	Obligations	Time Periods	Progress	Comments	Action
Lea Marston	1392/2000 and 1118/2001	WCC; AWM; Sainsbury's Ltd	The Sainsbury Warehouse on Hams Hall	15/06/2001 and 23/10/2002	a) To prepare, agree and implement a Green Travel Plan with WCC. b) To pay £500k to WCC for public transport improvements.		Completed - WCC to monitor. The 2002 Agreement updates the original 2001 Agreement to a revised Planning permission having been granted.		
Nether Whitacre	1142/2000	Bacchanalian Inns Ltd	Refurbishment (The Swan Inn, Station Road)	02/03/01	To pay £5k to WCC as a contribution to overall traffic calming in the Parish.			Undertaken.	

## APPENDIX B

**Financial Summary – Outstanding Amounts**

<b>Site</b>	<b>Payments to Date</b>	<b>Outstanding Payments</b>	<b>Expenditure to Date</b>	<b>Balance Held</b>
Birch Coppice	£796,040	Nil	£280,591	£635,739
Hams Hall	£50,000	Nil	Nil	£57,968
Aston Villa	£50,000	Nil	£25,000	£29,461
Aldi Store	£30,000	Nil	£16,550	£13,450
Aldi Warehouse	£10,000	Nil	Nil	£10,000
Persimmons	£69,700	Nil	Nil	£69,700

## Agenda Item No 8

### Planning and Development Board

21 September 2009

#### Report of the Assistant Director (Finance and Human Resources)

#### Budgetary Control Report 2009/2010 Period Ended 31 August 2009

#### 1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2009 to 31 August 2009. The 2009/2010 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

#### Recommendation to the Board

**That the report be noted and that the Board requests any further information it feels would assist it in monitoring the budgets under the Board's control.**

#### 2 Consultation

##### 2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 Both Councillors' Bowden and Butcher have been consulted regarding this report. Any comments received will be reported verbally to the Board.

#### 3 Report

##### 3.1 Introduction

- 3.2 Under the Best Value Accounting Code of Practice (BVACOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but also support costs relating to such areas as finance, office accommodation, telephone costs and IT services.

#### 4 Services Remaining Within Resources Board

##### 4.1 Overall Position

- 4.1.1 Net controllable expenditure for those services that report to the Planning and Development Board as at 31 August 2009 is £224,371 compared with a profiled budgetary position of £186,226; an over spend of £38,144 for the period. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period. Where possible, the year-to-date budget figures have been calculated with some allowance for seasonal variations, in order to give a better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.

...

## 4.2 Planning Control

4.2.1 Income is currently behind forecast by £37,953 due to a decrease in the larger value planning applications. In addition there has been an increase in the need to employ professional services for advice on specific applications of £6,000, such as the Coleshill supermarket development £2,000 and the Wrens Nest Travellers Site of £4,000, which means that spending is ahead of profile to date.

## 4.3 Local Land Charges

4.3.1 Fee income is currently ahead of the forecast position by £4,644, caused by a change in the mix of Land Charge searches (more full searches with higher fees). In addition the cost of Warwickshire County Council advice is lower than budget due to the lower number of searches completed.

## 5 Performance Indicators

5.1 In addition to the financial information provided to this Board, when the budgets were set in February, performance indicators were included as a means of putting the financial position into context. These are shown at Appendix B

5.2 The position after five months is that the gross and net costs of planning applications are higher than expected due to higher professional advice costs and the reduction of the larger high value applications being processed. The gross costs of Land Charges are lower than expected, as there has been a reduction in the costs from Warwickshire County Council due to the lower number of applications received. There is a greater reduction in net costs as the actual mix between personal searches and full searches has changed in favour of the higher priced full searches.

## 6 Risks to the Budget

6.1 The key risks to the budgetary position of the Council from services under the control of this Board are:

- The need to hold Public Inquiries into Planning Developments. Inquiries can cost the Council around £20,000 each.
- Reductions in income relating to Planning applications.
- Risk to the mix of applications not bringing in the expected level of fee income.

## 7 Estimated Out-turn

7.1.1 Members have requested that Budgetary Control Reports provide details on the likely out-turn position for each of the services reporting to this Board. The variance in planning income of £37,953 is likely to be reversed as there is a possibility of some larger applications, which are expected towards the end of the calendar year. The anticipated out-turn for this Board for 2009/2010 is expected to be £524,080.

7.2

	£
Approved Budget 2009/10	523,080
Additional Land Charges income	(5,000)
Additional Development Control Professional Fees	6,000
<b>Expected Out-turn 2009/10</b>	<b>524,080</b>

7.2 The figures provided above are based on information available at this time of the year and are the best available estimates for this board, and may change as the financial year progresses. Members will be updated in future reports of any changes to the forecast out turn.

## 8 Building Control

8.1 A potential overspend on the Building Control Partnership was reported to this Board on 17 August 2009. The table below analyses the figures provided by the Partnership and details the impact for this Council:

	The Building Control Partnership £	NWBC share (@34.3%) £
Net budget	199,100	68,291
Additional loss predicted for the year	40,303	13,824
<b>Predicted net budget</b>	<b>239,403</b>	<b>82,115</b>
Less NWBC Support costs recharged to the partnership		(32,090)
<b>Total Cost to NWBC in 2009/10</b>		<b>50,025</b>

8.2 The approved budget provision for Building Control is £50,750. The table above shows that unless the Building Control Partnership figures deteriorate further, then NWBC will have sufficient budget to cover the current predicted situation.

## 9 Report Implications

### 9.1 Finance and Value for Money Implications

9.1.1 The Council's approved budgeted use of General Fund balances for the 2009/2010 financial year is £376,250. Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board for comment.

### 9.2 Environment and Sustainability Implications

9.2.1 The Council has to ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

The Contact Officer for this report is Nigel Lane (719371).

### 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