

Regulatory Committee – 2 February 2021

New fire and rescue training centre including ‘fire house’ simulator, modular training and welfare building and ancillary parking and facilities,

**On land at DEFRA Lea Marston Depot, Coton Road,
North Warwick, B76 0BX.**

NWB/19CC013

Application No.: NWB/19CC013

Advertised date: 19 September 2019

Applicant: Ms Alison Fowler,
Warwickshire County Council
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Registered by: The Strategic Director for Communities on 11
September 2019

Proposal: New fire and rescue training centre including 'fire house' simulator', modular training and welfare building and ancillary parking and facilities.

Site & location: DEFRA - Environment Agency Midlands, Lea Marston Depot, Coton road, North Warwick, B76 0BX. [Grid ref: 420758.293764].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the fire and rescue training centre including 'fire house' simulator', modular training and welfare building and ancillary parking and facilities subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application details

- 1.1 The planning application seeks consent for the development of a training facility for the Warwickshire Fire and Rescue Service (WFRS). The facility would simulate rescue scenarios from a smoke-filled building.
- 1.2 The application site would be accessed from Coton Road some 700 m to the north, via the gated vehicular access and the internal roadway that serves the DEFRA depot. Access would be from the southern side of the red line area, with a route within the application site enabling fire appliances to circulate around the centrally placed fire training facility.
- 1.3 The development proposes the erection of a modular training building. The two-storey flat roofed building would be 5.8 m in height with a footprint area of 16.2 m by 7.3 m. The ground floor would accommodate changing rooms and wash and toilet facilities while the first floor would provide a lecture room, briefing room and a kitchen/dining facility.
- 1.4 The development also proposes the installation of a 'fire house' simulator or 'Minerva unit' which would be used to simulate real fire situations in which breathing apparatus and tactical ventilation training would be carried out.
- 1.5 Not all breathing apparatus training would require a fire. Longer duration courses and basic training courses would require relevant techniques to be taught before going into a real fire situation for example searching a building in the dark and laying lines to assist in complicated areas.
- 1.6 The fire house structure would be modular in construction comprising indoor and outdoor areas formed of steel shipping containers with external gantries, staircases, ladders and railings and various openings to allow for specific training exercises. The internal spaces simulate different sized rooms with cut outs between the containers, linked by internal staircases. Two single storey height containers 'attack boxes' would be positioned on either side of and linked to the fire house. Fixed to the structure would be LED external floodlighting to illuminate stairways and LED lighting would also be provided to light internal areas of the fire house. Amended plans submitted in October 2020

propose the addition of metal profiled cladding sheets to screen the external staircases at the upper levels.

- 1.7 The fire house would occupy a maximum footprint area of 21.3 m by 12.4 m. The highest section of the structure with 4 containers on top of each other would be 10.4 m in height with a 1.1 m high guard rail above and an LED lighting pole 2.7 m in height, giving the highest point of structure at approximately 13.2 m. The bulk of the structure would be 3 containers in height with a maximum height of 7.9 m. The attack boxes would be 4 m in height (the maximum height of the attached ladder) and would be connected to the main body of the facility by linking corridors 2.5 m in height.
- 1.8 A filtration unit would be located to the side of and linked to the fire house occupying a footprint area of 5.1 m by 12.7 m. The ductwork linking the fire house to the filtration unit would be at a height of 10 m. The highest point of the filtration unit, the flue, would stand at 12.1 m.
- 1.9 Amended plans propose the application site to be secured by 2.5 m high solid timber fencing to the southern and western boundaries. A 5.0 m solid timber fence is proposed to be erected along the northern and eastern boundaries to screen views of activity from beyond the site.
- 1.10 The fires within the fire house would be generated by lining an area of the structure with engineered wooden boards (Oriented Strand Boards/OSB) and wooden pallets with paper placed in between and ignited.
- 1.11 The fire house would be ventilated at the end of a training session by the air extraction plant which would be mounted externally on the structure. The filtration system would work by capturing the emissions in collection hoods above all exit points in the fire house ('doors' and 'windows'). The emissions would be drawn up the hoods and through the interconnecting ductwork to the filtration plant where it would go through a cleaning process to remove particulates.
- 1.12 The fires on the training facility would only be within the various compartments or 'rooms' of the fire house. All smoke would be contained within the building and extracted by the filtration system and exhumed as a powder like substance which would be disposed of off-site at an appropriately licenced facility.
- 1.13 The application details advise that to meet the WFRS's current training requirements, the fire house would be in operation 194 days per year, which amounts to some 16 days per month.
- 1.14 Training sessions would be conducted as both daytime and night-time sessions. The facility would sometimes be only in use for a daytime session; only a night-time session or sometimes would be both day and night-time. Sessions would run both during the week and at weekends.

- 1.15 The proposed hours of operation are for daytime sessions to take place between the hours of 08:00 and 18:00 and for evening sessions to be conducted between 18:00 and 22:00.
- 1.16 A standard training scenario on any one day would last for approximately an hour. It is proposed for a maximum of three consecutive hot fire scenarios to be carried out in the morning and a further three in the afternoon.
- 1.17 It is also proposed to conduct additional training sessions at night for exercise purposes and for retained fire fighter training. Night training would be unlikely to be occur more than two or three times per month.
- 1.18 On submission of the planning application, the proposed development originally included the installation of a 'cold smoke house'. Amended plans were subsequently submitted removing this element of the scheme following the granting of planning consent in February 2020 for the erection of the 'cold smoke house' at the Kingsbury Water Park site (NWB/19CC010). As a result, the current application site was slightly reduced in size.

2. Consultation

- 2.1 **North Warwickshire Borough Council – Planning:** It was resolved unanimously that this Council strongly objects to the grant of planning permission in both cases (*NWBC response included comment on the Kingsbury Water Park application NWB/19CC010 which was approved in February 2020*). The Council considers that these are inappropriate developments in the Green Belt and that they cause substantial actual Green Belt harm. Harms are also caused because of their visual and landscape impact as well there being no evidence that they will not harm the biodiversity of the nature conservation interests of the two sites particularly in respect of water pollution, noise and lighting. In the final planning balance the Board considered that there were no considerations at all put forward by the County Council which would clearly outweigh the substantial cumulative harms caused, so as to amount to the very special circumstances needed to support these proposals.
- 2.2 *The amended details of the proposed development with the erection of the 5 m screen fencing, removal of the cold smoke house, and the addition of screening elements to the Minerva structure was considered by the NWBC Planning Board on 11 January 2021. NWBC maintained its strong objection to the proposed development stating:*

The Board's starting position here is the objection submitted after its first consideration of these proposals. It objected to the schemes at both the Water Park and here at Coton Road. The former now has a planning permission. The Board is therefore asked to reconsider the proposal at Coton Road, to see if its objection has been overcome.

a) Green Belt

The overall planning policy position hasn't altered. The site is in the Green Belt and this remains inappropriate development which thus carries substantial weight against the development in the final planning balance.

However, there are two matters which need to be explored to see if this conclusion should be altered. The first is a suggestion now made in the Planning Statement that this site is previously developed land. The second is whether the additional screening measures described above would reduce the actual Green Belt harm.

Previously developed land is defined in the NPPF. The description excludes land that has been developed for minerals extraction where provision for restoration has been made through development management procedures. Here the site is part of a much larger holding that has been the subject of sand and gravel extraction and a restoration scheme which has led to the construction of the lakes as seen today. Whilst on site too, the Environment Agency confirmed ongoing and future restoration works substantially for nature conservation purposes. In light of this, it is not considered that the site satisfies the definition. Even if it was concluded that it did, that does not mean that the proposal becomes appropriate in the Green Belt. The exceptions in the NPPF for such land is conditioned to that new development preserving openness and not conflicting with the five purposes of including land within the Green Belt. This proposal is for new structures within a new compound isolated from and unrelated to any other existing built development. Openness cannot be preserved – it would be lost. In these circumstances there is no need to assess any conflict with the five purposes. The proposal does not satisfy the NPPF exception.

As a consequence, the development is not appropriate development in the Green Belt and this carries substantial weight against the proposal in the final planning balance.

In terms of actual Green Belt harm, then the proposal as amended needs to be assessed against the guidance provided on whether there would be an adverse impact on the openness of the Green Belt. There is no definition of openness in the NPPF, but there is guidance set out in the National Planning Practice Guidance which recognises four different elements. The first is a spatial one. There will still be a noticeable spatial consequence because a large new compound with protruding structures is introduced to a wholly open setting. This "harm" will be substantial because of the size of the development. The second element is the visual one. Notwithstanding the additional screening there will be a clear visual impact. The compound will appear as a new large building mass with alien structures exposed above it. This will be in a rural setting and visible from the Lea Marston river bridge and the

Birmingham-Derby rail line to the south. This too will amount to substantial harm. The third element is the degree of activity associated with the site. There would be regular and significant associated human and vehicular activity as well as new lighting and noise. Although this site might be used for around 190 days in a year and with no night-time activity, this would still be substantially greater than at present. Finally, the fourth element is that the impacts would be permanent and not temporary. As a consequence, the actual Green Belt harm caused would also be substantial.

In conclusion therefore the proposal is not appropriate development in the Green Belt thus carrying substantial harm. It also carries substantial actual Green Belt harm.

b) Other Harms

There will be harm caused to the character of the landscape hereabouts. The site is within the Tame Valley Wetlands area of the 2010 North Warwickshire Landscape Assessment. This describes a flat, highly modified river corridor landscape which has been extensively worked for sand and gravel resulting in a new wetland landscape to the north of the area and remaining flood meadows, villages and pastoral land to the south. The landscape management strategies propose maintaining the predominantly unsettled character of the area and the conservation and enhancement of the remaining riverside wetland habitats. The proposal will have an adverse impact on this landscape character because of the introduction of a significantly large built compound into a presently open area. It is in a pronounced position isolated from other buildings which are shielded by vegetation. The site itself is well contained however within the setting of the wider landscape area and so the impact is going to be local without altering the overall assessment, but that local impact will be significant because of the size and appearance of the compound and structures.

There too will be a visual impact. It is agreed that this is not an area open to the public, but the site will be seen from the Lea Marston road bridge and from the railway line across open water in a setting where building structures are absent. It is agreed however that the impact will be local and transitory.

The ecological appraisal suggests that there may not be harms caused, but this depends on agreement on a number of Method Statements and Working Practices. Given the bio-diversity value of this stretch of the River Tame, the consultation responses from the County Ecologist and Natural England are material. However other Agencies do not agree because of the significance of the wetlands here and the scale and associated activity of the proposal. Weight has to be given to the fact that planning conditions and mitigation measures could remove objections and the increased level of screening is also of benefit in this

regard. However, there is still not agreement between the relevant nature conservation bodies.

The Environment Agency has not objected on drainage or flooding grounds and the Lead Local Flood Authority has no objection.

c) The Harm Side of the Planning Balance

The harm side of the final planning balance consists of the substantial Green Belt harm; the significant landscape impact and the uncertain level of ecological harm.

d) The Applicant's Case

The applicant has put forward a number of considerations which he considers have sufficient weight to clearly override the cumulative level of harm caused so as to amount to the very special circumstances necessary to support the development.

The applicant has provided more background in respect of the considerations which he believes are of sufficient weight to clearly outweigh the harms caused in Appendix K. In summary these are that the search for alternative sites - both brownfield and County owned - was not successful; the site being in a good location for the facility in respect of the Warwickshire Services ability to retain its capacity to respond to incidents in the County without taking crews and appliances out of the County and its proximity to the other two sites in providing comprehensive and compatible training; value for money in that the cost of travelling to Oldbury and to Wales for training, as now, would be removed and because the training facility will provide the wider community with an enhanced public service. The applicant was also asked to consider a re-location of the proposal elsewhere on the EA depot land closer to existing buildings as were seen on the site visit. This alternative was not followed through because it would have involved increased land works thus adding to cost and have a greater combined visual impact. It is agreed that these considerations do carry significant weight in that they would provide a significant community benefit to enable this emergency service to operate efficiently and professionally.

e) The Final Planning Balance

Members are aware that the final planning balance is an assessment of whether the considerations and benefits advanced by the applicant "clearly" outweigh the cumulative level of harm caused. If so, those considerations and benefits would amount to the very special circumstances necessary to enable support for the proposals.

In this case it is not considered that the benefits “clearly” outweigh the harms caused. This is because firstly, the Green Belt harm here is so substantial due to the impact of the scale and appearance of the development in a wholly rural and open setting even with the timber boundary fencing. The applicant’s consideration that alternative sites were explored is one which could well have carried more weight had it been supported by evidence of the search for a wide range of alternative sites so as to include and identify Green Belt and non-Green Belts sites; brown field and green field alternatives and sites that might already have lawful use for activity akin to that being proposed. Moreover, the criteria said to be used in filtering any sites did not include any planning criteria – only operational matters. A brownfield site is certainly to be preferred, but as explained above that is not considered to be the position here.

The second is that whilst the operational requirements of the service are recognised and it is agreed that there is a significant community benefit in having a fully trained emergency service, the NPPF explicitly recognises the Green Belt as a “protected” area and in this case because of the harms caused, it is considered that the greater community interest lies in the maintenance of the key characteristics of the Green Belt – its openness and its permanence.

The third is that there is still not agreement between the relevant nature conservation bodies on the likely harms caused.

Recommendation

That the Council continues to strongly OBJECT to this proposal for the reasons given in this report.

2.3 North Warwickshire Borough Council – Environmental Health:

Stated that there were no comments to make on the proposals.

Subsequently in response to the Noise Assessment: The report was reviewed and observations made. The EHO acknowledged that changes to the Assessment as a result of his comments would not change the conclusions of the report in terms of the likelihood of impact or noise complaint and no objection was raised.

2.4 Lea Marston Parish Council: An initial query was received from the Parish Council, but no further response to the subsequent consultations sent to the Parish Council providing details of the Protected Species Report and amended plans on 09.09.20 or 03.11.20 have been received.

- 2.5 **Nether Whitacre Parish Council / Councillor Debra Starkey:** The initial response stated 'This site is within the Green Belt where the construction of new buildings is defined by the NPPF as being inappropriate development. The proposal, a fire and rescue training centre, does not fall within any of the exceptions outlined in paragraphs 145 and 146 of the NPPF and therefore in our view carries a presumption of refusal.

Furthermore, while the buildings will not be visible from outside the Lea Marston Depot, the application site is currently free from development and their construction would clearly impact on the openness of the Green Belt here causing harm to the Green Belt.

The applicant states that the training facility will provide improved training for Warwickshire Fire and Rescue officers which will benefit the wider community in fire rescue. While this may be viewed as the special circumstances necessary to overcome harm to the Green Belt, we still have reservations about the impact of the proposal on local residents in Lea Marston and Nether Whitacre in terms of noise nuisance, disturbance and emissions from the building.

No information has been provided on how the facility will operate, the proposed hours of use or if the use of the building will produce emissions or how potential spillage from the site will be prevented from entering the adjacent river.

We are also concerned about the impact of the proposal on wildlife. The proposed location of the buildings adjacent to the River Tame and at the head of Coton Lakes (which is a significant habitat for birds) could affect wildlife through increased levels of noise and human disturbance. We are also worried about the height of the building and its impact on bird movements and the proposed lighting which may impact on nocturnal wildlife.

We would ask that both Warwickshire Wildlife Trust and Tame Valley Wetlands are consulted on the proposal as we note that they are not currently a consultee.'

In response to a consultation to provide the Protected Species Report, amended plans removing the Cold Smoke House and the proposed erection of 2.5 m screen fencing, Councillor Starkey responded: 'We are pleased to see that the "cold smoke house" has been removed. We are also happy with the proposed erection of the high close boarded fence, we feel that this will help to protect wildlife from seeing the activities within the compound when operational. We are also pleased to see that it is now proposed to use low level directional lighting to be positioned away from the river corridor.

The only query that we have is if the high level lighting which was proposed on top of the buildings has been removed?'

When advised of the consultation response from the Ecologist that there would be a recommendation for planning conditions, on 28 September 2020 Councillor Starkey further responded:
'Pleased to hear that the lighting would be conditioned and that the ecologist requires there to be no light spillage outside the site.'

In response to the consultation on 03 November 2020 for the amended plans including the screening fence increased in height to 5m, the Clerk to the Parish Council responded on 18 November 2020 stating
'Councillors appreciate the low level directional lighting and wooden fence to go around the proposed facility on the Environmental site will reduce disturbance to wildlife.

Revised plans received for a 5m high fence to be erected including a Burn House, which can clearly be seen above the fence, considerably increases the visual impact of the structure from the Bridge in Lea Marston and nearby footpath. Councillors have requested the introduction of a tree planting scheme to reduce the visual harm and address concerns around the noise from the facility during training sessions.

We understand a filtration unit is to be included as part of the Burn House to minimise the volume of smoke/emissions and odour that escape from the facility and any smell/pollution from the Burn House activities is described as negligible given the distance to residential properties, however, we would like assurance that thought has been given to prevailing winds and confirmation that Lea Marston residents have been notified of the plans so they can be convinced there will be no loss of amenity to properties, the nearest being 360m away and any noise disturbance from training which is planned for 194 days per year.'

2.6 Councillor Dave Reilly: There is insufficient information within the published documents accompanying this application online about the materials that will be used and the function and operation of this development. I am therefore unable to expand in more detail about the specific grounds for my objection. That said on the basis of what is published the grounds of my objection at this time are:

1. Green Belt. This development is within the Green Belt. Additionally, because of its open rural setting, size and design it will also impact on the Green Belt of the elevated surround communities of Whitacre Heath and Shustoke.

2. Visual amenity impact - Design. From the published plans it appears that the building will be 15 meters high and that it will be constructed from metal. The height and industrial design of this facility is not in keeping with the overriding rural nature of the proposed site.

3. Visual amenity impact - Lighting. I note that the plans show lighting at the maximum heights of this structure and around it. This location is not currently lit at night and affords dark sky views and dark night ecological environment.
4. Audible amenity impact - Air conditioning and smoke filtration assets. The plans show an industrial filtration system. The siting of this asset neighbours residential properties in Lea Marston and Whitacre Heath. Additionally, the topography of the area means that both during the day and especially at night sound travels extended distances. There is no mitigation to reduce audible impact illustrated in these published documents.
5. Audible amenity impact - operational use of the facility. There is no published information about the audible impact of the assets on the site and noise arising from the training activity that will be undertaken there.
6. Air quality impact. There is no published information about the impact or mitigation of burning materials that will take place on this site.
7. Ecological impact. Lea Marston Lakes and the wider Tame Valley are a nationally important migratory route for wetland birds. There is no recognition of this in the application. In addition the development site neighbours a Warwickshire Wildlife nature reserve and Hams Hall Environment Education Centre. There is no published information about the impact of the operation of this site during day and night time on resident and migrating ecology.
8. Ecological and public health impact - Water Drainage. I note that the application proposes a soak away for waste water. The proximity of the development next to the River Tame suggests that waste waters will be routed into the river course. The River Tame is a nationally important drinking water transitory route for times of drought. There is no information about the impact of this facility on this national contingency capability.
9. Failure to recognise residential communities of Lea Marston, Marston and Whitacre Heath in the application published materials.
10. Section 12 of the published application form incorrectly states that there is not a reasonable likelihood of an adverse biodiversity impact. It states that there are no important habitats, biodiversity features or designated sites present or nearby. This is not factually correct. A nature reserve borders the application site and Kingsbury Water Park, WCCs primary country Park lies on the course of the River Tame within a kilometre of the proposed development site.

11. Section 19 Hours of operation. The application states that hours of operation are not relevant to the proposal. I contest this in view of the close proximity of two residential communities and the nighttime sensitivity of the local ecology.

- 2.7 **WCC Fire Service Water Supply Officer:** No objection subject to the imposition of a condition for a scheme to provide adequate water supplies and fire hydrants.
- 2.8 **WCC Highways:** No objection.
- 2.9 **WCC Ecology:** As you will be aware WCC Ecological Services have been in protracted discussions with the applicant and their ecological consultants to ensure that there is sufficient data, analysis and interpretation to evaluate the impacts of this development on the onsite and surrounding biodiversity. Any significant impacts would then need to be avoided, mitigated for or as a last resort compensated for. I am satisfied that due process has been followed and that we are now in a position to support the proposal, although conditions will be required to regulate the activities on site to make it acceptable in planning terms.
- 2.10 **WCC Flood Risk and Water Management:** No objection subject to a condition requiring any permission to be carried out in accordance with the Flood Risk Assessment, Drainage Strategy and the Operation & Maintenance Manual.
- 2.11 **Environment Agency:** No objection subject to conditions relating to flood risk and water quality.
- 2.12 **Natural England:** No objection. Based on the amended plans and additional information submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.
Natural England's further advice:
Whitacre Heath Site of Special Scientific Interest
Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.
- In response to further amended plans (03.11.20): The advice provided in our previous response applies equally to this amendment.
- 2.13 **Ramblers Association:** Raised the issue of the route of public right of way apparently through the application site. This matter has been resolved as the footpath was diverted in 2008.
- 2.14 **WCC Rights of Way:** Having clarified that the footpath formerly on the site was diverted in 2008, no objection.

2.15 **RSPB:** No comments received.

2.16 **Warwickshire Wildlife Trust:** Objection.

This proposal lies entirely within a Local Wildlife Site, Lea Marston Lake SP29B9. This site of County importance for nature conservation and biodiversity should be protected from development, in line with Local Plan policy and the National Planning Policy Framework. Warwickshire Wildlife Trust objects to this planning application, as Local Wildlife Sites should be protected from development as part of the vital network of connected spaces across Warwickshire and the wider sub-region.

Response received 17.11.20

There is a clear commitment by Government to leave the environment in a better state than it inherited it and to facilitate nature's recovery via providing net gains to biodiversity. This is reflected within the NPPF (2019) and the Government's 25 Year Environment Plan.

The Wildlife Trust has concerns regarding the proposal in the Green Belt, adjacent to the River Tame, as well as a potential Local Wildlife Site and within 0.5km of a SSSI.

WWT also has serious concerns regarding the impact of noise, light pollution and the intensification of human activity on the protected species and wildlife that clearly use the area.

The application doesn't appear to fulfil all of the required tests to be an exception site in the Green Belt, and seems to contravene Local Policy LP31 Development Considerations states that development: 'Should ...avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution'.

There will also be an obvious impact on the protected species and wildlife that use the site and surrounding watercourse in terms of noise, light pollution and human activity, which it is considered will be impacted contrary to national and local policy, despite fencing mitigation.

There also appears to be limited information as to why such a facility needs to be adjacent to an important water course for protected species and in a green belt location.

Therefore, in its current form, it is the considered view of Warwickshire Wildlife Trust that this full application contravenes local and national planning policy. On balance, therefore, the Trust at this stage cannot support the application.

2.17 **West Midlands Bird Club:** No comments received.

2.18 A site notice was displayed at the entrance to the application site on Coton Road on 19 September 2019

2.19 A press notice was published in the Tamworth Herald on 19 September 2019 advertising the application as a departure from the Development Plan.

- 2.20 There are no residential properties in the immediate vicinity of the application site and therefore no neighbour notification letters were posted for this application.

3. Representations

- 3.1 An objection was received from Councillor Shelley Lebrun as the Borough Councillor for the Curdworth Ward and one letter of objection was received from a local resident making the following comments:

I strongly object to such a proposal from several points.

a) It is encroaching on The Green Belt.

b) We have extreme development in this area that has taken place over the last few years such as the development from Hams Hall industrial estate. Light pollution is incredible together with the noise that site generates.

c) the development of the High-Speed Rail.

My house on Birmingham Road will be affected by the increased noise from the existing railway line (using it at night to bring goods into the holding site) together with traffic and noise etc.

d) the development of the Clay Pigeon Shoot in Blackgreaves Lane that produces noise nearly every day of the week and the noise is above Health and Safety Standards.

All of this takes place in a Green Belt area. I strongly object to this proposal.

4. Previous Planning History

- 4.1 The application site is within an area previously excavated for sand and gravel with the subsequent creation of the Lea Marston Purification Lakes. In 2018 planning permission was granted by North Warwickshire Borough Council for a storage building, sand-bagging building, modular office and two storey modular building to replace an existing building located to the north-west of the current application site (Ref: PAP/2018/0040).

5. Assessment and Observations

Site and surroundings

- 5.1 The application site is located approximately half a kilometre north of Lea Marston and almost a kilometre south of Marston, sited within the secure gated DEFRA Environment Agency Lea Marston Depot site; a complex of lakes, mounds and woodlands with a range of buildings (offices and storage facilities) and structures south of Coton Road. The 0.2 ha application site is located on a generally level area of grassland and scrub to the west of the River Tame. The river flows over the two weirs to the south-east of the application site into the large lake to the north-east of the site. The Birmingham-Derby railway line runs along the south-eastern shore of the lake and 270 m east of the application

site. To the north and north-west of the application site are the offices and storage facilities on the DEFRA site. A concrete access road that serves the adjacent and nearby Environment Agency facilities runs around the southern and eastern boundary of the application site.

Planning Policy

- 5.2 Section 38(6) of the 2004 Planning and Compensation Act requires that planning applications are determined in accordance with the provisions of the Development Plan ‘unless material considerations indicate otherwise’.

Paragraph 11 of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:

(a) proposals which accord with an up-to-date development plan should be approved without delay; and

(b) where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Where the presumption in (b) applies, it is often referred to as the “tilted balance” in favour of the application.

- 5.3 Paragraph 12 goes on to explain that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.4 Paragraph 48 explains that authorities may give weight to relevant policies in emerging development plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework.

- 5.5 In this case, there is a development plan in place which has relevant policies that are considered to be up to date so far as they relate to this proposal. Therefore, the application should be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise. The Development Plan relevant to the proposal consists of the “saved” policies of the North Warwickshire Local Plan 2006 and the Local Plan for North Warwickshire – Adopted Core Strategy October 2014. The new Local Plan for North Warwickshire was submitted for Examination in March 2018 and brings together the adopted Core Strategy, draft Site Allocations and draft Development Management documents into one single plan. The Local Plan when adopted will replace the saved policies of the 2006 Local Plan. At present, the Local Plan is at Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and is not therefore an adopted document. While the policy document carries some weight, it is not currently part of the Development Plan. Nevertheless, the relevant policies of this Local Plan are included below.
- 5.6 The courts have made it clear that for the purposes of Section 38(6) it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy in the plan. It is a matter of judgement for your Committee whether the proposal accords with the plan, considered as a whole, bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach.

National Planning Policy Framework

- 5.7 The NPPF states that the planning system has three overarching objectives; economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 5.8 **Paragraph 92** of the NPPF states that to provide social, recreational and cultural facilities and services the community needs, planning policies and decisions should ensure an integrated approach to considering the location of community facilities and services.
- 5.9 The application site is located within the Green Belt. Chapter 13 of the NPPF sets out the Government’s Green Belt policies, **paragraph 143** stating that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. **Paragraph 144** continues that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green

Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 5.10 **Paragraph 163** of the NPPF states that when determining planning applications flood risk should not be increased elsewhere. Development should only be allowed in areas at risk of flooding where, in the light of a flood risk assessment it can be demonstrated that the development is appropriately flood resistant and resilient, it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate; any residual risk can be safely managed and that safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 5.11 Chapter 15 of the NPPF relates to conserving and enhancing the natural environment, requiring that planning decisions should contribute to and enhance the natural and local environment by means including ensuring they minimise impacts on and provide net gains for biodiversity and prevent new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability.

Local Plan 2006 (Saved Policies)

- 5.12 The following saved policies of the North Warwickshire Local Plan are considered to be relevant in the assessment of the proposed development.
- 5.13 **Policy CP3 – Natural & Historic Environment:** states that all development decisions will seek to protect or enhance biodiversity, natural habitats, the historic environment and existing landscape and town character.
- 5.14 **Policy CP 6 - Local Services & Facilities:** states that the Local Plan will protect and support local services and facilities across the Borough and will ensure community involvement in the consideration of the means of achieving this.
- 5.15 **Policy ENV2 - Green Belt** defines the application site as being within the Green Belt.
- 5.16 **Policy ENV3 - Nature Conservation** seeks to protect Local Nature Reserves, Sites of Importance for Nature Conservation and regionally important geological /geomorphological sites and protected species. It requires that where development is permitted that may have an effect on rare, endangered or other species of conservation importance, the Authority will use conditions and/or obligations to secure compensatory measures necessary to protect the species, reduce disturbance to a minimum and provide alternative habitats to sustain or enhance the population.

- 5.17 **Policy ENV8 - Water Resources** states that the water resources of the Borough will be safeguarded and enhanced, and development protected from floodwater by; preventing the contamination of any watercourse or aquifer, ensuring new development has satisfactory surface and foul water drainage systems by requiring, where feasible the use of Sustainable Drainage Systems (SuDS), not permitting development that would prevent maintenance access to watercourses and requiring remediation measures where pollution has already occurred.
- 5.18 **Policy ENV9 - Air Quality** seeks to safeguard and enhance the air quality of the Borough by means including:
- Not permitting development that would include hazardous substances likely to have an unacceptable risk to nearby areas and people.
 - Not permitting places of residence, employment or other noise sensitive uses if the occupants would experience significant noise disturbance.
 - Not permitting development that would create significant noise disturbance to nearby housing, schools or other noise sensitive uses.
- 5.19 **Policy ENV11 – Neighbour Amenities:** states that development will not be permitted if the occupiers of nearby properties would suffer significant loss of amenity, including overlooking, loss of privacy, or disturbance due to traffic, offensive smells, noise, light, dust or fumes. Occupiers of the development itself should also enjoy satisfactory standards of these amenities.
- 5.20 **Policy ENV 13 – Building Design:** seeks to secure satisfactory standards of design and external appearance.
- 5.21 **Policy ENV14 - Access Design:** requires safe and convenient access arrangements.
- 5.22 **Policy ENV15 - Heritage Conservation, Enhancement and Interpretation** requires the protection of heritage assets.

North Warwickshire Adopted Core Strategy 2014

- 5.23 **Policy NW1: Sustainable Development:** requires planning applications to accord with the policies within the core strategy, and applications should be approved without delay unless material consideration indicate otherwise.

- 5.24 **Policy NW3 Green Belt:** applies the national Green Belt policy as defined by the NPPF and confirms the primary aim is to maintain the open nature of the area and that there is a general presumption against development that is inappropriate, except in very special circumstances.
- 5.25 **Policy NW10 Development Considerations:** sets out the development considerations to be addressed, including the need to avoid and address unacceptable impacts on neighbouring amenities.
- 5.26 **Policy NW13 Natural Environment:** requires proposals to protect the natural environment including landscape character, wildlife and to guard against climate change.
- 5.27 **Policy NW15 Nature Conservation:** requires the protection of flora and fauna and their natural habitat as well as sites of national and local importance.

North Warwickshire Local Plan Submission Version March 2018

- 5.28 **Policy LP3 Green Belt:** The policy outlines considerations for development in the Green Belt in addition to the NPPF, including setting out the volume of extensions or replacement buildings that would be acceptable.
- 5.29 **Policy LP14 Landscape:** states that within identified landscape character areas development will conserve, enhance and where appropriate, restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. Specific landscape, geo-diversity, wildlife and historic features which contribute to local character will be protected and enhanced.
- 5.30 **Policy LP16 Natural Environment:** States that the Borough Council recognises the importance of the natural environment to the Borough's local character, identity and distinctiveness. The quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced.

Conserving the Natural Environment

Development that affects Sites of Regional and Local Importance for Nature Conservation will only be permitted where the benefits of the development outweigh the nature conservation value of the site and the contribution it makes to the Borough's ecological network. Development that damages habitats and features of importance for nature conservation will only be permitted where there are no reasonable alternatives to the development taking place in that location.

- 5.31 **LP31 Development Considerations:** Sets out the Borough Council's development considerations, including: Targeting development at brownfield land in appropriate locations reflecting the settlement hierarchy; requiring development to be adaptable for future uses and take into account the needs of all users; to avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution; and, protecting the quality and hydrology of ground or surface water sources so as to reduce the risk of pollution and flooding, on site or elsewhere.

Policy Considerations

Green Belt

- 5.32 The site is in the Green Belt. The erection of new buildings in the Green Belt is defined in the NPPF as inappropriate development.
- 5.33 Paragraph 145 of the NPPF defines from a) to g) exceptions when new buildings might not be inappropriate. In this case the exceptions cited do not apply, with the possible exception of g) which states: limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
- 5.34 The application site occupies a small area within the Lea Marston Environment Agency depot site. The depot area including the application site has been the subject of mineral extraction, and subsequent re-modelling of the area, including the formation of the adjacent lake bodies. There are a range of buildings and structures on the depot site in use by the Environment Agency including modular office buildings, storage buildings including the recently constructed Emergency Store Major Incident Response Hub; containers; plant and machinery; hardstanding and access roads. The application site is a 0.2 ha area of semi-improved grassland, surrounded by a concrete roadway which serves the built development close to the application site, including the Emergency Store, the River Tame weir and the associated plant and structures.
- 5.35 The NPPF glossary defines previously developed land as *land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously*

developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. While areas of the wider depot site would fall within the definition of previously developed land, the land within the application site has no existing built structure that the proposal would replace and the proposed development would affect the openness of the Green Belt and for these reasons the proposal is for inappropriate development.

- 5.36 In determining the proposal, it is necessary therefore to assess the material planning considerations that have been put forward in support of the application to see if in the balance they amount to very special circumstances that outweigh all of the harms caused including the harm to the Green Belt.

Green Belt Harm

- 5.37 The NPPF makes it clear that inappropriate development in the Green Belt is always deemed to be harmful as a matter of policy and this deemed harm should always be given substantial weight. In addition to the deemed harm, it is necessary to consider the nature and extent of the actual harm that would be caused by a development having regard to the aims and purposes of the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, so the essential characteristics of Green Belts are their openness and their permanence. The five purposes of the Green Belt are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 5.38 In order to establish the weight to be given to the actual harm, the impact of the development on the openness of the Green Belt needs to be considered.
- 5.39 The NPPF does not provide a definition of openness but it is generally taken in planning terms to be an absence of development. Planning guidance indicates four factors that should be considered in relation to impact on openness: the spatial dimension, the visual dimension, the level of activity associated with a development and finally the duration or permanence of the development.
- 5.40 First, the spatial dimension. The application site is a small area of open grassland within the larger DEFRA depot area. The proposed buildings and structures, while not extensive in footprint, would introduce a built form on a site where there currently is none and would therefore not

preserve the openness of the Green Belt in this area resulting in moderate harm.

- 5.41 Secondly, in terms of the visual impact on the openness of the Green Belt the development would introduce a built form up to 10 metres in height with ancillary structures (poles, railings and flue) up to 13 metres high.
- 5.42 There are limited public views of the application site from areas beyond the depot boundaries. One view is afforded from the Birmingham Road looking north towards the Lea Marston Depot and the application site from the road bridge where it crosses the River Tame. The application site from this point is seen behind the concrete structure of the weir and the large metal gantry structure that spans the river at that point. The proposed development would be surrounded by a 5 m high timber fence with elements of the Minerva unit and the filtration system visible above the fence height. There is a distance of 350 metres between the road bridge and the application site. The public footpath over the Birmingham Road bridge would afford both a pedestrian and a motorist a view towards the application site.
- 5.43 A second viewpoint is from the public highway, on Coton Road, to the north of the lake body. The view is limited as a result of the vegetation between the highway and the lake and the lack of public footpath from which to view. The occupants of a vehicle stationary waiting at the traffic lights on the narrow one-way section of Coton Road do have an opportunity to look towards the application site. The development would be over 700 metres from this public viewpoint and would be significantly screened by the vegetation along the highway.
- 5.44 Occupants of trains on the Birmingham-Derby rail line which runs to the south and east of the application site could also have limited views of the application site across the body of the lake.
- 5.45 Given the distance between the public viewpoints; the screening of the proposed development by vegetation and by other existing built forms on the depot site close to the application site, it is considered that the level of harm to openness of the Green Belt in relation to the visual impact is limited.
- 5.46 The third consideration on the openness of the Green Belt is the level of activity that the proposed development would generate. There would be a level of disturbance and activity generated during the construction phase of the development which would have a moderate impact. On completion of the fire training facility there would be a level of activity within the confines of the compound area in the form of the vehicular movements of the Fire Appliances and human activity during the fire training exercises. However, the proposed erection of the 5 m high timber fencing along the southern and eastern boundaries of the application site and the addition of metal cladding panels to the

Minerva unit would screen any human activity on the outside staircases or gantries of the structure during training or maintenance and would reduce the impact of activity on the openness of the Green Belt to a limited level of harm.

- 5.47 The final of the four considerations on openness would be the duration of the development, which would be permanent. This consideration adds to the weight to be given to the other aspects of harm.
- 5.48 The proposed development should also be assessed against the five purposes of Green Belt to determine if there is harm as a result of conflict with any of the purposes. In this case, the application site is not located next to or part of a large built-up area and does not therefore serve the purpose of checking the unrestricted sprawl of a large built-up area or prevent neighbouring towns merging into one another. The site does not preserve the setting or character of an historic town nor would the location of the development in this area discourage urban regeneration. The Lea Marston depot site and the surrounding area of lakes do serve as a part of a swathe of land that helps safeguard the countryside from encroachment. The proposed development would, however, be in proximity to the existing adjacent man-made surfaces, structures and plant on the depot site and would be bounded by a concrete drive. It would not encroach into general countryside. For these reasons, it is concluded that any conflict with this purpose does not add materially to the harm caused by loss of openness.
- 5.49 In terms of Green Belt harm therefore there is the substantial harm caused by definition and moderate actual harm to openness.

Other Harms

5.50 Visual and Landscape Impact

A Landscape and Visual Appraisal was submitted to support the planning application. In landscape terms the site is located within the 'River Valley Wetlands' Landscape Type of the Arden Landscape Character Area. The area is defined as a highly modified rather degraded river valley landscape strongly influenced by sand and gravel extraction and other industrial activities.

- 5.51 The application site is an area predominantly of unimproved grassland with a few native trees, located within the Environment Agency's Lea Marston depot off Coton Road. The site is not covered by any landscape designations and there are no Tree Preservation Orders (TPO) on the trees on site. The River Tame runs along the site's eastern boundary. The surrounding landscape is composed of woodland/tree copses/tree belts, open water bodies associated with the River Tame and agricultural land. Land levels to the west of the site are higher and the surrounding wooded areas visually enclose and

restrict medium and long-distance views into the application site. There are limited views into the depot site when viewed from the bridge over the River Tame on the Birmingham Road, to the south. The site is seen in association with the infrastructure of the EA's depot, with security fencing, concrete structures, storage building, modular buildings and the screening gantry equipment adjacent to the weirs to the south of the application site. While the proposed development would alter the local landscape by the replacement of un-improved grassland and would result in a physical and visual increase in new built development, in the context of the existing character of the EA depot there would be only a small change. It is concluded that the harm to landscape and visual harm would be limited and the development acceptable in the light of policies CP3 of the Local Plan 2006 and NW13 of the Core Strategy.

Impacts on Amenity

- 5.52 It is necessary to consider whether the operation of the proposed development would have an impact on amenity as a result of the noise, light or air pollution.

Noise Impact

- 5.53 To address the potential impact of noise from the proposed training facility, a Noise Assessment was carried out. The Assessment measured background noise levels against which to assess the impact of predicted sound levels on local sensitive receptors. The nearest noise receptors to the Minerva site are dwellings on the eastern edge of Lea Marston village approximately 400 m to the south and properties east of Haunch Lane approximately 500 m west of the site.
- 5.54 The Noise Assessment advises that of training exercises at the Minerva Unit/Fire House the greatest potential for significant noise levels to impact off site would be as a result of the large scale breathing apparatus exercises which could involve the operation of six to eight portable water pumps. The Assessment concludes that the operation of the Minerva site would be most unlikely to give rise to any adverse impacts due to noise.
- 5.55 North Warwickshire Environmental Health Officer raised no objection to the Noise assessment, but commented on inaccuracies in the report, concluding that a minor rewrite of the Noise Assessment to correct those inaccuracies would be unlikely to overturn the conclusions of the Assessment. The development is considered to accord with saved policy ENV9 of the Local Plan 2006.

Odour and Air Quality Impact

- 5.56 An Air Quality Assessment was submitted with the application to determine the potential impact of the proposed Minerva unit on air quality. The Minerva unit is designed to provide a real fire training facility with a smoke filtration system. The training would involve lighting a fire within the unit to generate smoke to enable firefighters to practise using breathing apparatus and equipment in a realistic setting. The emissions that exit the Minerva unit would be captured and filtered through a wet scrubber designed to remove odours from the emissions. A certain amount of odour would remain in the burn house as a result of the carbonaceous fires however, it is considered unlikely that odour would be detectable at the site boundary.
- 5.57 The nearest residential properties to the burn house are approximately 360 m to the south-west of the proposed site. Given the separation distance the Air Quality Assessment concludes that loss of amenity as a result of an increase in odour levels from the burn house is low.
- 5.58 The application site is within a predominantly rural location where existing pollutant concentrations would be expected to be well below the relevant Air Quality Objectives (AQO). The Air Quality Assessment concludes that in the future air quality concentrations would be expected to remain well below the AQOs and the Environmental Assessment Levels (EALs).
- 5.59 The North Warwickshire Environmental Health Officer raised no objection to the proposed development in relation to odour or air quality. The development accords with saved policy ENV9.

Light Pollution

- 5.60 The training facility would require illumination as evening training sessions are to be included within the proposed use. A condition is recommended by the County Ecologist requiring that the approach road is not to be lit and that all lighting must be contained within the site - i.e. zero additional lux above current background levels. This would ensure that there are no impacts on bat commuting or foraging routes or the water body Local Wildlife Site.

Ecological Impact

- 5.61 The application site is located within the Lea Marston Lakes Local Wildlife Site (LWS) and the River Tame which flows up to Coton pools LWS and is therefore an integral link in the chain of wetlands within the Tame Valley Living Landscape Area and one of Warwickshire's main wildlife corridors. The lake is a nationally significant overwintering bird site with importance for certain bird populations such as gadwall.

- 5.62 The application site is predominantly an area of species-poor, semi-improved grassland which has been left largely unmanaged. The proposed scheme would require much of the application site to be hard surfaced to provide circulation and parking space for fire tenders. The erection of the proposed Minerva unit, the adjacent filtration system and the two-storey modular training and welfare building would result in an increase in noise and activity to this area of the DEFRA site.
- 5.63 The area in the vicinity of the application site is not without significant levels of activity. The Environment Agency has an existing facility adjacent to the lake, 30 m to the south of the application site which generates activity in this area of the DEFRA site. The EA structure, installed during the 1980s, was used to screen floating debris from the River Tame and is now used for water sampling equipment and to test flood equipment. The railway line to the east of the lakes is in frequent use.
- 5.64 The County Ecologist requested winter and summer bird surveys be conducted to identify the bird populations using the area and to understand the potential impacts of the proposed development. The Protected Species Report subsequently submitted detailed the breeding birds, wintering birds and otter surveys undertaken.
- 5.65 In respect of the breeding birds a total of six breeding survey visits were undertaken between April and June 2020. The results indicated that the LWS site supports a breeding bird community comprised of species that are relatively common and widespread in Warwickshire and typical of the habitats present (principally woodland, grassland and open waterbodies). There are notable species which have the potential to be impacted by the proposed development and include Cetti's warbler. Large numbers of waterfowl including tufted duck and mute swan are known to breed at nearby designated sites.
- 5.66 In relation to breeding birds the report concludes that the limited area of semi-improved grassland that would be cleared to accommodate the proposed development would have no impact on the nesting birds close to the site. However, construction works could cause disturbance to nesting birds (including water birds) in the vicinity of the site and for this reason it recommends that construction works are undertaken outside the bird nesting season (1st March – 31st August) or completed using sensitive working methods to reduce or mitigate the impact.
- 5.67 In relation to wintering birds the report states that the waterbody was surveyed. The waterbody is divided into two sections by the central man-made spit. There is a water weir at both the entrance and the exit of the waterbody. The report describes that water birds tended to congregate close to the inflow at both weirs to the east of the application site, the closest weir being approximately 10 m from the site boundary. The survey notes that the presence of EA personnel and

others close to the weir caused birds to move away from the disturbance.

- 5.68 The report recommends that work should ideally be undertaken between September and October to also avoid the most sensitive times with respect to wintering birds. The report further concludes that the erection of a 2.5 m high solid fence (now proposed to be 5 m high), prior to any construction works or operation activities on the application site would mitigate any human presence that would disturb birds close to the weir and the main area of the waterbody beyond. Birds located on the waterbody beyond the central man-made spit would be screened by the fence and the existing vegetation on the spit and would be unlikely to be affected by human activity. In addition, as the waterbody is part of a larger complex of waterbodies providing foraging and resting opportunities for the wintering birds, they would be able to move away from noise or human presence to alternative habitat less than 500 m from the site and are unlikely to be significantly impacted.
- 5.69 In relation to otters, the report describes that locations within the survey area suitable for otter rest sites are restricted to the undisturbed spit of land and an area of dense scrub approximately 200 m south of the application site. The proposed development is concluded to be unlikely to disturb an otter shelter or rest location. However, as otters are found to move through the area recommendations are made on working practices and design to ensure the area remains suitable for otter. These measures would include erection of a solid fence around the site prior to construction and controlling the use of lighting during both construction and operation to avoid light spill onto the river corridor.
- 5.70 In response to the Protected Species Report, the County Ecologist advised that there is a potential that regionally and nationally important species would be disturbed by the activities on the application site; primarily through humans being visible as they use the facility. This, however, can be fully mitigated for by the erection of a suitably sized fence at a height to screen human activity as well as construction and operational constraints regulated using conditions.
- 5.71 In relation to otters the County Ecologist concluded that there is a potential for otters to be disturbed on the spit, however, this would be mitigated for through the erection of a suitable sized fence to screen human activity during construction and operation activities.
- 5.72 The application site is suitable for reptiles and amphibians which are likely to be present. As the site is a small area (0.2 ha) within a much larger area with suitable habitat for these protected species, a suitably worded condition for avoidance measures is recommended.
- 5.73 While no Biodiversity Net Gain assessment has been carried out for the site, it has been noted that there will be a loss and that this will need compensation which is recommended to be covered by condition.

5.74 The County Ecologist also recommended conditions requiring:

- the approach road not to be lit and that all lighting must be contained within the site - i.e. zero additional lux above current background levels. This will ensure that there are no impacts on bat commuting or foraging routes or the waterbody Local Wildlife Site.
- No visible persons are to be allowed above the fence line for training purposes associated with the training facility - to reduce the impact of human visual disturbance on the Local Wildlife Site.
- Any airborne and waterborne particulates generated through the operation of the development other than vehicular movements are to be captured and disposed of off-site or in sensitive manner - to avoid impacts onto or into the Local Wildlife Site.

5.75 It is concluded that the recommended planning conditions would ensure that there are no unacceptable ecological impacts as a result of the proposed development. The development, subject to those planning conditions is considered to accord with policies CP3 and ENV3 of the Local Plan 2006 and policies NW13 and NW15 of the Core Strategy.

Flood Risk

5.76 The EA Flood Map indicates that the majority of the application site is located within Flood Zone 1, however the southern area of the site is within Flood Zone 2 with a medium risk of fluvial flooding. A Flood Risk Assessment (FRA) has been submitted for this reason, as required by the NPPF, to demonstrate how flood risk to the proposed development and any potential increased flood risk to third parties due to the development, would be managed over the lifetime of the development, taking climate change into account.

5.77 The FRA describes the site as an area of grassland with a shallow slope across the site from the south-west corner to the north-east corner with a fall of 1.43 m across the site, draining to the north-east directly into the River Tame. The site is undeveloped and has no formal drainage features.

5.78 The NPPF requires a Sequential Test when considering proposed development with the aim of steering new development to areas with the lowest probability of flooding. The proposed fire training facilities are classified by the NPPF as 'less vulnerable' and would therefore be compatible with sites in Flood Zone 1 and 2. The majority of the development, including all the buildings and the associated filtration plant would be located on the area within Flood Zone 1 and therefore considered to meet the requirements of the Sequential Test.

- 5.79 The application site is shown in the EA surface water flood risk map as being at very low risk of surface water flooding, while groundwater flooding mapping shows the site does not have a significantly high risk of groundwater flooding.
- 5.80 A Drainage Strategy was submitted to detail the management of surface water drainage within the application site to prevent any likelihood of flooding of the proposed development or the surrounding area.
- 5.81 The foul water discharge from the proposed welfare building is proposed to be treated on site and discharged to the surface water system before discharging to the River Tame.
- 5.82 Both the Lead Local Flood Authority and the Environment Agency have stated that they have no objection to the proposed development, subject to the imposition of the recommended planning conditions. The development is considered to accord with saved Policy ENV8 of the Local Plan 2006.

Highways

- 5.83 The Highway Authority stated that there was no objection to the proposed development. There is no alteration proposed to the access to the Lea Marston Depot site as a result of the proposed development. There is adequate parking available with the depot area and parking and vehicle circulation space is available within the application site for the emergency vehicles required for the proposed training sessions.

Heritage

- 5.84 There are no heritage assets on or in the immediate vicinity of the application site. The closest listed building is the Grade II Listed Ivy Cottage in School Lane, over 450 metres to the south-west. The application site and the listed building are not seen in the same context. There is considered to be no material harm to heritage. The proposed development would be in accordance with Policy ENV15 of the Local Plan 2006.

The Harm Side of the Planning Balance

- 5.85 In overall terms in considering the matters above, the harm side of the balance comprises deemed policy harm to the Green Belt which must always be given substantial weight with limited to moderate actual harm to the openness / encroachment of Green Belt but with very limited weight for all other harms.

The Applicant's Case

- 5.86 The provision of appropriate fire and rescue training facilities are required to be provided by Fire Authorities as stipulated by the Fire Services Act 2004, Civil Contingencies Act 2004 and the Health & Safety at Work Act 1974. The government sets out its expectations in the Fire and Rescue Service National Framework for England, with priorities being for Fire Authorities to: Develop and maintain a workforce that is professional, resilient, skilled, flexible and diverse. In addition, they are expected to collaborate with emergency services and other local and national partners to increase the efficiency and effectiveness of the service they provide.
- 5.87 In order to achieve their objectives, WFRS require high quality and fit for purpose training facilities. WFRS currently use training facilities at Dunchurch and Bedworth but those facilities are limited and not suitable to provide the full range of training required and as a result it sends staff as far as North Wales for specific training.
- 5.88 In 2012 the WFRS began an extensive process to identify a suitable site to develop a training facility within Warwickshire. A large new facility with all training facilities located on a single site, together with a replacement fire station was proposed on a site in Southam and planning permission subsequently granted in 2017. The applicant advises that despite an extensive value engineering exercise the costs of implementing the approved facility significantly outweighed the funding available and an alternative site was required.
- 5.89 As an alternative to the solution at Southam, the applicant decided to locate the training facilities on a number of smaller sites in close proximity to each other. The former Kingsbury Outdoor Pursuits Centre was identified as an existing redundant building and a climbing tower that would be suitable for elements of the Fire Service training requirements including the 'cold smoke house' and a road collision training simulator. The identification of this suitable site led the search to find other sites in close proximity to Kingsbury Water Park that would satisfy the remaining training requirements. While a number of sites were considered the DEFRA depot site at Lea Marston and Kingsbury Weir were considered the most appropriate.
- 5.90 The provision of the Minerva Unit / fire house as proposed in the current planning application, in addition to the proposed water rescue training facilities within a 2 km drive at Kingsbury Weir (NWB/19CC012) and the cold smoke house training facility, approved in February 2020 (NWB/19C010) at the Kingsbury Water Park only 3 km distant, would together provide a wide range of training facilities. Provision of the combined facilities would retain firefighters and emergency vehicles within the County, rather than travelling as far as North Wales, bringing economic and environmental benefits of reduced travel.

- 5.91 The WFRS already carry out some limited shared training on the Lea Marston Depot site in partnership with DEFRA. The two organisations would continue to work in partnership making use of the existing facilities on site, including the major incident response unit and to expand their joint training exercises. The sharing of resources and training would bring benefits to both organisations.
- 5.92 Provision of sustainable, economically viable training facilities within the County and particularly in an area that enables a full range of training including major incident scenarios in conjunction with other emergency service providers would bring substantial health and safety benefits to both firefighters and the wider community of Warwickshire. It is considered that the benefits provided by the proposed development do carry substantial weight.

The Final Planning Balance

- 5.93 In determining the planning application, Members must assess where the final balance lies between the identified harms on one side and the benefits of the scheme put forward by the applicant. In this case as a result of the definitions in the NPPF, there is substantial deemed harm to the Green Belt, but on consideration of the specifics of the application site the actual harm is concluded to be limited. The benefits of the proposed training facility, with the retention of firefighters in the locality during training; the economic and environmental benefits of reduced travel and the increase in skills and abilities of Firefighters as a result of improved training are considered to be substantial and to clearly outweigh the harms. As such they would be the very special circumstances required by paragraphs 143 and 144 of the NPPF to support the development.
- 5.94 Development within the Green Belt, which by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt is required by the Town and Country Planning (Consultation) (England) Direction 2009 to be referred for consultation to the Secretary of State for Housing, Communities and Local Government where the local planning authority does not propose to refuse the application.

6. Conclusions

- 6.1 The proposed development does not accord with the Development Plan in respect of Green Belt issues and Green Belt policy in so far as it is inappropriate development. However, the development implemented in accordance with the recommended planning conditions would be considered acceptable when examined against other policies of the Development Plan relating to the natural environment, nature conservation, neighbour amenity, heritage, air quality, drainage and access issues.

- 6.2 As set out above, it is considered that on balance very special circumstances have been demonstrated that outweigh the harm to the Green Belt that would result from the proposed development. The application is recommended for approval subject to the planning conditions below.
- 6.3 If the Committee are minded to support the proposed development subject to the recommended conditions, the application will need to be referred to the Secretary of State under the 2009 Direction.

7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference NWB/19CC013
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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