

**To: The Deputy Leader and Members of the Planning and Development Board**

**(Councillors Simpson, Bates, Bell, Chapman, Dirveiks, Fowler, Gosling, Hayfield, Hobley, Humphreys, Jarvis, Parsons, H Phillips, Reilly, Ridley and Ririe)**

**For the information of other Members of the Council**

For general enquiries please contact the Democratic Services Team on 01827 719237 via e-mail – [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk)

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

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

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**9 DECEMBER 2024**

The Planning and Development Board will meet on Monday, 9 December 2024 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The day after the meeting a recording will be available to be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

### **AGENDA**

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

## **REGISTERING TO SPEAK AT THE MEETING**

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk) or by telephoning 01827 719237 / 719221 / 719226.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber; or
- (b) attend remotely via Teams.

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

- 4 **Minutes of the meeting of the Board held on 4 November 2024** – copy herewith, to be approved and signed by the Chairman.

## **ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)**

- 5 **Budgetary Control Report 2024/25 Period April - October 2024** - Report of the Interim Corporate Director – Resources

### **Summary**

The report covers revenue expenditure and income for the period from 1 April 2024 to 31 October 2024. The 2024/2025 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the outturn position for services reporting to this Board.

The Contact Officer for this report is Akanksha Downing (719384).

## 6 **Planning Applications - Report of the Head of Development Control**

### **Summary**

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

#### **6a Application No's: PAP/2024/0513 and PAP/2024/0514 - Trent House, 102, Long Street, Atherstone, CV9 1AN**

Planning and Listed Building applications for the demolition of existing outbuildings for the provision of 6no. new build dwellings along with, change of use of existing listed commercial premises for the provision of 14no. Flats

#### **6b Application No: PAP/2024/0259 - Village Farm, Birmingham Road, Ansley, Nuneaton, Warwickshire, CV10 9PS**

Demolition of workshops / buildings, construction of 1 no. 2bed, 1 no. 3 bed, 4 no. 4 bed, 3 no 5 bed dwellings, garages, associated parking and access

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

## 7 **Review of Local Land Charges Fees – Effects of 6 months of Revised Charging – Report of the Head of Development Control**

### **Summary**

This report follows the report 'Review of Fees for Local Land Charges' to this board on 5 February 2024, and is to report the effect of that review after 6 months of operation.

The Contact Officer for this report is Andy Cooper (719231).

## 8 **Proposed Variation of a Section 106 Agreement for Bloor Homes Ltd - Report of the Head of Development Control**

### **Summary**

The report outlines a proposal by Bloor Homes Ltd to vary an existing Section 106 Agreement with the Borough Council in respect of the provision of on-site affordable housing at its development on the former Durno's Nursery in Atherstone.

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

9 **Appeal Update** - Report of the Head of Development Control

**Summary**

The report updates Members on recent appeal decisions.

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

10 **Exclusion of the Public and Press**

**To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that 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.**

11 **Exempt Extract of the Minutes of the meeting of the Planning and Development Board held on 4 November 2024** – copy herewith to be approved as a correct record and signed by the Chairman.

STEVE MAXEY  
Chief Executive

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

4 November 2024

Present: Councillor Simpson in the Chair

Councillors Bates, Chapman, Clews, Dirveiks, Hayfield, Hobley, Jackson, Jarvis, Jenns, Parsons, O Phillips, Smith and Ridley

Apologies for absence were received from Councillors Bell, Fowler (Substitute Clews), Gosling (Substitute Councillor O Phillips), Humphreys (Substitute Councillor Jenns), Reilly (Substitute Councillor Smith) and Ririe (Substitute Councillor Jackson)

Also in attendance was Councillor Melia

#### 38 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Ridley declared a non-pecuniary interest in Minute No 40b (Application No PAP/2024/0418 Dordon Village Hall, Browns Lane, Dordon, B78 1TL) by reason of being a Dordon Parish Councillor involved in the application and took no part in the discussion or voting thereon.

Councillor Jenns declared a non-pecuniary interest in Minute No 43 (The Former Daw Mill Colliery) by reason of being a member of the Regulatory Committee at Warwickshire County Council.

#### 39 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 7 October 2024, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

#### 40 **Planning Applications**

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

##### **Resolved:**

- a **That in respect of Application No PAP/2018/0755 (Land to the east of the former Tamworth Golf Course and north of the B5000 at Robeys Lane, Alvecote) the Board noted the confirmation of the Heads of Terms for this Agreement as set out in the report of the Head of Development Control;**

- b That Application No PAP/2024/0418 (Dordon Village Hall, Browns Lane, Dordon, B78 1TL) be granted subject to the conditions set out in the report of the Head of Development Control; and**
- c That Application No PAP/2024/0189 (Sunnyview, Dingle Lane, Nether Whitacre, Coleshill, B46 2EG) be granted subject to the amendment, to the submitted Unilateral Undertaking, being made to the satisfaction of the Head of Legal Services and the conditions outlined in the appendix of the report of the Head of Development Control.**

**41 Tree Preservation Order Millfield House, Common Lane, Corley**

The Head of Development Control informed the Board that no objections were received during the consultation period following formal notice being served and that, in consultation with the Chairman, the Opposition Spokesperson and the local Members, the Order was made permanent on 2 October 2024.

**Resolved:**

**That the confirmation of the permanent Tree Preservation Order at Millfield House, Common Lane, Corley, as made, be noted.**

**42 Appeal Updates**

The Head of Development Control brought Members up to date with recent appeal decisions.

**Resolved:**

**That the report be noted.**

**43 The Former Daw Mill Colliery**

The Head of Development Control described a proposed restoration scheme for the former Daw Mill Colliery site.

**Resolved:**

**That the County Council be informed that the Council has no objection to the proposal recognising that it accords with the Parameters as set out in the Section 106 Agreement, but that the County be informed that it is concerned about the impact of the potential number of HGV movements involved and the routes that these HGV's might take through the local rural highway network.**

44 **Exclusion of the Public and Press**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by paragraphs 5 and 6 of Schedule 12A to the Act.**

45 **Tree Preservation Order**

The Head of Development Control informed Members that a request had been received to consider whether the trees could be afforded protection.

**Resolved:**

**That a Tree Preservation Order be made with immediate effect.**

46 **Exempt Extract of the minutes of the Planning and Development Board held on 7 October 2024**

The exempt extract of the minutes of the Planning and Development Board held on 7 October 2024, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

M Simpson  
Chairman

## Agenda Item No 5

### Planning and Development Board

9 December 2024

**Report of the  
Interim Corporate Director – Resources  
(Section 151 Officer)**

**Budgetary Control Report 2024/25  
Period April - October 2024**

#### 1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2024 to 31 October 2024. The 2024/2025 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the outturn 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 Introduction

- 2.1 Under the Service Reporting Code of Practice (SeRCOP), 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. The figures contained within this report are calculated on this basis.
- 2.2 In April 2024 a new Financial Management System (Unit 4) was implemented which will significantly change how budget monitoring and budget preparation is delivered in the future making it more efficient and timely automating as much as possible directing resources an interpreting the figures and presenting forecasts to give a clear indication of the outturn position and impact on balances which then feeds into the Medium-Term Financial Strategy. This report is the second budget monitor using forecasting rather than profiling, this will be more informative as the year progresses and has been used during the budget process to determine the forecast for current year and the budget for 2025/26.

#### 3 Estimated Outturn

- 3.1 The forecast for those services reporting to this Board as of 31 October 2024 is £649,054 compared with the Budgeted position of £518,250 (this was revised following the last report from £293,250 to £518,250 after actioning the supplementary estimate of £225,000 for planning appeals, approved by Resources board November 2024); there is a variance of £130,804 for the period. Appendix A to this report provides details of the Forecast and Budgetary



position for each service reporting to this Board, together with the variance for the period.

- 3.2 Where possible, the year-to-date budget figures have been calculated with some allowance for seasonal variations to give a better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.
- 3.3 The variance of £130,804 is mainly: Planning application fee income which is continuing to be lower than the budgeted income, if an adjustment is required this will be recommended as part of the budget process reported to Board in January/February 2025.

#### **4 Appeal budgets for Planning Control**

- 4.1 Additional budget of £225,000 has been approved to cover the appeals taken place to date and any further appeals in this financial year. There has been a proposal to continue with the appeals budget in the planning and control cost centre for the next financial year and it has been requested as growth as part of the 2025/26 budget process.

#### **5 Risks to the Budget**

- 5.1 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 £50,000 each.
  - A change in the level of planning applications received. A fall in applications is likely to lead to a reduction in planning income, whilst an increase in applications will increase the pressure on staff to deal with applications in the required timescales.
  - The Government requires all planning applications to be dealt with within 26 weeks. If this is not achieved, the costs of the application must be borne by the authority. Whilst the Planning Team deals with almost 100% of current applications within this time, there is always the potential for this to slip, leading to a decline in the planning income level.
  - There are potential additional costs for the Council in carrying out its planning function. If the Council loses a planning appeal, an award of costs can be made against the Council (the appellant's costs for the appeal). If the Council consistently loses appeals it will become a designated authority, which means that prospective applicants can submit their applications directly to the planning directorate. This would mean the Council would lose the accompanying planning fee.

#### **6 Report Implications**

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

- 6.1.1 Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board at future meetings.

## 6.2 Environment and Sustainability Implications

- 6.2.1 The Council must 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 Akanksha Downing (719384).

### 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

**Development and Control Board (April - October 2024)**

**Appendix A**

		<b>Budget</b>	<b>Actuals</b>	<b>Forecast</b>	<b>Variance</b>
NW4009	Planning Control	£360,470	£640,510	£491,990	£131,520
NW4010	Building Control	£62,840	£11,290	£62,840	£0
NW4012	Conservation And Built Heritage	£68,300	£68,275	£68,300	£0
NW4014	Local Land Charges	£29,930	£24,275	£29,214	-£716
NW4016	Civic Awards	£0	£0	£0	£0
NW4018	Street Naming And Numbering	-£3,290	-£744	-£3,290	£0
	<b>Development and Control Board Total</b>	<b>£518,250</b>	<b>£743,605</b>	<b>£649,054</b>	<b>£130,804</b>

Development and Control Board (April - October 2024)

Appendix B

	Budget	Actuals	Forecast	Variance
Premises-Related Expenditure	£0	£0	£0	£0
Supplies & Services	£407,130	£199,863	£407,149	£19
Income	-£859,500	-£451,885	-£728,715	£130,785
Balance Sheet	-£8,610	£16,390	-£8,610	£0
Central Support Charges	£979,230	£979,237	£979,230	£0
<b>Grand Total</b>	<b>£518,250</b>	<b>£743,605</b>	<b>£649,054</b>	<b>£130,804</b>

**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, 6 January 2025 at 6.30pm in the Council Chamber

## 6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:  
[https://www.northwarks.gov.uk/info/20117/meetings\\_and\\_minutes/1275/speaking\\_and\\_questions\\_at\\_meetings/3](https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3).

## Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
6/a	PAP/2024/0513 and 0514	1	<p><b>Trent House, 102 Long Street, Atherstone</b></p> <p>Planning and Listed Building Applications for the demolition of existing outbuildings for the provision of six new build dwellings, change of use of existing listed commercial premises for the provision of 14 flats</p>	General
6/b	PAP/2024/0259	48	<p><b>Village Farm, Birmingham Road, Ansley</b></p> <p>Demolition of workshops/buildings, construction of 1 no. 2bed, 1no 3 bed, 4 no. 4 bed and 3 no 5 bed dwellings, garages, associated parking and access.</p>	General

## **General Development Applications**

**(6/a) Application No: PAP/2024/0513 and PAP/2024/0514**

**Trent House, 102, Long Street, Atherstone, CV9 1AN**

**Planning and Listed Building applications for the demolition of existing outbuildings for the provision of 6no. new build dwellings along with, change of use of existing listed commercial premises for the provision of 14no. Flats, for**

**Capstone Alliance Ltd**

### **1. Introduction**

- 1.1 The receipt of these applications is reported to the Board at this time for information only, as a full determination report will be made in due course. The reference to Board is because of the significance of this building within the town centre of Atherstone.
- 1.2 The report will outline the proposals, as well as identify the most important planning policies and other material relevant planning considerations which will need to be assessed at determination stage. A full range of consultation is underway and the responses will be reported to Board in that later determination report.

### **2. The Site**

- 2.1 This is a three-storey building fronting the north side of Long Street within a similar built frontage located between the Post Office and the Liberal Club, just west of the junction with Ratcliffe Road and east of the junction with the Coleshill Road. The overall site extends to North Street at its rear. Members will know this building as the former offices of TNT Ltd and before that as the offices of the Borough Council and the Atherstone Rural District Council. A general location plan is at Appendix A.
- 2.2 The three storey building dates from the late 18<sup>th</sup> Century with four bays to the front elevation and a dual pitched roof. There are two attached three storey ranges, one of which extends to the rear with the scale reducing to two storey and then single storey. The building was acquired in the 1930's by the Atherstone Rural District Council and the attached rear outbuilding ranges were rebuilt and extended to provide the required accommodation including a Council chamber. In the north-west corner backing onto North Street are two single storey dual pitched roof outbuildings. The old town Mortuary building, now the Town Council offices are to the immediate north-east, but outside of the application site. In between these outbuildings and set between a pair of tall brick pillars is the access to the site from North Street leading to a large area laid to tarmac providing car parking and service space.



- 2.3 Other three storey buildings immediately flank number 102 on both sides, repeated on the opposite side of Long Street, and both frontages have a fully commercial town centre context. The rear of the site on the other hand has a lower density built form, consisting of mainly two storey residential uses, interspersed with surface car parking.
- 2.4 The existing floor plans and elevations are at Appendices B to E.

### **3. Background**

- 3.1 Number 102 is a Grade 2 Listed Building. The listing is attached at Appendix F.
- 3.2 There is also a concentration of other Grade 2 Listed Buildings in close proximity – The Post Office immediately to the west, 108 Long Street (Jenkins shop) further to the east and the shops at numbers 107, 109 and 111 on the opposite side of Long Street, together with the White Horse Public House.
- 3.3 The site is in the Atherstone Conservation Area.
- 3.4 The lawful use of the application is as offices – Use Class E (g) (i).
- 3.5 Planning permission has been granted for the residential conversion of the former mortuary building at the rear.
- 3.6 Planning permission has also been granted for the conversion of the former sorting office at the Post Office building immediately to the west into three apartments.

### **4. The Proposals**

- 4.1 The proposals consist of the conversion of the main frontage building together with its rear ranges into fourteen flats – eight one bed and six two bed units - together with the demolition of the rear north-west outbuilding fronting North Street and its replacement with a range of six new two storey two-bedroomed terraced dwellings.
- 4.2 The proposal is that all of these units would be “affordable”. A Development Funding Agreement, to be made on receipt of planning permission would enable the Cornerstone Partnership to develop the site as a forward funded scheme for the Borough Council. Cornerstone will thus hand completed units to the Borough Council to be added to its stock.
- 4.3 Pedestrian access will be maintained from the current door in the Long Street frontage as well as from the rear from North Street. The existing vehicular access would be retained with no alterations proposed for the brick pillars and wall. There are currently around 38 car parking spaces in the rear open yard. This would be reduced to 17.

- 4.4 A timber refuse bin enclosure is proposed at the rear of the old Mortuary building close to the access off North Street.
- 4.5 The proposed floor plans, layout and elevations are at Appendices G to L.
- 4.6 The application is accompanied by the following documents.
- 4.7 A Planning, Design and Access Statement explains the planning background and the reasoning for the design of the rear buildings.
- 4.8 A Heritage Impact Assessment identifies the heritage assets that need to be taken into account in the determination. There is a brief history of the main building as well as a description of its significance. The impact of the proposals on that significance is outlined together with the impacts on the other assets. It concludes that there will be a “neutral and not adverse impact”. This Assessment is attached at Appendix M.
- 4.9 A Transport Statement indicates that Atherstone has a range of transport alternatives to the private car with a wide range of facilities and services within walking and cycling distance, making the site highly sustainable. The Statement concludes that the traffic generation would be materially less than that when the site was fully used as commercial offices – 34 movements a day compared to around 105. A reduction in the number of car parking spaces is thus supported and given the other readily available modes of transport, the impacts are not considered to be “severe” particularly as other town centre residential conversions have not had any opportunity for on-site parking provision.
- 4.10 A Bat and Bird survey showed that the buildings were not used for bat roosting, but that opportunities should be provided to enable them to do so – e.g. bat bricks in gable ends. Similarly, there was no evidence found of nesting birds.
- 4.11 A Drainage Statement indicates that both foul and surface water would discharge to an existing combined sewer in Long Street. The surface water would however be attenuated through the use of permeable paving and underground geo-cellular storage tanks.

## **5. Development Plan**

The North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP2 (Settlement Hierarchy), LP8 (Windfall Housing), LP9 (Affordable Housing Provision), LP15 (Historic Environment), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form) and LP34 (Parking)

## **6. Other Material Planning Considerations**

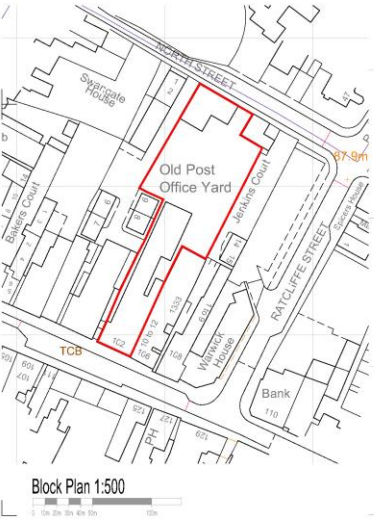
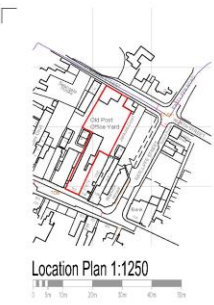
The National Planning Policy Framework – (the “NPPF”)  
The Planning (Listed Buildings and Conservation Areas) Act 1990  
The Atherstone Conservation Area Designation Report

## **7. Observations**

- 7.1 Even at this stage, officers can advise that the proposal is acceptable in principle given its location within the settlement boundary of Atherstone as well as its town centre thus conforming with Local Plan policies in LP1 and LP2. The main issue here is going to be the impact on the heritage assets – not only on the significance of the building itself, but also the surrounding Listed Buildings as well as its location in the Conservation Area. Other matters will include the highway impacts and any concerns affecting neighbouring residential amenity.

### **Recommendation**

That the application be noted at this time.



APPENDIX A

PAP/2024/0513

DISCLAIMER NOTES  
 DRAWN SUBJECT TO PLANNING  
 CONSENT  
 THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECTS.  
 THE ARCHITECTS ACCEPT NO LIABILITY FOR ANY DAMAGE OR LOSS OF PROFITS, BUSINESS OR REPUTATION, OR FOR ANY SPECIAL, CONSEQUENTIAL OR PUNITIVE DAMAGES, ARISING FROM THE USE OF THIS PLAN.  
 THE ARCHITECTS' LIABILITY IS LIMITED TO THE AMOUNT OF THEIR FEE.  
 REV. DATE REV. DESCRIPTION

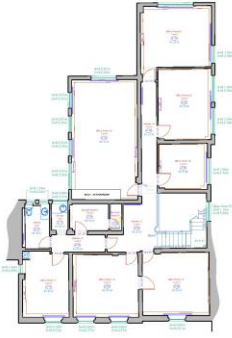
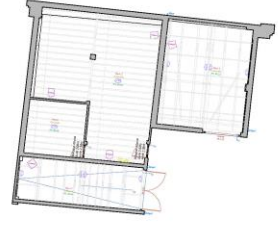
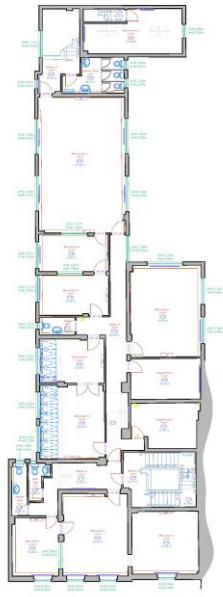
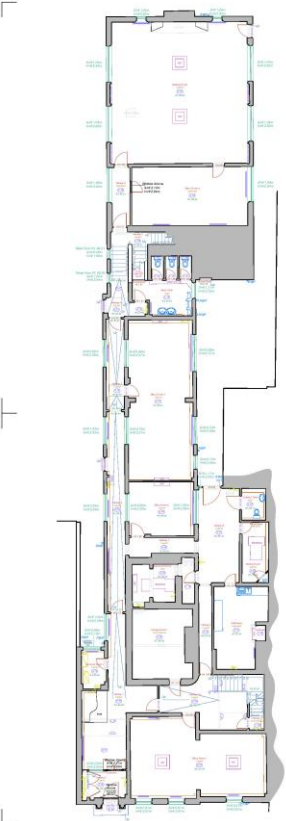
DISCLAIMER NOTES  
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RECEIVED  
 12/11/2024  
 PLANNING & DEVELOPMENT  
 DIVISION

Axon Architects

Capstone Alliance Ltd  
 Proposed Residential Development at  
 102 Long Street  
 Planning  
 04/09/2024  
 others  
 others  
 attached

Location, Block and Site Plan  
 241571 - PL01



APPENDIX B

PAP/2024/0513

DISCLAIMER NOTES  
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 CONSENT  
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 REV. DATE REV. DESCRIPTION

RECEIVED  
 11/11/2024  
 PLANNING & DEVELOPMENT  
 DIVISION

DISCLAIMER NOTES  
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 REV. DATE REV. DESCRIPTION

Axon Architects

Capstone Alliance Ltd  
 Proposed Residential Development at  
 102 Long Street  
 Planning  
 04/09/2024  
 others  
 others  
 1/00

Floor Plans as Existing  
 241571 - PL02

APPENDIX C

PAP/2024/0513

DISCLAIMER NOTES:  
 DRAWING SUBJECT TO PLANNING CONSENT  
 THIS DRAWING IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A CONTRACT  
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 Haverhill

Planning 04/08/2024  
 Date 11/11/2024  
 Elevation as Existing 1 of 3  
 241571 - PL03

Elevations as Existing 1 of 3

APPENDIX D

PAP/2024/0513

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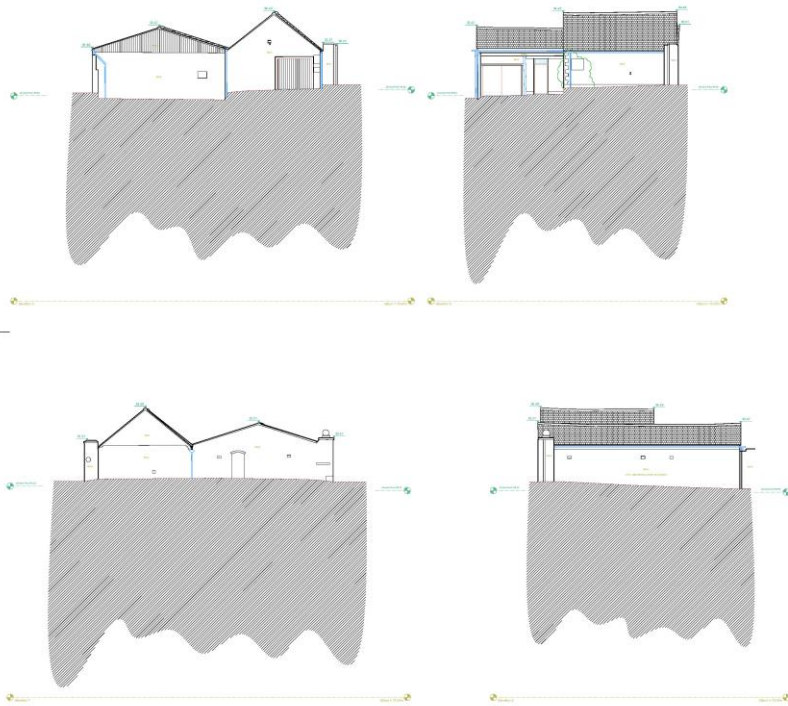
Axon Architects

Capstone Alliance Ltd  
 Proposed Residential Development at  
 100 Long Street  
 Haverhill

Planning 04/08/2024  
 Date 11/11/2024  
 Elevation as Existing 2 of 3  
 241571 - PL04

Elevations as Existing 2 of 3

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Elevations as Existing 3 of 3

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Capstone Alliance Ltd

Proposed Residential Development at  
102 Long Street  
Birmingham

Planning 04/09/2024  
Other 1/10/2024

Elevations as Existing 3 of 3

241571 - P105

APPENDIX F

TRENT HOUSE

TRENT H

Listed on the National Heritage List for England  
Search over 400,000

Official listing

Heritage Category

Grade:

List Entry Number

Date first listed:

Date of most recent amendment:

List Entry Name: **TRENT HOUSE**

This List entry helps identify the building designated at this address for its special architectural or historic interest.

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

Understanding list entries  
(<https://historicengland.org.uk/listing/the-list/understanding-list-entries/>)

Corrections and minor amendments  
(<https://historicengland.org.uk/listing/the-list/minor-amendments/>)

Statutory Address 1: **TRENT HOUSE, LONG STREET**

## Location

Statutory Address: **TRENT HOUSE, LONG STREET**

The building or site itself may lie within the boundary of more than one authority.

County: **Warwickshire**

District: **North Warwickshire (District Authority)**

Parish: **Atherstone**

National Grid Reference: **SP 30887 97800**

## Details

ATHERSTONE LONG STREET SP3097 (North-east side) 9/46 No. 102 (Trent House) 25/03/68 (Formerly listed as Atherstone Rural District Council Offices) GV II

Shown on O.S. map as Council House. House, now offices. Late C18. Flemish bond brick with rendered string courses and moulded rendered cornice. Roof not visible. Double-depth plan with additions to rear. 3 storeys; 4-window range. Wider fourth bay is set back slightly. First bay has 5-panelled door with

decorative fanlight, panelled reveals and painted wood Tuscan Doric doorcase with half-columns, paterae and open pediment. Passageway in left corner of fourth bay has C20 door and surround of re-used wood mouldings. Sashes have rusticated rendered flat arches with triple keyblocks. Interior not inspected.

Listing NGR: SP3088797800

## Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: **309133**

Legacy System: **LBS**

## Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



Map

This map is for quick reference purposes only and may not be to scale. This copy shows the entry on 15-Nov-2024 at 10:48:08.

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End of official list entry

**APPENDIX G**

**PAP/2024/0513**

**SCHEDULE**  
 Existing 102 Long Street  
 Proposed Mews Units

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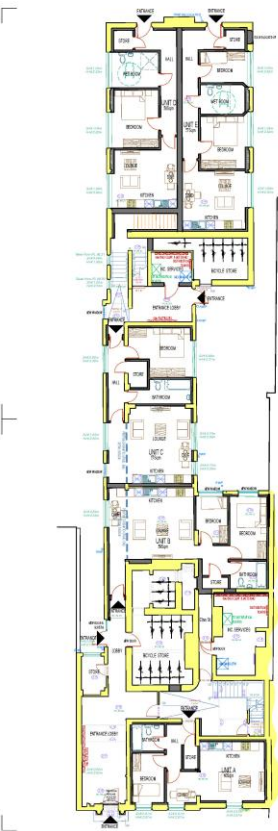
**Comerstone Partnership Ltd**

Proposed Residential Development to rear of 102 Long Street

Planning 05/08/2024

241571 - PLO6





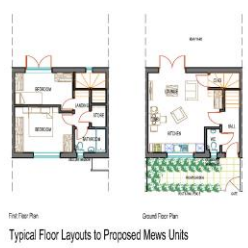
Ground Floor Plan



First Floor Plan

APPENDIX H

PAP/2024/0513



Typical Floor Layouts to Proposed Mews Units



Second Floor Plan

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Capstone Alliance Ltd  
Proposed Residential Development at  
102 Long Street  
Haverhill

Planning 04/08/2024  
Architect 1/01

Floor Plans as Proposed  
241571 - PL07



APPENDIX I

PAP/2024/0513

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Axon Architects

Capstone Alliance Ltd  
Proposed Residential Development at  
102 Long Street  
Haverhill

Planning 04/08/2024  
Architect 1/01

Elevations as Proposed 1 of 2  
241571 - PL08

Elevations as Proposed 1 of 2

APPENDIX J

PAP/2024/0513



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**Capstone Alliance Ltd**

Proposed Residential Development at 102 Long Street, Harrogate

Planning 07/08/2024

Architect 1/10/24

Elevations as Proposed 2 of 2

241571 - PL09

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Elevations as Proposed 2 of 2

APPENDIX K

PAP/2024/0513



GROUND FLOOR PLAN

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**Capstone Alliance Ltd**

Proposed Residential Development at 102 Long Street, Harrogate

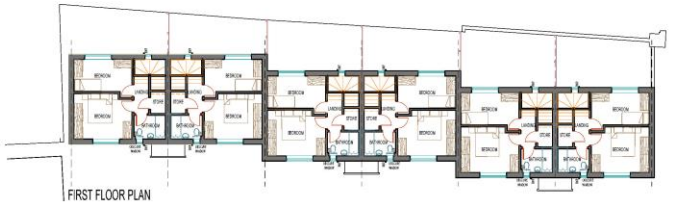
Planning 07/08/2024

Architect 1/10/24

Proposed Floor Plans to Misses Drawings

241571 - PL10

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FIRST FLOOR PLAN

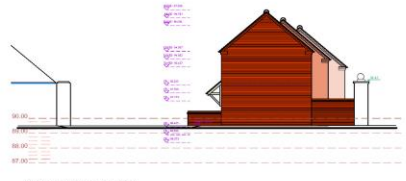
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SOUTH EAST ELEVATION



NORTH WEST ELEVATION



NORTH EAST ELEVATION



SOUTH WEST ELEVATION

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 Planning 05/08/2024  
 Date 1/11/2024  
 Proposed Elevations to Mews Drawings  
 241571 - PL11



APPENDIX M

PAP/2024/0513

## Heritage Statement and Impact Assessment

Client: Cornerstone Partnership Ltd

Proposal: Conversion of building to form 14 apartments and erection of 6 dwellings

Location: 102 Long Street, Atherstone, Warwickshire CV9 1AP

August 2024

Prepared by

**PRICE PLANNING ASSOCIATES**  
The Haven, School Lane, Hopwas, Tamworth, Staffs B78 3AD  
*TOWN PLANNING CONSULTANTS*  
E-mail [priceplanning@btinternet.com](mailto:priceplanning@btinternet.com)

## **Part One: Heritage Statement**

### **1. Introduction**

---

- 1.1. This document has been researched and written to accompany a planning application and listed building consent application for the conversion of 102 Long Street, Atherstone, to 14 apartments and the erection of six dwellings to the rear of 102 Long Street.
- 1.2. Paragraph 200 of the National Planning Policy Framework (NPPF) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 1.3. This statement therefore seeks to meet these requirements with Part One identifying any heritage assets that may be affected by the proposal and establishing the contribution the application site makes to their significance. Part Two considers the potential impact on their significance having regard to statutory duties and other relevant national and local planning policies and should be used by the local planning authority in positively determining the applications for full planning permission and listed building consent.

### **2. Assessment method and identification of affected heritage assets**

---

- 2.1. The structure and content of this document has been prepared based upon the advice provided within Historic England Advice Note 12: Statements of Heritage Significance (2019). Understanding the significance of heritage assets in advance of developing proposals for their buildings and sites, enables owners and applicants to receive effective, consistent and timely decisions.
- 2.2. The following sources of information have been used to identify the heritage assets upon and within the locality of the application site:
  - Designation records obtained from Historic England's Heritage List for England (NHLE).
  - The North Warwickshire Borough Council website, including information and documentation relating to planning consents for the site.
  - The Warwickshire Historic Environment Record (HER) accessed via the Heritage Gateway
  - The Warwickshire Records Office
  - Historic England photograph database
  - Historic mapping
  - Other documentary sources including the Our Warwickshire website.
- 2.3. The NPPF defines a heritage asset as "*a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).*"

- 2.4. Designated heritage assets are designated under the relevant legislation and include World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Parks and Gardens, Registered Battlefields, and Conservation Areas.
- 2.5. The Planning Practice Guide (Reference ID: 18a-039-20190723) states that “*non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. Non-designated heritage assets can be identified in a number of ways, including Local Heritage Lists, Local and Neighbourhood Plans, Conservation Area Appraisals and Reviews, and during decision-making on planning applications.*” The Historic Environment Record also provides access to comprehensive and dynamic resources relating to the historic environment and should indicate the heritage potential of an area.
- 2.6. The application site consists of a large rectangular plot occupied by 102 Long Street within the southern section of the plot, a vehicular parking area to the rear accessed from North Street within the northern section of the plot, and a collection of ancillary outbuildings within the north-western corner of the site. 102 Long Street is a grade II listed building (NHLE 1034726<sup>1</sup>) and the site is located wholly within the Atherstone Conservation Area.
- 2.7. In a wider search radius from the application site there are number of grade II listed buildings and features of potential heritage interest. The site is located within the Medieval Settlement of Atherstone (HER reference MWA9488<sup>2</sup>). Long Street is the main historic thoroughfare through the commercial heart of the settlement (and has Roman origins as Watling Street), and this is reflected in the concentration of grade II listed buildings within the vicinity of 102 Long Street. Buildings which have a close visual inter-relationship within the street scene include The Post Office (NHLE 1365193), 108 Long Street (NHLE 1365194), 107 and 109 Long Street (NHLE 1185066), 111 Long Street (NHLE 1034732), 113, 115 and 117 Long Street (NHLE 1185074) and The White Horse Public House (NHLE 1365159). There is no stand-alone heritage status (designated or non-designated) for the outbuildings located at the rear of the site, nor is there any heritage status for the Old Mortuary outbuilding located immediately to the east of the vehicular entrance to the site from North Street, despite a recently rejected application being made for the building to be statutorily listed (NHLE 1472311).
- 2.8. The heritage significance of a heritage asset can be derived from its setting, which are the surroundings in which the heritage asset can be experienced. The NPPF states that the extent of setting is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 2.9. Due to their proximity, there is a visual relationship of varying degrees between the application site and all the grade II listed buildings identified in section 2.7 above, given that they all have front elevations facing into Long Street and the rear elevations of The Post Office and 108 Long Street can be viewed to a varying degree from the car park area within the application site. The application site is therefore located within the wider setting of these heritage assets and the contribution the application site makes to their significance requires assessment within this document.

<sup>1</sup> <https://historicengland.org.uk/listing/the-list/list-entry/1034726>

<sup>2</sup> [https://www.heritagegateway.org.uk/Gateway/Results\\_Single.aspx?resourceID=1018&uid=MWA9488](https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?resourceID=1018&uid=MWA9488)

- 2.10. Due to the siting of the application site and the presence of intervening built form and vegetation there is either no or very limited inter-visibility between the application site and other designated heritage assets (such as the grade II and grade II\* listed buildings situated on the Market Place and the grade II\* listed Church of St. Mary, all of which are to the north-west of the site) and features of potential heritage interest. Where views are available, there is nothing to suggest they are of importance or of an extent that would allow the observer to have a discernible appreciation of the significance of the particular heritage asset. There is also no known key historic, functional or any other relevant relationships between the application site and any such designated and potential non-designated heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal it is considered these heritage assets would not be sensitive to the proposed development. They are therefore not considered any further in this document.

### **3. The application site and its history**

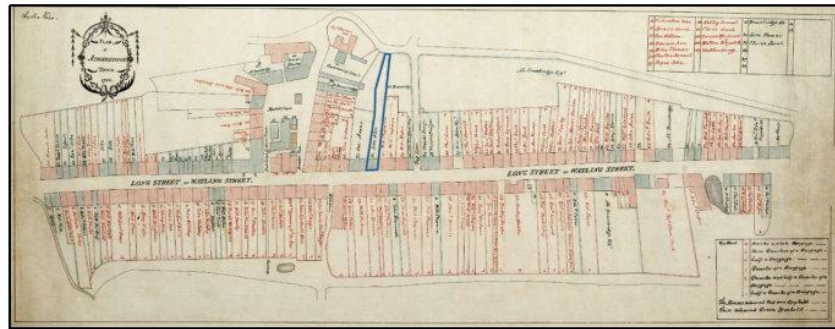
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- 3.1. A small selection of photographs of the application site and surrounding area are contained within Appendix 1. 102 Long Street comprises of a three-storey building of four bays to the front elevation and a dual pitched roof. There are two attached three storey ranges, aligned perpendicular to the main building and with dual pitched roofs; the central range extends considerably to the rear of the plot with the scale falling to two storey and then single storey. Again, this range has a dual pitched roof apart from a flat roof section in between the larger plan single storey projection furthest to the rear. In the north-western corner of the site are two single storey dual pitched roof outbuildings of varying construction materials. Immediately adjacent to the north-east corner of the site (and outside of the scope of this proposal) is the Old Morgue (now the premises of Atherstone Town Council), which is a single storey building with a hipped roof and small flat roof extension. In between these outbuildings and set between a pair of tall brick pillars is the access to the site from North Street, with a large area laid to tarmac providing space for vehicular parking and other services for the buildings upon the site.
- 3.2. Other three storey buildings immediately flank 102 Long Street on both sides and the site frontage has a fully urban and commercial town centre context. The rear of the application site has a lower density urban grain with buildings consisting of a range of uses, including domestic, interspersed with undeveloped spaces such as the surface level car park on the site and the adjacent car parks to the rear of properties along Long Street.
- 3.3. The application site is located within the medieval settlement of Atherstone, which as identified within the Conservation Area Appraisal was developed from the 13<sup>th</sup> century onwards in a series of burgage plots around the Market Place and along Watling Street, with 102 Long Street forming the frontage building to one of these plots. Trade grew in the town based on the burgage tenancies and due to the limited space of the thin plots further smaller ranges and outbuildings were often constructed to the rear. By the 16<sup>th</sup> century there were 135 houses within the original burgage plots. The arrangement of the original burgage plots is demonstrated in general on the 1786 Plan of Atherstone Town<sup>3</sup> (see figure 1) where the site is identified as plot 31 (outlined in blue by the report author).

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<sup>3</sup> Charles Vero Plan of Atherstone Town 1786. Available at the Warwickshire Records Office (record number CR2511/21) and at The Atherstone House History Project: <https://www.gurwarwickshire.org.uk/content/article/atherstone-house-histories-file-16>

**Figure 1. Atherstone Town Plan of 1786**



- 3.4. The Atherstone House History Project identifies that documentary evidence for the plot occupied by 100-104 Long Street is first recorded in 1492. There are references to the plot being occupied by public houses during the 17<sup>th</sup> century; firstly, the Old George, and then The Bear Inn or The Beare Inn. By 1731 it was referred to as The Farm House, so the public house use may have ceased. At the time the 1786 Plan was drawn the plot was the property of J. Allen and was identified as being a dwellinghouse with adjoining office. Further records from the first half of the 19<sup>th</sup> century, including Census records, identify the building as a house and offices. The external form and appearance of 102 Long Street is of a late 18<sup>th</sup> century dwelling, which aligns to the above records. Through the 18<sup>th</sup> and 19<sup>th</sup> centuries the hat trade thrived in the town, and it was common for the ground floor of properties on Long Street to be in a commercial use, such as offices (as indicated by the above records), with the upper floors being the main residence for the occupier. This may explain the presence of slightly more architectural embellishment in the first-floor rooms of this section of the building (currently first floor office rooms 5 and 6)
- 3.5. Figures 2 to 5 are of Ordnance Survey mapping from the late-19<sup>th</sup> century and mid-20<sup>th</sup> century<sup>4</sup>. The approximate location of the application site is outlined in blue by the report author. The 1887 map (as well as 1886 Town Plan, which is not included in the report to avoid duplication) indicate 102 Long Street occupied the full width of the site frontage with the building divided which aligns to the present-day arrangement of the slightly recessed fourth bay. Two ranges of development are attached to the rear of the building and extend north-east within the plot, to a similar extent as the depth of the main building. The maps annotate key uses of certain buildings within the town. No annotation is provided for the use 102 Long Street at that time. It is worth noting that on both the 1886 and 1887 maps the Post Office is noted as being located immediately east of the site, however, this is considered to be an error as the listing entry for 100 Long Street immediately to the west clearly identifies the historic use of this building as the Post Office. This drawing error appears to have been rectified on the 1922 map.
- 3.6. There is no difference between the 1887 and 1901 maps in the arrangement of buildings or spaces. What both maps demonstrate is that to the rear of 98 and 100 Long Street (the Post Office) there appear to be a formally arranged garden and/or orchard, the eastern boundary of which is a sweeping curve to the rear plot of 102 Long Street. There is some built form present on the site of the Old Morgue building, and the garden/orchard access position appears to have been established and remains in the

<sup>4</sup> Source: National Maps of Scotland <https://maps.nls.uk/>



present-day position. The existing tall blue/brindle brick walls and gate piers which currently form part of the northern boundary of the application site are likely to date back to this period, with them defining the garden boundary and access from North Street.

Figure 2. Ordnance Survey 25 Inch Map. Surveyed 1887. Published 1889

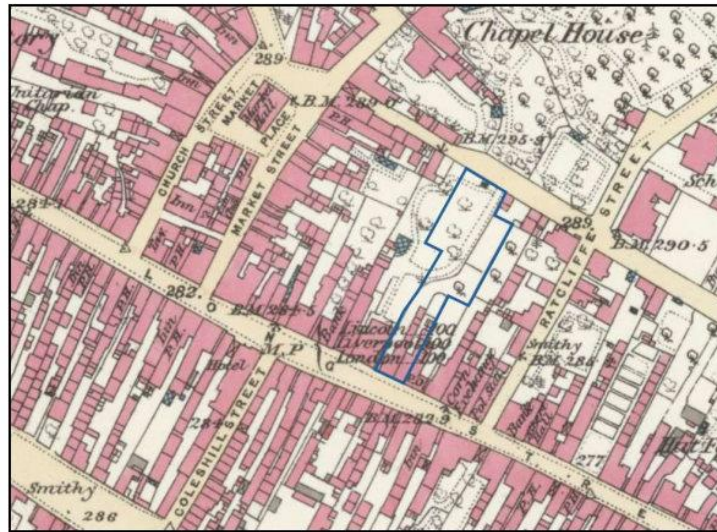


Figure 3. Ordnance Survey 25 Inch Map. Surveyed 1901. Published 1903



Figure 4. Ordnance Survey 25 Inch Map. Surveyed 1922. Published 1924

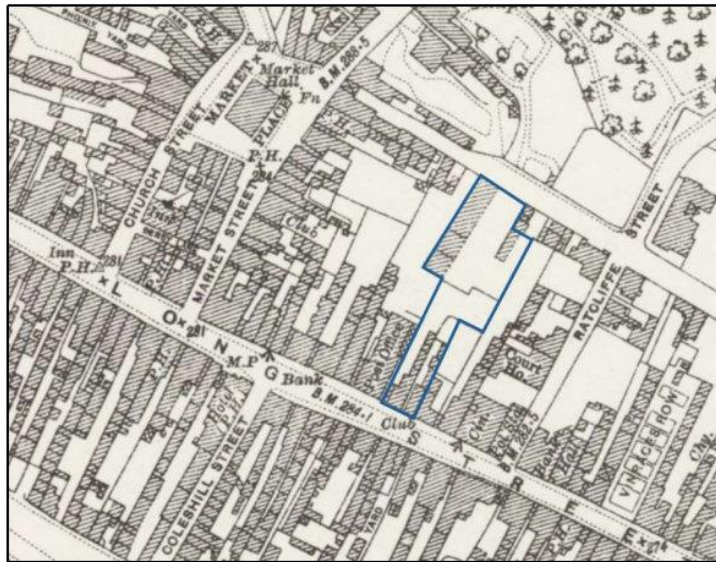


Figure 5. Ordnance Survey 25 Inch Map. Surveyed 1938. Published 1946



- 3.7. The 1922 map indicates that the arrangement of built form in the southern half of the site remains the same but any formality to the garden and/or orchard to the rear of the Post Office has been dissolved, with the rear section of the site subdivided by a doglegged brick wall which reflects the current western boundary to the site. Within the north-western corner of the site a linear range of buildings is identified. Although these extend further than the current arrangement it is most likely that the existing larger outbuilding on the site comprises of the northernmost area of development on the map, with the additional height of the gable end apex facing North Street being constructed of blue engineering bricks typical of the early 20<sup>th</sup> century.
- 3.8. The 1938 map identifies a use for the buildings on site for the first time, with that being 'Council Offices', and it is known that 102 Long Street and the attached buildings to the rear operated as the offices for the Atherstone Rural District Council. This Council was formed in 1894. Whilst the first location of the primary Council offices cannot be confirmed by the report author, it is clear that by the end of the 1930s 102 Long Street had been acquired for this purpose and the attached rear outbuilding ranges rebuilt and extended to provide the required accommodation for this use, including a Council chamber within the furthest northern section. Given the construction materials, such as common orange bricks, being clearly from this period (plus also further subsequent alterations and adaptations), it is most likely that the pre-1930s ranges were not three-storeys in scale as existing. The internal floor plan, arrangement of rooms and presence of features associated with the use of the building as Council offices is discussed in further detail later in this report. The footprint of built form established by the end of the 1930s in the southern section of the site closely reflects the current arrangement.
- 3.9. The 1938 map also indicates an access route to the easternmost rear range from Long Street, and it is most likely that this passageway has been present since at least the 18<sup>th</sup> century. When 102 Long Street was first listed in 1968 the listing description identifies a "passageway" from a 20<sup>th</sup> century door set within the fourth bay. The passageway has subsequently been blocked off and incorporated into one large front office (identified as Office Room 1 on the existing floor plans), most likely undertaken sometime during the late-20<sup>th</sup> century, but it is not confirmed if this was for the Council use or subsequent office use. However, the presence of the passageway remains discernible in present day as a bricked-up opening with a slight reveal.
- 3.10. As discussed above the shallow pitched roof outbuilding in the north-western corner of the site appears to have origins from the first half of the 20<sup>th</sup> century. The smaller attached outbuilding likely dates from the latter half of the 20<sup>th</sup> century. Whilst both have incorporated what appears to be remnants of the northern boundary blue/brindle brick garden wall into their construction, they have been significantly adapted to suit their purpose with walls into the site interior constructed of varying materials, including common bricks, modern bricks and concrete breezeblocks, clay and concrete tiled roofs, and timber and metal garage doors.
- 3.11. Atherstone Rural District Council was abolished in 1974 to form the new non-metropolitan district of North Warwickshire, with the new District Council relocating to purpose-built offices at a site on South Street in 1979. Following the move 102 Long Street was acquired by TNT UK Ltd and utilised as offices, known as 'Trent House'. TNT UK Ltd undertook some further alterations and adaptations to the building and wider site to facilitate its office use and operation, including (not an exhaustive list) the erection of an extension along the western elevation of the westernmost rear range to form a covered corridor, 'modernisation' of the internal spaces, replacement timber sash windows to the front elevation, and replacement upvc windows on the rear ranges.

Where required, consent has been given from the local planning authority for the following<sup>5</sup>:

- Decorations and repairs and replacement of all sash windows (ref: LBC/1990/0053)
  - Installation of a disabled WC within existing post room (ref: LBC/1992/0125)
  - Re-roofing of existing outbuildings (ref: LBC/1997/0319)
  - Refurbishment of existing roof coverings and rainwater goods, windows and internal works (ref: LBC/1997/0385)
  - Internal refurbishment and alterations to ground and first floors (ref: LBC/1997/0398)
  - Erection of eastern boundary wall (refs: LBC/2005/0789 and renewed LBC/2011/0009)
  - Replace existing steel roof (refs: FAP/2005/9601 and LBC/2005/0786)
  - Construction of partition wall within second floor office (ref: PAP/2015/0076 – consented but not implemented)
- 3.12. Following the relocation of TNT UK Ltd offices to another site in Atherstone in the early 2020s, 102 Long Street and the land to the rear has subsequently been acquired by the applicant and the current planning proposal developed up to submission to the local planning authority.

#### **4. Affected Heritage Assets**

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- 4.1 Given its form and location the proposal would directly affect the grade II listed building 102 Long Street and the Atherstone Conservation Area. The proposal also has the potential to affect the concentration of grade II listed buildings located upon Long Street (identified within section 2.7 above), which are within the vicinity of the application site, by virtue of the proposal resulting in change within their setting.

##### **102 Long Street**

- 4.2 Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 defines a listed building as a "*building of special architectural or historic interest*". 102 Long Street was designated as a grade II listed building on 25 March 1968 with amendments made in 1988. The designation identifies the building as "*Shown on O.S. map as Council House. House, now offices. Late C18. Flemish bond brick with rendered string courses and moulded rendered cornice. Roof not visible. Double-depth plan with additions to rear. 3 storeys; 4-window range. Wider fourth bay is set back slightly. First bay has 5-panelled door with decorative fanlight, panelled reveals and painted wood Tuscan Doric doorcase with half-columns, paterae and open pediment. Passageway in left corner of fourth bay has C20 door and surround of re-used wood mouldings. Sashes have rusticated rendered flat arches with triple keyblocks. Interior not inspected.*"
- 4.3 As identified in section 3 above 102 Long Street had a long-established domestic use since the medieval period, with potential periods of activity as a public house during the 17<sup>th</sup> century, and commercial and office activity during the 18<sup>th</sup> and 19<sup>th</sup> century in conjunction with its primary domestic use. By the end of the 1930s the building had been acquired and extended to operate as the Atherstone Rural District Council Offices,

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<sup>5</sup>Based on a planning history search for '102 Long Street' and 'Trent House' undertaken from the North Warwickshire Borough Council website. Please note that application records do not pre-date 1990 and electronic versions of plans for consents granted during the 1990s and 2000s are not available.

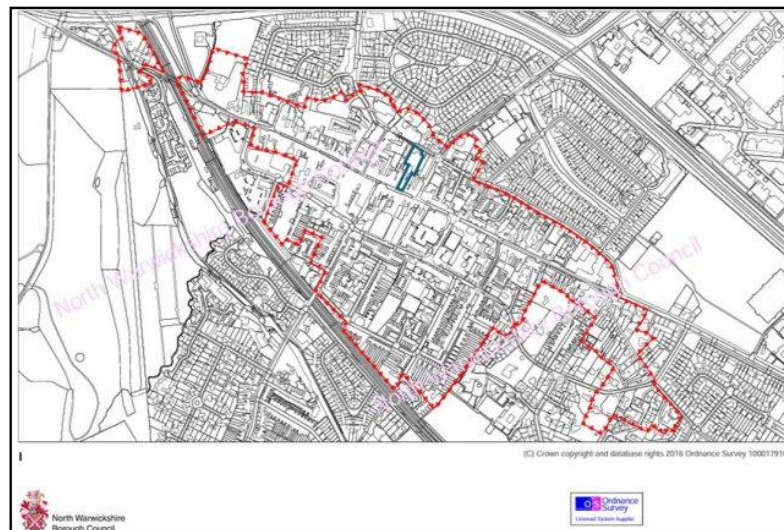
which it did until 1979, with the office use then continuing up until the early 2020s since when it has been vacant.

- 4.4 The listing description provides no details as to whether the internal arrangement of rooms or any physical features are of any special interest; unfortunately, this is not uncommon in many listings, and can provide challenges in conserving the significance of listed buildings when changes are proposed. The present floor plan arrangement of 102 Long Street is contained within Appendix 2 with rooms identified and their most recent uses associated with the TNT UK offices identified. Following a site visit by the report author there are some physical features of potential heritage interest which warrant consideration as part of this proposal. These features and the room within which they are situated are documented in Appendix 3. Such features include a full height staircase, detailed window architraves and apertures, traditional windows, and sections of timber flooring, picture rails, skirting and coving to varying extents. The visit identified visible and revealed features only, so there is a possibility for other features of interest to be concealed behind existing finishes (such as modern suspended ceilings) which may or may not be affected by the proposal depending on specific construction details.

#### **Atherstone Conservation Area**

- 4.5 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 defines a conservation area as "an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".
- 4.6 The Atherstone Conservation Area was first designated in 1995 and this is the date of its most recent appraisal<sup>6</sup>. A map identifying the location of the application site within the Great Barr Conservation Area is included in Figure 6.

**Figure 6. Location of the application site (outlined in blue) within the conservation area**



<sup>6</sup> <https://www.northwarks.gov.uk/forward-planning/heritage-conservation/2>

- 4.7 The Appraisal concludes that Atherstone has retained much of its distinctive and predominantly 18th century character. Much evidence of its historical development and associations remains, and although an 18<sup>th</sup> century town in terms of its architecture, no really fundamental changes have taken place since the 13th Century. A free tenant from that earlier time travelling "back to the future" might tell find much that was familiar.
- 4.8 The following are excerpts from the Appraisal that identify key characteristics of the conservation area that contribute to its special interest, and which are of relevant to the proposal.
- 4.9 Historical pattern of development: The burgage plots, most now subdivided, still dominate the "grain" of the town centre with long narrow plots and some remaining narrow alleyways running at right angles from Long Street and to a lesser extent from the Market Place.
- 4.10 Buildings (pattern): Behind these frontages, ranges of buildings have been constructed mostly of two storeys, within the confines of the subdivided burgage plots. Only in recent years has there been a consolidation of the rear portions of the plots. The frontages to North Street, South Street and Station Street are much more varied, with buildings of differing scales and areas, some relatively large, cleared of buildings for carparking or to make way for anticipated development.
- 4.11 Buildings (density): In the remainder of the area the density is somewhat lower, with most residential properties having rear gardens although the terraces with no front gardens maintain an urban character.
- 4.12 Buildings (type): The rears of burgage plots are occupied by industrial workshops at the west end of Long Street, with predominantly residential development at the east end.
- 4.13 Buildings (style): The predominant style of Atherstone appears "Georgian" but in fact there are nearly as many early Victorian buildings with stucco facades maintaining the typical Georgian proportions. Some may, however, be earlier Georgian buildings re-faced in the then modern Victorian style. The buildings of the 1960s and 1970s are typical of their time, with their concrete framed structures clearly expressed. The buildings of the more recent decades have made some attempt to reflect the traditional form and character.
- 4.14 Buildings (materials and techniques): The predominant building material is local stock bricks and plain tile roofs with stone dressings on the more important buildings. Stucco was used in the early 19<sup>th</sup> Century on the main frontages. Later in the 19th Century imported bricks and Welsh slate were used but there is, however, little use of terracotta dressings and ornamentation.
- 4.15 Buildings (roofscape): The roofscape of the town is predominantly conventional pitched roofs and gable ends, the ridges aligned with the main street. At the rear, the ridges are at right angles with gables reflecting the varying roof spans. Hipped roofs are not common, the most notable exception being the Conservative Club. Many larger buildings have dormer windows in the roofs and chimneystacks are important features and can provide clues to their real age. Windows are predominantly of typical Georgian proportions. The roofscape of the buildings at the rear of the burgage plots is distinctive because of the parallel roof lines at right angles to Long Street and generally in close proximity.

#### Other listed buildings

- 4.16 The other grade II listed buildings within the vicinity of 102 Long Street (as identified within section 2.7 of the report) have uses that relate to their position within the historic and commercial core of the settlement, which includes shops and offices combined with a dwelling and a public house, and whilst they are all likely to have early origins given their position within a respective burgage plot all have Georgian and Victorian period architectural styles associated with their use.

#### 5. Summary of heritage significance

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- 5.1 Significance is defined by the NPPF (Annex 2) as *"the value of the heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."*
- 5.2 As defined in the Planning Practice Guide, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point. Archaeological value is derived from physical remains of an asset, both above ground (i.e. standing structures) and below (i.e. buried archaeological remains).
- 5.3 Architectural and artistic interest are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way a heritage asset has evolved. More specifically architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.
- 5.4 Historic interest is an interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.
- 5.5 A further heritage value, that of communal value, was identified by English Heritage (as then) in *Conservation Principles* in 2008 and is defined as being derived from the meaning(s) of a place for the people who relate to it, have emotional links to it, or draw part of their identity from it. It is considered that there is some correlation of this value with the *historic interest* category and how heritage assets can provide meaning for communities derived from their collective experience of a place. Communal value is very relevant to some assets, such as war memorials and churches.
- 5.6 In legislation and designation criteria, the terms *"special architectural or historic interest"* of a conservation area and listed building are used to describe all or part of its significance. The NPPF adds in the categories of archaeological and artistic interest and possible additional reasons as to why a heritage asset is of value and significance. These categories of interest offer a practical framework for the identification and analysis of significance. In addition, the significance of larger areas (such as conservation areas) is often defined in terms of understanding the area's character and appearance. Historic England (2017) defines the *"the historic character of a place as the group of qualities derived from its past uses that make it distinctive. This may include its*

*associations with people...its visual aspects; and the features, materials and spaces associated with its history."* The identification of such qualities allows for a reasoned assessment of whether the character and appearance of the application site contributes to the significance of the Atherstone Conservation Area.

#### **Significance of the application site**

- 5.7 The categories of heritage interest have been applied to the application site below:
- 5.8 The application site is positioned in the historic core of the settlement of Atherstone, facing the Roman Road Watling Street (now Long Street). Although the site frontage has been developed with built form for a considerable period of time, most likely since at least the medieval period, activities within the rear section of the application site, which forms the rear of a medieval burgage plot, are more limited so there is the potential for evidence originating to numerous archaeological periods within this area. For this reason, it is considered that the archaeological interest of the site is **moderate**, and potentially higher. As the proposal progresses it is recommended that further advice on the archaeological potential of the site is sought from the Warwickshire County Council Planning Archaeology service.
- 5.9 Upon the front elevation of 102 Long Street there is a high level of design quality and craftsmanship within the Flemish bond brickwork and Tuscan Doric doorcase. Consequently, the architectural and artistic interest of these features is **high**. Despite dating from the 1990s the replacement timber sash windows have traditional proportions and are a timber material, and as such they are of **moderate** architectural interest.
- 5.10 Of the instances of remaining visible internal features and fabric it is considered that there is the highest level of design quality, detailing and embellishment to the ceiling coving in first floor office room 6 and the leaded light windows in the ground floor meeting room. The architectural and artistic interest of these features is considered to be **moderate**. Of the remaining internal features (the full height staircase, window architraves and apertures, inter-war glazing, picture rails, skirting and coving), all have some limited element of design quality and these often reflect the distinctive architectural detailing from the period of their installation. Consequently, the architectural and artistic interest of these remaining internal features is **minor**.
- 5.11 The application site has an extensive history, providing a function for the varying needs of the settlement over time. It illustrates and documents the operation of a burgage plot occupied by a frontage dwelling and associated commercial uses, proceeded by a period of civic use for 102 Long Street as the offices for Atherstone Rural District Council, and finally followed by private use as offices for TNT UK Ltd. These components of historic interest are considered to be **high**.
- 5.12 Whilst 102 Long Street has been adapted considerably and modernised to meet the requirements of its occupiers, an earlier floor plan is discernible in some instances, such as the 18<sup>th</sup> century arrangement of the principal domestic rooms on the first floor and the plan of the mid-20<sup>th</sup> century Council chamber and office rooms located within the rear ranges. The remaining internal features and fabric (identified in section 5.10 above) are either functional and/or decorative, but they illustrate the uses of the building and the architectural style at their period of installation. Consequently, such features and fabric provide the building with a further **moderate** level of historic interest.
- 5.13 The outbuildings to the rear are generally considered to be of no clear heritage value as they are not particularly old and have a predominantly functional appearance, however



the remaining section of (likely) blue/brindle brick wall and gate piers along North Street are interesting features that illustrate an earlier use of the site, and as such these features are considered to be a **low level of historic interest**.

- 5.14 There is the possibility that some communal value could be attributed to 102 Long Street given its previous use as Council offices, with people having experiences related to this civic function. The more recent private use of the building would greatly reduce the opportunity for such experiences and given that the Council offices had moved from the site by 1979, which is at least one generation ago, then the communal value of the site is considered to be **negligible**.

#### **Conservation area contribution**

- 5.15 The architectural quality of the front elevation of 102 Long Street is high and it represents the typical Georgian building style of the area. The application site illustrates the historical pattern of development within the settlement with the built form on the site following the typical building pattern, density and type of the area. These components of the application site contribute to the significance of the Atherstone Conservation Area and are a positive aspect of its character and appearance.
- 5.16 Given the functional nature of the outbuildings and the large surface car park within the northern half of the application site it is considered that these are neutral presence within the conservation area.

#### **Setting contribution**

- 5.17 There are components of historic and architectural interest of 102 Long Street, such as its scale and building type, which are shared with the other grade II listed buildings within the vicinity. These characteristics can be appreciated collectively by the observer when positioned upon Long Street and within the conservation area street scene, and as such 102 Long Street is considered to be a positive presence within the setting of the other grade II listed buildings and ensuring they have heritage value as a group.
- 5.18 When positioned within the northern half of the application site upon the car park the upper levels rear elevations of the grade II listed buildings The Post Office and 108 Long Street are visible. The density and forms of the frontage buildings and associated rear ranges of these two heritage assets can be observed from this position within the site, and as per the application site, this represents the development of burgage plots over time for the functioning of the settlement. Consequently, this component of the historic interest of the two listed buildings can be appreciated by the observer to a moderate degree from the application site.
- 5.19 Due to the position of 102 Long Street, the low scale of the outbuildings to the rear, and surrounding built form and vegetation, no components of the application site are a visible presence within the conservation area when looking north-west from Ratcliffe Street and south-east along North Street. The presence of the high blue/brindle brick wall largely screens views to the interior of the application site when positioned along North Street, although there are clearer views of the 102 Long Street and the rear ranges of the building within the middle distance when positioned at the site access, and from this position the historic interest (as documented in this report) of these buildings can be appreciated by the observer to a moderate degree from the application site.

## **Part Two: Impact Assessment**

### **6. Introduction**

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- 6.1 Part two of this document is an assessment of the impact of the proposal on the significance of the Atherstone Conservation Area, the grade II listed building 102 Long Street, and the other listed buildings located within the setting of the application site.
- 6.2 A site plan, elevations and floor plans of the proposed development, as prepared by Axon Architects, are included within Appendix 4. The proposal is to convert 102 Long Street into 14 apartments and erect six dwellings to the rear. Vehicular access to the site will remain from North Street. The six dwellings are arranged in a mews style terrace within the north-western section of the site, with the existing outbuilding and one gate pier being demolished. The terrace is two storeys in scale and is split into 3 pairs with a symmetrical arrangement of simple casement windows and front doors with a canopy. The terrace would be constructed of brick and tile and includes architectural detailing such as a dentil eaves course. The brick wall along the north-western boundary and single gate pier within the north-western corner would remain as would the gate pier attached to the Old Mortuary building. Low brick walls and post and rail fencing would front the six dwellings, facing into the existing retained hard surfaced car park which continues to serve the proposed development alongside the creation of a small external amenity area for the apartments.

### **7. Legislation and Policy Context**

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#### **Planning (Listed Buildings and Conservation Areas) Act 1990**

- 7.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides the legislative framework for the conservation of listed buildings and conservation areas within the planning system.
- 7.2 In considering whether to grant listed building consent for any works Section 16 of the Act requires that the local planning authority shall have "*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66 of the Act requires a local planning authority to have "*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". The general duty in Section 72 of the Act requires a local planning authority in the exercise of its powers in respect of buildings or land within a conservation area to give "*special attention to the desirability of preserving or enhancing the character or appearance of the area*".

#### **National Planning Policy Framework (2023)**

- 7.3 The National Planning Policy Framework (NPPF) sets out the government's planning policies and how these are expected to be applied to contribute to the achieving sustainable development. An environmental objective to achieving sustainable development is to contribute to protecting and enhancing our natural, built and historic environment. Section 16 of the NPPF provides the national policy on conserving and enhancing the historic environment.

- 7.4 Paragraph 203 states that "in determining applications, local planning authorities should take account of:
- e) *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - t) *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - c) *The desirability of new development making a positive contribution to local character and distinctiveness"*
- 7.5 Paragraph 205 states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)."
- 7.6 Paragraph 206 states that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification". Paragraphs 207 and 208 go on to distinguish between substantial and less than substantial harm to heritage assets. Where less than substantial harm has been identified, "this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 7.7 Paragraph 212 states that "local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."
- 7.8 The **Planning Practice Guide** provides further advice and guidance on the application of the government's planning policies on conserving and enhancing the historic environment as set out in the NPPF.
- 7.9 Section 12 of the NPPF provides the national policy on achieving well-designed places. Paragraph 135 states that "planning policies and decisions should ensure that developments:
- Limb b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - Limb c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;'*
- 7.10 These bullet points are of particular relevance as the local character and history of the built environment often contributes to the special interest and thus significance of a conservation area.
- 7.11 The **National Design Guide** (2019) provides planning practice guidance for delivering beautiful, enduring and successful places. The guide recognises that it is important to understand how local history, culture and heritage influences local vernacular and the identity of a place. It advises that well designed places should have a character that suits its context and its history.

#### **Local Planning Policy**

- 7.12 Relevant local planning policy is provided by the **North Warwickshire Local Plan (NWLP) (2021)**. The most relevant policies of the Local Plan are as follows:
- 7.13 **LP1: Sustainable Development:** Planning applications that accord with the policies in this Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no development plan policies, or the policies which are most important for determining the application are out-of-date, applications will be determined in accordance with the presumption in favour of sustainable development.
- To ensure quality of development and place all development proposals must;
- Integrate appropriately with the natural and historic environment
  - Demonstrate a high quality of sustainable design that positively improve the settlement's character, appearance and environmental quality of an area
  - Sustain, conserve and enhance the historic environment
- 7.14 **LP15: Historic Environment:** The Council recognises the importance of the historic environment to the Borough's local character, identity and distinctiveness, its cultural, social, environmental and economic benefits. The quality, character, diversity and local distinctiveness of the historic environment will be conserved or enhanced. In particular:
- 7.15 The quality of the historic environment, including Listed Buildings, Conservation Areas and any non-designated assets; buildings, monuments, archaeological sites, places, areas or landscapes positively identified in North Warwickshire's Historic Environment Record as having a degree of significance meriting consideration in planning decisions, will be protected and enhanced, commensurate to the significance of the asset.
- 7.16 Wherever possible, a sustainable reuse of redundant historic buildings will be sought, seeking opportunities to address those heritage assets identified as most at risk.
- 7.17 **Understanding the Historic Environment:** All development proposals that affect any heritage asset will be required to provide sufficient information and an assessment of the impacts of those proposals on the significance of the assets and their setting. This is to demonstrate how the proposal would contribute to the conservation and enhancement of that asset.
- 7.18 **Conserving the Historic Environment:** Great weight will be given to the conservation of the Borough's designated heritage assets. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification with regard to the public benefits of the proposal. A balanced judgement will be taken regarding the scale of any harm or loss to the significance of a non-designated heritage asset, and the relative significance of that heritage asset must be justified and will be weighed against the public benefits of the proposal.
- 7.19 Where a proposal affects the significance of a heritage asset, including a non-designated heritage asset, or its setting, the applicant must be able to demonstrate that:
- i) all reasonable efforts have been made to sustain the existing use; find new uses or mitigate the extent of the harm to the significance of the asset; and,
  - ii) the works proposed are the minimum required to secure the long-term use of the asset
  - iii) features of the asset that contribute to its heritage significance and interest are retained.

- 7.20 Additional evidence, such as marketing details and/or an analysis of alternative proposals will be required where developments involve changes of use, demolitions, sub-divisions or extensions.
- 7.21 Where a proposal would result in the partial or total loss of a heritage asset or its setting, the applicant will be required to secure a programme of recording and analysis of that asset and archaeological excavation where relevant and ensure the publication of that record to an appropriate standard.
- 7.22 **LP30: Built Form:** All development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Local design detail and characteristics should be reflected within the development. All proposals should therefore (bullet points relevant to the proposal are identified only):
- a) ensure that all of the elements of the proposal are well related to each other and harmonise with both the immediate setting and wider surroundings;
  - b) make use of and enhance views into and out of the site both in and outside of the site;
  - c) make appropriate use of landmarks and local features;
  - d) reflect the characteristic architectural styles, patterns and features taking into account their scale and proportion;
  - e) reflect the predominant materials, colours, landscape and boundary treatments in the area;
  - f) ensure that the buildings and spaces connect with and maintain access to the surrounding area and with the wider built, water and natural environment.
- 7.23 Infill development should reflect the prevailing character and quality of the surrounding street scene. The more unified the character and appearance of the surrounding buildings and built form, the greater the need will be to reproduce the existing pattern.
- 7.24 Extensions, alterations to and replacement of existing buildings will be expected to (bullet points relevant to the proposal are identified only):
- a) respect the siting, scale, form, proportions, materials, details and overall design and character of the host building, its curtilage and setting;
  - b) retain and/or reinstate traditional or distinctive architectural features and fabric.
- 7.25 The document **Conservation Areas in the Borough of North Warwickshire (1995)** defines the special interest and significance of the Atherstone Conservation Area and seeks to guide development located within it.
- Other relevant guidance**
- 7.26 Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets provides guidance on the conservation of and making changes to the historic environment.

## 8 Assessment method

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- 8.1 A number of objective methods of assessment can be utilised in practice to determine the impact of a proposal on a heritage asset. The British Standard 7913 (2013) *Guide to the conservation of historic buildings* provides an evaluation matrices (in section 5.6.5 of the document) to determine the impact of a proposal by assessing the significance of a heritage asset against the effect of the changes proposed on that significance. The

evaluation matrix has been applied within the impact assessment below, with key findings regarding significance, effects and impact highlighted in bold text.

## 9 Impact Assessment

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### 102 Long Street

- 9.1 The proposal is for internal alterations to form 14 flats within the listed building 102 Long Street. The heritage significance of the building has been established within section 5 of the heritage statement.
- 9.2 No physical alterations are proposed to the front elevation of the building so there will be no adverse impact from the proposal upon this component of its architectural and artistic interest.
- 9.3 Where possible the proposed internal layout to form each apartment and the rooms within them has been arranged around existing structural walls to reduce the amount of interventions required to the physical fabric of the building. Existing openings on the ground floor have been utilised or adapted for access points for the respective apartments.
- 9.4 The main subdivisions are located within office room 1 (within the 18<sup>th</sup> century phase of the building), office room 13 (located within the rear range) and the meeting room (the former Council chamber). Due to the span of the former Chamber, structural walls are required to create the subdivision for two apartments. All other rooms within each individual apartment are formed by stud walls. The subdivision of the Chamber to create two apartments will reduce the volume of the space and an understanding of its former function, but given that this use was only for a relatively limited amount of time in the overall history of the building, and the volume and status of the room had already been significantly reduced with the insertion of a suspending ceiling, the impact from this aspect of the proposal upon the historic interest of the building is considered to be negligible.
- 9.5 The walls between office rooms 5 and 6 on the first floor and office rooms 15 and 16 on the second floor (all within the 18<sup>th</sup> century phase of the building) are to be removed but with the nibs retained which allows for the presence of a wall previously in these positions to remain discernible. Again, it is considered that the impact from this aspect of the proposal upon the historic interest of the building is considered to be negligible.
- 9.6 As identified within section 5.10 of the heritage statement it is considered that there is some moderate and minor levels of architectural, artistic and historic interest to particular internal features. Other than for the inter-war windows (of minor interest) on the corridor side of office rooms 2 and 3 all such features are to be retained in situ (and where relevant and possible kept visible within the respective apartment room). Therefore, it is considered that there will be a negligible impact upon the significance of the building from this component of the proposal. If the application is approved it is considered that a programme of historic building recording be undertaken prior to the commencement of the works (if deemed warranted by the Warwickshire County Council Planning Archaeology service) and given the low level of interest of the inter-war windows it is considered that their loss could be mitigated by such recording.
- 9.7 Any further internal features of interest currently concealed but unveiled as part of investigative works or as part of the redevelopment shall be treated in a manner

appropriate to their significance, and it can be ensured they are retained or sensitively adapted as part of the redevelopment proposals to ensure their significance is retained.

- 9.8 The proposed works would have no more than **negligible**, and not an adverse impact, upon the disenable floor plan associated within the different uses of the building, with the proposal for apartments re-establishing a domestic use in the building as per its original function. Other than for a small number of instances (with the removal of internal walls and inter-war windows) the historic fabric of the building will be retained during the proposed conversion, with the distinct majority of identified internal features of heritage interest to be retained. Consequently, for the above reasons the proposal is considered to preserve the special interest and significance of the listed building 102 Long Street.

#### **Atherstone Conservation Area**

- 9.9 As established above as no physical alterations are proposed to the front elevation of 102 Long Street so its typical Georgian building style and appearance will remain evident and the positive contribution this makes to the Long Street scene will be unaffected.
- 9.10 The arrangement of space within the rear section of the site will remain the same in respect of the location of the car parking area. The proposed demolition of the outbuildings, which are of no particular heritage interest, is not considered to be harmful to the character and appearance of the conservation area, and although the proposed dwellings would extend the footprint of built form within the application site the siting and layout of the dwelling represents a linear form of development within the rear of the burgage plot with is typical of the building pattern within the conservation area, and also is a similar extent of development as has previously been on the site, as evidenced by the 1922 historic Ordnance Survey map. The scale, form, architectural detailing and construction materials of the proposed dwellings and boundary treatments all follow and respect the traditional characteristics of the area.
- 9.11 The demolition of the outbuildings does lead to the loss of the sections of blue/brindle brick wall and a gate pier which faces into North Street. These features are considered to be of a low level of historic interest as they may provide an indication of earlier uses of the site. Given this low level of value it is considered that their loss could be mitigated by being included within the suggested programme of historic building recording (if deemed warranted by the Warwickshire County Council Planning Archaeology service). The wall pier on the corner of the site is to be retained which would allow for a continued understanding of any historic uses of the site, and due to the siting of the new dwellings the side gable wall of the development at the back edge of the pavement would continue to provide a strong sense of boundary enclosure along North Street, rather than the site frontage being uncharacteristically opened up.
- 9.12 Consequently, for the above reasons the proposal is considered to have a **neutral impact** upon the character and appearance of the Atherstone Conservation Area and thus its significance will be preserved.

#### **Setting contribution**

- 9.13 As established above as no physical alterations are proposed to the front elevation of 102 Long Street so it will continue to be a positive presence within the setting of the other grade II listed buildings when viewed from Long Street and ensuring their heritage value as a group is not adversely affected.

- 9.14 As no extensions are proposed to the existing building 102 Long Street, when positioned within the northern half of the application site upon the car park the upper levels of the rear elevations of the grade II listed buildings The Post Office and 108 Long Street will remain clearly visible. The density and forms of the frontage buildings and associated rear ranges of these two heritage assets could still be observed from this position within the site and an understanding of the development of burgage plots over time for the functioning of the settlement would clearly remain. Consequently, this component of the historic interest of the two listed buildings would continue to be appreciated.
- 9.15 As identified within section 2.10 of the heritage statement it is not considered that the proposed increase in scale of development arising from the proposed new dwellings within the north-western section of the plot will have any effect upon the significance of the designated heritage assets located to the north-west of the site. Whilst the increase in scale due to the two storey height of the new dwellings would mean the upper storeys and roofscape of the dwellings would be visible when looking north-west from Ratcliffe Street and south-east along North Street, due to the traditional form and appearance of the proposed development it is considered to sit comfortably within the conservation area and the setting of any affected heritage assets. Due to the siting of the new dwellings remaining in the same position as the existing outbuildings the view towards the rear elevation of 102 Long Street from the site access would remain and the context of the views not adversely effected.
- 9.16 For the above reasons it is considered that the proposed development would have no adverse impact on any designated heritage assets located within the setting of the application site.

## **10 Assessment against Legislation and Policy**

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- 10.1 By describing the significance of and assessing the impact of the proposal upon affected heritage assets this statement is considered to have satisfactorily met the requirements of paragraph 200 of the National Planning Policy Framework (NPPF).
- 10.2 The assessment of the effects of the proposal has concluded that it would have no adverse impacts upon all heritage assets affected, namely the Atherstone Conservation Area, the grade II listed building 102 Long Street, and a small number of designated heritage assets located within the setting of the application site. The heritage significance of each respected asset would be preserved.
- 10.3 For these reasons the proposal is considered to accord with the statutory duties of Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant national and local policies and guidance that seek the conservation of heritage assets as specified in the National Planning Policy Framework and North Warwickshire Local Plan.

## **11 Conclusion**

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- 11.1 This document has been prepared to accompany a planning application and listed building consent application for the conversion of 102 Long Street, Atherstone, to 14 apartments and the erection of six dwellings to the rear of 102 Long Street.



- 11.2 Part one of the document has identified the significance of the designated heritage assets affected by the proposal and part two of the document has identified that the proposal would have a neutral, and not adverse impact upon their significance.
- 11.3 Consequently, the proposal complies with relevant laws, policies and guidance and as such there should be no objections on heritage grounds.

## **12 Bibliography and Sources**

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Ministry of Housing, Communities & Local Government (MCHLG). *National Design Guide* (2019): <https://www.gov.uk/government/publications/national-design-guide>

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North Warwickshire Borough Council: Atherstone Conservation Area (1995): [Conservation Area Appraisals \(northwarks.gov.uk\)](#)

North Warwickshire Borough Council: North Warwickshire Local Plan (2021): [Local Plan \(Adopted 2021\) | Local Plan for North Warwickshire | North Warwickshire Borough Council \(northwarks.gov.uk\)](#)

**Appendix 1. Photographs of the application site and surrounding area**

Front elevation of 102 Long Street:



View north-west along Long Street:



Georgian style sash window to front elevation of 102 Long Street:



Tuscan Doric doorcase to front elevation of 102 Long Street:



The rear building ranges of 102 Long Street:



The rear building ranges of 102 Long Street:



Site access from North Street:



Site outbuildings and adjacent dwellings on North Street:



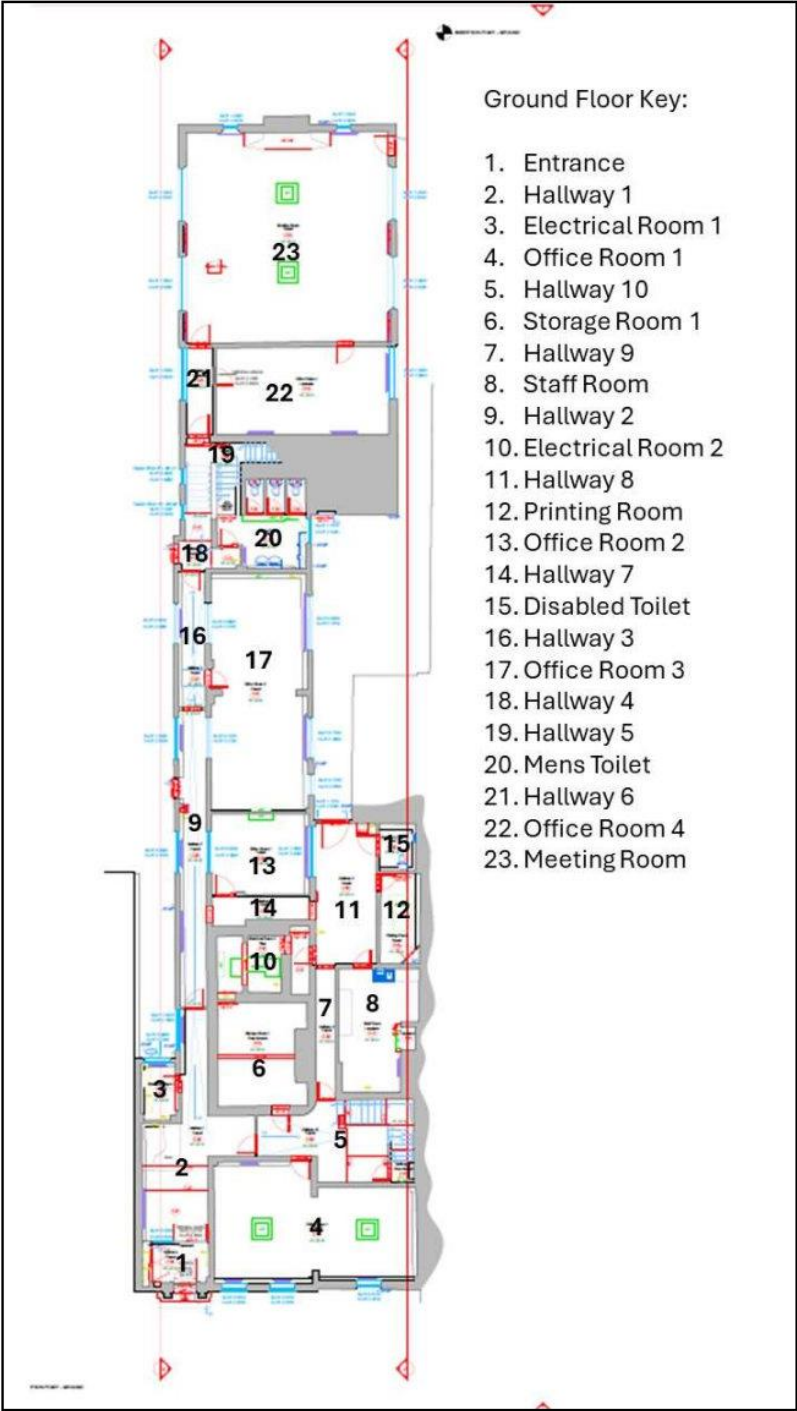
Site outbuildings viewed from parking area:

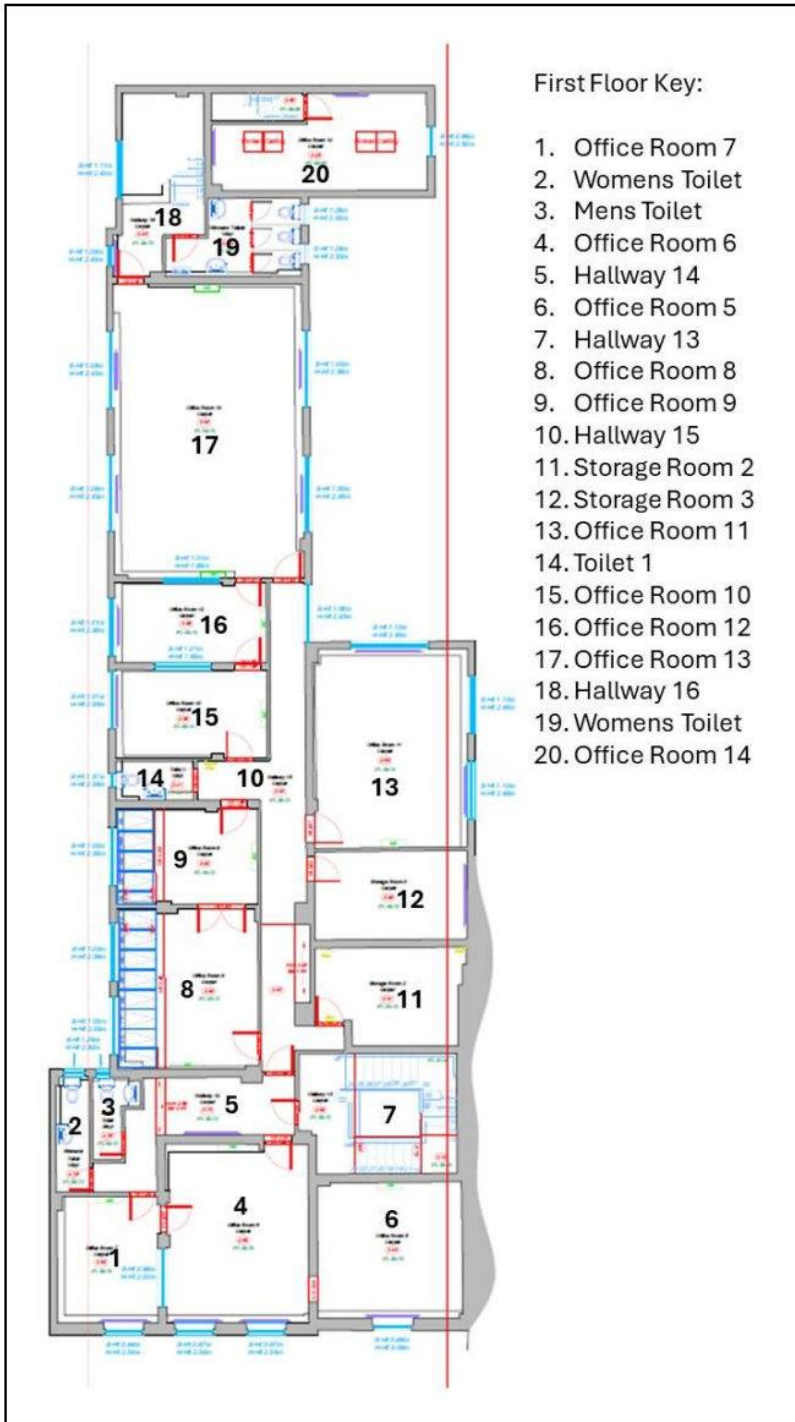


View north-west from parking area of adjacent built form:



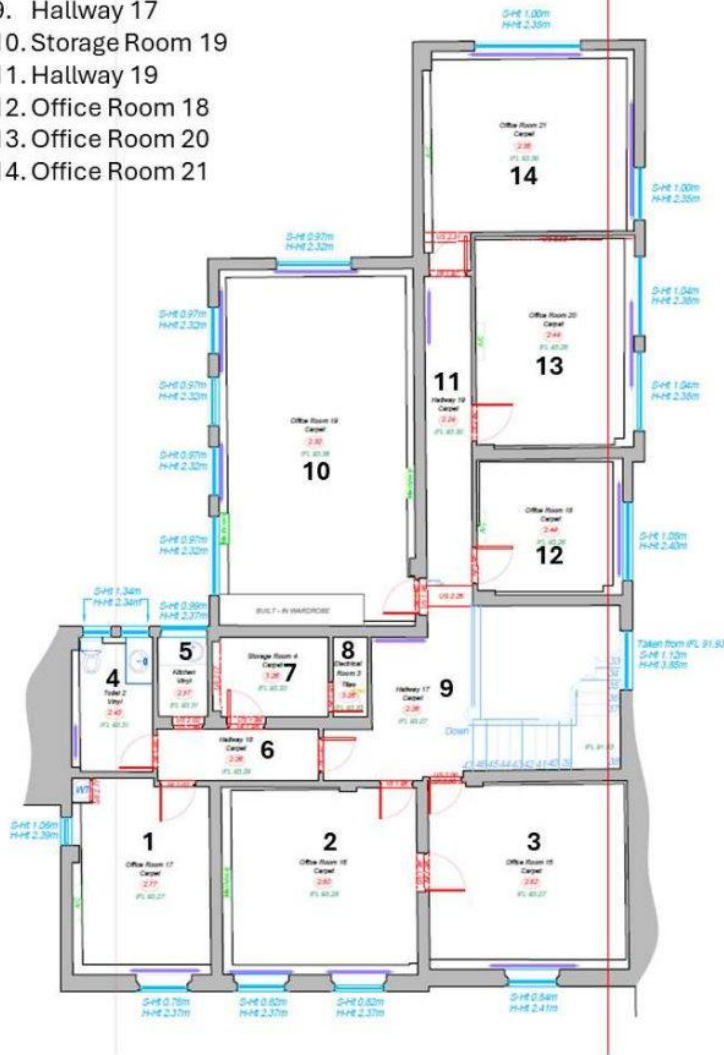
**Appendix 2. Floor Plans of 102 Long Street (courtesy of Castle Surveys Ltd)**





Second Floor Key:

1. Office Room 17
2. Office Room 16
3. Office Room 15
4. Toilet 2
5. Kitchen
6. Hallway 18
7. Storage Room 4
8. Electrical Room 3
9. Hallway 17
10. Storage Room 19
11. Hallway 19
12. Office Room 18
13. Office Room 20
14. Office Room 21



**Appendix 3. Potential internally located features of heritage interest (photographs taken 25/03/2024 by the report author)**

There are fluted architraves to the front elevation sash windows on all floors (other than the second floor office room 15). Whilst unlikely to be original fabric from the late-18<sup>th</sup> century, this is a traditional detailing that likely pre-dates the Council office use of the building, and the details extends higher than modern suspended ceiling:



In the eastern section of ground floor office 1 a timber floor is in situ under the carpet tiles. Closer inspection would be required to date this accurately but it could be remnant fabric that pre-dates the Council office use of the building:



Post-modern style steel and varnished timber staircase that extends from the ground floor hallway 10 up to the first and second floors. This is likely to have been installed when the building functioned as Council offices. Reasonable attempts at replacing sections of the balustrade have been made over time:



Inter-war period glazing set within timber framed windows to the western elevation of ground floor office rooms 2 and 3. These are likely to be a remnant of the original construction of the rear range for the Council offices and were most likely external windows before the addition of western extension (forming hallway 2):



There is a single domestic revival style window with pronounced mullions and standard ironmongery to the eastern elevation of ground floor office 2. This is likely to be a remnant of the original construction of the rear range for the Council offices and was most likely an external window given its position at the end of the passageway between the earlier ranges:



Leaded light glazing set within timber framed to the western elevation hallway 6 and the meeting room (former Council chamber). These are likely to be a remnant of the original construction of the rear range for the Council offices. All other windows to the meeting room have been replaced with upvc alternatives. All window openings in the meeting room have chamfered apertures:



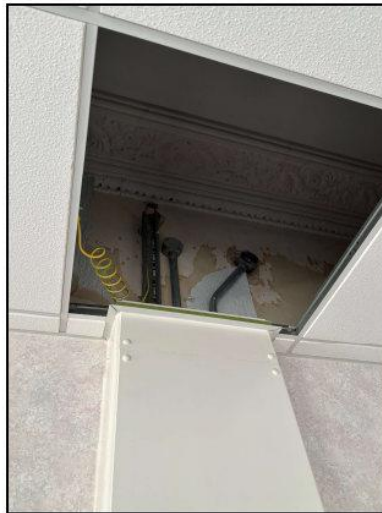


There is a projection from the eastern wall within ground floor storage room 1, the depth of which suggests it may have formed a chimney breast and heating for the original house. Markings on the floor suggest the position of a hearth. In the same position above on the first floor hallway 15 the potential chimney breast has been removed and an arch detail formed. It is possible this chimney extended up to the roof and emerged as an axial stack:



There is an archway detail within the first floor hallway 14 that likely pre-dates the Council office use of the building:

There is some remnant patterned cornicing and ceiling decoration behind the suspended ceiling within first floor office room 6. This may be original fabric from the late-18<sup>th</sup> century and is a rare remaining embellishment:



There is some remnant patterned cornicing behind the suspended ceiling within first floor office room 5. This may be original fabric from the late-18<sup>th</sup> century and is a rare remaining embellishment, although less detailed than the cornicing present in office room 6:



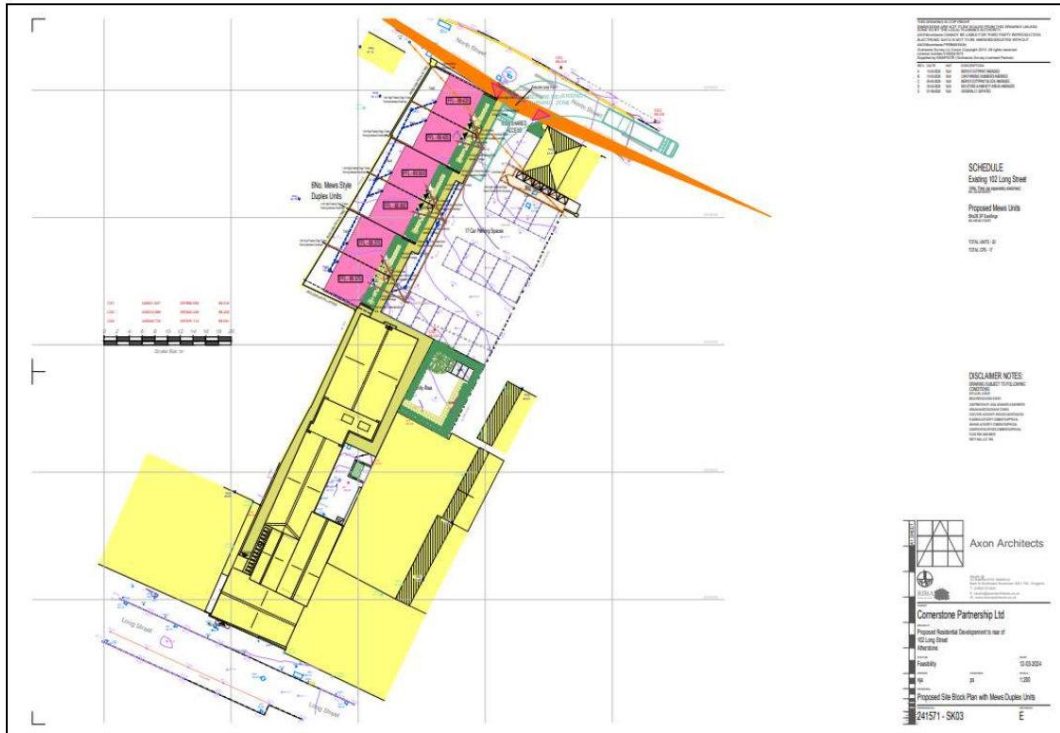
There is a picture rail behind the suspended ceiling within the second floor office room 16 that likely pre-dates the Council office use of the building:



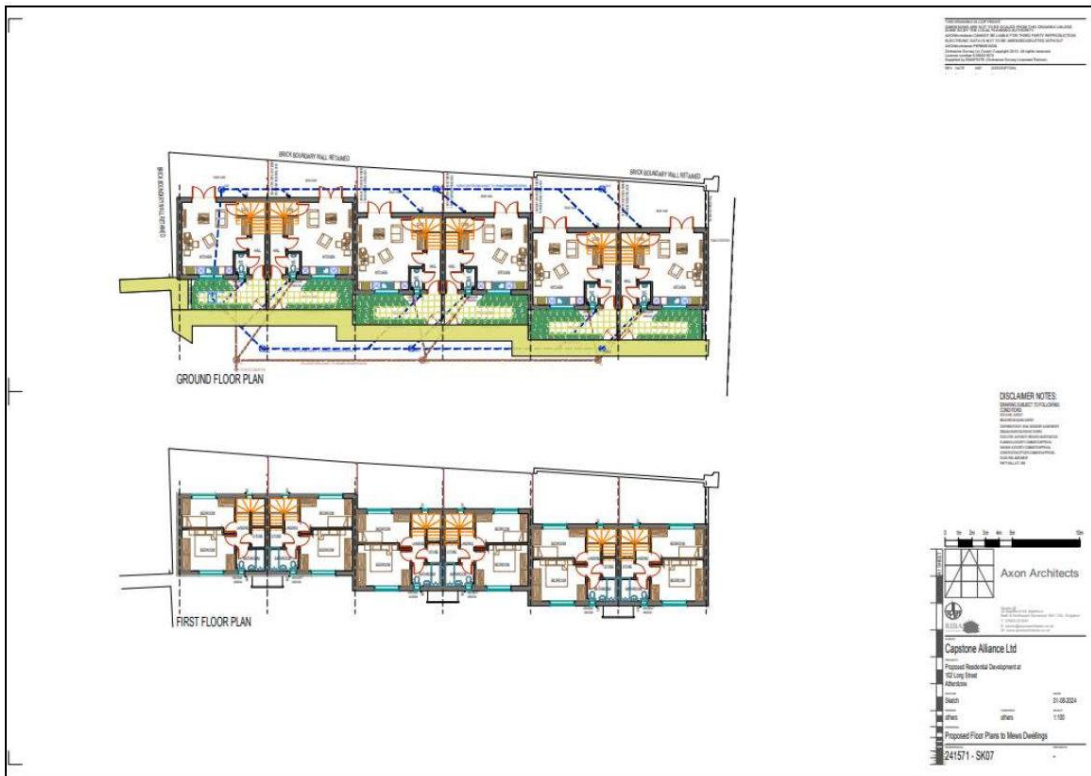
There are sections of slightly detailed timber skirting within the second floor office room 17 that likely pre-date the Council office use of the building:

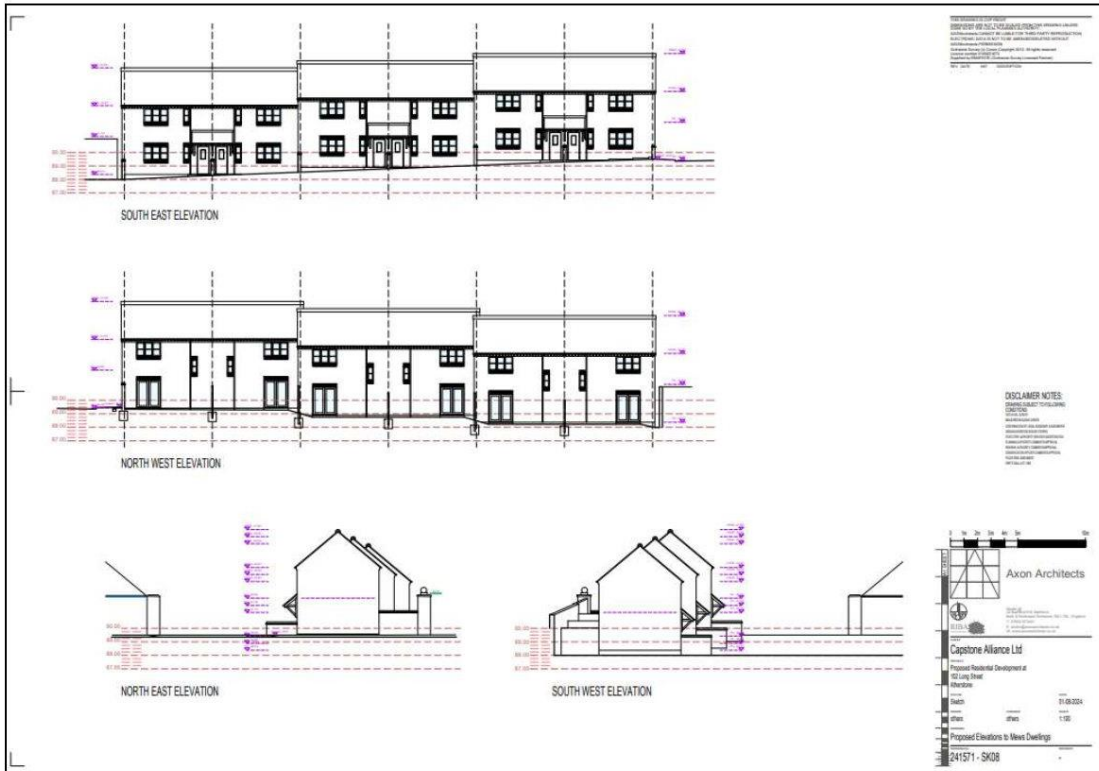


Appendix 4. Drawings of the proposed development, as prepared by Axon Architects









## **General Development Applications**

**(6/b) Application No: PAP/2024/0259**

**Village Farm, Birmingham Road, Ansley, Nuneaton, Warwickshire, CV10 9PS**

**Demolition of workshops / buildings, construction of 1 no. 2bed, 1 no. 3 bed, 4 no. 4 bed, 3 no 5 bed dwellings, garages, associated parking and access, for**

**Mr Daniel Swift - Swift Homes And Developments**

### **Introduction**

The application is being referred to the Board at the request of Local members who are concerned about the impact on the Green Belt.

### **The Site**

Ansley is a large parish to the west of Nuneaton containing the two main settlements of Ansley Village and Ansley Common. Ansley village lies west of Nuneaton along the B4112 Birmingham Road just under a kilometre from Church End, the old village containing the church, a specialist school, and vicarage. The houses of the present Ansley village extend for nearly a mile along Birmingham Road. The location of the settlement is rural but with a character linked to previous mining activity including housing. The settlement is also characterised by some small-scale farmed landscape with varied topography and landscape. The settlement includes a village store and fish and chip shop (now closed), a post office point, public house, church hall, recreational facilities and bus services into Nuneaton/Hartshill but no primary school (the nearest being at Arley or Ansley Common and Galley Common).

The main Birmingham Road has traffic calming. The village is linear in nature with the majority of development off the main road.

The site location is at the northern end of the village and can be viewed at Appendix A.

The site is 0.45 hectares in extent.

### **The Proposal**

This is for the demolition of workshops and buildings and the construction of nine two storey detached dwellings, garages, associated parking and access. The housing mix is and the site plan showing the proposal can be viewed at Appendices B and C.

As the proposal is for less than ten units, none would be “affordable dwellings” under both national and local definitions.

A single access with a short private cul-de-sac is proposed off the Birmingham Road with footways on both sides. The applicant is thus not proposing to seek adoption of this road by the County Council. However, he has confirmed that he would enter into an Indemnity Agreement with the Borough Council enabling the Councils' refuse vehicles to enter and collect waste from the individual properties. Eight of the dwellings would have three car parking spaces with the ninth – plot 9 – having two. The houses would be brick and tile built with some rendered surfaces. The two plots at the access point face the cul-de-sac, but they have featured “false” windows in their elevations facing Birmingham Road so as to provide a more detailed elevation appearance. Surface water drainage would be to an attenuation pond to the west of the site with discharge into an existing watercourse – see Appendix C.

## **Background**

The North Warwickshire Local Plan 2021 allocates land at Village Farm for residential development. The allocation is known as H12 and is illustrated at Appendix D. The bulk of the application site itself is contained within this allocation. Land to the south - containing the former farmhouse – is now in separate ownership and is excluded from the application site. It however does extend beyond the western boundary of the allocation. The land included in this extension comprises the rear gardens of plot numbers 5 to 8, parts of the rear gardens to plots 1 to 3, together with the new attenuation pond. This is illustrated on Appendix D.

A previous application for residential redevelopment of the site with 13 dwellings was refused planning permission and an appeal was subsequently dismissed. This application extended further to the west than the present case. Not only were the rear gardens of the plots here in the Green Belt, but half of their built form was as well. The proposed layout is at Appendix E and the appeal dismissal letter is at Appendix F.

Planning permission has been granted for a farm building to the south-west of the current site and permission has also been granted for extensions to the former farmhouse to the south.

## **Development Plan**

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP9 (Affordable Housing Provision), LP14(Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP22 (Open Space and recreation provision), LP29 - (Development Considerations), LP30 (Built Form) ,LP33 (Water Management), LP34 (Parking), LP35 (Renewable energy and energy efficiency), LP37 (Housing Allocations) and H12 (Land at Village Farm, Ansley)

## **Other Relevant Material Considerations**

National Planning Policy Framework – ( the “NPPF”)

National Planning Practice Guidance – (the ”NPPG”)



## **Consultations**

Warwickshire County Council as Highway Authority – No objection subject to conditions

Warwickshire County Council as Lead Local Flood Authority – No objection subject to conditions

Warwickshire Ecologist – No objection subject to conditions

Warwickshire Archaeologist – No objection

Environmental Health Officer - No objection

## **Representations**

Ansley Parish Council – No objection

Five letters of objection have been submitted referring to the following:

- There is no infrastructure or local facilities to cope.
- There is no need for more houses in this small village.
- The main road through village is extremely busy day and night being very noisy, with lots of heavy goods vehicles, speeding, numerous vehicles damaged due to traffic and speeding, inadequate parking for existing residents, safety issues for entry and exit on to the road, with the road surface being inadequate.
- Damage to wildlife as bats have been seen in the area.
- The development is extending into green belt land and this is especially true as the land is not infill and would cause demonstrable material harm to the green belt.
- The new gardens would have direct visibility into existing residential properties. The removal of hedgerows only compounds this issue.
- The village needs smaller housing to support the local population. Most dwellings are 4 and 5 beds in size meaning the local population still must move outside of the village when starting their independent adult lives. No affordable housing is included.
- The development is at the entrance of the village is not sympathetic to the current perceived linear aspect of the village, thus enlarging the village.
- The development provides 9 houses all of 2 bedrooms and above with 2 parking spaces for each dwelling. This includes the 4 and 5 bed dwellings where it is obvious that spaces for more than 2 vehicles will be required. Additionally, there is no provision for visitor parking will result in vehicles overflowing into Birmingham Road to park. This stretch of road also has an average of circa 55 mph even though it is a 30mph speed limit adding to the danger.
- There is no gain in biodiversity area as the proposed pond is currently grassland and outside of the exiting development boundary, again encroaching on green belt land. The loss of hedgerow will also result in a loss of nesting for the small birds that nest there annually.

## **Observations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan here is the North Warwickshire Local Plan adopted in 2021. This is up to date and thus its policies will carry substantial weight.

### **i) The Principle of Development**

Policy LP37 of the Local Plan identifies Village Farm as an allocated site for new residential development by 12 houses. This allocation is known as H12 and the Plan includes a specific policy in respect of its development – Policy H12. The settlement boundary defined for Ansley coincides with the Green Belt boundary in the Local Plan. The allocated site H12 is wholly within the settlement boundary and thus outside of the Green Belt. The great majority – just over 85% - of the current application site is within this allocation. The balance is not and is thus within the Green Belt.

As a consequence, the principle of supporting this application in general terms is acknowledged, but the Board will first need to be satisfied that the inclusion of Green Belt land can be supported and that there are no other harms caused.

### **ii) The Green Belt**

As indicated above, the application site includes a corridor of land which is within the Green Belt along its western boundary. In this case, that land comprises the rear gardens to plot numbers 5 to 8 and part of plots 1 to 3. Additional land in the Green Belt is included for the formation of a new attenuation pond. As such, there is a change of use of land within the Green Belt land to residential, together with a proposed engineering operation. The NPPF says that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF identifies development which would be inappropriate development. It says that both a “material change in the use of land” and “engineering operations” are not inappropriate, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

There is no definition of “openness” in the NPPF, but it is generally taken to mean the absence of development. However, the NPPG sets out four elements that make up openness. Each of these will need to be looked at in relation to both the proposed change of use and the engineering operations.

Dealing first with the change of use, then the first element is the spatial impact of the proposal. Here the corridor of land is narrow and small and on the same level as the surrounding land. It is located immediately adjacent to a residential allocation in an adopted Local Plan with other built development to its south. The site is presently used in connection with HGV parking being part of a larger yard. As such it is considered that spatially the degree of incursion on the openness of the setting is limited. The second element is the visual impact. As above, the site is already in a commercial use viewed as part of a wider yard and the residential allocation immediately to the east together

with the built development to the south indicates that visually its loss would cause a very limited, if negligible, impact on the openness of the setting. The third element is the activity associated with the change of use. Here there has been agricultural use and HGV parking associated with the land, hence it has not been open. The proposed rear garden use will have activity associated with it, but whilst there are differences, overall, there would not be a material increase in activity over that which currently exists. Finally, the change would be permanent not temporary. Combining all of these matters together it is considered that openness would not be preserved, but that the degree of actual harm caused would be limited.

It is now necessary to look at the other condition in respect of the change of use – the conflict with the purposes of including land within the Green Belt. Here the only conflict that might arise is with the purpose of “safeguarding the countryside from encroachment”.

As already described above the site is not in “countryside” being part of a larger commercial yard. It is not considered that there would be any conflict here.

Looking now at the engineering operations, then spatially there will be very little alteration to ground levels. Visually there would be an impact, but not involving a third dimension and there would be no activity associated with the development. It would be permanent. There is not therefore a conflict with the safeguarding purpose. The proposed pond is thus considered not to be inappropriate development.

Combining these matters, it is concluded that the proposed development that is within the Green Belt here is inappropriate development, but that the degree of actual harm is very limited in its impact.

Prior to looking at whether other harms are caused, it is necessary to establish whether the recent appeal decision at Appendix F for a similar proposal, influences the conclusion reached above. Here the corridor of land on the western side of that application was much wider and crucially included built development – at least half of each of the four houses proposed along this boundary. The Inspector found this to be harmful spatially and visually thus causing it to be inappropriate development. It is considered that the current application is materially different – a smaller “corridor” in which there would be no built development. It still amounts to inappropriate development, but the actual harm caused would be less than in the appeal case.

### **iii) Other Harms**

It is now necessary to assess whether any other harms might be caused.

It is material that the Highway Authority has not objected to the proposal. The access is new and will provide pedestrian access points into the village. The accompanying Road Safety Audit did not raise any matters. As such, the proposal is considered to comply with the relevant parts of the NPPF, as well as Local Plan policy LP 29(6). The parking provision - as described above - aligns with Local Plan policy LP34.

The site lies in flood zone 1, so it is not prone to fluvial flooding. The proposal includes surface water disposal through sustainable drainage measures – the attenuation pond and restrictions on its discharge into the existing water course to the west of the site. The County’s lead flood team has reviewed the proposal and has not objected. The proposals thus accord with Local Plan Policy LP33.

The site is currently used for HGV parking with the former farm use now not present. An appropriate assessment of the site’s current bio-diversity has been submitted and the proposals have also been assessed against the relevant matrix which show that the increased landscaping and the provision of the attenuation pond, will amount to a 10% increase. Although there was no evidence found of roosting bats, a condition can be added, if planning permission is granted, to enable bat boxes to be provided on site. The County Ecologist has verified all of this work and thus it is considered that the proposals will accord with Local Plan policy LP14.

Delivery of this residential allocation will inevitably result in the loss of the frontage buildings. However Policy H12 does refer to the retention of the former farmhouse. This is excluded from this application site and is now in separate ownership.

The NPPF identifies that the design of new proposals should be sympathetic to local character and history including the surrounding built environment and landscape setting. At the local level, several local plan policies demonstrate the Council’s aim of securing high-quality developments within the Borough – LP1, LP30 and also in the site specific policy H12. There are a number of factors here which indicate compliance with these policies. Firstly, the allocation itself means that the character of this part of the village will inevitably change. Secondly, the size and shape of the site too means that the site’s development would lead to a cul-de-sac layout. Thirdly, the proposal however does retain the impression of having a built frontage with Plots 1 and 9. In both cases their road facing elevations include “false” windows as well as a bay window feature. Finally, the overall density is around 20 units per hectare which is what would be expected under the H12 allocation. This is lower than the preferred density for new housing – 30 per hectare as set out in Local plan Policy LP7. Interestingly, the Inspector dealing with the appeal proposal here for 13 houses did not consider that that proposal would harm the character or appearance of the area – paragraph 29 of Appendix F. As a consequence it would be difficult to defend a refusal here given the considerations identified above.

The site has existing dwellings to the east and south. The site would have a road frontage onto Birmingham Road, however the side facing windows of the plots here are purely design features, with no direct overlooking. The house to the south is the retained former farmhouse. The rear of plot 9 would have obscurely glazed openings facing this property and its main windows would not be directly looking the farmhouse and it is considered to be acceptable. These conclusions include consideration of the recent extensions approved at the farmhouse. Boundary treatments can also be reserved by planning condition to secure amenity for both existing and future occupiers. Additionally the new farm building referred to above is close to Plot 8, but the house openings face away from that direction. It is thus considered that the proposal accords with Local Plan policy LP29 (9).

The overall conclusion is thus that no additional unacceptable harms would be caused.

#### **iv) The Harm Side of the Planning Balance**

The harm side of the planning balance here comprises the substantial definitional Green Belt harm caused by virtue of the inappropriate development and the very limited actual Green Belt harm on the ground in this location.

#### **v) The Applicant's Planning Considerations**

The considerations put forward by the applicant include the fact that the majority of this site is within an allocation in the Local Plan and thus the delivery of the Council's housing requirements would be obstructed if the proposal was not supported. Additionally, he considers that he has overcome all of the technical and planning refusal reasons from the recent case with this reduced scheme. He acknowledges that the proposal however is still inappropriate development.

#### **vi) The Planning Balance**

The final planning balance here is to assess whether the considerations put forward by the applicant "clearly" outweigh the cumulative Green Belt harm and any other harms identified so as to amount to the very special circumstances to support the proposal. It is considered that they are.

The delivery of new housing in the Borough together with maintaining the housing trajectory throughout the Local Plan period is wholly dependant on the delivery of the residential allocations in the Development Plan. This is one such allocation. The degree of incursion into the Green Belt here is small and found to cause very limited harm to the openness of the Green Belt because it is smaller than the recent appeal case and because it contains no built development. In the assessment of the final balance it is considered that these matters do clearly outweigh the "low" level of harm caused. In other words the benefits of the proposal override the limited Green Belt harm caused.

#### **vi) Conditions**

The recommendation below includes the use of pre-commencement condition(s) (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition. In this instance the applicant has given such written permission.

## Recommendation

That planning permission be **GRANTED** subject to the following conditions:

### Defining Conditions

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

### REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the relevant plans and documents;

Landscape proposals drawing no.1  
as received by the Local Planning Authority on 19 November 2024

9722-39\_External Finishes  
24-21047 - 0-200 - P1 - External Layout  
Contamination Remediation Strategy by Wilson Associates (Report No. 4939/3,  
Issue No.2, Date. 13 November 2024  
as received by the Local Planning Authority on 14 November 2024

24-016 - Biodiversity Statement, Village Farm v3.0 - by CW ecology - September  
2024  
Enhancement Plan- drawing number PR-SSE-24-016-24  
PR-BNG-24-016-02 - Proposed Biodiversity Value v3.0

as received by the Local Planning Authority on 13 September 2024

Village Farm CEMP v1.0 - CW Ecology October 2024  
Village Farm HMMP v1.0  
24-21047 - 0-170 - P1 - Standard Notes  
24-21047 - 0-180 - P1 - Construction Details  
24-21047 - 0-181 - P1 - Construction Details  
24-21047 - 0-183 - P1 - Construction Details

as received by the Local Planning Authority on 30 October 2024

24-21047 - 0-500 – P2 - Drainage Layout  
24-21047 - 0-200 – P2 - External Layout  
24-21047 - 0-182 – P2 - Construction Details  
24-21047-0-10-P2 MicroDrainage Calculation - Detailed Network  
24-21047-0-600 P2 - Setting Out  
24-21047-0-601 P2 - Setting Out

24-21047-0-602 P2 - Sections  
as received by the Local Planning Authority on 21 November 2024

Village Farm\_Phase 1 Preliminary Ecological Appraisal \_2024 prepared by Dr S Bodnar, and titled Willfarm0924\_PEA dated October 2024  
as received by the Local Planning Authority on 30 October 2024

2868-RSA-01 B  
archaeology building investigation and recording by Benchmark Archaeology 2024  
as received by the Local Planning Authority on 9 September 2024

9722-20H\_Proposed Site Layout  
as received by the Local Planning Authority on 21 October 2024

ABIR Report 01.10.2024. Ref PAP20240259\_ Benchmark Archaeology  
as received by the Local Planning Authority on 4 October 2024

Construction and Traffic Management Statement  
as received by the Local Planning Authority on 27 September 2024

9722-28a - site mangement layout  
Demolition Method Statement Rev A  
as received by the Local Planning Authority on 3 October 2024

24-21047-0-040-P3 SuDS Drainage strategy - by DWS  
as received by the Local Planning Authority on 20 September 2024

BL-BNG-24-016-01 - Baseline Biodiversity Value v2.0  
9722-05b - location plan  
24-21047-0-500-P2 Drainage Layout  
as received by the Local Planning Authority on 21 July 2024

9722-25B\_Proposed Plot 9 & Street Scenes  
as received by the Local Planning Authority on 15 August 2024

Village Farm\_Tree report , AIA, AMS 2024  
as received by the Local Planning Authority on 2 August 2024

DWG-01- swept path  
as received by the Local Planning Authority on 20 August 2024

9722-27\_SHLAA Boundary Plan  
9722-26\_Visibility Splays and Footpath Alterations  
9722-24A\_Proposed Plots 7 and 8  
9722-23A\_Proposed Plots 5 and 6  
9722-22A\_Proposed Plots 3 and 4  
9722-21A\_Proposed Plots 1 and 2  
9722-06  
4939 Ground Investigation Report - Ansley- Wilson associates  
Village Farm\_Tree report 2022

as received by the Local Planning Authority on 6 June 2024

## REASON

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

### **Pre-Commencement Conditions:**

3. No occupation shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition, the Local Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows and trees and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- Lighting should be directed away from any bat roost features (bat boxes, bat access tiles etc.)
- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible
- Lighting should be timed to provide some dark periods
- Connections to areas important for foraging should contain unlit stretches

## REASON

To ensure appropriate measures are taken in relation to protected species.

4. No development other than demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 2.1l/s for the site in line with the approved SuDS Drainage Strategy (Document Number 0-040, Revision P3, Dated September 2024).

2. Provide drawings/plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.

3. Provide detail drawings including cross sections, of proposed features such as attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753. Also



including any safety features such as barriers.

4. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:

a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.

b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events

c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.

d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

5. Provide plans such as external levels plans, based on the proposed site levels, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should demonstrate how runoff will be directed through the development without exposing properties to flood risk, with consideration to proposed site levels. Consideration to property finished floor levels and thresholds should also be given. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.

#### REASON

To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity

5. The development hereby permitted, including any site clearance, shall not commence until a Construction and Environmental Management Plan (CEMP) in accordance with BS 42020:2013 has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details concerning mitigation for protected and notable species as deemed appropriate, and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. Pollution prevention measures are to be detailed to prevent pollution run off to the adjacent habitats surrounding the site, and to ensure the development avoids any potential harm to wildlife associated with these habitats. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

#### REASON

To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005

## **Pre-Occupation Conditions**

6. No occupation shall take place until a noise assessment has been undertaken related to the site which is located in close proximity to Birmingham Road (B4112). Mitigation measures shall be provided, and details may include acoustic measures for glazing and fencing fencing. The assessment and measures shall be submitted to the Local Planning Authority. Details of the acoustic measure shall then be provided and implemented in full before the dwelling become occupied.

### **REASON**

In the interest of minimising the noise nuisance from the local road network.

7. No dwelling shall be occupied until such details renewable energy sources, which may include ground source heat pumps and solar panels. Details shall include number, type, output, colour, and how the power will be used within the building and / or added to the national grid have been submitted and approved in writing by the local planning authority.

### **REASON**

In order to assist with energy generation and sustainability and to accord to with policy LP35 of the adopted North Warwickshire Local Plan

8. Any gas boilers to be installed or replaced shall be a low NOx Boiler. The boiler must meet a dry NOx emission concentration rate of <40mg/kWh. The specification of the gas boiler(s) shall be submitted to and approved in writing by the Local Planning Authority before they are fitted and the approved specification shall be implemented prior to the first occupation of the development.

### **REASON**

In the interests of the amenities of the area.

9. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any development to the satisfaction of the Local Planning Authority

### **REASON**

In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

10. No occupation shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected, planted or retained. The approved screen walls/fences shall be erected before the building(s)/dwelling(s) hereby approved is/are first occupied and shall subsequently be maintained.

#### REASON

In the interests of the amenities of the area.

11. A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year timeframe shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the HMMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including annual work plan capable of rolling forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) The completed statutory metric applied to the application site to demonstrate that a biodiversity net gain will be achieved.
- j) Locations and specification of any ecological enhancement features including bat and bird boxes, hedgehog highways and hedgehog houses
- k) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

#### REASON

To ensure a mandatory Biodiversity Net Gain in accordance with the Environment Act, the NPPF and to safeguard biodiversity in accordance with the Local Plan Policy LP16 Natural Environment.

12. No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan

REASON

To ensure the future maintenance of the sustainable drainage structures.

13. No part of the development shall be occupied until a remediation verification report has been submitted to and approved in writing by the Local Planning Authority

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

**Other Conditions**

14. That a scheme for the landscaping as approved under condition 2 titled 'Landscape proposals drawing no.1' as received by the Local Planning Authority on 19 November 2024, shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON

In the interests of the amenities of the area.

15. The Contamination Remediation Strategy by Wilson Associates (Report No. 4939/3, Issue No.2, Date. 13 November 2024) as received by the Local Planning shall be implemented prior to the occupation of the dwellings.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

16. Works shall be carried out in compliance with the Demolition plan and Construction Management Plan as approved under condition 2. The approved plans shall be adhered to throughout the construction period of the development.

REASON

In the interests of the amenities of the area and safety on the public highway.

17. No development whatsoever within Class A, AA, B, C, D and E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall take place on site.

REASON

In the interests of the amenities of the area.

18. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

19. No development whatsoever within class L, of Part 3, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall not commence on site.

REASON

To prevent unauthorised use of the property.

20. There shall be no burning of waste on site whatsoever.

REASON

In the interests of the amenities of the area.

21. Any windows to en suite or bathrooms and those marked as frosted glass on drawing for dwellings under condition 2 shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

To protect the privacy of the adjoining property and to prevent overlooking.

22. The datum levles for the proposed dwellings shall be as per the drawing - 24-21047 - 0-200 – P2 - External Layout as received by the Local Planning Authority on 21 November 2024. The development shall be constructed in accordance with the approved details.

REASON

In the interests of the amenities of the area.

23. The garages hereby permitted shall not be converted or used for any residential purpose other than as domestic garages.

REASON

To ensure adequate on-site parking provision for the approved dwellings.

24. Access for vehicles to the site from the public highway shall not be made other than at the position identified on the approved drawings, numbers 9722.26 and 9722.20H whereby the visibility splay requirements on Drawing No. 9722.26 will be satisfied. No dwelling shall be occupied until the bellmouth access has been laid out and constructed within the public highway in accordance with approved drawings and the specification of the Highway Authority

REASON

In the interests of the amenities of the area and safety on the public highway.

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

REASON

In the interests of the amenities of the area and safety on the public highway.

26. The site shall not be occupied until the road serving the development including footways, private drives, means of accessing individual plots and manoeuvring areas have been laid out and substantially constructed in accordance with the approved plans. Such areas shall be permanently retained for the parking and manoeuvring of vehicles

REASON

In the interests of safety on the public highway.

27. No dwelling shall be occupied until the footway extensions on Birmingham Road have been constructed in general accordance with Drawing No. 9722.26 and the specification of the Highway Authority

REASON

In the interests of safety on the public highway.

28. The bin collection area shall be as per drawing 9722-20H\_Proposed Site Layout, and shall be retained as such at all times

REASON

In the interests of the amenities of the area and safety on the public highway.

29. The development shall not be occupied until visibility splays on the approved drawings have been provided, passing through the limits of the site fronting the public highway. No structure, tree or shrub shall be erected, planted, or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6

metres above the level of the public highway carriageway

REASON

In the interests of the amenities of the area and safety on the public highway.

30. If at any time when carrying out the approved development contamination that was not previously identified is found, it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing.

REASON

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

31. The eastern facing windows to plots 1 and 9 as defined as false windows shall remain as such at all times as per the approved plan under condition 2.

REASON

In the interests of the amenities of the area

32. The development hereby permitted is to proceed in accordance with the mitigation measures provided in the Updated Preliminary Ecological Appraisal (PEA) report (Stefan Bodnar, October 2024).

#### REASON

To ensure protected species and habitats are not harmed, having regard to the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 and Policy CS.6 of the Local Plan Policy LP16 Natural Environment.

33. All materials obtained from demolition shall be permanently removed from the site within sixty days of demolition being commenced.

#### REASON

In the interests of the amenities of the area.

34. No removal of trees or shrubs / hedges shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing by the Local Planning Authority. No trees, shrubs/hedges shall be removed between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme.

#### REASON

In order to safeguard protected and/or priority species from undue disturbance and impacts.

### Notes

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority) Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)
2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning issues. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.



3. Warwickshire Police have no objections to this planning request however I would ask that the below be incorporated into the design as they will go some way to ensuring the residents do not become victims of crime or anti-social behaviour.
  - I would recommend that all perimeter fencing should be 1.8 metre high close boarded fencing however where it backs onto open space it should be topped with 0.2 trellis, so the overall height is 2 metres in height.
  - Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-2:2016. A Uo value of 0.4 or 40% is recommended to ensure that lighting installations do not create dark patches next to lighter patches where our eyes would have difficulty in adjusting quickly enough for us to see that it was safe to proceed along any route.

I would ask that the applicant/ agent adopts the principles of 'secured by design' and evidence how they have designed in features to deter crime and anti-social behaviour.

[https://www.securedbydesign.com/images/downloads/HOMES\\_BROCHURE\\_2019\\_update\\_May.pdf](https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_update_May.pdf)

Building sites and in particular, site offices and storage areas are becoming common targets for crimes such as theft of plant and fuel. These sites should be made as secure as possible. All plant and machinery should be stored in a secure area. Tools and equipment should be marked in such a way that they are easily identifiable to the company. Consideration should be given to the use of security patrols. Developers are now requested to inform the local Safer Neighbourhood Policing Team, which covers the area of the development that they have arrived on site and provide contact numbers of the site manager for us in the case of an emergency. A grid reference for the site should be provided. This will help to reduce the possibilities of a delayed response.

4. Condition numbers 24 to 27 and 29 requires works to be carried out within the limits of the public highway. The applicant/developer must enter into a [Minor] Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works.

In terms of design guidance this is carried out in conjunction with the County Road Construction Strategy 2022 on our website as referred to on the opening page.

Please see below link:

<https://api.warwickshire.gov.uk/documents/WCCC-770-261>

The applicant/developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire

County Council, Shire Hall Post Room, Warwick, CV34 4SX or by email to:  
s38admin@warwickshire.gov.uk

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP or by email to:  
streetworks@warwickshire.gov.uk

For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

5. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
6. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
7. The Council's Streetscape team have set out they would like to see a bin presentation point at the curtilage of the development, where it adjoins the highway. The Highways Authority has set out the bin collection area needs to be in close proximity of the access to the site, but not within the public highway, to reduce handling time.
8. 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.
9. 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 can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) prior to carrying out work, or call 0800 688 588

10. Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.
11. Commercial premises or builders should not use bonfires to dispose of any rubbish produced as a result of their operations. The burning of controlled waste is an offence under the Environmental Protection Act 1990. Burning of waste such as plant tissue can take place under a suitable exemption from the Environment Agency however, such bonfires must not cause a nuisance to any residents nearby
12. - Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to [SNN@northwarks.gov.uk](mailto:SNN@northwarks.gov.uk). For further information visit the following details on our website [https://www.northwarks.gov.uk/info/20030/street\\_naming\\_and\\_numbering/1235/street\\_naming\\_and\\_numbering\\_information](https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information)
13. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".
14. There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
15. The applicant is advised that to comply with the condition relating to the protection of trees, the measures should be in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

16. The Councils Environmental Health team have set out the following to aid the car charging condition; Electric vehicle charging should be provided at a frequency of one charging point per parking space for residential with allocated parking
17. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).
18. The applicant/developer is advised to consider Construction Logistics and Community Safety (CLOCS), when formulating construction plans. The development works undertaken shall consider the Construction Logistics and Community Safety (CLOCS) Standard as set out under <https://www.clocs.org.uk/>.  
  
Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
19. Car charging is covered by Building Regulations. Prior to occupation, each proposed garage or parking space shall be installed with electric vehicle charging points. Details of electric vehicle charging bays, should be a minimum of 7.4kW (32A) electricity cabling shall be installed to the charging points with a type 2 (IEC 62196) socket provided (or alternative to suit a specific vehicle requirement).  
The electric vehicle charging facilities shall thereafter be retained for those purposes only.  
Reason - In the interest of reducing dependence on fossil fuels and improving air quality in accordance with the North Warwickshire Borough Council Air Quality & Planning Guidance SPD – September 2019.
20. Bin collections undertaken by the Council shall be done as per the Indeminty Letter provided by the applicant to the Council and dated 29/1/24.
21. It is currently noted that some details including invert and cover levels, in addition to pipe diameters differ between calculations and drawing 'Drainage Layout' (Drawing Number 0-500, Revision P3). Such details should be consistent between documents.

22. NOTE: To ensure that some form of covenant is in place to ensure that the management body that takes on long-term responsibility for implementation of the HMMP (management of the ecological areas) is to do so in strict accordance with the details contained therein
23. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from [www.ukradon.org](http://www.ukradon.org) if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at [www.hpa.org.uk](http://www.hpa.org.uk). Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.

## BACKGROUND PAPERS

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

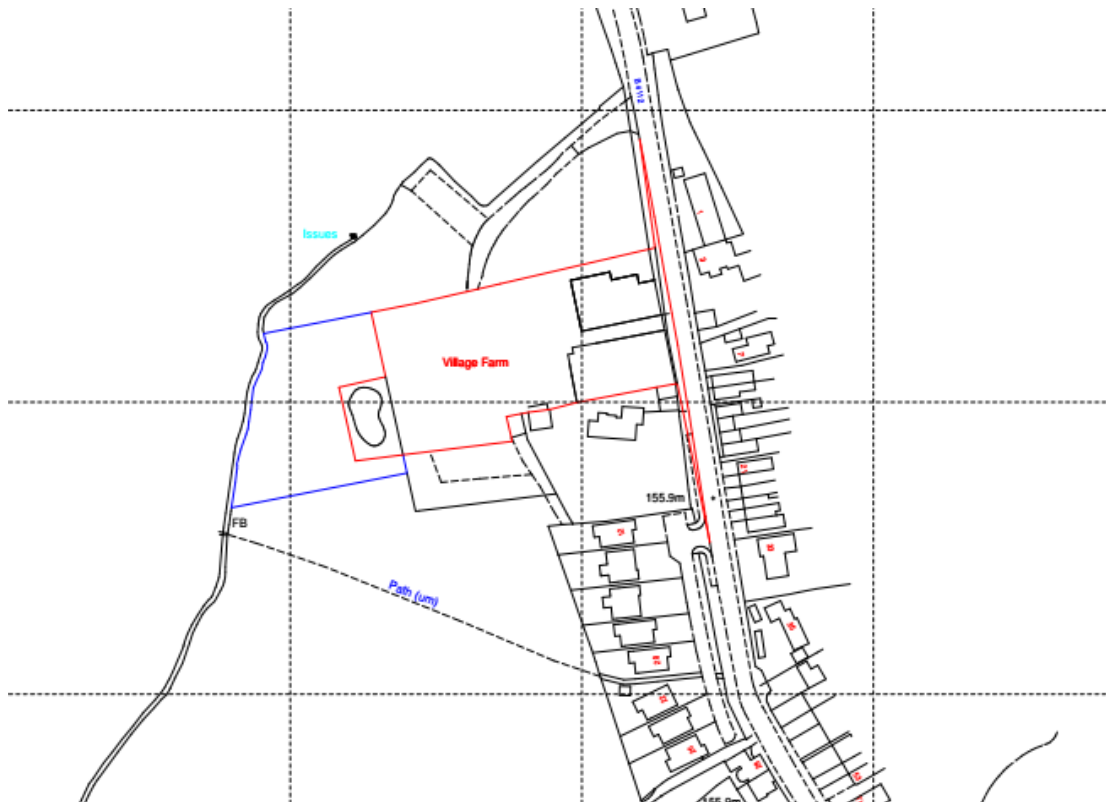
Planning Application No: PAP/2024/0259

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	6/6/24

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

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

## Appendix A – Site location plan



# Appendix B – Housing Mix

## Accommodation Schedule

Plot 1	-	3 Bed
Plot 2	-	4 Bed
Plot 3	-	5 Bed
Plot 4	-	5 Bed
Plot 5	-	5 Bed
Plot 6	-	4 Bed
Plot 7	-	4 Bed
Plot 8	-	4 Bed
Plot 9	-	2 Bed

# Appendix C – Proposed Plans



**LEGEND**



Existing Trees and Hedgerow



Proposed Trees and Shrubs



1.8m high Close Boarded Fence with Gate



Refuse and Recycling Bins



Marshalls Drivesett Tegula Original Traditional Block Paving



Grassed Areas



Paving Slabs



Tarmac

**1.8m c.b.**

1.8m high Close Boarded Fence

E.V.C.

Electric Vehicle Charging Point



Street Scene - Facing South

Scale 1:200



Street Scene - Facing Birmingham Road

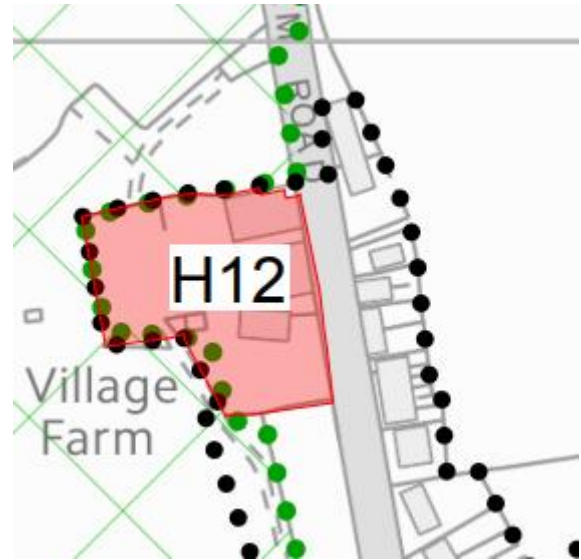
Scale 1:200



Street Scene - From Birmingham Road



## Appendix D – Local Plan allocation

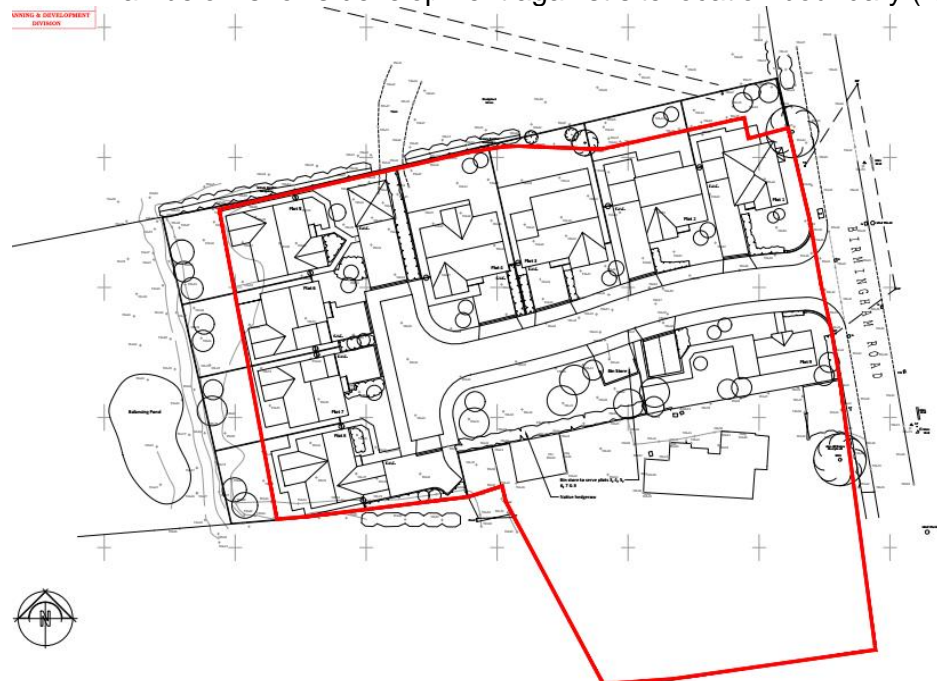


### H12 Land at Village Farm, Birmingham Road, Ansley

Land at Village Farm, Birmingham Road comprising a 0.6 ha brownfield redevelopment site opportunity is allocated for residential development. Consideration should be made for retaining the original 19<sup>th</sup> Century farm dwelling as part of any redevelopment proposal to reflect the character of the site and aid in integrating the site with the existing village.

Category 4 - Other Settlements with a Development Boundary			
Ansley			
H12	Land at Village Farm, Birmingham Road	0.6	12

Plan below shows development against site location boundary (red)



# Appendix F – Refused Site plan



## Appendix G – Dismissed Appeal Decision.



The Planning Inspectorate

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### Appeal Decision

Site visit made on 14 August 2024

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 10 October 2024**

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**Appeal Ref: APP/R3705/W/23/3334684**

**Village Farm, Birmingham Road, Ansley, Warwickshire CV10 9PS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Daniel Swift on behalf of Swift Homes and Developments against the decision of North Warwickshire Borough Council.
  - The application Ref is PAP/2022/0156.
  - The development proposed is the demolition of workshops/building, construction of 6 no. 3 bed, 7 no. 4 bed, garages, associated parking and access.
- 

#### Decision

1. The appeal is dismissed.

#### Main Issues

2. The main issues for consideration are:
  - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - the effect on highway safety;
  - the effect on flood risk with regard to surface water drainage;
  - the effect of the development on the living conditions of the occupiers of the neighbouring properties with specific regard to privacy and outlook;
  - the effect of the proposed development on the character and appearance of the area;
  - whether the proposal would make adequate provision for affordable housing;
  - the effect on biodiversity;
  - whether the proposal would include appropriate measures for renewable energy generation; and
  - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

## Reasons

### *Whether or not the development would be inappropriate development*

3. Paragraph 154 of the Framework states that, other than the exceptions listed, the construction of new buildings should be regarded as inappropriate in the Green Belt. The exceptions include part g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
4. Policy LP3 of the North Warwickshire Local Plan 2021 (NWLP) reflects the Framework and sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Other than in instances where allocations are proposed, Green Belt within the Borough will be protected accordingly.
5. The appeal site comprises a group of former agricultural buildings located to the front part of the site adjacent to the highway and an extensive area of hardstanding beyond and is bound in part by hedge and tree planting. The main part of the site is within the settlement boundary and falls within the housing allocation in the NWLP; *H12 Land at Village Farm, Birmingham Road, Ansley*. However, the land within the site adjacent to the rear boundary extends beyond the development boundary and the allocated site and is located within the Green Belt. The appeal submissions clearly indicate that the rear half of the footprint of the proposed buildings on plots 8 to 11, and the rear gardens associated with those dwellings, would be located on the land beyond the settlement boundary and within the Green Belt.
6. The planning application form indicates the existing use of the site is a haulage business and workshops and the appellant's Statement of Case sets out that the existing and lawful use is for HGV parking and hardstanding. If I were to accept that were the case, in order to meet the exception at the first limb of paragraph 154 g) of the Framework, it is necessary for the development to not have a greater impact on the openness of the Green Belt than the existing development.
7. The appeal proposal seeks to redevelop the site, including the demolition of the existing workshops/building, and the construction of 13 two storey dwellings. At the time of my site visit, the part of the appeal site which lies within the Green Belt comprised an area of hardstanding on which a vehicle and small number of HGV trailers were parked and was devoid of buildings.
8. The proposal would introduce a considerable amount of built development where there is currently none. I have limited information regarding the number and length of time HGVs are parked on this part of the site. Nonetheless, in terms of height, while any domestic paraphernalia within the rear gardens of the properties which could not be controlled through the removal of permitted development rights would be likely to be modest in scale, the proposed 2 storey dwellings would be significantly taller and of greater visual bulk than parked vehicles. They would also be more permanent in nature. The proposed

dwellings on plots 8 – 10 would therefore be harmful to the openness of the Green Belt in spatial terms.

9. The increase in height of the part of the dwellings on the rear part of the site within the Green Belt over and above that of the parked HGVs would lead to the proposal having a greater visual prominence. The proposed dwellings would be set back from the highway and behind the development to the front of the site. Nonetheless, they would, along with their rear garden areas, be seen from nearby residential properties to the south of the site. The part of the development that would encroach into the Green Belt would also be visible in views across the surrounding agricultural land, including public footpaths and in longer distance views along Birmingham Road on the approach to the village from the north. The presence of existing buildings on the front part of the site and on land adjoining and opposite the appeal site, would not diminish this visual impact.
10. Although the appellant has made reference to the second limb of paragraph 154 g) of the Framework and the provision of affordable housing within the scheme, the units proposed on the part of the site within the Green Belt would be open market units.
11. For the foregoing reasons, the development would result in harm to openness of the Green Belt. Accordingly, the proposal would have a greater impact on the openness of the Green Belt than the existing development. Consequently, it falls outside the exception at paragraph 154 g) of the Framework and would therefore constitute inappropriate development in the Green Belt. In that regard the proposed development would fail to accord with Policy LP3 of the NWLP and the aims of the Framework in relation to the protection of Green Belt land. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt.

#### *Highway safety*

12. Vehicular access to the dwellings to plots 3 and 13 would be via private driveways directly from Birmingham Road, with the remainder of the dwellings proposed to be served by a new shared access from Birmingham Road between the driveways, which leads to a turning head within the site. A footpath is shown along the internal driveway in part.
13. The Highway Authority (HA) has raised several concerns with regards to the design of the scheme, including the lack of a Stage 1 Road Safety Audit (RSA). It may be that some of the points could be addressed using planning conditions, or other highway legislation. However, it seems to be that the position of the individual driveways in relation to both the location and design of the bellmouth junction at the entrance to the site, the ability for larger vehicles including refuse vehicles to turn within the site and pedestrian safety may have implications in terms of the layout of the site.
14. Notwithstanding the appellant's view that the assessment of the suitability of the access arrangements should lie with the HA rather than a third party though the carrying out of a RSA, based on the evidence before me, I cannot be certain that the proposal would not have an adverse effect in terms of highway safety.

15. I note the appellant's contention that the proposal would offer benefits in terms of highway and pedestrian safety given the historic commercial use of the site which involved HGV movements, which were largely unconstrained by planning conditions. However, given the likelihood of increased pedestrian movements associated with the proposed development, and the access arrangements, including the position of the existing site entrance, are materially different to the existing situation, there is nothing substantive before me to support these assertions.
16. For the reasons set out above I conclude that the proposal would harm highway safety. Accordingly, the proposal would conflict with criterion 6 of Policy LP29 of the NWLP which requires development to provide safe and suitable access to the site for all users. For the same reasons, it would conflict with paragraph 114 of the Framework, which seeks to ensure that safe and suitable access can be achieved for all users. While the proposal would not result in severe residual cumulative impacts on the road network, I have found that it would have an unacceptable impact on highway safety and consequently would fail to comply with the advice at paragraph 115 of the Framework.

#### *Drainage*

17. Policy LP33 of the NWLP sets out that water runoff from new development must be no more than natural greenfield runoff rates and developments should hold this water back on the development site through high quality Sustainable Urban Drainage (SuDS), reducing pollution and flood risk to nearby watercourses. In addition, the Framework requires that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
18. The Lead Local Flood Authority's (LLFA) main concern relates to surface water disposal from the development. The proposed means of surface water drainage, as set out in the appellant's drainage strategy<sup>1</sup> is via discharge into the existing combined sewer network located nearby on Birmingham Road, although confirmation has not yet been provided from Severn Trent Water as to whether this would be acceptable.
19. Moreover, notwithstanding the high-level assessment of infiltration potential undertaken by the appellant, the LLFA contend that further testing in accordance with BRE Digest 365 methodology should be carried out to further explore the possibility of an infiltration type drainage strategy in accordance with the SuDS hierarchy. While such an approach would require the appellant's drainage strategy to be revisited, there is no suggestion that surface water from the proposal could not be properly disposed of, having regard to the drainage hierarchy.
20. I note the appellant's suggestion that suitably worded conditions could be imposed to deal with this matter. I see no reason to disagree and if I was minded to allow the appeal, the imposition of planning conditions would ensure that the proposal would incorporate appropriate means of surface water drainage so as to ensure that it would not exacerbate flood risk. In that regard, for the reasons set out above, the proposal would therefore not conflict with Policy LP33 of the NWLP and the aims of the Framework in relation to planning and flood risk.

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<sup>1</sup> Flood Risk Assessment and SuDS Strategy by jms Civil and Structural Engineers dated 28th February 2022

### *Living conditions*

21. The separation distance between the front elevations of the proposed dwellings adjacent to the highway and the residential properties on the opposite side of Birmingham Road, which the Council indicate is 17m at the closest point, would fall below the distance of 20m considered to be acceptable by the Council. Nonetheless, given the relationship between the existing dwellings fronting Birmingham Road and the public realm, with a carriageway and footpath between them and the appeal site, there is already a significant degree of overlooking of the front of the properties. Consequently, in this case, given the existing arrangement, together with the separation distance proposed, the development would not give rise to a loss of privacy for the occupiers of the existing dwellings facing the site.
22. The proposed dwelling to Plot 13 would be sited a short distance from the side boundary of the site and the adjoining residential property. The flank elevation of the proposed dwelling would not include first-floor windows. Moreover, any views from the first-floor habitable room windows in the rear elevation of the new dwelling to plot 13 towards the adjoining property would be at an oblique angle. Therefore, the extent of any overlooking would be limited. Despite its height and positioning, the proposed dwelling on Plot 13 would be significantly smaller in footprint and overall scale and size than the agricultural building it would replace. As such, the proposal would not appear as an imposing feature when viewed from the adjoining property or its garden and consequently would not compromise the living conditions of occupiers of the property in that regard.
23. For the foregoing reasons I find that the living conditions of the occupiers of the neighbouring properties facing Birmingham Road would not be harmed in terms of privacy or outlook. In that regard the proposal would not conflict with part 9 of Policy LP29 of the NWLP, which sets out that development should avoid unacceptable impacts upon neighbouring amenities through, among other things, overlooking, and the aims of the Framework in relation to the creation of places with a high standard of amenity for existing and future users.

### *Affordable housing*

24. Policy LP9 of the NWLP requires at least 30% of the housing provided on site to be affordable. The provision of 3 affordable housing units as part of the scheme falls below this requirement, which equates to 3.9 units in this instance. The appellant suggests that given the current economic climate, a more pragmatic approach should be taken in the case of the appeal site, having regard to the provision of housing for local families.
25. However, there is no clear evidence before me to demonstrate that the provision of a policy compliant level of affordable housing would make the proposed development financially unviable, or that the number of affordable units proposed has been robustly demonstrated to be appropriate in this case. Therefore, I conclude that the proposal would fail to make adequate provision for affordable housing. In that regard the proposal would conflict with Policy LP9 of the NWLP.

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### *Character and appearance*

26. The appeal site is located on the edge of the settlement with open countryside to the side and rear. While the village is broadly linear, it includes residential cul-de-sacs of varying sizes, to the rear of existing dwellings fronting Birmingham Road. The surrounding residential development is a mix of one and 2 story properties in the form of semi-detached, detached, or short terraces of dwellings of a range of ages and architectural styles.
27. The proposed residential development comprises 2 storey dwellings. While the dwellings to plots 1, 2, 3 and 13 would have a roadside frontage, the remaining units would be arranged around the internal access road in a cul-de-sac layout. Notwithstanding the existing use of the site, a considerable proportion of the land is currently free from built form, with the remainder comprising former agricultural buildings. The proposed development would therefore lead to a considerable quantum of new development beyond the edge of the current built up area of the village, in a prominent position at the entrance to the settlement. However, the effect of the development in that regard should be considered in the context of the housing allocation (Site H12) under Policy LP37 of the NWLP which covers the most part of the site.
28. While the number of units proposed and the suburban form of the cul-de-sac arrangement would give rise to a significant urbanisation of the edge of the settlement, the Officer's report acknowledges that the site lends itself to a single in road with houses off it. In light of this and having regard to the layout of the village overall, the proposal would not be an unduly discordant form of development or at odds with the established pattern of development. The dwellings to the rear of the site would extend beyond the extent of the land allocated for housing. Nonetheless, given the modest degree of encroachment into the open countryside, there is no clear evidence to demonstrate that this would give rise to any significant landscape harm in terms of the relationship between the proposed built form and the adjoining open countryside over and above that of the allocated site.
29. For the foregoing reasons I find that the proposal would not harm the character and appearance of the area. It would therefore accord with Policies LP1 and LP14 of the NWLP in so far as they seek development that integrates appropriately with the natural and historic environment, and conserves landscape character, the general principles in relation to built form set out in Policy LP30 of the NWLP, which require that development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting, and the aims of the Framework which seek to ensure that new developments, among other things, are sympathetic to local character and history, including the surrounding built environment and landscape setting.

### *Biodiversity*

30. The appeal submissions indicate that, using the Warwickshire, Coventry and Solihull Habitat Impact Assessment Calculator, the proposal would result in a habitat biodiversity impact gain of 0.36 units. Even if there was scope to increase this further, through additional landscaping and SuDS features for example, my attention has not been drawn to any specific policy requirement in that regard.



31. Accordingly, I find that the proposal would not conflict with the combined aims of Policies LP1 and LP14 of the NWLP which set out that development should look to conserve, enhance, and where appropriate, restore landscape character and provide, conserve and enhance biodiversity, and Policy LP16 of the NWLP in so far as it seeks to provide net gains for biodiversity. It would also accord with paragraph 180 of the Framework which requires planning decisions to contribute to and enhance the local environment in several ways, including provision of net gain for biodiversity.

#### *Renewable energy*

32. Policy LP35 of the NWLP sets out that new development will be expected to be energy efficient in terms of its fabric and use including, where viable, the production of 10% of operational energy from on-site renewables, in support of the Government's Clean Growth Strategy. While specific details of means of renewable energy generation to be incorporated into the development do not form part of the proposal, it is not clear from the evidence as to why such details could not be agreed through the imposition of a suitable planning condition.
33. I therefore find that, should I be minded to allow the appeal, subject to planning conditions, the proposal would include appropriate measures for renewable energy generation and in that regard would accord with Policy LP35 of the NWLP.

#### **Other Considerations**

34. The proposal would offer benefits in terms of housing supply, including affordable housing, on a site which is partly within the development boundary and allocated for housing development. This would support the Government's objective of significantly boosting the supply of homes and accord with the aims of the Framework which recognise the contribution small and medium sites, which are often built out relatively quickly, can make to meeting the housing requirement for an area.
35. While I note the appellant's contention that the development would lead to the early delivery of the Council's stepped trajectory for the delivery of new housing within the plan period, I have not been presented with any substantive evidence that the Council is not currently meeting its requirements in that regard or that there is not a realistic prospect of it doing so in the longer term. Moreover, there is no robust evidence before me to demonstrate that the Council is not delivering the number of affordable homes to address its needs within the area. Consequently, I attach moderate weight to the contribution the proposal would make to the delivery of housing, including affordable housing.
36. The proposal would give rise to economic benefits during construction, and upon occupation through local expenditure, and would offer benefits in terms of the vitality of the community. In addition, the site is in a location where future occupiers of the dwellings would benefit from accessibility to services and facilities using means other than the private car. These factors weigh in favour of the scheme, to which I attribute moderate weight.
37. The appellant refers to the part of the Framework which sets out that substantial weight should be given to the value of using suitable brownfield

land within settlements. However, the appeal site extends beyond the confines of the settlement boundary and the allocated site.

38. My attention is drawn by the appellant to residential developments within the village for which planning permission has been granted by the Council. However, the full details of those cases are not before me so as to draw me to a different conclusion.

#### **Other Matters**

39. Interested parties have identified a number of other concerns which have not already been addressed above but given my conclusion in relation to the appeal overall, the adverse impacts would not arise.

#### **Green Belt Balance and Conclusion**

40. I have found that the proposal would, by virtue of having a greater impact on the openness of the Green Belt than the existing development, constitute inappropriate development in the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The proposed development would also be harmful to highway safety.
41. In light of the substantial weight to be given Green Belt harm, combined with the other identified harm, the weight to be attached to the benefits of the proposal do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to the openness of the Green Belt. Therefore, the very special circumstances necessary to justify the proposal do not exist.
42. For the reasons given above, having regard to the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

**Agenda Item No 7**

**Planning and Development Board**

**9 December 2024**

**Report of the  
Head of Development Control**

**Review of Local Land Charges  
Fees – Effects of 6 months of  
Revised Charging**

**1 Summary**

- 1.1 This report follows the report 'Review of Fees for Local Land Charges' to this board on 5 February 2024, and is to report the effect of that review after 6 months of operation.

**Recommendation to the Board**

- a Agree an increase of 10% in Local Land Charge fees for the financial year 2025/26, including inflation; and**
- b Agree minor changes to operational practice detailed in the report at Paragraph 3.5 with effect from 1 January 2025.**

**2 Introduction**

- 2.1 There is a legal duty for Local Authorities to maintain a Register of Local Land Charges. Local Land Charges are an outstanding financial claim, restriction, prohibition, decision, or information affecting a piece of land that are binding on the current and subsequent owners of land and property.
- 2.2 A search of the Local Land Charges Register is conducted when a solicitor, undertakes a conveyance for a piece of land/property, to ensure the 'purchaser' is aware of any outstanding financial claims, restrictions, prohibitions, decisions, or information affecting the land or property. This search when undertaken by a Local Authority produces a 'Local Land Charge Certificate' (LLC1), and the Local Authority provide insurance to cover the quality of this information.
- 2.3 In addition to the search of the Local Land Charges Register the Conveyancing Solicitor uses two other 'legal' forms for the land / property search, and these are called the CON29 Part 1 and CON29 Part 2. These forms ask a large number of questions to provide the purchaser with a 'background' on the land / property, this includes information relating to Planning Permissions, Building Control Approvals, Public Rights of Way, Drainage Schemes, Highways, Compulsory Purchase Orders etc.

- 2.4 Together the LLC1 (search of the LLC Register) and CON29 Part1/2 are often referred to as a 'Local Authority Search' when purchasing land or property.
- 2.5 The information required to complete a CON29 Part 1 and 2 is collated from various departments and public bodies by the Local Land Charges Service, some of which NWBC is charged for.
- 2.6 A Personal Search provides free access to the Local Land Charges Register, enabling the 'Personal Searcher' to produce their own LLC1. Privately owned companies are able to access 'Personal Searches', in the same way as a private individual.
- 2.7 Personal Searchers must also be given access to the information required to complete the CON29 Part 1 and 2, at no cost, under the Environmental Information Regulations. They can have to wait up to 20 working days to gain access to this information and may need to visit various public bodies as many will not provide this information by email.
- 2.8 This enables Personal Search companies to compete against Local Authority in providing the 'Local Authority Search' for conveyancing.
- 2.9 There is a requirement to hold insurance to cover the provider against claims resulting from inaccuracies, and when the LL1 and/or CON29 information is provided by the Local Land Charges Services this is provided by NWBC. If the information is provided by a Personal Searcher then they must provide the insurance at their cost.
- 2.10 Local Authorities set fees for Local Land Searches on a cost recovery basis, as set out in The Local Authorities (England) (Charges for Property Searches) Regulations 2008.
- 2.11 The report 'Review of Fees for Local Land Charges' to this board on 5 February 2024, provided a comprehensive review of the charges in effect for Local Land Charges after years of inflationary uplifts. A copy of this report is below as

...

**APPENDIX 1**

- 2.12 The review of charges set a new scale of fees / charges in a move toward recovering the costs of the service, although it should be noted we are not permitted to recover the cost of the resource employed in Personal Searches and searches under EIR. This report is to consider the effect of those new fees, and to decide whether they need any further adjustment.

**3 Review**

- 3.1 The table below provides a comparison of the income for the period 1 April to 30 September for both 2023/24 and 2024/25, with 2024/25 showing the income received using the charges implemented on 1 April 2024:

	01/04/23 – 30/09/23	01/04/24 – 30/09/24
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Type of Search	No.	Income	No.	Income
EIR Request	20	-	196	-
Personal (Register)	454	-	548	-
Full or Part incl LLC1	114	£18,944	141	£31,252
Part excl LLC1	108	£2,468	22	£778
Totals – Chargeable	222	£21,142	163	£32,030
Totals – Personal/EIR	464		744	

3.2 Comparing this with the full year 23/24, and pro-rata for the year 24/25 shows an increase in income of around 53%:

	01/04/23 – 31/03/24		01/04/24 – 30/03/25 (Estimate)	
Type of Search	No.	Income	No.	Income
EIR Request	82	-	392	-
Personal (Register)	859	-	1096	-
Full or Part incl LLC1	227	£37,209	282	£62,504
Part excl LLC1	191	£4,561	44	£1,556
Totals – Chargeable		£41,770		£64,060
Totals – Personal/EIR				

3.3 Comparing the original budget for 24/25, which used the old scale of charges, with actuals (forecast) shows that we are close to recovering costs with a shortfall of around £5,230 expected for the full year:

	Original Budget 2024 / 2025	Revised Budget 2024 / 2025
Gross Expenditure	32,740	32,740
Anticipated Gross Income (pro-rata)	(39,360)	(64,060)
Net Controllable Expenditure	(6,620)	(31,320)
Departmental Support	25,750	25,750
Central Support	7,500	7,500
Capital Charges	3,300	3,300
Net Expenditure	29,930	5,230

3.4 The scale of charges agreed by members on 5 February 2024, are proving to be effective but need to be 8.16% higher to fully recover the costs tabled above. With September 2024 CPI at 1.7% it would be sensible to increase the rates by 10% from 1 April 2025, including inflation, in an effort to fully recover costs of the LLC service.

3.5 Attention should be focussed on what can be done further to try to make the service more efficient in delivering the current model, and in reviewing current practices we have been offering a service above the statutory requirements when it comes to EIR requests:

- We currently provide Building Control data under EIR

- We should re-direct these requests to the Building Control partnership who are successfully charging for this service.
- We respond to Personal Search requests via email, and do not request that Personal Searchers attend the office (the definition of a 'Personal Search').
- This should be kept under review as the back office system is replaced to offer an alternative that would reduce staff resource, ideally with Personal Searchers attending the offices to conduct the search.

## **4 Report Implications**

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

4.1.1 The six month review evidences that, whilst there has been some shift in the channels by which Land Charges data has been sought, it has not resulted in any fee income detriment, indeed it has been successful in achieving improved cost recovery. The proposed further adjustment is not anticipated to significantly alter work volumes or the channels by which Local Land Charges Data can be sought.

### **4.2 Safer Communities Implications**

4.2.1 The maintenance of the Local Land Charges Register, and the operation of a searches service, form an integral part of ensuring the integrity and enforcement of land related controls and legislation, which contribute to safe communities.

### **4.3 Legal, Data Protection and Human Rights Implications**

4.3.1 The Council has a legal duty to undertake certain functions, specifically maintaining a local land charges register and respond to local searches. The Local Authorities (England) (Charges for Property Searches) Regulations 2008 make provision for authorising local authorities in England and Wales to set their Local Land Charges fees based on full cost recovery. The Local Land Charges Fees (England) Rules 2018 ("the Fees Rules") make provision for the fees payable for local land charges services. These Rules perform a similar function to the Local Land Charges Rules 1977 (S.I. 1977/985) made under the Local Land Charges Act 1975 (1975 c. 76) (the Act). The Act was amended by the Infrastructure Act 2015 (2015 c. 7) (the 2015 Act) to provide for the transfer of responsibility for local land charges from individual local authorities in England and Wales to the Chief Land Registrar (the registrar).

4.3.2 Where the Council has this duty it may charge for the associated service on a costs recovery basis. This report identifies that currently costs are incurred which are not being met by the current charging schedule and seeks to redress the balance.

4.3.3 In respect of those functions which it can charge for, the Council may only charge a sum which covers the cost of providing the service; it may not make a profit. The charges are anticipated to be commensurate with that limitation, and will be reviewed accordingly.

**5 Links to Council's Priorities**

- 5.1 The implementation of these increased charges will contribute to help the Council maintain a balanced budget. |

The Contact Officer for this report is Andy Cooper (719231).

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>

**Agenda Item No 6**

**Planning and Development Board**

**5 February 2024**

**Report of the  
Head of Development Control**

**Review of Fees for Local Land  
Charges**

**1 Summary**

- 1.1 This report proposes the increase of charges for applications for the Local Land Charges service provided by the Council.

**Recommendation to the Board**

- 1. That members approve the increase of fees for the Local Land Charges search activity in accordance with the schedule set out in the report at Paragraph 5.1.2, effective from 1 April 2024; and**
- 2. To report to the Planning and Development Board six months from implementation to monitor the effects of the revised charging schedule.**

**2 Introduction**

- 2.1 Local Authorities set fees for Local Land Searches on a cost recovery basis, as set out in The Local Authorities (England) (Charges for Property Searches) Regulations 2008.
- 2.2 In recent years fees have been amended annually through the addition of an inflationary uplift. However, this is a simplistic approach that may no longer be a true reflection of current service delivery costs, there have been some changes in how the service is delivered, and there are further changes anticipated for the coming financial year. A more comprehensive review is now prudent, to ensure that fee income has kept pace with the cost of delivering the service, to ensure that the service going forward is sustainable and to ensure that there is compliance with the 2008 Regulations.

**3 Background**

- 3.1 The Land Charges Service was formerly delivered by the Central Services Unit, within the service area of the, then, Assistant Director (Corporate Services). On 1 November 2021, following an Administration Review, the Land Charges Service relocated to within the Council's Development Control



Team, as a service responsibility of the Development Control Manager. The restructure altered the staffing resource of the service.

- 3.2 There is a legal obligation for District Local Authorities to maintain a register of local land charges. Local Land Charges are an outstanding financial claim, restriction, prohibition, decision, or information affecting a piece of land.
- 3.3 The Infrastructure Act 2015 provides for the transfer of responsibility for local land charges in England and Wales from local authorities to Land Registry. Under these provisions, Land Registry will provide a single, digital local land charges register for England and Wales. Discussions with the Land Registry to implement this transfer have commenced at North Warwickshire, but are presently held, pending the implementation of a new Land Charges IT system that will better facilitate the implementation and operation of the Land Registry delivered service. It is currently anticipated that the new IT system will be implemented towards the mid/end of the financial year 2024/25 and that the project with Land Registry will then be recommenced. Go-live with the Land Registry may commence at the end of the financial year 2024/25, but it may not be until the beginning of 2025/26.
- 3.4 It is anticipated that the Council's Local Land Charges register data (LLC1) will then only be obtained from HM Land Registry. However, the CON29 element of the Land Charges Service will remain with North Warwickshire Borough Council, and the Council will maintain the Register for ongoing transfer to Land Registry.

#### 4 **Review**

- 4.1 As set out above, Local Authorities set fees for Local Land Searches on a cost recovery basis. The Local Authorities (England) (Charges for Property Searches) Regulations 2008 identify that costs relating to staff cost, the cost of performing internal transactions and costs associated with the creation and maintenance of records may be recovered.
- 4.2 Recent headline Local Land Charges budget figures are as set out below:

	ACTUAL	APPROVED	ACTUALS	ORIGINAL
	ACTUAL	BUDGET	TO DATE	BUDGET
	2022/2023	2023/2024	2023/2024	2024/2025
	£	£	£	£
<b>GROSS EXPENDITURE</b>	15,733.00	21,500.00	9,070.68	32,740.00
GROSS INCOME	(41,350.49)	(65,000.00)	(30,413.73)	(39,360.00)
<b>NET CONTROLLABLE EXPENDITURE</b>	<b>(25,617.49)</b>	<b>(43,500.00)</b>	<b>(21,343.05)</b>	<b>(6,620.00)</b>
Departmental Support	38,380.00	30,980.00	25,816.70	25,750.00
Central Support	11,480.00	10,300.00	8,583.30	7,500.00
Capital Charges	3,300.00	3,300.00	2,750.00	3,300.00
<b>NET EXPENDITURE</b>	<b>27,542.51</b>	<b>1,080.00</b>	<b>15,806.95</b>	<b>29,930.00</b>

4.3 The current fees are not recovering relevant costs and the former practice of applying an inflationary uplift to the current fee restructure requires review. In 2022/23, the service cost £27,542K more than was received in fee income. So far, in the 2023/24, the service has cost £15,807K more than was received in fee income. This is not sustainable, and neither is it necessary, given the provisions to allow for cost recovery. It should however be noted that an Authority cannot seek to recover all service costs, since the costs of in granting access to free statutory information and maintaining free statutory information are not recoverable.

4.4 Notwithstanding the service losses set out above, and that fees should be set having regard to actual costs recovery, given the failure to systematically review fees and charges over several years, a benchmarking exercise, of fees charged by neighbouring comparative local authorities, has been undertaken to inform decision making.

... 4.5 The results of the benchmarking are set out in **Appendix A**. The benchmarking shows that the North Warwickshire charges are commonly substantially lower than those of neighbouring authorities. The findings inform the recommendation to introduce an uplift in the charges, and help evidence that a significant change to the fee structure/fees is overdue.

... 4.6 The proposed charging schedule is set out in Financial Implications Section of the report below (at Para 5.1.2) and reproduced in the final column of the table in **Appendix A** (for easy comparator reference). It is proposed to increase the majority of fees charged.

4.7 In respect of Con290 Q22, that data is supplied by WCC at a recharge to NWBC. The current recharge is £15, but it will increase in 24/25 (new recharge rate is not yet known until WCC conclude budget setting). The present 2023/24 fee is £13 plus VAT. Officer time and service costs administering replies to this question are running at a financial loss. This

necessitates, and justifies, the proposed fee increase in respect of Con290 Q22.

- 4.8 There are other considerations that point towards the appropriateness of fee uplifts. Members should be aware that the service can anticipate a number of extra ordinary costs as a consequence of the changed working with Land Registry and the implementation of the new Idox Land Charges IT system which will contribute to the expense of service delivery.
- 4.9 Furthermore, going live with the Land Registry will necessitate new ways of holding the Register data, in that it will move to data being held geographically, rather than in textual form. This will mean re-engineering processes, to change the way in which we perform internal transactions with Environmental Health, Housing, Planning and Enforcement Health services, and externally with the Building Control Partnership , Drainage Authorities and Warwickshire County Council. These changes may incur implementation costs, but may result in savings from efficiencies in the longer term.
- 4.10 In the coming year or two, the Council will incur the loss of fee income from LLC1 work (when we go live with the Land Registry). This makes it more important that CON29 costs are properly recovered. Members will note, from the benchmarking in **Appendix A**, that our current charge for the LLC1 search is higher than that charged by other authorities. It is proposed to reduce the charge by £5.00 to make the charge more comparable to others, but also to stage, to some effect, the reduction in income. The reduction will be offset by the proposed fee increases for other search types.
- 4.11 Given that raising charges may affect the number of searches received, and that there are service delivery changes anticipated, it will be necessary to review the impact of changing the fee structure. For this purpose, it is proposed that a report be brought back to the Planning and Development Board six months from implementation, for monitoring purposes and to give consideration as to of whether any fees adjustments are required.
- 4.12 If members approve the new charges they would be implemented on 1 April 2024.

## 5 Report Implications

### 5.1 Finance and Value for Money Implications

#### 5.1.1 Below is our current scale of charges: **Local Land Charges Fee 2023/2024**

LLC1	£40.00
Each additional parcel (LLC1)	£3.20
CON29 search	£120.00 (£100.00 + £20.00 VAT)
Each additional parcel (CON29)	£10.80 (£9.00 + £1.80 VAT)
Full Search (LLC1 and CON29)	£160.00
Additional questions CON29O	£1.30 (£1.00 +22p VAT)
Question 4	Free
Question 22	£15.60 (£13.00 + £2.60 VAT)
Additional questions in isolation	First question £23.00 (£19.17 + £3.83 VAT) Each additional question £1.30 (£1.08 + 22p VAT)

#### 5.1.2 Below is the suggested revised scale of charges: **Local Land Charges Fee 2024/2025**

LLC1	£35.00
Each additional parcel (LLC1)	£5.00
CON29 search	£156.00 (£130.00 + £26.00 VAT)
Each additional parcel (CON29)	£21.60 (£18.00 + £3.60 VAT)
Full Search (LLC1 and CON29)	£191.00
Additional questions CON29O	£12.00 (£10.00+£2.00 VAT)
Question 4	Free
Question 22	£24.00 (£20.00 + £4.00 VAT)
Additional questions in isolation	£36.00 (£30.00 + £6.00 VAT) Each

5.1.3 Benchmarking against numerous Councils, identifies that some Local Authorities operate differing charges for commercial and residential property, and others charge differing fees for different elements of questions. It is not proposed to introduce these complexities, as the administration burden would be unjustified.

5.1.4 As set out in recommendation 2 and para 4.11 above, the effects of the charging schedule will be reviewed after 6 months of operation and adjustments made if required.

## 6.1 Safer Communities Implications

6.1.1 The maintenance of the Local Land Charges Register, and the operation of a searches service, form an integral part of ensuring the integrity and enforcement of land related controls and legislation, which contribute to safe communities.

## 7.1 Legal and Human Rights Implications

7.1.1 The Council has a legal duty to undertake certain functions, specifically maintaining a local land charges register and respond to local searches. The Local Authorities (England) (Charges for Property Searches) Regulations 2008 make provision for authorising local authorities in England and Wales to set their Local Land Charges fees based on full cost recovery. The Local Land Charges Fees (England) Rules 2018 (“the Fees Rules”) make provision for the fees payable for local land charges services. These Rules perform a similar function to the Local Land Charges Rules 1977 (S.I. 1977/985) made under the Local Land Charges Act 1975 (1975 c. 76) (the Act). The Act was amended by the Infrastructure Act 2015 (2015 c. 7) (the 2015 Act) to provide for the transfer of responsibility for local land charges from individual local authorities in England and Wales to the Chief Land Registrar (the registrar).

7.1.2 Where the Council has this duty it may charge for the associated service on a costs recovery basis. This report identifies that currently costs are incurred which are not being met by the current charging schedule and seeks to redress the balance.

7.1.3 In respect of those functions which it can charge for, the Council may only charge a sum which covers the cost of providing the service; it may not make a profit. The charges are anticipated to be commensurate with that limitation, and will be reviewed accordingly.

## 8.1. Links to Council’s Priorities

8.1.1 The implementation of these increased charges will contribute to help the Council maintain a balanced budget.

The Contact Officer for this report is Erica Levy (719294).

### 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

<b>APPENDIX A</b>	<b>NWBC 2023</b>	Stratford on Avon DC 2023	Rugby BC 2023	Tamworth BC 2023	Lichfield DC 2023	Nuneaton & Bedworth BC 2023	Warwick DC 2023	<b>PROPOSED NWBC 2024/25</b>
Con 29R	100.00 (+VAT = <b>120.00</b> )	<b>120.00</b> (inc VAT)	<b>98.10</b> (inc VAT)	Commercial <b>152.00</b> (+VAT) Residential <b>111.00</b> (+VAT)	Residential 90.00 (+VAT = <b>108.00</b> ) Non-residential 165.00 (+VAT = <b>198.00</b> )	<b>122.05</b> (inc VAT)	130.00 (+VAT = <b>156.00</b> )	130 (+ VAT = <b>156.00</b> )
Con 29 Additional parcels	9.00 (+ VAT = <b>10.80</b> )	<b>12.00</b> (inc VAT)	<b>21.06</b> (inc VAT)	<b>12.00</b> (+ VAT)	60 .00 (+ VAT = <b>72.00</b> )	<b>21.85</b> (inc VAT)	14.00 (+VAT = <b>16.80</b> )	18 (+VAT = <b>21.60</b> )
Non-standard enquiries	first question 19.17 (+VAT = <b>23.00</b> ) Each additional question 1.08 (+VAT = <b>1.30</b> )	<b>12.00 per 20 min research</b> (inc VAT)	<b>42.10</b> (inc VAT)	<b>23.00</b> (+ VAT)		Additional written questions <b>31.92</b> (inc VAT) Individual required questions <b>1.92</b> (inc VAT)		
Con29O (all Qs)	1.00 (+VAT = <b>1.30</b> ) per question		<b>14</b> (inc VAT) except Q's below	<b>17.00</b> (+ VAT) per question			16.00 (+VAT = <b>19.20</b> ) per question	10.00 (+ VAT = <b>12.00</b> ) per question
Con29O Q22	13.00 (+ VAT = <b>15.60</b> )	<b>25.00</b> (inc VAT)	<b>16.80</b> (inc VAT)					20.00 (+ VAT = <b>24.00</b> )
Con29O Q4	<b>free</b>	<b>free</b>						<b>free</b>
Con29O Q21		<b>free</b>						
Con29O Q5-20		<b>13.20</b> (inc VAT)						
Con29 Q1.1 (a-i)		<b>19.80</b> (inc VAT)						

	<b>NWBC 2023</b>	Stratford on Avon DC 2023	Rugby BC 2023	Tamworth BC 2023	Lichfield DC 2023	Nuneaton & Bedworth BC 2023	Warwick DC 2023	<b>PROPOSED NWBC 2024</b>
Con29 Q1.1 (j-l)		<b>9.90</b> (inc VAT)	<b>19.30</b> (inc VAT)					
Con29 Q2			<b>37.80</b> (inc VAT)					
Con29 Q3.7			<b>16.80</b> (inc VAT)					
Con29 Q3.8			<b>5.60</b> (inc VAT)					
Con29 Q3.9			<b>5.90</b> (inc VAT)					
Con29 Q3.11			<b>18.2</b> (inc VAT)					
Con29 Q3.13			<b>1.80</b> (inc VAT)					
All Other Q's		<b>6.60</b> (inc VAT)						
Additional questions in isolation (Con29O/Con29 R)	first question <b>19.17 (+VAT = 23.00)</b> Each additional question <b>1.08 (+VAT = 1.30)</b>	<b>Various 6.60 – 25</b> (inc VAT)	<b>Variou s 1.80 – 37.80</b> (inc VAT)		30.00 (+ VAT = <b>36.00)</b>		32.00 (+VAT = <b>38.40)</b>	<b>30.00 (+ VAT 36.00) NB Cease to offer reduced rate for subsequent questions</b>

	<b>NWBC 2023</b>	Stratford on Avon DC 2023	Rugby BC 2023	Tamworth BC 2023	Lichfield DC 2023	Nuneaton & Bedworth BC 2023	Warwick DC 2023	<b>PROPOSED NWBC 2024</b>
Full search LLC1 And Con29	<b>160</b>		<b>127.30</b> (inc VAT)		Residential 120.00 (+ VAT = <b>138.00</b> ) Non- residential 205.00 (+ VAT = <b>233.00</b> )	<b>136.05</b> (inc VAT) electronic <b>138.05</b> (INC VAT) paper		<b>191.00</b> (inc VAT for Con 29 element)
LLC1	<b>40.00</b>		<b>29.20</b>	<b>31.00</b>	Residential <b>30.00</b> Non- residential <b>35.00</b>	<b>14.00</b> electronic <b>16.00</b> paper		<b>35.00</b>
LLC1 Additional Parcel	<b>3.20</b>		<b>5.84</b>	<b>1.05</b>				<b>5.00</b>
Cancelled Searches		Fees for work completed plus £5 handling fee where applicable.						



## **Agenda Item No 8**

### **Planning and Development Board**

**9 December 2024**

**Report of the  
Head of Development Control**

**Proposed Variation of a Section  
106 Agreement for Bloor Homes  
Ltd**

#### **1 Summary**

- 1.1 The report outlines a proposal by Bloor Homes Ltd to vary an existing Section 106 Agreement with the Borough Council in respect of the provision of on-site affordable housing at its development on the former Durno's Nursery in Atherstone.

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

**That the Board agrees to the Variation as outlined in this report.**

#### **2 Background**

- 2.1 Planning permission was granted in June 2020 for the residential redevelopment of the former Durno's Nursery site to the north-west of Atherstone off Old Holly Land and north of Panama Drive.
- 2.2 The Section 106 Agreement accompanying that permission, amongst other things, included an Obligation by Bloor Homes for the provision on site of 44 dwellings as "affordable homes". This represented just under a policy compliant provision of 40% of the 123 houses permitted. The Agreement defined how the term, "affordable homes" was to be defined, together with the house types to be so included. As was normal practice, the Council's Housing Officers sought the involvement of one of its Preferred Registered Providers to deliver this Obligation. None however was prepared to become involved. Officers then entered discussions with a different provider known as Rentplus who wished to be involved. This resulted in a Deed of Variation of the original 106 Agreement in June 2024, still to provide the 44 units on site, but with a different tenure provision. This option has now also recently fallen through, with Rentplus unable to continue.

#### **3 The Proposed Variation**

- 3.1 Work is underway on site and Bloor Homes approached Housing Officers to recommend a further option in order to implement its obligation to secure on-site provision – one of the Council acquiring some of the properties with a discount on the market value, thus adding them to its existing stock.

3.2 A second variation to the original Agreement has thus been proposed by Bloor Homes. It offers to sell 22 built units to the Council comprising 2 four bed houses, 8 two bed houses, 5 two bed bungalows and 7 two bed flats, together with paying a sum of £462,000 towards the “provision of affordable housing within the administrative area of the Council”.

#### **4 Observations**

4.1 Housing Officers have confirmed that this range of units is appropriate in respect of the Council’s needs in Atherstone. Planning Officers too are satisfied that this would not result in the need to vary the planning permission, as the range is already within the approved layout and housing mix.

4.2 A discount of 30% has been agreed on the sale, with the Council’s Valuer confirming the validity of the valuations used by Bloor Homes. The cost would be covered by using receipts from the Right to Buy income given the recent national changes to the rules regulating their use.

4.3 The combination of the units together with the contribution would together, be equivalent to the terms of the original Agreement. In this case however the units would be added to the Council’s own stock.

#### **5 Report Implications**

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

5.1.1 The cost of the purchase of 22 properties can be fully funded by utilising the retained right to buy receipts currently held by the council. For the Financial years 2024/25 and 2025/26 the government have relaxed the use requirements to allow 100% funding from the retained receipts therefore requiring no match funding from council Housing Revenue budgets.

##### **5.2 Legal Implications**

5.2.1 The verification of an existing Section 106 agreement is permitted by s106A of the Planning Act. Any modification must be agreed by all previous signatories and/or those with an interest in the land. The Second deed of variation has been provided to the Council’s Legal Team to ensure that it adequately secures the obligations and binds all interested parties to the provisions of the first and second deed of variation and original Section 106 agreement. Once it has been signed by all parties, the second deed of variation would be registered as a “Local Land Charge” on the Local Land Charges Register for land.

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

**Agenda Item No 9**

**Planning and Development Board**

**9 December 2024**

**Report of the  
Head of Development Control**

**Appeal Updates**

**1 Summary**

1.1 The report updates Members on a recent appeal decisions.

<p><b>Recommendation to the Board</b></p> <p><b>That the report be noted.</b></p>
---

**2 Appeal Decisions**

**a) 141 High Street, Coleshill**

2.1 This appeal dealt with the construction of two houses in the Coleshill Conservation Area and at the rear of a large garden to a Grade 2 Listed Building. The main issues were all related to the potential heritage impacts. The Inspector found that the dwellings would “read as an incongruous incursion, that would harmfully erode the relationship of Coleshill House with its grounds. Consequently, it would undermine the significance of the listed building. It would further impinge harmfully on the positive attributes of the Conservation Area and thereby fail to preserve or enhance its character and appearance”. There were no benefits found that would outweigh this harm. The appeal letter is at Appendix A.

...

**b) Main Road, Austrey**

2.2 This appeal dealt with the retention of a car port in Austrey. The Inspector did not consider that it harmed the character or appearance of the area. The decision is at Appendix B.

...

**c) Northwood House, Norton Hill, Austrey**

2.3 This case dealt with the demolition of existing agricultural buildings and their replacement with a new house on the same footprint. The Inspector found that the site was not directly adjacent to the settlement boundary and was thus in an unsustainable location. The proposal was not found to accord with any of the instances whereby a new house could be supported in a countryside location. Moreover, the new house would harm the visual and spatial openness

... of the surrounding area and thus its rural character. The decision letter is at Appendix C.

**d) Gypsy Lane, Water Orton**

2.4 This decision concerns the installation of a 25-metre tall telecommunications mast. Interestingly, and notwithstanding the HS2 works here, the Inspector concluded that the mast would appear overly prominent and visually intrusive. He was also concerned that less harmful sites had been “properly” explored. ... The dismissal is at Appendix D.

**3 Report Implications**

**3.1 Links to the Council’s Priorities**

3.1.1 The Coleshill decision is significant in that it fully supports the Council’s objective of retaining its heritage assets with the two other dismissals supporting the Council’s objectives of conserving its rural character.

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

## Appeal Decision

Site visit made on 23 October 2024

**by Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25 October 2024**

**Appeal Ref: APP/R3705/W/24/3347477**

**141 High Street, Coleshill, Warwickshire B46 3AY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr D Poulton against the decision of North Warwickshire Borough Council.
  - The application Ref is PAP/2023/0250.
  - The development proposed is the construction of 2 new dwellings.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Refusal reason 1 on the Council's decision notice refers to harm to the setting of a listed building but does not explicitly identify it. Nevertheless, it is reasonably clear from the Officer's Observations report that it concerns the official list entry named 'Public Library, 141, High Street' (Listed Entry Number: 1034663). The property is no longer used as a library and is referred to by both parties as Coleshill House. For consistency and to avoid confusion, I shall do the same.

### Main Issue

3. The main issue is the effect on the character and appearance of the area, including having special regard to the significance of Coleshill House, 141 High Street a Grade II listed building (the listed building) and the Coleshill Conservation Area (CA).

### ***Character and appearance and designated heritage assets***

4. Coleshill House is a handsome, 3 storey, 5 bay house that presents its principal elevation directly onto the High Street. Dating from about 1800, its most public elevation exhibits the symmetry, balanced proportions and sash window fenestration synonymous with Georgian architecture. It dominates the group of frontage development that lines the eastern side of the High Street at this point. It is adjacent to nos.137-139 (also Grade II listed) a probable former service wing to Coleshill House, and no.143 to the south

(also separately Grade II listed) which includes the former stables/coach house.

5. The information and historic mapping provided show that Coleshill House had generous grounds to the rear that extended to a back lane to the east (accessed off Maxstoke Lane). Today, the rear walled boundary to the grounds and back lane effectively marks the edge of the town. Wide ranging views over the open countryside to the east are possible from the back lane. The 1887 OS map extract<sup>1</sup> shows the garden layout was compartmentalised, with a pleasure garden directly behind the main house, and a more functional kitchen garden space to the south-west, likely to have been used for food production. There are surviving sections of brick walling within and along the boundaries of the grounds broadly consistent with the compartmentalised layout.
6. The significance of the listed building is derived from several components. Firstly, there is a historic association with the Winfield-Digby family, a local notable family in the development of Coleshill. Secondly, the building possesses considerable architectural and aesthetic value as an example of a Georgian residence. This is augmented by its grouping and historic association with the listed buildings that flank it. The hierarchy of the scale and architecture of the house relative to its more modest neighbours, mirrors the likely higher social standing of the historic occupants. The configuration provides insight into the social and economic structure of the time.
7. In addition, the extent of the grounds is a notable part of the setting of the listed building both as legible historic curtilage and an indicator of wealth. The configuration providing aesthetic and productive areas of the garden together with their respective relationship to the main house, allows for a deeper understanding of the likely past living arrangements of a higher status family. The evidence provided indicates that the productive working areas were situated more distant from the house, and deliberately concealed from direct outlook<sup>2</sup>. Hence, some significance arises from the distinct functional elements of the grounds and their interrelationship with each other and the main house.
8. The listed building and grounds lie within the CA. The CA covers the older core of the broadly linear town that sits on a ridge along a historic coaching route between London and Liverpool. Its significance principally comes from the layers of history evident in the buildings, spaces and natural environment which tell a story of how the town evolved over the centuries. This includes the tightly packed vernacular buildings that line the High Street which result in a rich townscape. The listed building makes an important positive contribution in this respect. However, the building and its historic grounds also show how the pattern of development graduated out, from a closely packed urban character via transitional grounds towards the edge of the town with open agricultural countryside beyond.
9. The appeal site is a broadly rectangular parcel of predominantly grassed land that forms part of the outer grounds to the former working garden area of

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<sup>1</sup> Fig.1, Page 12, Heritage Appeal Statement prepared by Asset Heritage Consulting

<sup>2</sup> Paragraph 3.16, Heritage Statement prepared by Asset Heritage Consulting

the listed building. There is a gated access within the rear boundary brick wall onto the back lane. Consequently, by comparison to other parts of the grounds, it has a more removed position relative to the main house. Nevertheless, given the brick walling and physical linkages to other parts of the historic curtilage, it is discernible as part of the wider historic grounds. The general absence of built form combined with the presence of vegetation and established trees gives it a verdant and spacious character and appearance. Although not presently in productive use as a kitchen garden, it is sympathetic to the adjacent area that is being used as such<sup>3</sup>. These aspects of its character and appearance reinforce its historic function and association with the listed building. Consequently, I find it makes a small but meaningful contribution to the setting of the listed building, and thereby enriches its significance.

10. The attractive boundary brick wall adjacent to the informal back lane gives some enclosure to the site but does not override the sense of spaciousness deriving from the limited extent of built form and the proximity of open countryside. My observations of the CA were that adjacent to the appeal site, it had a peripheral, semi-rural character, and the appeal site positively contributes to those open, spacious and verdant qualities.
11. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) contain statutory duties to have special regard to the desirability of preserving listed buildings and their settings, and to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
12. The proposal would introduce two sizeable detached houses onto the land. Inevitably their physical presence would markedly reduce the extent of spaciousness. Moreover, the increase in built volume between 15 Maxstoke Lane and the car park to Chantry House would result in a noticeably harder urban edge to the settlement along the back lane. Whilst no.15 and the car park are referred to in the submitted Design and Character Assessment, it is not asserted that either are positive components of the CA. My observations were that neither enhance its valuable qualities, rather the contrary. Hence, the proposal would erode positive qualities of the appeal site and augment negative aspects of the context. This would run counter to advice in the National Design Guide<sup>4</sup> for well-designed new development.
13. Additionally, the creation of two separate dwelling units would further subdivide the historic grounds of Coleshill House, thereby further diluting a longstanding relationship between the house, garden and wider grounds. This would make it harder to understand the curtilage and appreciate the historic interest of the listed building.
14. It is explained that the design concept for the two dwellings is to be evocative of workers estate cottages<sup>5</sup>. The dwellings would incorporate elements of traditional vernacular architecture in this respect. Nevertheless,

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<sup>3</sup> Plates 24-25, Heritage Statement prepared by Asset Heritage Consulting

<sup>4</sup> Paragraph 40

<sup>5</sup> Paragraph 4.2, Heritage Statement prepared by Asset Heritage Consulting

I cannot agree that the design concept would be successfully executed for the following reasons.

15. Firstly, the dwellings would be large. Each four-bedroom dwelling would have a deep footprint necessitating two pitched gables to the side elevations broadly appearing as two ranges. There would be a single storey rear extension beyond that. The appellant confirms<sup>6</sup> that the plot size for each dwelling represents a larger than average plot size in comparison to other similar detached 4 bedroom dwellings in the area. Hence, the scale of the dwellings would not be commensurate with more modest accommodation typically provided for estate workers, and so would fail to convincingly pass as estate cottages.
16. In addition, the dwellings would be detached with an incongruous nominal gap between the two. This would appear discordant, as it is unlikely that the expense involved in such a configuration, in comparison to a pair of dwellings, would have been used historically for such accommodation. The set back from the lane with a vehicular driveway to the front would also be generally uncharacteristic for historic estate cottages. Neither are these aspects in keeping with the more modest terrace arrangement and narrower footprint of 1-7 Maxstoke Lane that is brought to my attention<sup>7</sup>.
17. Instead, the factors highlighted hold more in common with sub-urban development, which undermines the design concept. My finding is reinforced by the Design and Character Assessment<sup>8</sup>, which explains that the siting of the plots continues linear development seen in suburban dwellings at no.15 and along The Drive to the south. These factors would result in an inconsistent and confused design concept that would be detrimental to the verdant and spacious character and appearance of the appeal site.
18. Consequently, there would be little in the proposed location, scale or appearance of the dwellings that would better reveal or reinforce the historic significance of Coleshill House, nor would they preserve or enhance the important qualities of the CA.
19. The appellant contends that the dwellings would be concealed from public view by the boundary wall and a hedgerow along the frontage to the back lane. However, the height of the hedgerow cannot be guaranteed, and given that the gated opening would serve both dwellings, it is more likely that it would be left open for convenient vehicular access thereby allowing views into the site.
20. My attention is also drawn to the lack of intervisibility between the listed building and the proposed location of the dwellings. Nevertheless, as already outlined, it is probable that there was never intended to be visibility to the working garden. This separation and compartmentalisation of the grounds was likely deliberate. Thus, whilst this factor would limit the degree of harm to the overall heritage value of the listed building, it would not negate it altogether.

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<sup>6</sup> Page 22, Design and Character Assessment

<sup>7</sup> Paragraph 4.6, Heritage Statement prepared by Asset Heritage Consulting

<sup>8</sup> Page 23



21. Taking these factors together, the dwellings would read as an incongruous incursion that would harmfully erode the relationship of Coleshill House with its grounds. Consequently, it would undermine the significance of the listed building. It would further impinge harmfully on positive attributes of the CA, and thereby would fail to preserve or enhance its character and appearance. Therefore, conflict would arise with sections 66 and 72 of the Act respectively.
22. In the parlance of the National Planning Policy Framework (the Framework), the proposal would result in less than substantial harm to the setting of the listed building, and therefore its significance as a designated heritage asset. For similar reasons, there would be less than substantial harm to the CA as a whole.
23. Paragraph 208 of the Framework states that in these circumstances, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of the designated heritage asset.

#### *Heritage balance*

24. The principal benefit would be the provision of additional dwellings to the overall housing mix and supply in an accessible location. Associated with that are social and economic benefits arising from its construction and the likely expenditure of future occupants. Nevertheless, the extent of such benefits accruing from two dwellings would be modest.
25. In addition, the proposal would make more efficient use of the land. However, paragraph 128d) of the Framework states that the desirability of maintaining an area's prevailing character and setting should be taken into account. Given the harm identified above, this tempers the positive weight given to this factor.
26. It is indicated that proceeds arising from the sale of the proposed dwellings would secure funding towards ongoing work to restore Coleshill House. I accept that the sympathetic restoration of listed buildings amounts to a public benefit, but in the absence of any mechanism to secure the proceeds of the proposed development to be used in this manner, this is a matter that attracts little weight.
27. Taken cumulatively, I find there are public benefits of moderate weight that weigh in favour of the proposal. Paragraph 205 of the Framework stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Hence, the less than substantial harm found to the listed building and CA each attract great weight. On that basis, the sum of public benefits is insufficient to outweigh the identified harm. Accordingly, the proposal would conflict with national policies contained in the Framework that seek to protect the historic environment.
28. For the reasons outlined above, I find that the proposal would be harmful to the character and appearance of the area and would result in unjustified harm to designated heritage assets. Therefore, the development would be contrary to policies LP1, LP15 and LP30 of the North Warwickshire Local

Plan, September 2021 and policy ENP1 of the Coleshill Neighbourhood Plan 2015-2030, made 2017. Amongst other things, these policies require development to integrate appropriately with the historic environment, conserve or enhance the significance of heritage assets and be compatible with local character.

### **Other Matters**

29. It is highlighted that the Council did not object to the proposal having regard to highway matters or the living conditions of neighbours. It is also outlined that the proposal would not harm the setting of the listed church which lies some distance to the north. Be that as it may, the absence of harm in these respects does not amount to a positive benefit, rather they are neutral factors in the overall planning balance.
30. I have taken account of the representations received, including those made in support, but ultimately, they do not lead me to find otherwise on the merits of the proposal. I have also had regard to the Written Ministerial Statement dated 30 July 2024 entitled 'Building The Homes We Need' which sets out the Government's intended policy direction and strategy in relation to boosting housing. Whilst contextually material, I do not consider the general statements of policy direction were intended to be directly applied to individual cases. Hence, I have attributed it limited weight in favour of the proposal.

### **Planning balance and conclusion**

31. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found the proposal would cause unjustified harm to designated heritage assets which are an irreplaceable resource and would fail to be sympathetic to local character and history. Consequently, the appeal scheme would conflict with heritage and design policies in the development plan, relevant national policy and the expectations of the Act.
32. The public benefits arising from the scheme detailed in the heritage balance above are also relevant to the overall planning balance. However, those material considerations as well as the other matters raised would not justify deciding other than in accordance with the development plan taken as a whole.
33. Therefore, for the reasons given above the appeal should be dismissed.

*Helen O'Connor*

INSPECTOR



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# Appeal Decision

Site visit made on 11 November 2024

**by N Robinson BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 November 2024**

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**Appeal Ref: APP/R3705/D/24/3348687**

**Oak Tree House, 49 Main Road, Austrey, Warwickshire CV9 3EH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr R Price against the decision of North Warwickshire Borough Council.
  - The application Ref is PAP/2024/0152.
  - The development proposed is carport.
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## Decision

1. The appeal is allowed and planning permission is granted for carport at Oak Tree House, 49 Main Road, Austrey, Warwickshire CV9 3EH in accordance with the terms of the application, Ref PAP/2024/0152 subject to the following conditions:
  1. The development hereby permitted shall be carried out in accordance with the following approved drawings: 829 01, 829 02.

## Preliminary Matters

2. I saw during my site visit that a carport has already been constructed at the appeal site. There is a suggestion that what has been built on site is not what is shown on the plans. For the avoidance of doubt, I will determine the appeal on the basis of the submitted plans. Whether or not what has been built accords with these plans is a matter for the main parties to resolve outside of the appeal process.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

4. The appeal site comprises a modern detached dwelling which is set back from Main Road. The site is enclosed by a low-level wall and there are clear views of the site from the road. The surrounding area comprises predominantly modern dwellings of varying designs and forms. This, along with mature planting within the appeal site and the front gardens of properties in the surrounding area, results in a varied and verdant character to the area.
5. The appeal proposal relates to a detached timber-framed carport which is orientated parallel and close to the road. The structure appears both modest in size and visually subservient to the host dwelling. Its form and palette of

materials relate well to the modern form and appearance of the host dwelling. The structure is open to all four sides and displays no solid mass or bulk, ensuring that, whilst visible within the street scene, the positive contribution the site makes to the character and appearance of the area is not compromised.

6. I accept that there are no equivalent structures to the front of other properties within the locality. However, that does not render the development harmful. Should any proposals come forward in the future to build similar structures to the front of other properties in the area, they would each fall to be considered on the individual merits of their case.
7. For these reasons the proposal does not harm the character and appearance of the area. The proposal therefore accords with Policy LP30 of the North Warwickshire Local Plan (2021) which seeks to ensure that development harmonises with the immediate setting and wider surroundings. I find no conflict with the Guide for the Design of Householder Developments (2003) which has similar aims, or with Chapter 12 of the National Planning Policy Framework which requires that developments are sympathetic to local character.

### **Other Matters**

8. Concerns from a neighbouring resident regarding the retrospective nature of the proposal are noted. Nonetheless, I am tasked with determining the proposal before me and that has no bearing on my decision.
9. It is suggested that the carport attracts the attention of drivers at the junction of Main Road and Bishops Cleeve. At my site visit I observed that the carport does not dominate views from this junction, and, whilst visible from it, given its siting opposite, it does not restrict visibility, and there is no evidence that the proposal is prejudicial to highway safety.

### **Conditions**

10. I have had regard to the conditions suggested by the Council, on which the appellant has had the opportunity to comment. It is necessary to specify the approved plans in the interest of certainty.

### **Conclusion**

11. For the reasons set out above, the appeal is allowed.

*N Robinson*

INSPECTOR



# Appeal Decision

Site visit made on 29 October 2024

**by U P Han BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 November 2024**

**Appeal Ref: APP/R3705/W/24/3343182**

**Northwood House, Norton Hill, Austrey, Warwickshire CV9 3ED**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Dave Collingwood against the decision of North Warwickshire Borough Council.
- The application Ref is PAP/2023/0029.
- The development proposed is demolition of existing agricultural/ storage building and construction of new dwelling on similar footprint, plus detached garages.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The planning application was submitted in outline with all matters reserved except for access. Notwithstanding this, the description of development refers to the construction of a new dwelling on a similar footprint as the existing agricultural/ storage building. However, the appellant's appeal statement indicates that the proposed dwelling would be sited in the rear part of the appeal site adjacent to Northwood House. Given that a revised description was not agreed between the Council and the appellant, and the appeal form indicates that the description of development on the application form is still correct, I have determined the appeal on the basis of the description on the application form. I have had regard to the appellant's appeal statement and the drawing entitled 'Proposed Planning Plans and Elevations 928-01' (thereafter known as the indicative plans) which show how the site might be developed but have treated each element of the drawing as indicative, apart from the details of the access, when considering the likely impact of the proposal on the matters set out in the main issues below.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. Those parts of the Framework most relevant to this appeal have not been amended aside from the paragraph numbering. Paragraph 80 is now 84 in the Framework. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

## Main Issues

4. The main issues are:
  - whether the site is a suitable location for the proposed development having regard to local and national planning policy; and

- the effect of the proposed development on the character and appearance of the area, including the openness of the countryside and landscape character; and
- whether sufficient information has been submitted to assess the effect of the proposed development on the ecology and biodiversity of the site.

## **Reasons**

### *Suitable Location*

5. Policy LP2 of the North Warwickshire Local Plan (September 2021) (the NWLP) seeks to proportionally distribute development in the Borough in accordance with the settlement hierarchy set out in the policy. It indicates that development within the settlement boundaries will be supported in principle and that development directly adjacent to settlement boundaries may also be acceptable, provided it is proportionate in scale to the relevant settlement and otherwise compliant with the NWLP and the National Planning Policy Framework (the Framework).
6. The appellant argues that the appeal site is located on the edge of Austrey, close to a recent development of 14 houses at Applegarth (named Mill View Gardens). Austrey is a Category 4 settlement within the Borough's settlement hierarchy and its boundary is clearly defined in the NWLP, which includes Mill View Gardens. The appeal site is approximately 200 metres from Mill View Gardens, on the south side of Norton Hill. There are large open fields separating the appeal site from the settlement boundary. Consequently, the appeal site is not directly adjacent to the settlement boundary.
7. It is without doubt that the appeal site falls within a Category 5 location of the Borough's settlement hierarchy. Policy LP2 indicates that development in such locations will not generally be acceptable except for in some instances "where development may be appropriately located and would enhance or maintain the vitality of rural communities under this category." The policy goes on to list special circumstances which could justify "isolated homes in the countryside such as rural workers' needs, the optimal viable use of a heritage asset, the re-use of redundant buildings enhancing its immediate setting, the subdivision of an existing residential dwelling, or development of exceptional quality or innovative design or for rural exception sites in line with national planning policy." It is clear from the evidence before me that the proposal would not meet any of those special circumstances. The appellant contends that the site is appropriately located by virtue of it being situated between three existing dwellings and close to Austrey. However, even if the site was considered to be appropriately located, no substantial evidence has been presented as to how the proposal would enhance or maintain the vitality of rural communities. The provision of one dwelling would only be likely to have a limited effect on the vitality of the community.
8. The appellant argues that the proposal would comply with Policy AP10 of the Austrey Neighbourhood Plan 2014-2029 (June 2017) (the NP) which supports windfall development where it would meet the listed policy criteria. While small in scale and within walking distance of the Austrey settlement boundary, the proposal would be unlikely to help businesses create local employment.

9. The appellant has referred to the Framework which promotes sustainable development in rural areas. However, Framework also requires housing in rural areas to be located where it will enhance or maintain the vitality of rural communities.
10. For these reasons, I conclude that the site would not be a suitable location for the proposed development having regard to local and national planning policy. Consequently, it would conflict with Policies LP1 and LP2 of the NWLP which encourage sustainable development and sets out the Borough's settlement hierarchy and spatial strategy. It would also not comply with Policy AP10 of the NP with regard to windfall housing development.

#### *Character and Appearance*

11. The appeal site relates to part of the residential curtilage of Northwood House. The site is between that property, Norton Hill Barn and Mount Pleasant. Both Northwood House and Mount Pleasant are large detached two-storey houses. While Northwood House is set back from the access track leading to the site from Norton Hill, Mount Pleasant sits close up to it. Norton Hill Barn has been converted to residential use and is located behind Mount Pleasant. The land inclines from Norton Hill to the appeal site and the access into the site from the track rises gently. The site is bordered by timber fencing on the northern and part of the southern boundary. There is a thick border of hedges and trees in the rear part of the site. A large single storey building constructed of brick and breeze block is situated at the front of the site adjacent to the access track, behind low hedges. The building is currently used for storage purposes in association with Northwood House. The remainder of the site comprises largely of a grassed area and driveway.
12. The character of the surrounding area is distinctly rural with extensive fields enveloping the site to the east and west. The appellant contends that the appeal site is contiguous with three existing buildings and would represent a logical piece of infill development. While the appeal site sits between two large properties, it is prominently sited on rising ground overlooking open rolling countryside to the west. The site makes a positive contribution to the openness of the surrounding area due to its location and relationship with the land to the west. Furthermore, nearby dwellings do not justify further encroachment into the open countryside.
13. The indicative plans submitted with the application show a large detached two-storey house at the front of the site and a detached triple garage block in the rearmost section of the site. However, the appellant's appeal statement says that the dwelling would be sited in the rear part of the site. In either scenario, the proposal would introduce additional built form through the detached garage block. The increased extent of built form would harm the spatial and visual openness of the site and surrounding area, and consequently its rural character and appearance.
14. The appeal site falls within Landscape Character Area 1: No Man's Heath Warton Lowlands, as defined within the North Warwickshire Landscape Character Assessment 2010 (LCA). This describes the area as a well-ordered agricultural landscape, with scattered farmsteads and nucleated hilltop villages. It is distinctly rural and visually open with gently undulating low rounded hills. The landscape management strategy for this area includes conserving and strengthening the rural character and reinforcing the existing

settlement pattern of the rural villages. The proposal would not reinforce the existing settlement pattern due to its divorced location from the boundary of Austrey village. It would also erode the visual openness and rural character of the area.

15. The appellant contends that the demolition of the unsightly agricultural/storage building, and erection of a purpose designed dwelling would visually enhance the area. While the existing building is not of high quality, the appeal proposal would introduce further built form on the site to the extent that would harm the spacious, countryside character of the area.
16. For these reasons, I conclude that the proposed development would harm the character and appearance of the area due to loss of openness of the countryside and adverse effects on the landscape character of the area. Hence, it would conflict with Policies LP1, LP2, LP14, LP29 and LP30 of the NWLP insofar as they encourage sustainable development, set out the Borough's settlement hierarchy, seek to conserve and enhance landscape character, protect and enhance the natural environment and require development to reflect existing character and appearance. It would also not comply with Policy AP3 of the NP which requires that views of Austrey and the surrounding countryside are not compromised by development.

#### *Ecology and Biodiversity*

17. Policy LP16 of the NWLP seeks to minimise impacts on biodiversity and, where possible, provide net gains for biodiversity. It requires all development applications to provide "sufficient information and an assessment of those proposals on the natural asset(s)."
18. As suggested by the indicative plans, a significant number of trees and hedgerows at the appeal site could require removal. Insufficient information has been submitted of the proposal's effect on the natural assets of the site and no evidence has been submitted to demonstrate that net gains for biodiversity have been explored and can be achieved.
19. For these reasons, I conclude that insufficient information has been submitted to assess the effect of the proposed development on the ecology and biodiversity of the site. Accordingly, this would conflict with Policy LP16 of the NWLP which seeks to protect and enhance the natural environment and provide net gains for biodiversity.

#### **Other Matters**

20. The appellant suggests that the proposal would help to meet the need for self-build plots as supported by Policy LP7 of the NWLP. The Self-Build and Custom Housebuilding Act 2015 (the Act) requires local planning authorities to establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. The Housing and Planning Act of 2016 added a duty on local planning authorities to give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.
21. However, the application form indicates the dwelling would be for market housing. Furthermore, a site-specific planning obligation to secure the proposed dwelling for this specific purpose has not been provided. This would



be the appropriate mechanism to ensure the development of the proposed dwelling would meet the legal definition of the Act and that the initial owners of the home would have primary input in its final design and layout. Such a planning obligation is not before me. Consequently, I cannot be certain that the proposal would provide self-build or custom housebuilding.

22. The appellant indicates that if the appeal is dismissed, the appellant would convert the existing agricultural/ storage building to residential use under Class Q of the Use Classes Order 1995 (as amended). However, there is no substantive evidence to indicate that there is more than a merely theoretical prospect that would occur should this appeal be dismissed. Furthermore, the appellant's planning and design statement indicates that the existing agricultural/ storage building is not structurally suitable for conversion.
23. The appellant has drawn my attention to, what is argued, are similar developments to the appeal proposal. However, there are clear material differences between these examples and the proposal in question. Most of the referenced developments primarily involve the conversion or change of use of an existing buildings, rather than the demolition of an existing building and the construction of a new one. These include Norton Hill Barn<sup>1</sup>, Doug Stables<sup>2</sup>, Lodge Farm<sup>3</sup>, Orchard House Reeves<sup>4</sup> and Mill House<sup>5</sup>. Grendon House Farm<sup>6</sup> relates to a permission for the retention of a replacement agricultural building and Warton Lane relates to a site that was proposed for gypsy and traveller use. Applegarth<sup>7</sup> relates to the erection of 14 dwellings which falls within the Austrey settlement boundary. The construction of two houses at The Croft<sup>8</sup> was considered to be within the Austrey settlement boundary. In any event, I have considered and determined the appeal proposal on its own individual merits.
24. Contrary to the appellant's appeal statement, Austrey Parish Council has objected to the proposal. The absence of objections from local residents does not justify allowing a proposal that does not accord with the development plan.
25. The Council's handling of the planning application has not factored into my decision, and I have determined the appeal only on the planning merits of the case.

### **Planning Balance and Conclusion**

26. The provision of housing is a clear public benefit and would contribute to the Council's housing supply as a windfall site, thereby supporting Policy LP8 of the NWLP. This would support the Government's aim of boosting the supply of homes. However, as the proposal would only deliver one dwelling, its contribution would be limited. As such, this benefit would only attract a moderate amount of weight.

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<sup>1</sup> FAP/1999/5685.

<sup>2</sup> PAP/2023/0010.

<sup>3</sup> PAP/2023/0179.

<sup>4</sup> PAP/2021/0670.

<sup>5</sup> PAP/2019/0625.

<sup>6</sup> PAP/2020/0270.

<sup>7</sup> PAP/2014/0157.

<sup>8</sup> PAP/2018/0642.

27. The appellant's appeal statement indicates that the proposed dwelling would be a self-build home. However, there is no site-specific planning obligation to secure the dwelling as a self-build home. Therefore, this greatly diminishes the positive weight which I afford to the potential provision of self-build housing.
28. That the site is not within a Conservation Area and there are no listed buildings in the vicinity weighs neither in favour or against the proposal and is considered neutral.
29. In terms of harm, the proposed development would not be in a suitable location having regard to local and national planning policy. It would harm the character and appearance of the area as a result of loss of openness of the countryside and would have adverse effects on the landscape character of the area. Insufficient information has been submitted to assess the effect of the proposed development on the ecology and biodiversity of the site. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission that outweigh the benefits identified.
30. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

*U P Han*

INSPECTOR



# Appeal Decision

Site visit made on 29 October 2024

**by U P Han BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 November 2024**

**Appeal Ref: APP/R3705/W/24/3347218**

**Land at Gypsy Lane, Water Orton B46 1PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Cornerstone against the decision of North Warwickshire Borough Council.
- The application Ref is PAP/2023/0398.
- The development proposed is the installation of a telecommunications base station comprising 25m lattice mast supporting 6 no antenna, 4 no dishes, together with ground-based equipment cabinets and ancillary development thereto.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. This appeal has been determined on the same basis.
3. The Council and the appellant refer to development plan policies. However, the principle of development is established by the GDPO 2015. I have therefore had regard to the policies of the development plan only insofar as they are a material consideration relevant to matters of siting and appearance.
4. The Council has referred to Policy LP3 of the North Warwickshire Local Plan (September 2021) (NWLP) in reason for refusal 1 which applies to proposed development in the Green Belt, but not specifically to telecommunications development. Since the principle of development is established by the GDPO 2015, the question of whether the proposal represents inappropriate development in the Green Belt does not arise.

## Main Issue

5. The main issue in this appeal, therefore, is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

## Reasons

### *Siting and Appearance*

6. The appeal site is on the eastern edge of a large pasture adjacent to Gypsy Lane which is rural in character. The pasture is bordered by a low hedge and several sporadic trees. The flatness, openness and expanse of the field would provide clear views of the proposed 25 metre mast from near and far. There is no built development on Gypsy Lane, and with regard to street furniture, only two speed limit signs and a give-way sign near the junction of Gypsy Lane/ Watton Road. Within this open, rural context, the proposed mast would appear as a dominant, incongruous, and isolated structure.
7. To the east of Gypsy Lane is a large High-Speed Rail 2 (HS2) compound, and beyond that, the M42 and M6 motorway. The compound is bounded by a hedgerow and sparsely dispersed trees. There are temporary cement holders and several cranes within the compound. Other than these temporary vertical structures, the proposed mast would be exposed to view against the openness of the backdrop when viewed from surrounding roads.
8. The appellant contends that, once completed, the Water Orton Viaducts - part of the HS2 project - will visually dominate the area to an extent that would lessen the impact of the proposed mast. There is no doubt that the viaducts will permanently change the skyline of the surrounding area where it will be routed. However, the curve of the viaducts sweeps away from the appeal site to the east of the M42/ M6 so that they would be a distant feature in the horizon when viewed from Gypsy Lane, Coleshill Road and when leaving Water Orton on Watton Lane. Furthermore, the viaducts would be 20 metres high at their highest point compared to the proposed mast at 25 metres. Consequently, despite the future presence of the viaducts, the proposed mast would nevertheless appear prominent and visually intrusive in the local street scene.
9. The appellant has included a landscaping scheme to screen the low-level apparatus within the close-boarded fence compound. The mast would also be colour treated grey to blend in with the sky. However, these measures would not mitigate for the considerable height and isolated siting of the proposed mast which would appear in stark contrast to the character and appearance of the surrounding area.
10. The mast would be clearly visible from at least some of the houses in Coleshill Road, Watton Lane and Maud Road. It would also be visible from points near and far along Gypsy Lane and only partially screened by the few trees along this street due to its considerable height above them.
11. Consequently, the proposed installation would appear overly prominent and visually intrusive and would cause harm to the character and appearance of the area due to its height and siting. Insofar as they are a material consideration, the proposal would conflict with Policies LP14 and LP30 of the NWLP which require development to respect the character and appearance of its setting and its landscape character.

### *Alternative Sites*

12. The Framework recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being, and supports the expansion of electronic communications networks, including 5G. The

appellant has made reference to a number of documents that set out the importance of high-speed digital communications infrastructure. The proposed mast would maintain and improve network services following a Notice to Quit served on the appellant to facilitate works being carried out in the area for HS2. Hence, I have no reason to question the need for a new site for this proposal.

13. The appellant's appeal statement indicates that the operator has deemed it necessary to split what was previously a single 'cell area' into two individual cell areas, one to the north and one to the south to provide wider coverage than the original cell. The appeal proposal would therefore provide coverage for a new southern cell area, providing superfast 5G services to network users to the east of the Water Orton area, including the M42, the M42/M6 link road, the West Midlands Railway lines and the future HS2 rail line. I am satisfied that the evidence demonstrates the need for the proposed development to be located somewhere in the new southern cell area.
14. The Framework requires electronic communications masts and sites for such installations to be kept to the minimum necessary and for equipment to be sympathetically designed and camouflaged where appropriate. The proposed development, through its siting and appearance, would cause harm to the character and appearance of the area for the reasons given. Alternative sites that might be available are therefore an important consideration. For a new mast, the Framework requires evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
15. An exercise to assess alternative sites has been undertaken by the appellant, with a more comprehensive account of the sites assessed presented as part of the appeal process. The appellant's sequential approach to site selection identified that no mast sharing or existing building structures were suitable available, and deliverable and therefore, a new ground-based mast is required.
16. Five alternative sites were explored within the southern cell target area – DS8, DS9, DS14, DS21 and DS23. DS8 and DS21 were discounted due to the need for two street furniture sites which would have a greater cumulative visual impact on the area and be closer proximity to residential properties. DS23 explored alternative options on the pasture to the west of Gypsy Lane but this was considered no less harmful to the character and appearance of the area than the proposal. DS14 comprises land that will be a playing field for the Old Saltleians Rugby Club but is currently being used as a HS2 compound. Given that the completion of HS2 in the area is some time away, this is not a reasonable alternative.
17. The appellant also considered the Old Saltleians Rugby Club site on Coleshill Road, referenced as DS9, and discounted a rooftop solution due to the low height and pitched roof of the club building. A ground-based was also considered and discounted due to its impact on either the useable recreational space or car park. The Council dispute the conclusions of the assessment of DS9, and have suggested four locations at the rugby club site where a mast could be sited. They have also suggested a streetwork option along Gilson Road, which according to the appellant, would require two street furniture sites and have a greater cumulative impact on the appearance of the area.
18. During my site visit I observed that one of the four locations on the rugby club site suggested by the Council is occupied by a children's play area and therefore not viable. The other is in close to the club building and training area so would be

no less harmful to visual amenity than the proposal. The third option is close to a copse and pond so accessing and servicing of the installation would be difficult. However, the option on the grassed area on the periphery of the rugby club's large car park is a reasonable alternative that warrants more exploration than has been undertaken. Its siting would be less open to views from residential areas and surrounding streets than the appeal site. The appellant suggests that this option would pose ecological risks to the nearby wetland area and impact the rugby club's Biodiversity Net Gain. They also suggest it could not be delivered in the short-term as it is on private land. However, no substantive evidence has been advanced to support these assertions or demonstrate that this option has been comprehensively explored. Accordingly, I am not convinced that this is not a reasonable option.

19. While I acknowledge that a significant amount of land in the target area forms part of the development land associated with HS2 thereby constraining the alternatives available, I find the analysis by the appellant to not be sufficiently comprehensive to eliminate all other reasonable options.
20. The appellant contends that the proposal adheres to the Code of Practice for Wireless Network Development in England (March 2022) in relation to site selection. This sets out a range of principles for erecting new ground-based masts. Based on the evidence before me, it has not been clearly demonstrated that a more suitable site is not reasonably available.
21. Consequently, I conclude that the siting and appearance of the proposed installation would harm the character and appearance of the area. I am not convinced that less harmful alternatives have been properly explored and I consider that the need for the installation to be sited as proposed does not outweigh the harm identified.

### **Other Matters**

22. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance as the benefits of telecommunications are implicit in the grant of permission by the GPDO.
23. The proposal would not give rise to any adverse effects on highway safety. Underground services and trees would not be affected. There would be no unacceptable effects on the historical qualities of the area or the living conditions of nearby residents. These are, however, neutral matters which weigh neither in favour or against the proposal.
24. The appellant has referred to appeal decisions in Romford<sup>1</sup>, Hornchurch<sup>2</sup>, Sidlow<sup>3</sup> and Greenwich<sup>4</sup>. However, none of the appeals presented are close to the appeal site, so are not directly comparable in terms of siting and appearance. Moreover, in those appeals where harm was identified to the character and appearance of the area, the Inspectors found that there were no reasonable alternative sites.

### **Conclusion**

25. For the reasons given above the appeal should be dismissed.

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<sup>1</sup> APP/B5480/W/20/3251086.

<sup>2</sup> APP/B5480/W/21/3285473.

<sup>3</sup> APP/L3625/W/23/3314614.

<sup>4</sup> APP/E5330/W/23/3321769.

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INSPECTOR

**Agenda Item No 10**

**Planning and Development Board**

**9 December 2024**

**Report of the  
Chief Executive**

**Exclusion of the Public and Press**

**Recommendation to the Board**

**To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that 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.**

**Agenda Item No 11**

**Exempt Extract of the Minutes of the meeting of the Planning and Development Board held on 4 November 2024.**

Paragraph 6 – by reason of the need to consider the making of an order.

In relation to the item listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Julie Holland (719237).