

## **General Development Applications**

**(6/h) Application No: PAP/2022/0353**

**Heath House, 27 Birmingham Road, Whitacre Heath, B46 2ET**

**Change of use from C3 Dwellinghouse to 'Sui generis' (Houses in multiple occupation) for 9 single occupancy units, for**

**Mr Ian Watts**

### **The Site**

This is a large three-storey nine-bedroom detached house on the north side of the road within a frontage of other larger detached and semi-detached properties all with large rear gardens. There is open land on the other side of the road.

The site has two access points. The western one - more or less central to the frontage – is hard surfaced and serves as the main access into and out of the application site and to the neighbouring residential property at number 29 – which is in the same ownership.

The eastern one is at the far end of the frontage and gravel surfaced, acting essentially as an access to serve the rear garden for maintenance purposes.

Birmingham Road is 5.5 metres wide with footpaths on both sides and subject to a 30mph speed limit. There are no parking restrictions.

A location plan is at Appendix A

### **The Proposals**

This is to change the use of the premises from its lawful C3 use (a residential dwelling) to a house in multi-occupation (HMO) comprising nine single occupancy rooms spread over all three floors.

The proposal includes five on-site car parking spaces plus two for the residential use at number 29, together with nine secure covered cycle parking spaces. The plan at Appendix B illustrates the layout. The cycle store makes use of an existing outbuilding at the rear of the house which can be accessed from the eastern access.

There is a bin collection area to the front side of the house.

The application is retrospective given the Licence situation referred to below and has been operating as such since 2015.

The applicant has provided a Highway Technical Note to support the application. This is attached in full at Appendix C.

The Note draws attention to:

- The site has already been operating as an HMO and as a residence with seven on-site car parking spaces - paragraph 36.
- There are not known to have been on-street car parking problems directly associated with the existing HMO use - paragraphs 15 and 21
- The Development Plan has no parking standards for HMO developments – paragraphs 19 and 22.
- Pedestrian visibility at the access points is satisfactory – paragraphs 44 and 45
- Adequate space can be provided on site to provide for safe and convenient refuse collection- paragraphs 46 to 54

## **Background**

The Town and Country Planning (General Permitted Development) (England) Order of 2015 as amended, enables the change of use of a dwelling house under Use Class C3 to an HMO without the need to submit a planning application – see Class L(b) of Part 4 to Schedule 2 of the Order. Because Use Class C3 includes up to 6 un-related residents living together as a single household, the permitted development benefit under Class L (b) also takes this threshold - limited to six persons.

The premises are Licensed under the Section 64 of the Housing Act 2004 for a maximum of nine persons. This Licence expires in February 2026. This was a renewal of a previous HMO License granted in 2015 for up to eight persons.

The property next door at number 29 used to be a Coach House used in connection with number 27. It is now in separate ownership as a C3 residential dwelling, but it was used lawfully as offices in the early 2000's. It shares a vehicular access onto the road with number 27.

## **Representations**

Nether Whitacre Parish Council objects on the following grounds:

- This is an over-intensive occupation of the house
- There would thus be a detrimental impact on the residential amenity of neighbouring occupiers through noise and disturbance
- There will be a high demand for car parking and on-site space is inadequate possibly resulting in more on-street parking and potentially more hard surfacing changing the character of the area
- There are few services in the village to support day-to-day living and there are very infrequent bus services.

28 letters of objection have been received referring amongst other things to all of the above matters together with

- Additional traffic would be generated
- On-street car parking already is happening
- There has already been anti-social behaviour experienced – in particular noise
- The sewerage system will not cope

- There would need to be a commercial refuse collection not a domestic collection because of the size of the proposal
- There could be the removal of trees

## **Consultations**

Warwickshire County Council as Highway Authority – It originally drew attention to a number of concerns mainly to do with parking provision and increased use of the access - see Appendix D. The Highway Authority has reviewed the Highway Note provided by the applicant in response to its concerns. It still has concerns about the sustainability of the location given the reliance on the private car at this location. The need to justify onsite car parking provision is still thus needed – see Appendix E.

## **Development Plan**

The North Warwickshire Local Plan 2021 – LP2 (Settlement Hierarchy); LP29 (Development Considerations) and LP34 (Parking)

## **Other Material Planning Considerations**

The National Planning Policy Framework

## **Observations**

### **a) Introduction**

The site is within the settlement boundary for Whitacre Heath and thus the principle of the proposal is acknowledged as it would accord with Local Plan policy LP2.

It is also of substantial weight that the provisions of the General Permitted Development Order enable the use of these premises as an HMO for up to six residents. Indeed, the use of the premises as a dwelling house under Use Class C3 could also lead to it being occupied by up to six unrelated residents or as a single household of more than six persons. These considerations provide a useful guide as to the scale of use of the property, that has to be accepted as a “fall-back” position.

It is considered that the main issue here is whether there would be any adverse impacts arising from the increase to an HMO occupied by 9 persons, as opposed to the lawful use by a six person HMO. For these impacts to give rise to a possible refusal reason, the Board should be satisfied that it has demonstrable evidence to show that the impacts would give rise to significant harm.

### **b) Potential Harms**

There are several potential impacts to assess.

The first is the sustainability of the location. Whitacre Heath is defined as a Category 4 settlement by Local Plan policy LP2. It is agreed that there are limited services and facilities in the village, and that car ownership is necessary, but this is why the settlement is placed into this Category rather than into a higher Category where growth would be acceptable. Nevertheless, the Policy explicitly states that “development within development boundaries will be supported in principle”. This is a large house and could

be occupied by an extended family without the need for a planning application leading to an increase in population and car ownership in the Category 4 settlement. Similarly, a planning permission was granted at the next-door property for office accommodation – again involving an increase in car ownership. It is concluded that there is not a refusal reason here based on sustainability. It is recognised that the objections, including the view of the Highway Authority refer to the lack of local facilities and services here and thus their conclusion that the location is unsustainable. However, this has already been recognised as a matter of fact and translated into planning policy through the adoption of the settlement hierarchy which is clearly set out in Local Plan Policy LP2. New development leading to additional people and cars can take place within the village as a matter of principle under this Policy. This proposal accords with the Policy.

The second impact is that related to access considerations – i.e., whether the proposal would have unacceptable and/or unsafe access impacts. Local Plan Policy 29(9) says that developments should provide safe and suitable access for all users. The Board will know too that the NPPF says that refusals on highway grounds should only be based on unacceptable impacts on highway safety or on severe residual cumulative impacts to the local highway network. It is highly significant that there is a “fall-back” position here as already outlined and that the office permission included use of the existing western access. As above, an extended family occupying the premises too would use the same access. The applicant also points out that not all of the residents may own or use a car. Whilst that may or not be the case, the issue for the Board is to assess to what extent an increased use of the access as a consequence of three extra vehicles would have on highway safety or on the local highway capacity. It is considered that there is no evidence to demonstrate a significant adverse impact. The objectors have indicated additional on-street parking, but that has not been shown to be causing an adverse impact; there is no accident data to confirm an adverse impact and the County Council as Highway Authority has not raised it as a significant or evidenced objection.

The third impact to review is the parking provision. Local Plan policy LP29(9) encourages sustainable forms of transport focussing on pedestrian access and the provision of bike facilities. Policy LP34 says that “adequate vehicle parking provision commensurate to a proposed development will be expected as guided by the standards in the Document “Parking Standards. Greater emphasis will be placed on parking provision in areas not served by public transport, whilst lower provision in the main towns may be appropriate”. It is acknowledged that the provision of on-site secure cycle provision would accord with Policy LP29(9) and is a benefit of the proposal. In respect of parking provision then the Board will be aware that there is no HMO parking standard or guidance set out in its Document. Two spaces are recommended for residential accommodation. There is thus no planning policy or adopted guidance to advise on this matter. As a consequence, the provision that should be expected here is a matter for discussion. Given the lack of alternative modes of transport to reasonably use on a daily basis and the lack of local facilities, then the suggestion that there be one space per bedroom is understandable. It would also accord in general terms with the approach set out in Policy LP34 about proportionate provision. The applicant had referred to standards in other Districts which would result in five spaces being needed. This is a useful start, but these standards are taken from urban Authorities, not from a rural Authority. The proportionate approach in LP34 indicates that this should perhaps therefore be taken as a starting point as a minimum provision. The proposal shows that seven spaces can be provided on-site (five for the HMO and two for number 29). The Highway Authority has not objected to the layout accommodating this provision. The

issue is thus whether this number should be increased and that any increase could be accommodated with a “safe” layout and/or minor accessway improvements. Policy LP34 suggests that it should. However, the fall-back positions described earlier in the report, together with the fact that an HMO has already been operating here for some time and the fact that whilst on-street car parking is not to be advocated, it is permissible here and other neighbouring occupiers can also do so, suggests that there is the potential for a compromise here. The recommendation below allows for this to be followed through.

The final issue is potential impact on the residential amenity of neighbouring occupiers. Local Plan Policy LP29(6) says that developments should “avoid and address unacceptable impacts upon neighbouring amenities through overlooking and noise” amongst others. Overlooking and loss of privacy are not considered to be an issue here given that this a large nine-bedroom house which could be fully occupied by a large or extended family. There is little material difference between this lawful use and that proposed. There has been reference to noise and anti-social behaviour. It is noticeable that there has been no direct evidence submitted from the Environmental Health Officer, the Police or other Agency to support a refusal on this basis. Moreover, noise and anti-social behaviour can arise from the lawful use of the property as a dwelling house and indeed from any other neighbouring property. There is no justification here for a refusal based on unacceptable impacts to residential amenity. The Board determines the application based on the proposed land-use, not who might occupy the premises.

### **c) Conclusion**

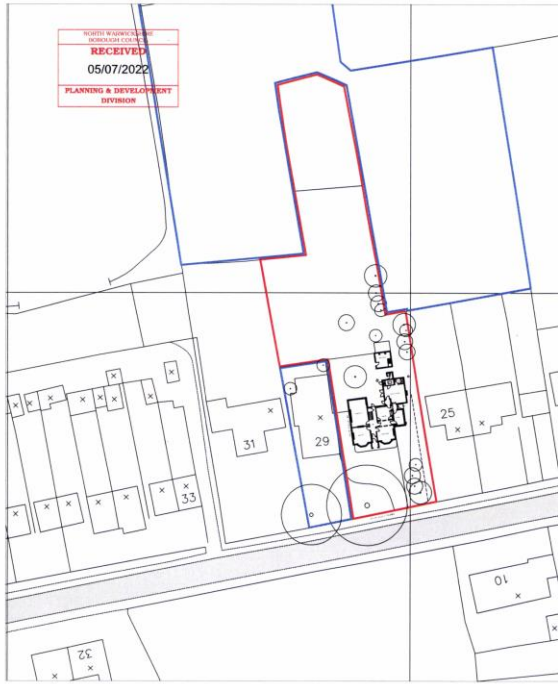
This has been a lengthy assessment of the planning issues involved with this case. The Board is reminded that the main issue here is not whether an HMO is acceptable in this location as a matter of principle. It is, by virtue of the “fall-back” position. The issue is thus whether the increase from a six to a nine-bedroom HMO would cause adverse impacts to such a degree that they do not accord with the planning policies of the Development Plan. The only impact that might cause an adverse impact is the issue of additional on-site car parking provision because of the proportionate approach taken in Policy LP34. In this case, Members will have noted that the application site is large and presently the parking provision is located at the front. It is considered that there may be scope to explore the possibility of providing additional provision at the rear. This may not be able to accommodate eleven spaces all together - nine for the HMO and two for the house – but there is the possibility of providing more than the present seven.

### **Recommendation**

- a) That determination be deferred in order that the Board visits the site in order to explore the possibility of providing additional on-site car parking space.
- b) That should an amended plan be submitted as a consequence of this visit, re-consultation takes place and the matter is then referred back to the Board for determination.

APPENDIX A

PAP/2022/0353



Block Plan 1:500



Location Plan 1:1250



Heath House - Whitacre Heath  
Proposed Change of Use  
Block Plan & Location Plan

Project/Site Ref: 1745 Date: June 2022  
Drawing Scale: as noted Drawing No: 1745-01 Rev:

APPENDIX B



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Based on Block Plan (2461/19) provided by Space M Studio  
R097 September 2022

PROJECT HEATH HOUSE 27 BIRMINGHAM ROAD		
CLIENT SPACE M STUDIO		
PROJECT NO. 22130	DRAWING NUMBER 01	SHEET A17 REF. 1:250
SHEET NUMBER SHEET NUMBER 1 OF 1		
<b>HighgateTransportation</b> www.highgatetransportation.co.uk 100, Southwell Rd, Epsom, Surrey Middlesex TW20 2JL 0181 848 011 © Highgate Transportation Limited		
TITLE PROPOSED CAR PARKING ARRANGEMENT		
DATE 30.09.2022	DESIGNED BY FB	DRAWN BY DC

Highgate *Transportation*

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**Technical Note**

PROJECT: Heath House Change of Use to HMO, 27 Birmingham Road, Whitacre Heath

REPORT: 22130/TN/01 – Response to Warwickshire County Council Highway Officer's Consultation Response (planning reference: PAP/2022/0353)

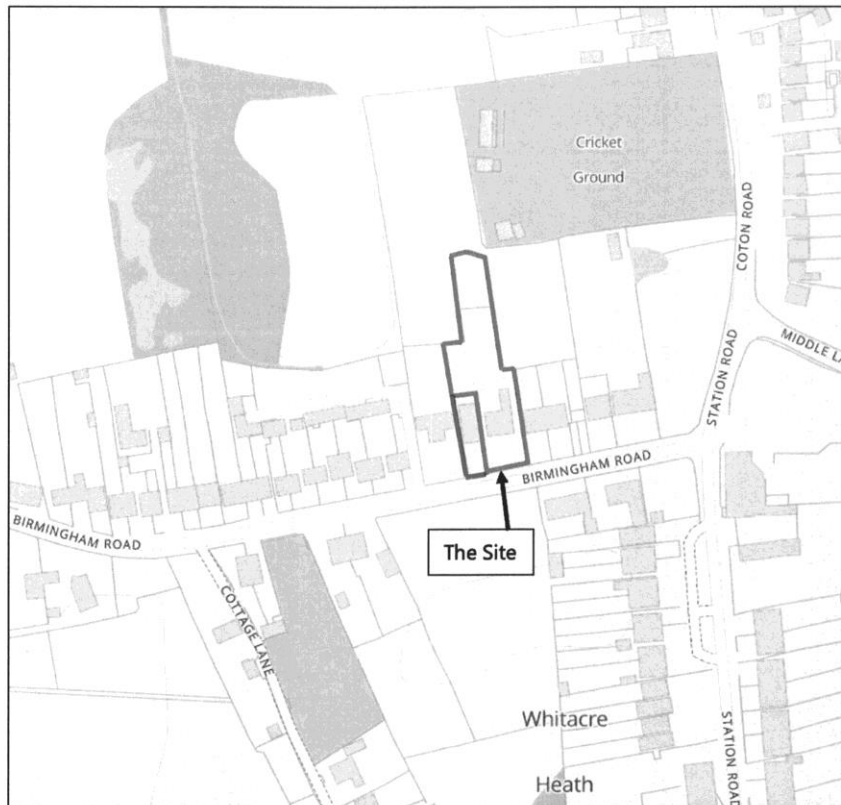
DATE: October 2022

- 
1. This Technical Note (22130/TN/01) has been prepared by Highgate Transportation (HTp) to support the planning application (reference: PAP/2022/0353) for the change of use of Heath House, 27 Birmingham Road, from a C3 dwelling to 'Sui Generis' House in Multiple Occupation (HMO) with nine single occupancy bedrooms.
  2. Warwickshire County Council (WCC) highway consultation response, dated 12<sup>th</sup> September 2022 (see **Appendix 1**), raised an objection to the proposed change of use on highway grounds, based upon the following concerns:
    - i. No details are provided regarding parking provision on site
    - ii. It is unclear how many spaces are/could be provided and how the various spaces would affect each other/the other dwelling on site (number 29)
    - iii. One parking space should be provided per bedroom (total requirement of nine spaces) – it does not appear that nine spaces would be achievable on site
    - iv. Captive parking may be required which would not be supported as it can lead to unnecessary movements, increased demand for on-street parking, and it is unclear how captive parking would work with what are essentially separate households
    - v. Pedestrian visibility is restricted
    - vi. The development would intensify the use of the access
    - vii. The bin collection point shown on the footway would not be supported – bins should not be stored on the footway as they create an obstruction
  3. This report will confirm that the officer's concerns have been addressed and that there is no highway and transportation reason why the application should not be approved.

**Background**

4. The property currently benefits from nine bedrooms and **Figure 1** shows the location of the at 27 Birmingham Road, Whitacre Heath, Warwickshire B46 2ET.

Figure 1 – Site location



5. The site is in a sustainable location in terms of its proximity to employment opportunities at Lea Marston, around 2.5km west of the site, which equates to a cycle time of around eight minutes based upon an average cycle speed of 320 metres per minute (source: Department for Transport's Local Transport Note 1/20 (LTN/12) 'Cycle Infrastructure Design').
6. The site is also located close to local commercial and employment centres in and around Coleshill, around 4.0km southwest of the site, which are also within cycling distance (13 minutes).
7. Coleshill Parkway, the local railway station provides regular services to Cambridge, Birmingham New Street, and Leicester as well as a less frequent service to Gloucester and is located around 4.0km south-west of the site, well within an appropriate cycle distance (13 minutes).
8. Birmingham Road is around 5.5 metres wide, subject to a speed limit of 30mph and is lit with footways of up to around 2.0 metres wide to either side. A verge of around 1.0 metres wide is provided at the rear of the footway along the site boundary.



9. Birmingham Road is not subject to any waiting restrictions, and it was noted that on-street car parking activities currently occur on Birmingham Road (see **Photograph 1**), which acts as informal traffic calming measures and assists in controlling vehicle speeds.
10. The highway boundary plan is provided at **Appendix 2**, and from this it is clear that the carriageway, footway and verge are public highway.

**Photograph 1 – Existing on-street parking activities on Birmingham Road**



11. The site has two points of access from Birmingham Road, which are not proposed to be altered as part of the application scheme. The western access serves as the main site access to the frontage of 27 and 29 Birmingham Road (also owned by the applicant, who uses 29 as their weekly residence), and the eastern access provides a traditional driveway, which also provides rear garden access for maintenance. The accesses are shown in **Photographs 2 and 3**, respectively.

Photograph 2 – Western site access



Photograph 3 – Eastern site access



12. As set out in **paragraph 8**, a highway verge is provided on the northern side of Birmingham Road between the footway and the property boundary (see **Photograph 4**), which is currently used as a collection point for refuse and recycling on bin collection day at the access, facilitating the Council's operatives to collect from the kerbside.

**Photograph 4 – Existing highway verge**

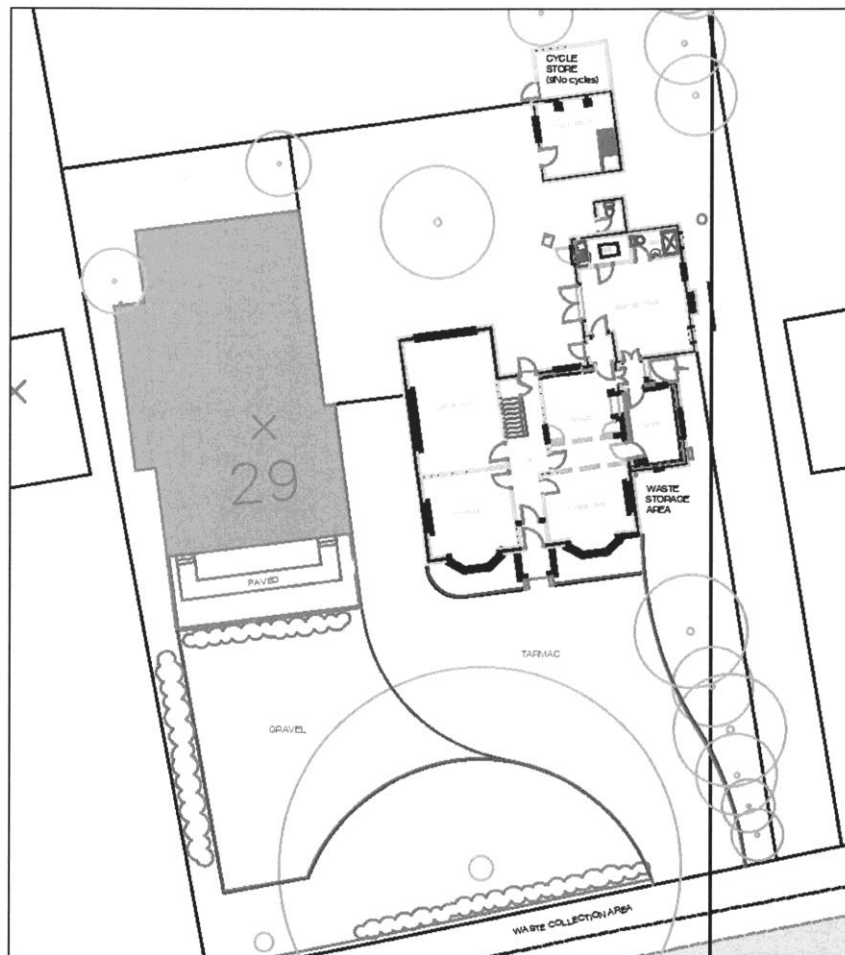


13. Personal Injury Accident data for the period January 2016 and December 2020 obtained from the CrashMap Pro database (see **Appendix 3**), for a radius of 200-metres from the site, confirms that no road traffic accidents have been recorded on Birmingham Road during this time period.
14. It is therefore concluded that there are no underlying road safety issues on the local highway network, which would be exacerbated by the proposed development.
15. It can be noted that previously, 27 Birmingham Road operated as an eight and nine-bedroom HMO under license from the local authority with no issues and car ownership has been confirmed as less than one car per resident. This is common to HMO properties and HTP has experience with HMO car ownership ranging from zero to 0.5 per bedroom i.e. more than half of the occupants usually do not own a car. Furthermore, there is no evidence that car parking activities associated with the nine-bedroom HMO created over-spill parking on the adopted public highway and given the accident records reviewed there was no impact of the HMO on highway safety.

**Application Proposals**

16. The application is for the change the use of number 27 Birmingham Road to provide an HMO with nine single occupancy bedrooms. The property will benefit from five off- street car parking spaces together with nine secure, covered cycle parking spaces. The applicant proposes to provide each tenant with a pedal cycle.
17. An extract of the Architect's block plan is shown in **Figure 2** (planning drawing pack contained at **Appendix 4**).

**Figure 2 – The Architect's submitted block plan**



18. From this plan (and those contained at **Appendix 4**), it can be seen that:
  - i. There are two site accesses
  - ii. Waste storage area is located along the side of number 27
  - iii. Cycle parking to be provided in an existing outbuilding to the rear, with side access
  - iv. Parking area is shown as per the existing arrangement, which includes the area in front of number 29
19. The North Warwickshire Local Plan 2021 provides a summary of the authority's adopted car parking standards. A review of the document confirms that there are currently no adopted car parking standards for either an HMO or for the 'Sui Generis' land use.
20. It is noted that adopted policy only requires two car parking spaces for a single residential dwelling.
21. However, it should be noted that the existing off-street car parking provision has not previously been identified as an issue, including during the period when the property was licensed and operating as an eight/nine-bedroom HMO.
22. Similarly, the authority does not have adopted cycle parking standard for either HMOs or the 'Sui Generis' land use. Notwithstanding this, it is proposed that nine secure, enclosed cycle spaces are provided within the curtilage of number 27 Birmingham Road, together with free cycle provision for all tenants. This could be secured via a planning condition.
23. It is considered that secure, enclosed cycle parking, together with free cycle provision, will encourage future tenants to travel by this sustainable mode of transport and therefore be less reliant on the private car (and hence ownership).

#### **Consultation and Local policy**

24. During a telephone conversation with the WCC highway officer on Tuesday 27<sup>th</sup> September 2022, it was confirmed that the requirement for nine off-street car parking spaces has no basis in terms of the adopted parking standards and that the initial approach to apply a maximum standard of one space per bedroom is not supported by surrounding local authorities.
25. Therefore, the request to provide nine off-street car parking spaces is clearly not a policy-based requirement and it is considered that a refusal on the grounds of insufficient off-street car parking provision could not be sustained at an appeal.
26. North Warwickshire Local Plan 2021 Policy LP29 'Development Considerations' confirms that development should:
  - i. *Encourage sustainable forms of transport focusing on pedestrian access and provision of bike facilities*
  - ii. *Provide safe and suitable access for all users*
27. Policy LP34 'Parking' states:

*"Adequate vehicle parking provision commensurate to a proposed development will be expected, as guided by the standards in the Parking Standards."*

28. Furthermore, it is noted that on 25<sup>th</sup> July 2019, WCC declared a climate emergency pledging to halve carbon emissions by 2030 and reach net-zero emissions in the 2040s or sooner. Given this, requesting nine off-street car parking spaces is contrary to the stated aims of WCC climate emergency.
29. It is therefore concluded that the proposed change of use of number 27 Birmingham Road to a nine-bedroomed HMO is in line with NWBCs policies.

**Adopted HMO Car Parking Standards - Neighbouring Authorities**

30. The following neighbouring authorities have adopted car parking standards for HMOs:
- i. Nuneaton and Bedworth Borough Council
  - ii. Warwick District Council
31. Adopted car and cycle parking standards for neighbouring authorities are summarised in **Table 1**.

**Table 1 – Neighbouring Authorities Adopted HMO Car and Cycle Parking Standards**

Authority	Car Parking Standard	Cycle Parking Standard
Nuneaton and Bedworth Borough Council (6 people or fewer)	0.5 spaces per bedroom	1 secure space per bedroom
Warwick District Council	1 space per 2 bedrooms	1 space per 2 bedrooms

32. It is therefore evident that none of the neighbouring authorities require off-street car parking provision at a ratio of one space per bedroom, instead specifying 0.5 spaces per bedroom.
33. Applying this ratio to the proposed nine-bedroom HMO results in a requirement for up to  $[9/0.5=]$  five car parking spaces on site.
34. With regard to cycle parking, it can be seen that the proposed provision of nine secure, enclosed cycle parking spaces is both acceptable and appropriate and that the applicant's proposal to provide tenants with access to a cycle assists in the councils net zero commitments.

**Quantification of On-Site Car parking**

35. During a visit to the application site, on Tuesday 27<sup>th</sup> September 2022, it was acknowledged that four cars were parked within the site frontage of 27 and 29 Birmingham Road, all of which could be manoeuvred independently of one another such that they could enter the adopted public highway in a forward gear.
36. It was also noted that there was additional capacity within the site to safely accommodate another two cars in this area, with another car parked off the separate driveway access i.e., a total of seven car parking spaces (see **Figure 3** and plan contained at **Appendix 5**).

Figure 3 – Existing car parking layout on site



37. The existing provision for seven cars to park within the site, without reliance on 'crush' parking demonstrates that the site is suitable for the proposed HMO use.
38. It is proposed that the parking spaces are unallocated, and it can be confirmed that there is sufficient space within the site accommodate the required parking for both 27 and 29 Birmingham Road. Swept path analysis has been carried out and is also contained at **Appendix 5**, this demonstrates that the existing layout is appropriate and is acceptable in highway safety terms.

**Over-Spill Parking**

39. Given that five parking spaces for 27 Birmingham Road can be provided without crush parking, there is no evidence that over-spill parking onto the local highway network will occur.
40. Furthermore, as the local highway network is unrestricted in the vicinity of the site, short-stay visitor parking may occur on the local highway network without detriment to local highway safety, which is as per the existing situation for adjacent properties.

**Intensification of Use at the Access**

41. Given that the increase in car ownership between a six-bedroom HMO (which the planning officer has confirmed could be implemented without requiring planning permission) and a nine-bedroom HMO is limited, with car parking standards requiring up to only an additional two parking spaces, intensification of use in motorised vehicle movements at the access will be so low and to be insignificant i.e. one arrival and one departure per day from the main access, and from the adjacent access.
42. **Paragraphs 5 and 6** confirm that the site is within a sustainable location, close to employment opportunities in Lea Marston, local commercial and employment centres in and around Coleshill, and the local railway station, Coleshill Parkway.

43. The local highway network offers opportunities to access local amenities and facilities by foot and the provision of nine secure, covered cycle parking spaces, plus the offer of providing a pedal cycle for each tenant, encourages travel by sustainable modes of transport.

**Pedestrian Visibility**

44. Pedestrian inter-visibility at the site access has been reviewed and is set out on the plan contained at **Appendix 6**. This confirms that pedestrian visibility of 2.4 metres by 2.4 metres measured from and along the rear of the highway boundary can be provided. The vegetation can be cut back to improve the inter-visibility.
45. It is therefore concluded that a motor vehicle exiting the site accesses will not conflict with vulnerable users on the footway.

**Strategy for the Storage and Collection of Refuse and Recycling**

46. Refuse and recycling storage for a typical dwelling can be summarised as:
- i. 140-litre black wheeled bin (residual/non- recyclable waste)
  - ii. 23-litre kerbside caddy (food waste)
  - iii. 55-litre (2No.) recycling boxes (dry recycling)
47. It is proposed to provide refuse and recycling storage for twice this amount for the HMO. It is noted that the 140-litre black wheeled bin is collected fortnightly and therefore must be taken into account when considering the volume of refuse and recycling to be stored and collected.
48. Government data from 2019 sets out figures of 392kg residual refuse to landfill per capita annually from households [392/52 = 7.54kg per week], and in addition to this a combined recycling rate of up to around 50% [7.54kg/2 = 3.77kg per week].
49. This is equivalent to around [7.54+3.77 =] 11.31kg of refuse and recycling per week and therefore suggests that the average person would produce up to around 45 litres of refuse and recycling per fortnight, based on a 1:2 ratio of weight to volume [11.31x2x2].
50. Based on a six-person, six-bedroom HMO, this would be [6x45 =] 270 litres fortnightly and for a nine-person, nine-bedroom HMO [9x45 =] 405 litres fortnightly.
51. Therefore, there is an additional [405 – 270 =] 135 litres of refuse/recycling likely to be generated fortnightly by the nine-person HMO i.e., less than the equivalent of a 140-litre black wheelie bin. This is not considered to be a significant increase.
52. Refuse and recycling will be stored appropriately within the curtilage of the site and placed out onto the verge along the site frontage on collection day as per the existing situation and ensures that bins are not obstructing pedestrian movement along on the footway.



53. It will be the responsibility of future tenants to transport bins, bags, and caddies to the highway verge on collection day to allow the authority's operatives to collect from the kerbside.
54. It is therefore concluded that a suitable strategy for the storage and collection of refuse and recycling has been demonstrated, which does not obstruct the footway and is not a significant intensification over the current situation or previous eight/nine-bedroom HMO status.

**Travel Plan Type Measures**

55. It is acknowledged that adopting travel plan type measures will encourage future tenants to travel by sustainable modes of transport.
56. It is therefore proposed that a welcome pack be provided to each tenant, which will include details of:
  - i. The health benefits of walking and cycling
  - ii. Details of local walking and cycling routes
  - iii. Details of the tenants allocated cycle provision, storage, and security arrangements
  - iv. The location of the nearest railway station, together with information relating to the routes and frequency of services and details of ticketing
  - v. How tenants can car share with one another and/or join a local car sharing group
  - vi. Local taxi firms
  - vii. The benefits of working from home
  - viii. Supermarket home delivery services
57. It is considered that the provision of a cycle per resident is an effective travel plan measure to promote and encourage sustainable travel for tenants of the HMO.

**Conclusion**

58. This Technical Note has been provided to address the highway officer's comments raised in their consultation response dated 12<sup>th</sup> September 2022, and confirms that:
  - i. The existing on site car parking can be summarised as seven spaces, to serve both 27 and 29 Birmingham Road.
  - ii. During discussions with the highway officer, it was confirmed that the requirement to provide nine off-street car parking spaces has no basis, which has been accepted by the highway officer. It is clear that a maximum of five parking spaces are required to serve the nine-bedroom HMO, and this can be accommodated on site without the need for captive parking.
  - iii. Over-spill parking is unlikely to occur by residents, given the car ownership profile of HMOs.
  - iv. Short-term visitor parking may occur on-street, as per the existing situation for adjacent properties, without detriment to local highway safety. In any event the local highway network is unrestricted.
  - v. The provision of nine secure, covered cycle parking spaces is appropriate and the provision of a cycle for each bedroom will encourage tenants to travel by this sustainable mode of transport.
  - vi. Appropriate pedestrian visibility can be provided.

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## Highgate *Transportation*

- vii. There will be no significant intensification of use in motor vehicle movements at the existing access. Local amenities, facilities, commercial and employment opportunities, and the local railway station are within walking/cycling distance of the site.
  - viii. There is an appropriate strategy for the storage and collection of refuse and recycling, which has been agreed with the highway officer.
  - ix. The provision of five car parking spaces, and nine cycle parking spaces in an enclosed and secure outbuilding is effective in supporting the Council's policy to promote sustainable transport and delivery of their 2030 zero carbon target.
59. This Technical Note has addressed each of the issues raised by the highway officer and demonstrates that the application proposals are acceptable in terms of transport development matters.
60. It is therefore concluded that is no highway and transportation reason why the application should not be approved.

## **Appendix 1**

Warwickshire County Council Highway Consultation Response

Your ref: PAP/2022/0353  
My ref: 220353



**Communities**

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**FAO: Ben Dowker / Jeff Brown**

12<sup>th</sup> September 2022

**PROPOSAL: Change of use from C3 Dwellinghouse to 'Sui generis' (Houses in multiple occupation) for 9 single occupancy units**  
**LOCATION: Heath House, 27 Birmingham Road, Whitacre Heath**

Warwickshire County Council, hereby known as the 'Highway Authority', has undertaken a full assessment, of the planning application, at the request of North Warwickshire Borough Council in its capacity as the Local Planning Authority.

No details are provided in regard to parking provisions on-site. Whilst it is noted that there may be some existing parking, it is unclear how many spaces are/could be provided and how the various spaces would affect each other/ the other dwelling on-site (No.29). 1 parking space should be provided per bedroom for a total requirement of 9 spaces, it does not appear that 9 spaces would be achievable on-site.

Captive parking may be required which would not be supported. Captive parking can result in unnecessary movements, increased demand for on-street parking and it is unclear how captive parking would work with what are essentially separate households. If someone has gone for a walk etc and has blocked in another resident, how would the other resident leave the site?

A site visit has not been possible however based on the available street view images it appears that pedestrian visibility is restricted. The development would intensify the use of the access so pedestrian visibility splays of 2.4 metres by 2.4 metres measured from and along the highway boundary should be provided.

A bin collection point is shown on the footway which would not be supported. Bins should not be stored on the footway to create an obstruction. A bin collection point should be provided on-site to ensure the footway is not obstructed.

Based on the appraisal of the development proposals and the supporting information in the planning application the Highway Authority submits a response of **OBJECTION**.

OFFICIAL

*Working for  
Warwickshire*

Yours sincerely

*Chris Lancett*

Chris Lancett  
Development Group

\*\*FOR INFORMATION ONLY\*\*  
COUNCILLOR JENNS – KINGSBURY

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## **Appendix 2**

### Highway Boundary Plan

Birmingham Road, Whitacre Heath



This plan has been produced in response to the enquiry referred to in the title address and should not be used for any other purpose, as its accuracy cannot be guaranteed. This plan is based on Ordnance Survey mapping and therefore only shows the general position of the boundaries, not their exact line. Vehicular rights cannot be assumed or implied from this plan. If roadside ditches are present, the legal presumption without evidence to the contrary is that these do not form part of the publicly maintainable highway. The highway boundaries depicted on this plan are based on currently available evidence. Whilst the County Council as highway authority believes the information to be correct it should be noted as a matter of highway law that only a Court can issue the definitive interpretation on matters of highway status and extent.



**Warwickshire**  
County Council  
Communities  
26 Sep 2022

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## **Appendix 3**

### Accident Data





## 22130 - Heath House Personal Injury Accident Data

### Area of Interest (AOI) Information

Area : 125,581.04 m<sup>2</sup>

Sept 23 2022 10:02:20 British Summer Time



Crashes  
○ Slight

1:4,504  
0 0.04 0.07 0.1 0.15 mi  
0 0.06 0.1 0.2 km  
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### Summary

Name	Count	Area(m <sup>2</sup> )	Length(m)
Crashes	0	N/A	N/A

Report produced from CrashMap Pro

## **Appendix 4**

Block Plan & Planning Drawing Pack

Do not scale this drawing. Figure dimensions only to be taken from this drawing. Contractor to check all dimensions on site prior to works commencing.

rev	description	by	date
-	-	-	-



# Block Plan 1:500

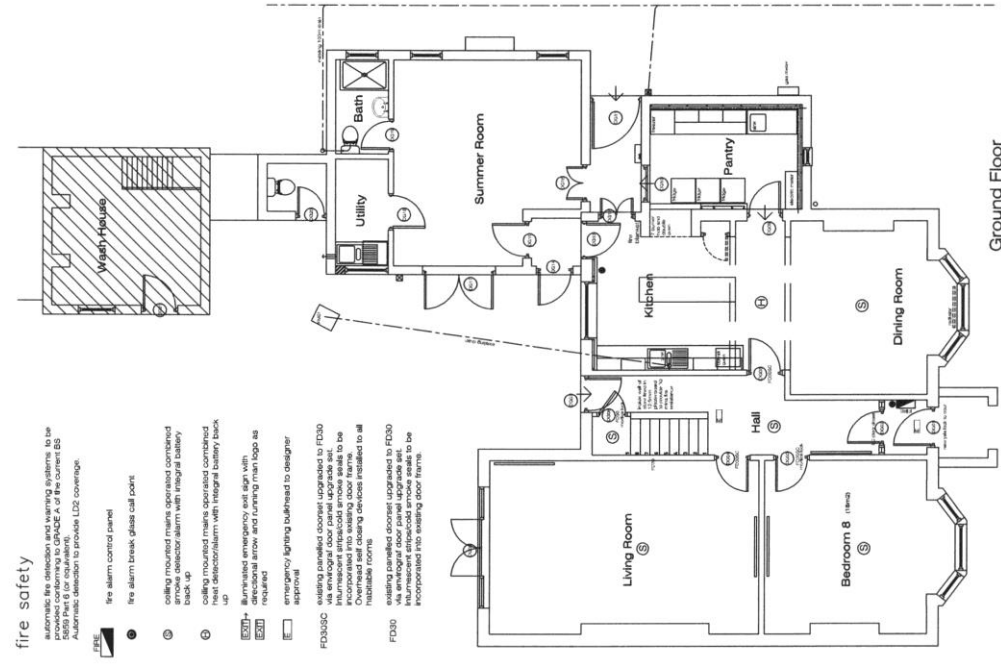
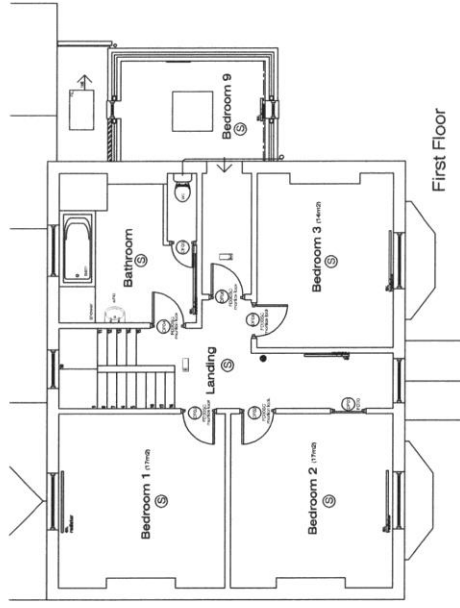
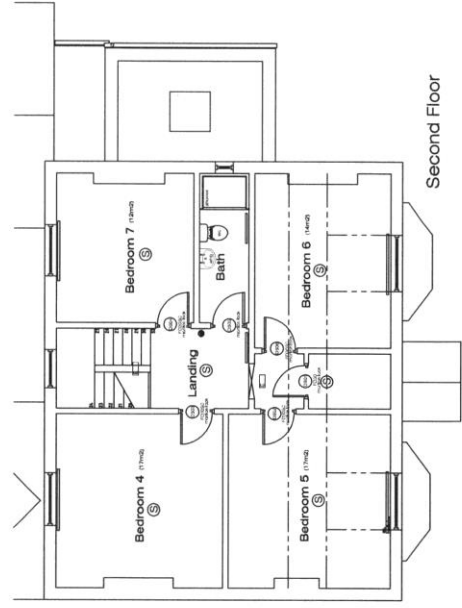
## Heath House - Whitacre Heath Proposed Change of Use Block Plan

Project/Site Ref. 1745      Date Sept 2022  
 Drawing Scale as noted      Drawing No. 1745-110      Rev.

PAP/2022/0353

City of Seattle, Department of Planning & Development, 3900 University Street, Seattle, WA 98106  
 Planning & Development, 3900 University Street, Seattle, WA 98106  
 Planning & Development, 3900 University Street, Seattle, WA 98106

RECEIVED  
 05/07/2022  
 PLANNING & DEVELOPMENT  
 DIVISION



fire safety

automatic fire detection and warning systems to be installed in accordance with the requirements of the current BS 5839 Part 6 for residential.  
 Automatic detection to provide LDZ coverage.

- fire alarm control panel
- fire alarm break glass call point
- calling mounted mains operated combined smoke detector alarm with integral battery back-up
- calling mounted mains operated combined fire alarm with integral battery back-up
- ESM+ illuminated emergency exit sign with directional arrow and running man logo as required
- emergency lighting bulkhead to designer approval
- FD300C existing panelled doors upgraded to FD300 via envelope door panel upgrade set to be incorporated into existing door frame.
- ESM+ illuminated emergency exit sign with directional arrow and running man logo as required
- emergency lighting bulkhead to designer approval
- FD300 existing panelled doors upgraded to FD300 via envelope door panel upgrade set to be incorporated into existing door frame.

Health House - Whitacre Heath  
 Proposed Change of Use  
 Building Plans  
 Project Date: 17/02/2022  
 Drawing No: 1714-02  
 Date: June 2022  
 Drawing No: 1714-02

## **Appendix 5**

### Parking Layout & Swept Path Analysis

NOTES	
All rights reserved and database rights 2022 TIS Licence 100056454 Based on Block Plus 1245/110 provided by Space M Studio 30th September 2022.	
REVISION	REASON FOR REVISION



PROJECT		HEATH HOUSE 27 BIRMINGHAM ROAD	
CLIENT		SPACE M STUDIO	
PROJECT REF	DRAWING NUMBER	SCALE (A3)	SCALE (A4)
22130	01	1:250	1:250
SHEET NUMBER			
SHEET NUMBER 1 OF 1			
SCALE BAR			
0m 5m 10m			
HighgateTransportation			
www.highgatetransportation.co.uk			
First Floor, 43-45 Park Street Birmingham, B3 2AB 0121 944 311			
© Highgate Transportation Limited			
TITLE		PROPOSED CAR PARKING ARRANGEMENT	
DATE	DRAWN BY	FB	CHECKED
30.09.2022			DC

NOTES: Copyright and database rights ©2022 US license 100026444

Vehicle Model Plus 1 (M11) provided by Space M Studio 30th September 2022

SDV

Width 1800 mm  
Track 1500 mm  
Wheelbase 2900 mm  
Steering Angle 37.8

SCALE	PROPORTION	IN	SCALE



PROJECT:	HEATH HOUSE 27 BIRMINGHAM ROAD		
CLIENT:	SPACE M STUDIO		
PROJECT REF:	DRAWING NUMBER:	SCALE (A1/A2):	DATE:
22130	TR01	1:200	1,200
SHEET NUMBER: SHEET NUMBER 1 OF 1			
SCALE BAR: 0m, 5m, 10m			
<b>HighgateTransportation</b> www.highgatetransportation.co.uk First Floor, 43-45 Park Street Birmingham, B3 2PB 0121 633 3333 © Highgate Transportation Limited			
TITLE:	PROPOSED CAR PARKING ARRANGEMENT - SPA		
DATE:	DRAWN BY:	FB	CHECKED BY:
30.09.2022	FB		DC



## **Appendix 6**

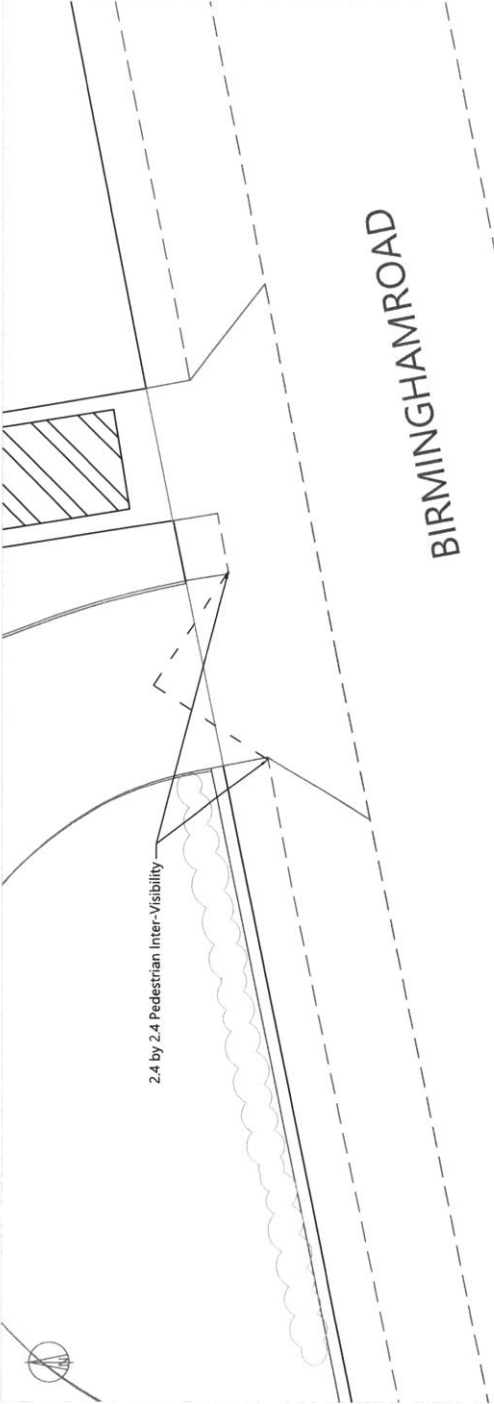
### Pedestrian Inter-Visibility

NOTES

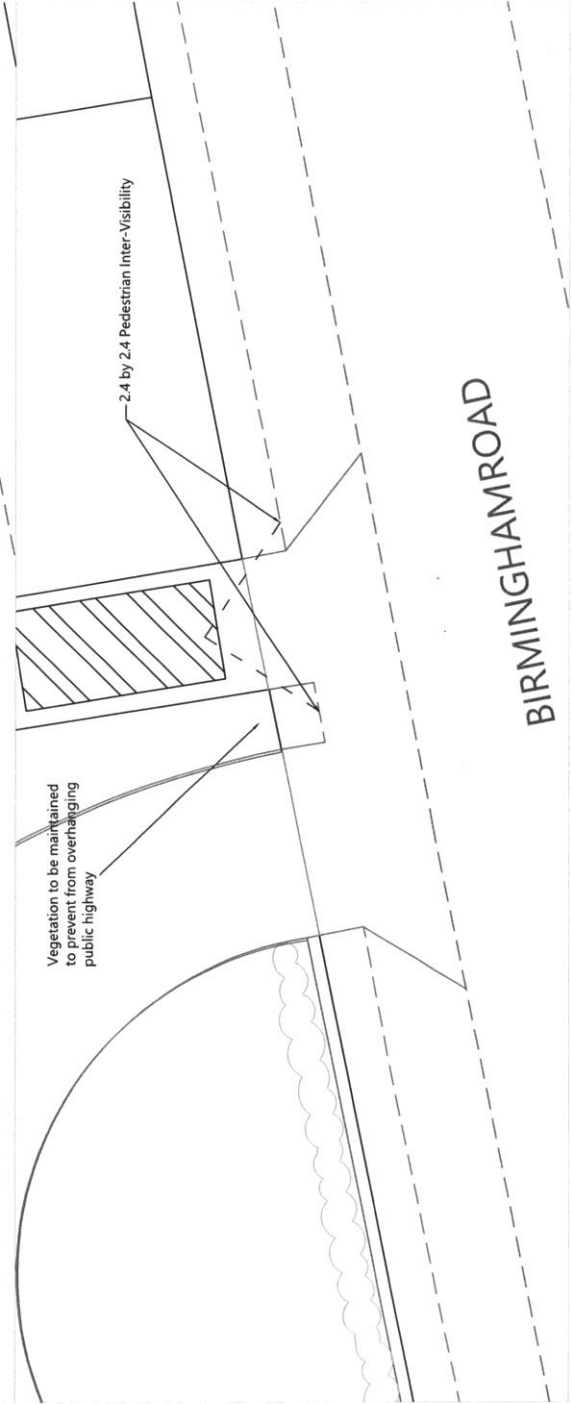
Copyright and database rights 2022 OS Licence 100084414

Based on Data Plus 1:50,000 provided by Space M Studio 30th September 2022.

NO.	REVISIONS	BY	DATE



PROJECT:	HEATH HOUSE 27 BIRMINGHAM ROAD	
CLIENT:	SPACE M STUDIO	
PROJECT NO:	DRAWING NUMBER:	SCALE (A1/A2):
22130	02	1:100
SHEET NUMBER: SHEET NUMBER 1 OF 1		
SCALE BAR 0m 5m		
<b>HighgateTransportation</b> <a href="http://www.highgatetransportation.co.uk">www.highgatetransportation.co.uk</a> First Floor, 43 Park Street, Bristol BS1 2NL, United Kingdom © Highgate Transportation Limited		
TITLE:	PROPOSED CAR PARKING ARRANGEMENT	
DATE:	DRAWN BY:	CHECKED BY:
30.09.2022	FB	DC



Your ref: PAP/2022/0353  
My ref: 220353



**Communities**

PO Box 43  
Shire Hall  
Warwick  
CV34 4SX

**Tel: (01926) 412359**

chrislancett@warwickshire.gov.uk  
www.warwickshire.gov.uk

Mr J Brown BA Dip TP MRTPI  
Head of Development Control Service  
The Council House  
South Street  
Atherstone  
CV9 1DE

**FAO: Ben Dowker / Jeff Brown**

12<sup>th</sup> September 2022

**PROPOSAL: Change of use from C3 Dwellinghouse to 'Sui generis' (Houses in multiple occupation) for 9 single occupancy units**  
**LOCATION: Heath House, 27 Birmingham Road, Whitacre Heath**

Warwickshire County Council, hereby known as the 'Highway Authority', has undertaken a full assessment, of the planning application, at the request of North Warwickshire Borough Council in its capacity as the Local Planning Authority.

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OFFICIAL

*Working for  
Warwickshire*

---

Yours sincerely

*Chris Lancett*

Chris Lancett  
Development Group

\*\*FOR INFORMATION ONLY\*\*  
COUNCILLOR JENNS – KINGSBURY

OFFICIAL

**Jeff Brown**

**From:** Chris Lancett <chrislancett@warwickshire.gov.uk>  
**Sent:** 14 October 2022 14:56  
**To:** Andrew Collinson  
**Cc:** Jeff Brown  
**Subject:** Re: PAP/2022/0353 - Heath House

OFFICIAL

Hi Andrew,

Thanks for that.

I have had a more detailed look and have the following comments:

When speaking on the phone to them prior to the amended info I had indicated that less than 1 space could be acceptable however would need justification of why it would be acceptable to be submitted.

Based on the attached details the Highway Authority does not agree with the statement that the site is located in a sustainable location. It is stated that the site is within acceptable cycling distance however even if the distance is acceptable the routes to any locations must also be considered. The locations stated i.e. Hams Hall, Coleshill Parkway would all require cyclists to cycle on carriageway on 50/60mph roads which is not considered as suitable. Where no off-carriageway provision is provided cycling is unlikely due to the speeds of the roads, even experienced cyclists may be unlikely to cycle on the surrounding roads.

No reference has been made to other methods (walking/ buses) however these are both lacking as well. There are no bus stops in Whitacre Heath, and it doesn't appear to be located within acceptable walking distance of amenities, work etc.

As it has not been suitably demonstrated that the site is in a sustainable location with good links to alternate methods of transport it is likely that any future residents would require the use of a car. It is therefore maintained that at least 1 space per unit is provided and there does appear to be room on-site for this to be provided if the access/layout is amended slightly.

It is not suitable to rely on the public highway to accommodate any potential increased demand for on-street parking, particularly as it is unclear if there would be any capacity for an increased demand. It is also noted that existing parking is half on half off the footway so any increased parking will likely be the same which is not ideal.

Whilst the previous experience of the consultant of HMOs is that not all residents have a car, more often than not HMOs are located within town centres with good links to multiple different methods of sustainable travel, a car is therefore not required. There are no sustainable methods of travel in the location so a car would be a necessity.

It is also noted that HMOs can be used by workers on temporary contracts etc where all residents would arrive in their own cars and go to work on-site in one car leaving the remaining vehicles at the HMO, for example in this location could accommodate HS2 workers.

Regards,  
Chris

**Chris Lancett GradCIHT**  
Development Management Engineer  
Planning Delivery  
Communities  
Warwickshire County Council

Tel: 01926 412 359  
Email: [Chrislancett@warwickshire.gov.uk](mailto:Chrislancett@warwickshire.gov.uk)

## **General Development Applications**

**(6/i) Application No: PAP/2021/0638**

**Fox And Dogs Inn, Orton Road, Warton, Tamworth, B79 0HT**

**Demolition of existing public house and construction of three dwellings, for**

**Mr Karl Maughan - Stronghold Homes**

### **Introduction**

### **Introduction**

The application is reported to the Planning and Development Board because of the reference to a Section 106 Agreement.

### **The Site**

The application site extends to some 0.13 hectares and comprises the vacant Fox and Dogs Public House and garden to the southern side of Orton Road within the village of Warton. The Fox and Dogs Inn lies within a residential setting, surrounded by dwellings to all directions and lies within the development boundary for Warton, as identified within the 2021 North Warwickshire Local Plan.

### **Background**

Planning permission was secured in 2019 for the erection of 9 dwellings on the former car park serving the public house and paddock land to the south, reference PAP/2018/0536. The permission also relocated the car park to an area behind the pub. This permission has been subject to an amendment, PAP/2021/0368, permitting minor changes to the approved layout, and work is underway.

Planning permission was secured last year to convert the public house into a single residential unit, reference PAP/2021/0226.

### **The Proposal**

Planning permission is sought to demolish the existing public house and construct three, two-storey detached dwellings.

Initially a new access was proposed onto Orton Road, serving two link-detached dwellings. A third unit was to be provided to the rear, facing the new access road. Following design and highway-safety related concerns raised by the case officer and the highway authority, an amended plan was submitted and this is the one to be determined. It's illustrated below.

As shown, a single plot is now proposed fronting Orton Road (Plot A). It would have a primary frontage onto Orton Road with the remaining two orientated to face the internal road network approved under the 2019 consent – all new dwellings will make use of the approved access arrangements with the formerley proposed new access now

removed. Gardens will be laid out to the rear of plots B and C and to the side of Plot A, a plot which contains a brick wall extending across its frontage to provide boundary demarcation. Each property will benefit from a single garage to the rear and off-road parking laid out in a tandem arrangement.



Site Plan

## **Development Plan**

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Amount of Development), LP7 (Housing Development), LP8 (Windfall), LP9 (Affordable Housing Provision), LP14 (Landscape), LP16 (Natural Environment), LP17 (Green Infrastructure), LP21 (Services and Facilities), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

## **Other Relevant Material Considerations**

National Planning Policy Framework 2021 – (the “NPPF”)

Planning Practice Guidance (NPPG)

The National Design Guide

The Community Infrastructure Levy Regulations 2010, as amended

## **Consultations**

Warwickshire County Council as the Highway Authority - No objection to the amended proposals, subject to conditions

Environmental Health Officer – No objection subject to conditions.

Housing Officer - Confirms that any financial contribution would be used towards the provision of affordable housing.

## **Representations**

In respect of the initial scheme, four representations were received, all objecting. The comments are provided below:

- The parking provision is unclear
- Entrance very close to other accesses
- New development should join the road being built to serve the Fox and Dogs estate
- Warton has seen too much development in recent years, and we have concerns relating to infrastructure impacts of this new development
- Roads have not been cleaned
- Demolition has already started
- Total of 12 dwellings and no affordable housing or contributions
- Link-detached dwellings not in keeping

All comments are considered to be addressed within the subsequent sections of this report.

No further comments have been received in respect of the amended scheme.

## **Observations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, in this instance the 2021 North Warwickshire Local Plan (NWLP), unless material considerations indicate otherwise.

### **a) Principle of development**

The application site is located within the defined development boundary for Warton. NWLP policy LP2 states that in category 1 to 4 settlements – Warton is a category 4 settlement – development within development boundaries will be supported in principle.

As the proposal involves the loss of the Public House, Local Plan policy LP21 is applicable here, affirming that loss of existing services and facilities contributing to the functioning of a settlement will only be supported if a series of tests are met. Those tests were the subject of scrutiny under the recent application to convert the premises to residential use. As a consequence, the planning permission was granted, and the loss



of the public house was thus acknowledged. This permission is still extant and thus is a material planning consideration of substantial weight in the determination of this current application.

Having regard to the above, the principle of development is accepted.

### **b) Affordable housing provision**

Officers consider that the application site represents a fragmented part of a wider, larger site which includes the adjoining development for nine units currently under construction. The combined, larger site would total twelve units and, as such, it is considered that the provisions of Local Plan policy LP9 should apply here.

Under LP9, the on-site affordable housing requirement for major residential developments (defined as those which seek consent for 10 or more dwellings) is 30%. There was thus no provision for on-site or an off-site contribution in lieu, connected to the nine units now under construction. As indicated above, the current site is not considered to be a separate planning unit, but part of the larger 9-unit development – the same access is used for instance. When treated together, the development would be for twelve units requiring four affordable units under LP9. That cannot be provided on the current site and thus an off-site contribution of £60,000 has been offered in lieu. justified with the provision of viability information. No further contributions are being sought.

LP9 sets out that off-site contributions may be considered if three tests are met. The first two necessitate that there must be clear evidence to support affordable provision elsewhere and that the provision is capable of being delivered. NWBC's housing officer has been consulted on the off-site contribution and confirms that the funds could be used towards an affordable scheme.

In respect of the third test, whilst the £60,000 figure is below the equivalent 'cost to the developer' for on-site provision, scheme viability has dictated the level of provision presented here. This is accepted by the Council.

In order to secure the payment of this off-site contribution, a planning obligation under Section 106 of the Town and Country Planning Act 1990 is to be agreed between the developer/landowner and North Warwickshire Borough Council. Officers consider the planning obligation to be directly related and necessary to make the development acceptable, as well as fair and reasonably related to its scale and kind. As such, the obligation is considered compliant with the three statutory tests set out under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as amended.

### **c) Design**

The NPPF identifies that good design is a vital component of sustainable development, setting out that proposals which are poorly designed and fail reflect local design policies and government guidance should be refused (p134).

Local Plan policy LP1 declares that all development must demonstrate a high quality of sustainable design with Policy LP30 requiring all development to both respect and reflect the existing pattern, character and appearance of its setting, and ensure that all elements of a proposal harmonise with the immediate and wider setting.

The public house building has a degree of heritage interest given its age, but is neither listed, locally listed or of sufficient merit to be deemed a non-designated asset. Furthermore, given the lack of listing or Article 4 directions, the building could be demolished in its entirety subject to a relatively simple prior notification process. Notwithstanding this, the overarching design approach employed within the three-unit scheme is deemed acceptable.

Scale, massing and height reflect the consented 9-unit development which ensures that the buildings are well-related and do not appear unduly dominant from within the site and the surrounding area. The plan form of the dwellings is noticeably similar, providing a cohesive design whilst differing detailing concomitantly adds individuality.

Across the three units materials are appropriate with facing brick and tiling predominating, save for a rendered projecting gable to plot B which adds variety. Detailing on the elevations is suitable.

Plot A fittingly presents a principal elevation to Orton Road, reflecting the arrangement of surrounding built form and is also dual aspect with its eastern elevation populated with openings to ensure that it 'turn's the corner' effectively. A landscaped frontage softens the development and reflects the layout for housing on the opposing side of Orton Road and the adjoining 'Briars' development. The brick walling to Plot A is an appropriate form of treatment on a publicly visible boundary.

The remaining two units front onto the access road which is suitable, and parking discretely located so as to not dominate the street scene. Garages are appropriately subservient in scale and height.

Overall, the proposals accord policies LP1 and LP30.

#### **d) Amenity**

Local Plan policy LP29 (9) requires all development proposals to avoid and address unacceptable impacts on neighbour amenity and paragraph 130(f) of the NPPF requires planning decisions to ensure that a high standard of amenity is provided for existing and future users.

Separation distances to properties within the 'The Briars' and those along Orton Road are acceptable, well exceeding 21 metres. The distances also ensure that loss of light and shadowing would not be significant. Moreover, adequate separation is provided to the new 9-unit development, limited overlooking and ensuring suitable levels of privacy. The bathroom window on the first floor south facing elevation of plot A will be obscurely glazed. Internal space provided within the new units exceeds the Nationally Described Space Standards and amenity space provision is adequate.

The development would accord to policy LP29 (9).

### **e) Highway safety**

LP29(6) of the NWLP requires new development to provide both safe and suitable access to a site for all users.

Paragraph 111 of the NPPF specifies that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or in situations where the residual, cumulative impacts of the scheme are severe.

The new access has been removed and now all three units will be served by the existing access into the site at the rear. Warwickshire County Council raise no objection to this arrangement, or the scheme as a whole, subject to planning conditions. As a statutory consultee, their consultation response carries substantial weight.

Parking provision accords to guidance with two-off road spaces, plus garaging set out for each dwelling. Visibility splays and permanent retention of parking areas will be conditioned.

The development would accord to LP29(6) and relevant paragraphs of the NPPF.

### **f) Ecology**

NWLP policy LP14 requires new development to retain existing landscaping where possible and encourages new planting to incorporate native species and provide biodiversity benefits. LP16 states that proposals should protect and enhance the natural environment.

The application site has limited ecological value given its previously developed status and the absence of bat and bird activity within the public house itself. Although the scale of built form is increased, the scheme will provide for new planting and habitat enhancements (both new planting and bat and bird boxes) can be secured through appropriately worded planning conditions. As such the requirements of LP14 and LP16 are considered to be met.

### **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, subject to the completion of the aforementioned Section 106 Agreement, planning permission be GRANTED with the following conditions are imposed:

### **Standard Conditions**

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

#### **REASON**

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the Proposed Site Plan (150), the Proposed Floor Plans and Elevations (House Type C - 251A), the Proposed Floor Plans and Elevations (House Type B – 251B) and the Proposed Floor Plans and Elevations (House Type A – 250B), all received by the Local Planning Authority 11<sup>th</sup> February 2022

#### **REASON**

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

### **Pre-commencement conditions**

3. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. This should be proportional to the development. The Plan shall provide for
  - The parking of vehicles of site operatives and visitors;
  - Storage of plant and materials used in constructing the development
  - Wheel washing facilities;
  - Measures to control the emission of dust during construction
  - Noise control during construction in accordance with BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites
  - Details of the contact for any local concerns with the construction activities on the site

The approved Construction Management Plan shall be adhered to throughout the construction period of the development.

#### **REASON**

In the interests of the amenities of the area and neighbouring property.

4. No works other than demolition shall take place until a mining and ground report has been undertaken. If the assessment identifies potential contamination a further detailed investigation shall be carried out and details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of development.

#### REASON

To protect the health of the public and the environment from hazards arising from previous uses of the site.

5. No development, including preparatory works, shall commence until details of the finished floor levels of the buildings and extensions hereby approved, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed in accordance with the approved details.

#### REASON

In the interests of the visual amenities of the area and the amenity of neighbouring occupiers, recognising that levels across the site vary.

6. No development (including site works) shall commence until all existing trees and hedgerows which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2005: "Trees in Relation to Construction" and has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.

#### REASON

To safeguard features that contribute to the character and visual amenities of the area.

### **Pre-occupation conditions**

7. Prior to the first occupation of any of the new dwellings hereby approved, details of the electric vehicle charging bays, each with an electric vehicle charging point, to be provided in accordance with the Council's standard (Parking Standards SPD) shall be submitted and approved in writing by the local planning authority. The details shall include signs and bay markings indicating that bays will be used for parking of electric vehicles only whilst being charged. Prior to first occupation the electric charging points and bays shall be installed in accordance with the approved details and shall thereafter be maintained for the life of the

development. The frequency of the charging points should match the number of dwellings.

#### REASON

In the interests of facilitating sustainable travel and reducing air pollution

8. Prior to the first occupation of any of the new dwellings hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard landscaping shall be carried out in accordance with the approved details prior to occupation of the dwelling, whilst all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

#### REASON

In the interest of the visual setting of the development and the surrounding area.

9. Prior to the first occupation of any of the new dwellings hereby approved, drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

#### REASON

To ensure that the development is provided with a satisfactory means of drainage and to minimize the risk of pollution.

10. Plot A shall not be occupied until the footway, footpath and verge (including all planting within the verge) have been constructed to the satisfaction of the planning authority in consultation with the Highway Authority.

#### REASON

In the interests of Highway Safety and the visual amenities of the area.

11. Prior to the first occupation of any of the new dwellings hereby approved, a scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also include a method of communicating the purpose of such biodiversity enhancement measures to occupiers of the dwelling(s). The approved scheme shall be implemented so that physical measures are incorporated before the first occupation of each respective dwelling and thereafter retained and maintained in situ.

REASON

In order to secure an overall biodiversity gain.

12. The development shall not be occupied until the proposed parking and turning facilities have been laid out and constructed in accordance with the approved plans and thereafter be set aside and retained for those purposes.

REASON

In the interests of Highway Safety

13. The development shall not be occupied until pedestrian visibility splays have been provided to the accesses to the site with 'x' distances of 2.4 metres and 'y' distances of 2.4 metres as measured from the rear edge of the footway. 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 footway.

REASON

In the interests of Highway Safety

14. The development shall not be occupied until vehicular visibility splays have been provided to the accesses to the site with 'x' distances of 2.4 metres and 'y' distances of 2.4 metres as measured from the rear edge of the footway. 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 footway.

REASON

In the interests of Highway Safety

15. Prior to first occupation of each dwelling, a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins shall be provided within the curtilage of the dwelling. The storage facility shall remain permanently available for that purpose at all times thereafter. Additionally, provision shall be made on each plot for secure cycle storage.

REASON

To enable effective storage and disposal of household waste and in the interests of the amenity of the area.

## Other conditions

16. Prior to their incorporation into the building(s) hereby approved, details and/or samples of the facing brick, render, roof tiles, windows, doors, eaves, verges, cills and lintels to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials.

### REASON

In the interests of the visual amenity of the area and the building concerned.

17. Except in an emergency, no demolition, site clearance, construction, site works or fitting out shall take place other than between 08:00 hours and 18:00 hours Mondays to Fridays, and between 08:00 hours and 13:00 hours on Saturdays. There shall be no such activities whatsoever on Sundays, public holidays and bank holidays.

### REASON

To safeguard the amenities of nearby occupiers.

18. The window on the first floor in the south facing elevation of Plot A (serving the bathroom as indicated on drawing 250B) shall be glazed in obscure glass and be non-opening (except for elements that are situated higher than 1.7m above the finished floor level) and permanently maintained thereafter as such, 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

In the interests of the amenity of neighbouring occupiers.

19. In the event that contamination is found under condition 4, or at any time when carrying out the approved development that was not previously identified 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, which is subject to the approval in writing of the Local Planning Authority.

### REASON

To protect the health of the public and the environment from hazards arising from previous uses of the site



20. Where remediation works have been carried out in pursuance with the preceding conditions 4 and 19, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.

REASON

To protect the health of the public and the environment from hazards arising from previous uses of the site

21. For the avoidance of doubt there shall be no burning of waste construction materials on site.

REASON

In the interests of the amenities of the area.

22. Any gas boilers provided must meet a dry NO<sub>x</sub> emission concentration rate of <40mg/kWh.

REASON

To achieve sustainable development by reducing emissions in line with Local and National Policy and as set out in the adopted 2019 Air Quality Planning Guidance.

23. No development whatsoever within Class A, AA, B and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to, and approved in writing by, the Local Planning Authority.

REASON

To prevent over intensive development in the interest of the character and amenity of the area, to ensure an acceptable scale of development and to maintain an adequate provision of external amenity space.

24. No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.

REASON

To safeguard the character and appearance of the area and protect ecology

**Agenda Item No 7**

**Planning and Development Board**

**31 October 2022**

**Report of the  
Head of Development Control**

**Appeal Update**

**1 Summary**

1.1 The report brings Members up to date with recent appeal decisions.

<p><b>Recommendation to the Board</b></p> <p><b>That the report be noted</b></p>
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**2 Appeal Decisions**

**a) 4 School Lane, Shuttington**

2.1 This appeal dealt with a design issue as to how proposed dormer windows would affect the appearance of the host building and its setting. The Inspector agreed with officers that the dormers in this case would harm the character and appearance of the area and thus supported the use of Local Plan design policies.

... 2.2 The decision is at Appendix A

**3 Report Implications**

**3.1 Environment, Sustainability and Health Implications**

3.1.1 The decision reflects the need for good design in proposals, even in respect of smaller householder applications

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

### Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

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# Appeal Decision

Site visit made on 19 August 2022

**by L Fleming BSc (Hons) MRTPI**

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

**Decision date: 16 September 2022**

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**Appeal Ref: APP/R3705/D/22/3299722**

**4 School Lane, Shuttington, Tamworth B79 0DX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Rob Diaz against the decision of North Warwickshire Borough Council.
  - The application Ref PAP/2022/0148, dated 15 March 2022, was refused by notice dated 9 May 2022.
  - The development proposed is front and rear dormers with gable end build up.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

3. The appeal property is a two-storey modern semi-detached dwelling in a residential area. It is of simple rectangular form with a hipped roof and forms part of a row of similar buildings which are positioned roughly the same distance from the road with similar spaces between them. Thus, the area has a relatively uniform residential character and appearance.
4. The proposal to alter the roof from a hipped end to a pitched roof with gable end, would result in a roof form which would unbalance the pair of semi-detached properties. Furthermore, the proposed small dormer to the front roof slope would be prominent in the street scene and a noticeable feature at odds with the simple and plain roof slopes of the dwellings in the row. For these reasons, the scheme would harm the uniform character and appearance of the area.
5. In reaching these conclusions I have noted the numerous photographs of similar schemes in the village. However, none relate to properties in the immediate vicinity of the appeal site which have the uniform character and appearance I have identified. In any event the full details of those developments are not before me and each proposal must be considered on its merits.
6. I have also considered the comments about the difficulties in finding suitable accommodation in the area to meet the needs of the occupiers and that the proposal represents a viable solution. However, this does not outweigh the

harm to the character and appearance of the area. I have also noted the comments in the Officers Report, which say the proposed hip to gable extensions would be permitted development. However, I have assessed the scheme in its entirety and this element is integral to the proposal.

7. Thus, having taken into account all matters raised, on balance I find the proposal would harm the character and appearance of the area. It would therefore conflict with the development plan particularly Policy LP30 of the North Warwickshire Local Plan (2021) which seeks to ensure new development respects and reflects the existing pattern, character and appearance of its setting.

### **Conclusion**

8. For the reasons given the appeal should be dismissed.

*L Fleming*

INSPECTOR

**Agenda Item No 8**

**Planning and Development Board**

**31 October 2022**

**Report of the  
Chief Executive**

**Exclusion of the Public and Press**

**Recommendation to the Board**

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

**Agenda Item No 9**

**Section 106 Agreement – Head of Development Control**

Paragraph 7 - Information relating to the financial or business affairs of any particular person (other than the authority); and

Paragraph 9 – Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

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).