

General Development Applications

(5/b) Application No: PAP/2022/0309

Old Saltleians Rugby Football Club, Coleshill Road, Water Orton,

Variation of condition no's: 3A and 3B of planning permission ref: PAP/2017/0471 dated 10/10/2017 relating to events at the site

Old Saltleians Rugby Football Club

Introduction

This case is referred to the Board as local members are concerned about the potential impacts on the amenity of nearby residential occupiers.

The Site

This is a large area of land between Vicarage Lane, Watton Lane and the line of the HS2 Water Orton embankments immediately south of the village. There is a residential frontage on the other side of Watton Lane.

A location plan is at Appendix A.

Background

Planning permission was granted in May 2017 for the relocation of this club and its playing fields from Gilson as a consequence of the HS2 development. Work is now well underway following discharge of pre-commencement conditions.

The May 2017 permission included a condition – condition 3 - essentially limiting the use of the site to Rugby Football. This was varied under PAP/2017/0471 in October 2017 to widen the scope of events, but on condition that there be notification of events given to the Council, that nearby residents be notified in advance and that an Events Management Plan be agreed. A restriction preventing the site to be used for car boot sales and caravan rallies was retained. The condition was replaced by two conditions – 3A and 3B.

A further condition on the May 2017 permission – condition 30 - limited the hours that the clubhouse could be “open”. The October 2017 variation agreed an extension of hours on Saturdays from 0900 to 2300 from 1100 and on Sundays from 0900 to 1700 from 1000 to 1500.

The Proposals

The current application seeks a further variation of conditions 3A and 3B. This is to widen the range of activity on the site – particularly the playing fields – for more community and charity events.

3A would read:

“The application site shall not be used for any purpose other than the playing of Rugby Union Football including its coaching and training and the playing of organised outdoor sports and community health activities together with events that are included within the Events Management Plan (EMP) that shall first have been submitted to the Local Planning Authority prior to the first occupation of the clubhouse hereby approved. For the avoidance of doubt, this Plan shall not include car boot sales and caravan rallies. No event shall then take place until this Plan has been agreed in writing by the Local Planning Authority.

The EMP shall include, but not be limited to:

- a) Agreement to a representative of the Borough Council sitting on the Club’s Social Committee
- b) Procedures for maintaining good public relations including complaint management, public consultation and liaison
- c) A list of key event management contacts
- d) Emergency procedures and first aid/medical cover
- e) Event communication which will document how an event will be communicated to surrounding residents
- f) Details of any recorded or live music which is planned for the event
- g) Traffic, transport and parking arrangements for each event
- h) Documentation of those elements of an event which might have the potential to cause noise nuisance and appropriate measures to best mitigate it.

Reason: In the interests of the amenities of the surrounding occupiers during the operation of the development

The change is to include, “the playing of organised outdoor sports and community health activities”.

3B would read:

“The EMP approved under condition 3A shall remain in force for twelve months after its approval by the Local Planning Authority. Thereafter it shall be submitted on an annual basis to the Local Planning Authority. If no Plan is submitted, then the use of the premises hereby approved, shall only be used for its approved use as set out under Condition 3A. For the avoidance of doubt, that shall not include any activity, use of function that is not ancillary to the Club’s prime purpose such as weddings, auctions and hospitality events”.

Reason: In order to seek a monitoring period in which to assess the effectiveness of the EMP in view of the interests of the amenities of surrounding occupiers”

The change is to refer to the uses now outlined in proposed Condition 3A.

Consultations

Environmental Health Officer – No comments received

Representations

Water Orton Parish Council – No comments received

Three objections have been received saying that the change will increase traffic and potential disturbance to local residents particularly from noise and additional cars visiting. One says that the proposal will mean that the site becomes a “Sports Centre”; the access position is not safe, cars will park on the road and there needs to be a period of monitoring before any changes are made.

One letter of support has been received but saying that any new activities should be Green Belt compliant.

Development Plan

North Warwickshire Local Plan 2021 – LP3 (Green Belt) and LP29 (Development Considerations)

Water Orton Neighbourhood Plan 2022

Other Material Planning Considerations

The National Planning Policy Framework

Observations

The proposed widening of the uses here would remain within the definition of appropriate development in the Green Belt, being for outdoor activity and not affecting openness as the existing structures would be used, or there would be temporary structures and ancillary equipment. The main considerations here are the potential increased traffic generated and the potential for increased noise arising from the extra activity. The original planning permission provided for a large car park as well as for an overflow area to be set-aside. There are already conditions restricting opening hours as well as the potential for noise emissions. The access is approved and that was supported by the County Council as Highway Authority. The proposed change here relates only to outdoor use of the site, not to a widening of uses for any of the internal accommodation which in any event is not designed to provide for sports centre type activity.

Additionally, the proposal would make best use of a local facility for the community, and it would widen the health and well-being benefits arising from active participation.

On balance given the scope of the permission here, it is considered that the proposed widening of activity here would only be likely to cause limited additional impacts.

Recommendation

That planning permission be GRANTED subject to the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with plan numbers 1569/04D, 2016/071/101, 104, 105, 106, 107 108, 597/021D, 025A, 024A, 022A, 023A, 16128/E/1000/P2 and 101/P2 together with all of the details approved under DOC/2019/0078 dated 31/3/20, DOC/2019/0101 dated 31/3/20 and DOC/2021/0072 dated 25/10/21.

Reason:

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

2. The application site shall not be used for any purpose other than the playing of Rugby Union Football including its coaching and training and the playing of organised outdoor sports and community health activities together with events that are included within the Events Management Plan (EMP) that shall first have been submitted to the Local Planning Authority prior to the first occupation of the clubhouse hereby approved. For the avoidance of doubt, this Plan shall not include car boot sales and caravan rallies. No event shall then take place until this Plan has been agreed in writing by the Local Planning Authority.

The EMP shall include, but not be limited to:

- i) Agreement to a representative of the Borough Council sitting on the Club's Social Committee
- ii) Procedures for maintaining good public relations including complaint management, public consultation and liaison
- iii) A list of key event management contacts
- iv) Emergency procedures and first aid/medical cover
- v) Event communication which will document how an event will be communicated to surrounding residents
- vi) Details of any recorded or live music which is planned for the event
- vii) Traffic, transport and parking arrangements for each event
- viii) Documentation of those elements of an event which might have the potential to cause noise nuisance and appropriate measures to best mitigate it.

Reason:

In the interests of the amenities of the surrounding occupiers during the operation of the development

3. The EMP approved under condition 2 shall remain in force for twelve months after its approval by the Local Planning Authority. Thereafter it shall be submitted on an annual basis to the Local Planning Authority. If no Plan is submitted, then

the use of the premises hereby approved, shall only be used for its approved use as set out under Condition 2. For the avoidance of doubt, that shall not include any activity, use of function that is not ancillary to the Club's prime purpose such as weddings, auctions and hospitality events".

Reason:

In order to seek a monitoring period in which to assess the effectiveness of the EMP in view of the interests of the amenities of surrounding occupiers.

4. The development hereby approved shall not be used for any purpose whatsoever until three passing places along Gypsy Lane have been laid out, constructed and completed to the written satisfaction of the Local Planning Authority.

Reason

In the interests of highway safety.

5. The development hereby approved shall not be used for any purpose whatsoever until the footway extension between the existing footways on the western side of Coleshill Road either side of Vicarage Lane has been constructed and completed to the written satisfaction of the Local Planning Authority

Reason

In the interests of highway safety.

6. The development hereby approved shall not be used for any purpose whatsoever until the existing footway fronting the site along Coleshill Road has been upgraded, resurfaced and completed to the written satisfaction of the Local Planning Authority.

Reason

In the interests of highway safety

7. The development hereby approved shall not be used for any purpose whatsoever until the junction improvements at Coleshill Road/Gypsy Lane as shown on the approved plan have first been completed in full to the written satisfaction of the Local Planning Authority.

Reason

In the interests of highway safety.

8. The development hereby approved shall not be used for any purpose whatsoever until the existing access to the site from Vicarage Lane located in the north-west

corner of the site, has been altered to a pedestrian only access and hard surfaced in front of the gates.

Reason

In the interests of highway safety.

9. The development hereby approved shall not be used for any purpose whatsoever until visibility splays have been provided to the vehicular and pedestrian accesses to the site measuring 2.4 metres by 43 metres as measured from the near edge of the public highway carriageway. These splays shall be maintained free of any obstruction at all times.

Reason

In the interests of highway safety

10. There shall be no use whatsoever of the development hereby approved until the whole of the car parking, access and turning areas for all of the car and coach parks including the overflow car park have first been completed and made available to the written satisfaction of the Local Planning Authority.

Reason

In the interests of highway safety.

11. No gates located within any vehicular access into the site shall be hung so as to open into the road.

Reason

In the interests of highway safety.

12. There shall be no use of any of the playing and training pitches before 0900 hours and after 2200 hours on any day.

Reason

In recognition of the residential setting of the site and to reduce the risk of noise emissions.

13. The lights around pitch 2 shall only be used on Tuesday, Wednesday, Thursday and Friday evening between 1800 and 2100 hours during the period commencing 1 September and ending on 30 April.

Reason

In recognition of the residential setting of the site and in the interests of the residential amenity of neighbouring occupiers.

14. The clubhouse hereby approved shall only be open between 0600 and 2300 hours on Mondays to Fridays inclusive; 0900 and 2300 hours on Saturdays and between 0900 and 1700 hours on Sundays

Reason:

In recognition of the residential setting of the site.

15. All windows and doors within the clubhouse shall be closed except for ingress and egress for the duration of any event agreed under the Events Management Plan as set out in Condition 2.

Reason:

In recognition of the residential setting of the site.

16. There shall be no amplified music or speech transferred directed or played outside of the clubhouse at any time.

Reason:

In recognition of the residential setting of the site.

Informatives:

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through a series of pre-application meetings, seeking amended plans as a direct consequence of consultation responses in order to overcome technical issues and seeking additional assessment reports as a consequence of representations received.
2. The playing fields shall be constructed in line with IOG pitch standards and RFU Guidance Note 2.
3. The changing rooms shall only be constructed in accordance with RFU Guidance Note 5.
4. The applicant is advised that the site falls within land that may be required to construct and/or operate Phase One of a high speed rail line between London and the West Midlands, known as High Speed Two. Powers to construct and operate HS2 are to be sought by promoting a hybrid Bill which was deposited in Parliament on 25 November 2013 and which received Royal Assent in February 2017.

5. The use or reuse of sewer connections either direct or indirect to the public sewerage system will require formal application to Severn Trent Water Ltd under Section 106 of the Water Industry Act 1991.
6. Severn Trent Water advise that there may be sewers that have not been formally adopted within the area. Public sewers have statutory protection and may not be built close to or over without consent. Severn Trent Water can advise.
7. Attention is drawn to Sections 149, 151, 163, 184 and 28 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Advice can be sought from the Highway Authority – the Warwickshire County Council.

APPROVED
16092017
SUBJECT TO COMMISSIONER'S
ON NOTICE



Schedule of Accommodation
All areas are measured gross internal
Floor Area - 10,413.52 sq m 567.42 sq m
Site Area - 29.23 acres - 11.83 hectares
Parking:
Cars - 162 + 8 bays for disabled
Coaches - 3
Bicycles - 12

- D 10.04.17 Pitch covered to the addition of a...
- C 31.01.17 Pitch covered to the addition of a...
- B 02.11.16 Pitch covered to the addition of a...
- A 02.11.16 Pitch covered to the addition of a...

aja architects
115 Broad Street
Birmingham B1 2JE
0121 633 1111
www.ajaa.com

Old Salfields RFC
Relocation
to Colehill Road
Water Orton
Birmingham
Site Plan

RECEIVED
11062017
PLANNING & DEVELOPMENT
SECTION

5974 - 021 Rev D
PLANNING

General Development Applications

(5/c) Application No: PAP/2022/0332

The Old Mortuary, North Street, Atherstone, CV9 1JN

Conversion of existing property to single 2 bedroom dwelling, for

Arragon Properties

Introduction

This case is referred to the Board as the recommendation is contrary to the response from the Highway Authority.

The Site

This is a small single storey building on the south side of North Street some 15 metres away from the junction with Ratcliffe Street and North Street. It is located off the back of the footpath – surrounded by car parks to the TNT offices and the back yard areas of the buildings that front Long Street.

A general location plan is at Appendix A

The Proposal

This is a conversion to a two-bedroom dwelling with very little alteration to the building. One bedroom would be on the ground floor with the second in the roof space reached by a new stairwell.

Existing openings would be used at ground floor, but roof lights would be added upstairs.

Plans are attached at Appendix B.

Background

The building has previously been in use as a mortuary, which is still reflected in its internal layout. It was then used for storage before moving into office use occupied by the Atherstone Town Council.

Planning permission was granted in 2020 for its demolition and replacement as a two-storey office and meeting room for the Town Council. The Council has now moved to the Borough Council's premises on a temporary basis.

Consultations

Warwickshire County Council as Highway Authority – It objects on the grounds that the new dwelling will result in additional on-street car parking on an already narrow road.

Representations

Atherstone Town Council – No objection

Development Plan

The North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP2 (Settlement Hierarchy), LP15 (Historic Environment), LP29 (Development Considerations) and LP30 (Built Form)

Other Material Planning Considerations

The National Planning Policy Framework

The Atherstone Conservation Area Designation Report

The Draft Atherstone Conservation Area Appraisal 2006

Observations

The property is in the centre of Atherstone which is designated as a Category One settlement in the Local Plan and thus the proposal for an additional dwelling is acceptable in principle.

Whilst not listed, it is located in the town's Conservation Area. The Council is under a statutory duty to ensure that the character and appearance of Conservation Areas are preserved and enhanced. The significance of the Area lies in its extensive coverage of the town centre displaying the town's architectural and historic evolution. The context of this particular part of the Area in North Street dates from the late 18th Century and is marked by smaller buildings and brick walls. There are also the remains of the former burgage plots belonging to the Long Street buildings and the more substantial rear gardens of several buildings that front Long Street as well as Market Street. The townscape here is thus relatively open. The proposal will retain the existing building, without material alteration to its appearance or scale. This will therefore preserve the character and appearance of this part of the Area. Whilst there may be some additional domestic activity, that is not considered to be material given the lawful use and the surrounding land uses. There is thus no harm caused to the significance of the Conservation Area.

There are Listed Buildings in Long Street and in Market Street. The Council is under a statutory duty to have special regard to the desirability or preserving listed buildings and their settings. In this case the settings are significant because of the openness of the land at the rear of these properties; their rear gardens and walls, the smaller scale nature of existing development and the visibility of rear elevations from the public domain. This will not be affected by the proposal as the building is to be retained in its present built form. The settings will thus be preserved.

The objection from the Highway Authority is understandable and normally would carry significant weight. However, it needs to put into a planning context for the determination of this application. That context includes the facts that the site is within a safe and reasonable walking distance from all the facilities in the town including bus and rail

services; there are also numerous other examples in the town where there is no on-site parking for new residential development and most significantly, there is the fall-back position of the lawful use of the property which as offices would and did generate more traffic than a single dwelling. As a consequence, it is considered that there is not a planning reason for refusal founded on the objection.

Similarly, it is acknowledged that there is very limited amenity space, but recent town centre residential redevelopment has been approved without such space. However here, the yard at the front will be available for refuse bin storage as well as for cycle storage, with the front gates being retained.

There are residential properties opposite the site, but with no change to the existing openings and given the level of activity that could be experienced under the lawful use, it is considered that the proposal would be more than likely to cause less disturbance than presently.

Recommendation

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

1. Standard Three year condition
2. Standard plan numbers condition – plan number 1248/02D received on 14/7/22
3. All rooflights to be added to the roof of the building shall not protrude above the plane of any roof slope.

Reason

In the interests of preserving the character and appearance of the Conservation Area

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or as may be amended, no development shall be under-taken on site under Classes A, AA, B, C, D, G and H of Part One to Schedule 2 of that Order.

Reason

In the interests of preserving the character and appearance of the Conservation Area.

Informatives:

1. The Local Planning Authority has met the requirements of the NPPF in this case through the issue of a positive decision within the relevant time periods.
2. Standard Part Wall Act notes.
3. Standard Radon Gas note

APPENDIX A

1:100 Front Elevation, 1:100 Side Elevation, 1:100 Rear Elevation, 1:100 Side Elevation

1:50 As Existing Ground Floor Plan, 1:50 As Proposed Ground Floor Plan

NOTE: This drawing has been prepared from details and information prepared by others the property has NOT been re-surveyed ALL Dimensions to be checked on site

Project	1248 - 02	Scale	1:100
Client	ARRAGON PROPERTIES	Drawn by	PJMT
Drawn by	PJMT	Checked by	
Client	ARRAGON PROPERTIES	Project	7 Greenway, Nonesuch
Drawn by	PJMT	Project	North Street, Atherstone
Client	ARRAGON PROPERTIES	Project	North Street, Atherstone
Drawn by	PJMT	Project	North Street, Atherstone

APPENDIX B

1:100 Front Elevation, 1:100 Side Elevation, 1:100 Rear Elevation, 1:100 Side Elevation

1:50 As Existing Ground Floor Plan, 1:50 As Proposed Ground Floor Plan

NOTE: This drawing has been prepared from details and information prepared by others the property has NOT been re-surveyed ALL Dimensions to be checked on site

Project	1248 - 02	Scale	1:100
Client	ARRAGON PROPERTIES	Drawn by	PJMT
Drawn by	PJMT	Checked by	
Client	ARRAGON PROPERTIES	Project	7 Greenway, Nonesuch
Drawn by	PJMT	Project	North Street, Atherstone
Client	ARRAGON PROPERTIES	Project	North Street, Atherstone
Drawn by	PJMT	Project	North Street, Atherstone

General Development Applications

(5/d) Application No: PAP/2022/0369

Drayton Court, The Green, Hartshill,

New pitched roofing and gable ends with fenestration amendments, for

North Warwickshire Borough Council

Introduction

This application is reported to the Board because the applicant is North Warwickshire Borough Council.

The Site

The application site is two sets of identical three to four storey blocks of flats. The surrounding area is residential in character with bungalows and dwellinghouses in a variety of designs. To the rear of the blocks is a steep slope that leads down to a fishery and to the Hartshill Hayes Wood. To the front of the blocks is "The Green" and the main road in and out of Hartshill.

A location plan is at Appendix A.

The Proposal

Planning Permission is sought to add pitched roofing and gable ends together with some fenestration amendments.

The existing elevations are at Appendix B

The proposed materials are brown tiles in colour and the gables would be re clad in white cladding.

The proposed elevations are at Appendix C.

Representations

At the time of preparing this report, no comments had been received. The Board will be brought up to date at the meeting.

Development Plan

The North Warwickshire Local Plan 2021 - LP29(Development Considerations) and LP30 (Built Form)

Hartshill Neighbourhood Plan – H4 (Good Quality Design)

Other Relevant Material Considerations

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

Observations

Local Plan Policy LP30 requires that all development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. The proposal accords with this policy because it will not have a detrimental impact on the visual amenity of the surrounding area. Indeed, the pitched roofs would improve the visual aspect of the blocks, making them more in-keeping with many of the surrounding properties which also have pitched roofs too. There is an example of this kind of new pitch roofing on Chancery Court, Coleshill Road, Hartshill, approved in 2017 under application PAP/2017/0092. This policy is reflected and replicated by the Hartshill Neighbourhood Plan.

Local Plan Policy LP29 (9) states that developments should amongst other things avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution. The proposal would not have a detrimental impact on the amenities of the neighbouring properties due to the low angle pitch of the proposed roofs and there being significant distances between other property and the blocks of flats.

The proposal is thus in accordance with the Development Plan.

Recommendation

That planning permission be **GRANTED** subject to the following 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 site location plan, the existing and proposed floor plans and sections, titled PLANS received by the Local Planning Authority on 11/7/22.

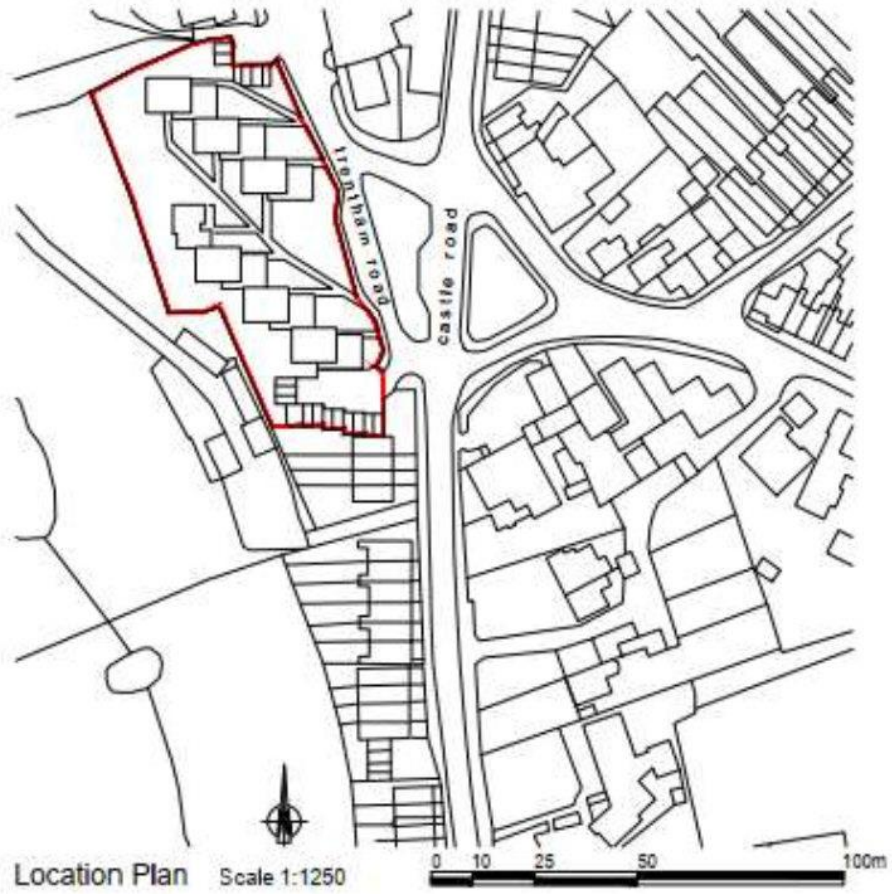
REASON

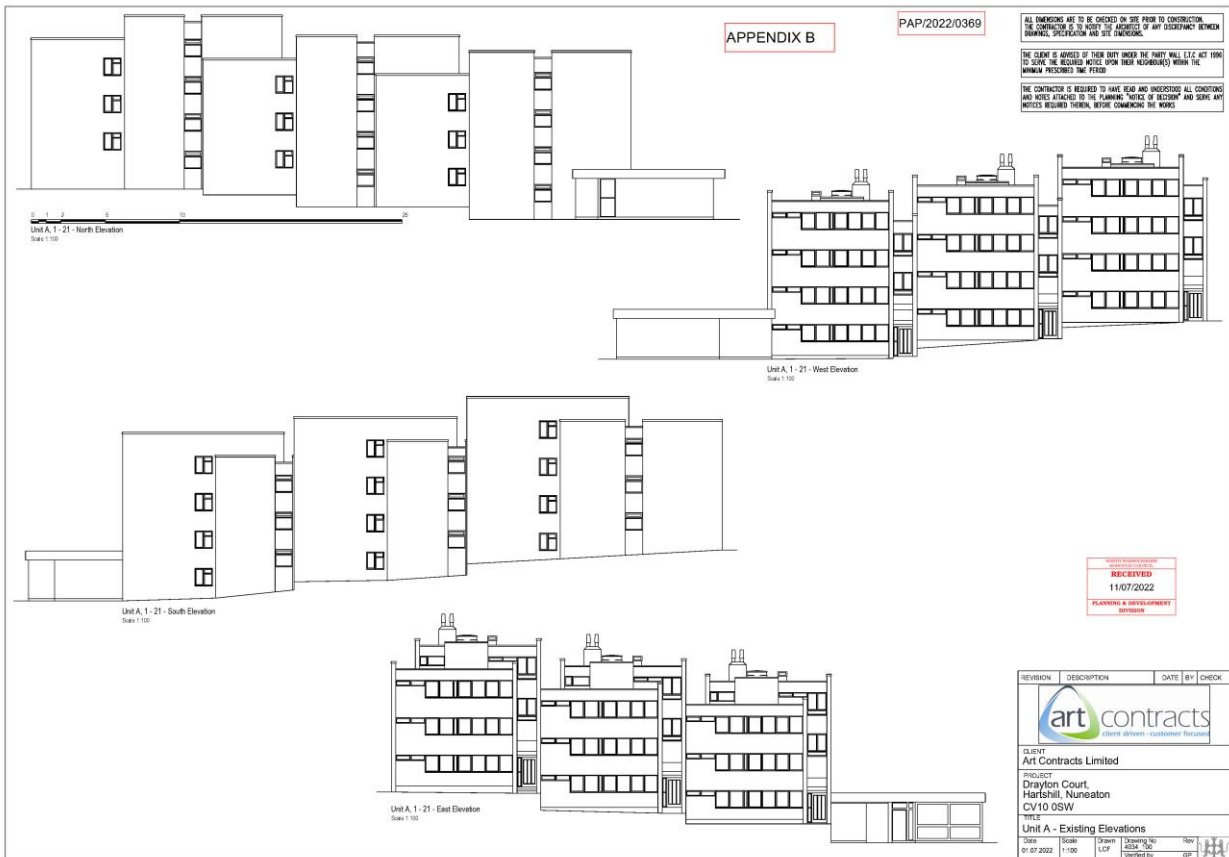
To ensure that the development is carried out strictly in accordance with the approved plans.

Notes

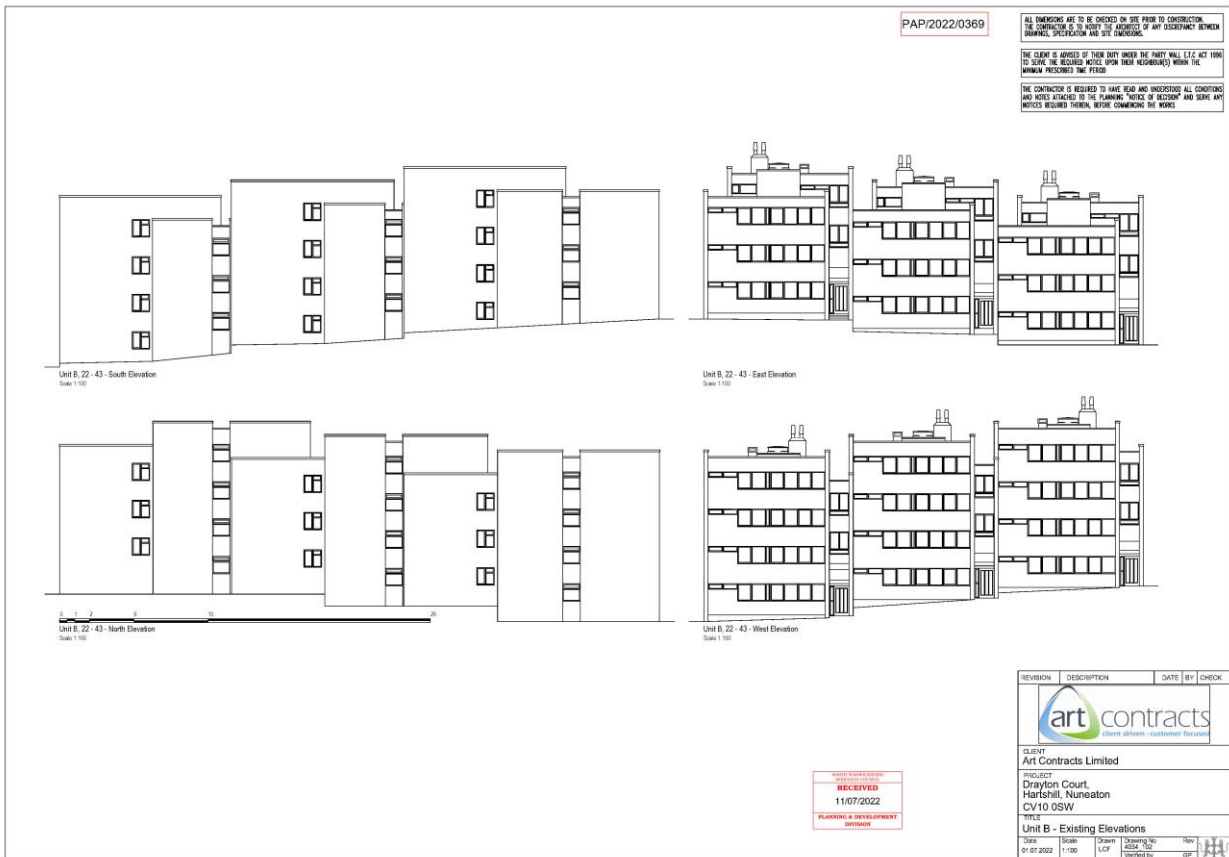
1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

APPENDIX A

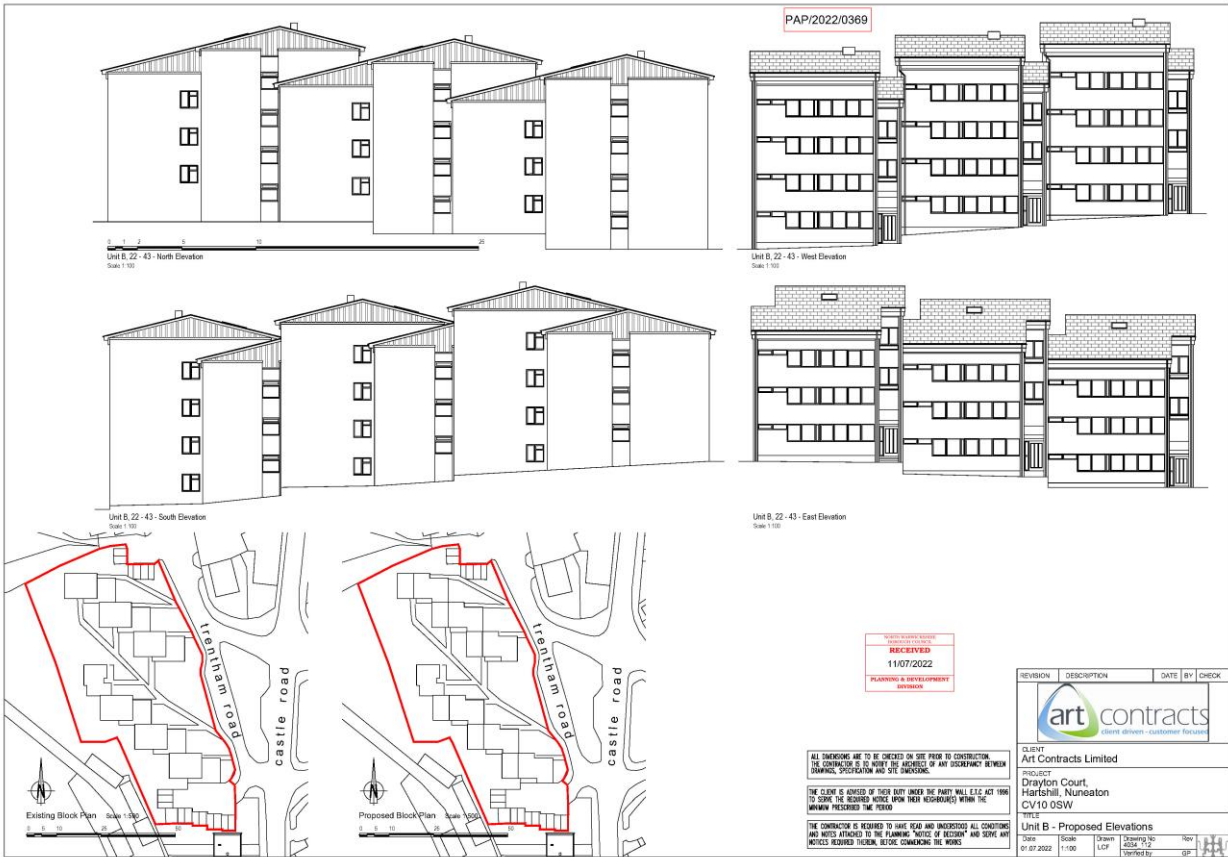
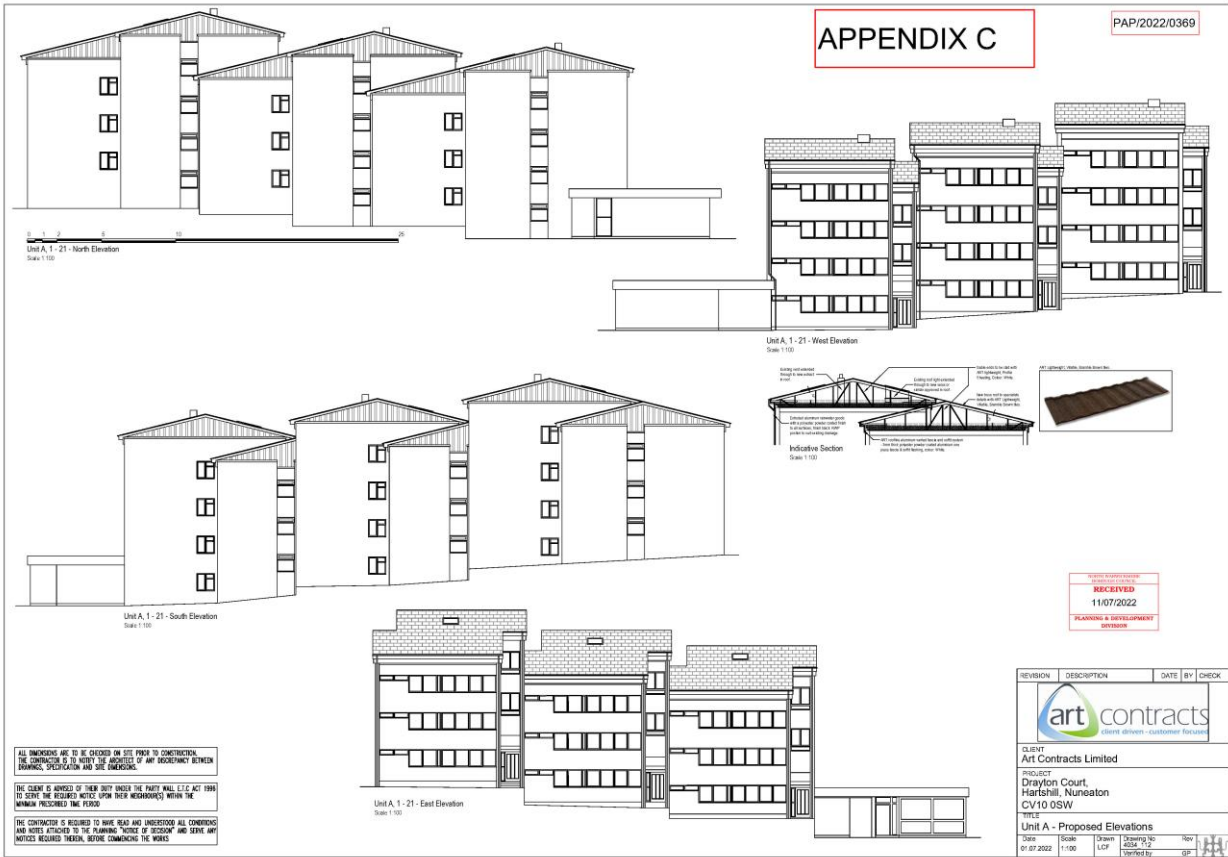




NORTH NUNEATON
 RECEIVED
 11/07/2022
 PLANNING & DEVELOPMENT
 DIVISION



NORTH NUNEATON
 RECEIVED
 11/07/2022
 PLANNING & DEVELOPMENT
 DIVISION



General Development Applications

(5/e) Application No: PAP/2022/0113

Water Orton Cricket Club, Coleshill Road, Water Orton

Construction of a 3.6 metre wide road from existing vehicular access and footpath crossover in Coleshill Road for

Water Orton Cricket Club

Introduction

This case is referred to the Board as the recommendation does not fully accord with the response from the Warwickshire County Council as Highway Authority.

The Site

The cricket club occupies land on the north side of the Coleshill Road in the centre of the village and is surrounded by residential development apart from the Digby Hotel which is its western boundary.

The club house is in the far north-western corner of the ground.

Vehicular access onto the ground is achieved via gates that run along the boundary with the Digby Hotel. In other words, access is over that property's car park. There is a secondary vehicular access onto the Coleshill Road close to the ground's western boundary almost opposite the junction with St Peters Close.

A location plan is at Appendix A

The Proposals

Vehicular access into the ground was always from the Coleshill Road with the access drive running along the western site boundary to the car park at the club house. In the 1970's an additional access was enabled by agreement with the then owners of the Digby Hotel to allow access across their car park and into the ground in the northwest corner. This additional access was used until 2021 when that agreement ceased, and the gates removed with the boundary fenced off.

It is proposed to improve the original access onto the Coleshill Road through the provision of a 3.6 metre wide hard surfaced drive running along the western boundary from here to the club house to include a passing bay close to the Coleshill Road; to permanently close the Digby Hotel access and to add a 1.2 metre high safety fence between the new drive and the cricket field. In respect of the actual access arrangements, the proposal shows removal of the existing wooden gate but retention of the two existing gateposts at 5 metres in width and the erection of a new inward opening gate 5 metres wide, set back some 5.5 metres from the back of the verge.

Plans are attached at Appendices B and C.

Representations

None received

Consultations

Warwickshire County Council as Highway Authority – It has no objection in principle as it sees the closure of the Digby Hotel access as a betterment. However, because the Coleshill Road access is to be the sole vehicular access, there should be some improvements. The works shown on the latest plan meet the dimensions requested. However, the Authority still has concerns about a maintenance gate because vehicles could obstruct the main access and secondly, it can not agree to any signage recommending that visitors wait until the end of an over when play is in progress, before proceeding up the drive.

Development Plan

The North Warwickshire Local Plan 2021 – LP29(Development Considerations)

Water Orton Neighbourhood Plan 2022

Other Material Planning Considerations

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

Observations

There is no objection to the proposal given the circumstances. The dimensions for the improved access do show a betterment and satisfy the Highway Authority’s recommendations. However, that Authority’s continuing concerns relate to possible obstruction of the access by maintenance vehicles; the consequences of two cars meeting in the access and cars “backing-up” on the highway if play is in progress. These are all understandable issues, but maintenance vehicles are only likely to visit on an infrequent basis and most visitors to the ground will become familiar with the new access arrangement. It is not considered that the Authority’s residual concerns are of sufficient weight to warrant refusal.

Recommendations

That planning permission be granted subject to the following conditions:

- i) Standard three year condition
- ii) Standard plan number conditions – the location plan and the proposed driveway plan both received on 22/2/22 and the driveway access plan received on 18/8/22.

Informatives:

- a) The Local Planning Authority has met the requirements of the NPPF in continuing with engagement with the Club and the Highway Authority in order to overcome technical concerns from that Authority through the receipt of amended plans such that a positive outcome could be achieved.
- b) Attention is drawn to Sections 184, 163, 149, 151 and 59 of the Highways Act 1980 together with the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. A Section 184 Agreement will be required from Warwickshire County Council as Highway Authority prior to any works within the highway commencing.

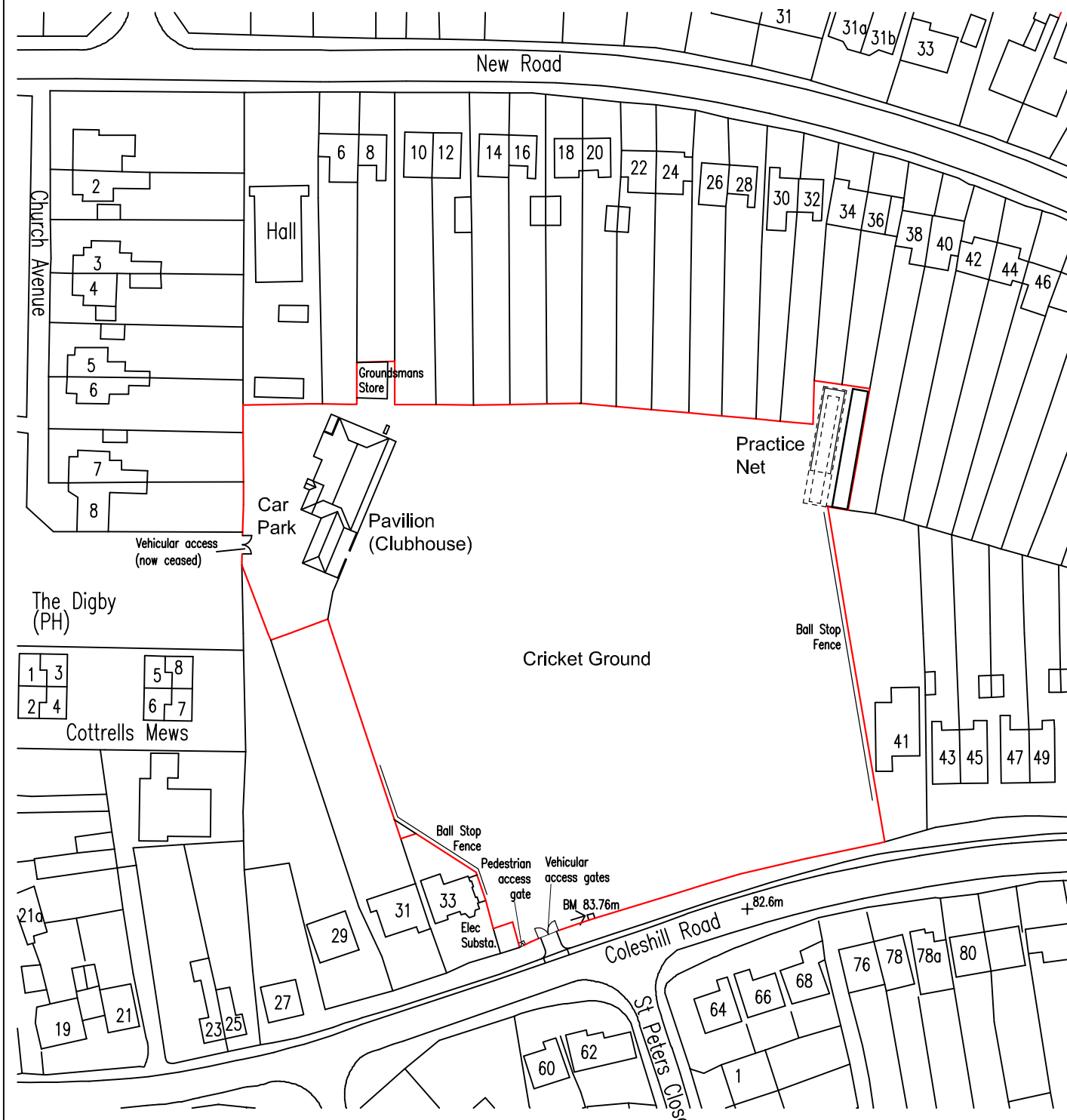
NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

22/02/2022

**PLANNING & DEVELOPMENT
DIVISION**

PAP/2022/0113

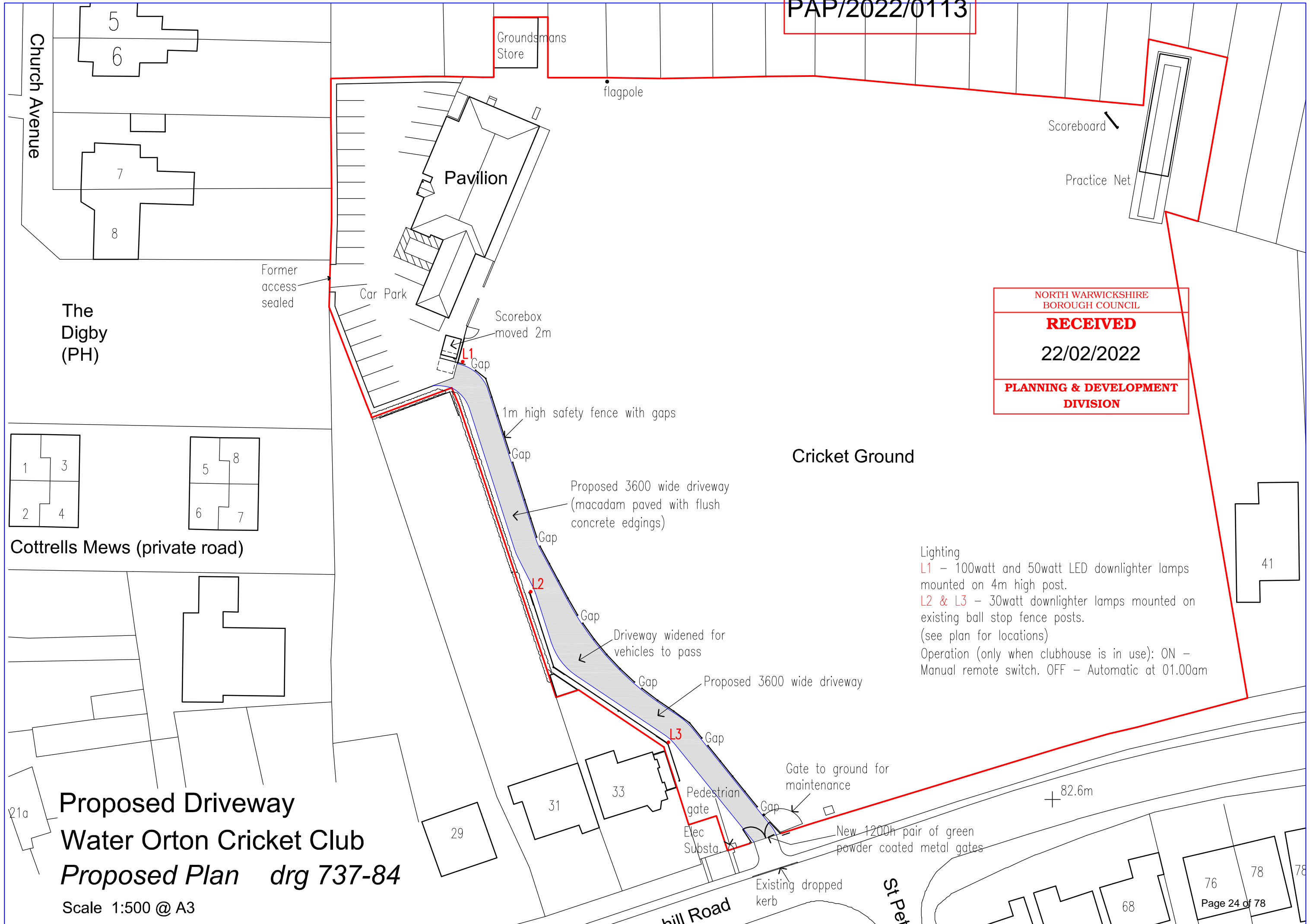


**Water Orton Cricket Club,
Coleshill Road, Water Orton, B46 1QX**

Site Location Plan

Scale 1:1250 @ A4 Feb 2022 737-85

PAP/2022/0113



NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
22/02/2022
PLANNING & DEVELOPMENT
DIVISION

Lighting
 L1 - 100watt and 50watt LED downlighter lamps mounted on 4m high post.
 L2 & L3 - 30watt downlighter lamps mounted on existing ball stop fence posts.
 (see plan for locations)
 Operation (only when clubhouse is in use): ON - Manual remote switch. OFF - Automatic at 01.00am

Proposed Driveway
Water Orton Cricket Club
Proposed Plan drg 737-84

Scale 1:500 @ A3

Driveway Access Water Orton Cricket Club Plan as Proposed

Scale 1:100 @ A4

April 2022 Drg no 737-87A

- Site Boundary
- Driveway Re-alignment

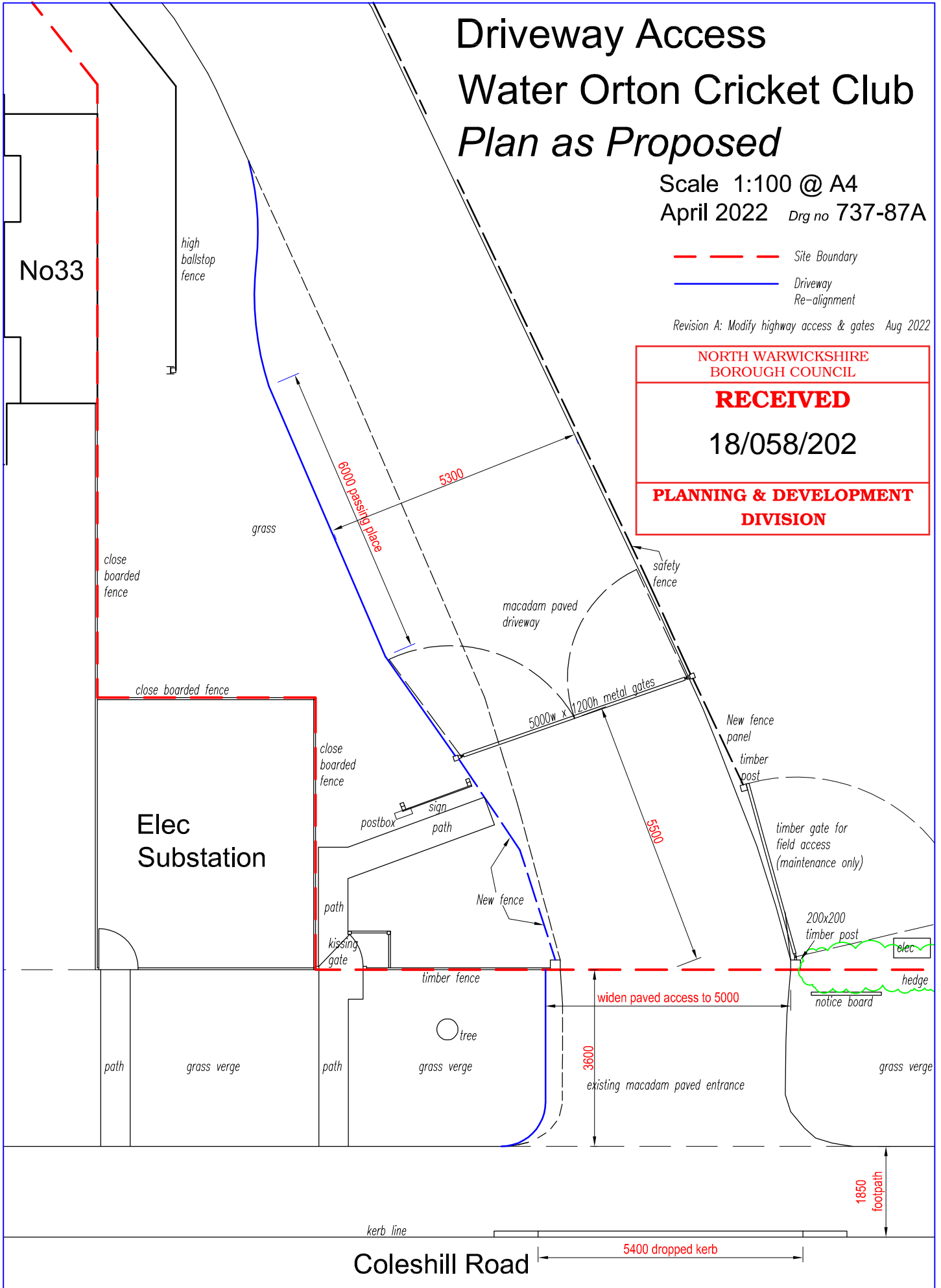
Revision A: Modify highway access & gates Aug 2022

**NORTH WARWICKSHIRE
BOROUGH COUNCIL**

RECEIVED

18/058/202

**PLANNING & DEVELOPMENT
DIVISION**



General Development Applications

(5/f) Application No: PAP/2021/0687

89-91 Main Road, Austrey, Atherstone

Variation of condition number 4 of PAUSAV/0602/96/FAP (PAP/1996/3856) dated 14/8/1996 relating to use of swimming pool for limited community use for private lessons for

Mr and Mrs Hames

Introduction

This item is referred to the Board following a second deferral at its July meeting. The first deferral was to see if there was scope to reduce the community use from that originally sought and the second was to enable Members to visit the site and to meet the applicant.

The previous report is at Appendix A and thus contains the “reductions” referred to above.

A note of the site visit is at Appendix B and the meeting is recorded at Appendix C.

Background

Members will recall that the central matter here is the impact of increased use of the access onto Main Road via Flats Lane as a consequence of the introduction of the private lessons. The Highway Authority objected, and this position was retained even with the reduced level of use as outlined in Appendix A. The reason for its position is the sub-standard visibility to the north (right) when exiting from the Lane, particularly because there would be increased use of the access.

Members will recall a recent appeal decision whereby planning permission was granted for the conversion of an outbuilding to a two-bedroom bungalow using this same access. The Inspector acknowledged the sub-standard visibility, but accepted evidence that speeds on Main Road were generally lower than the 30mph speed limit and that traffic generation from the bungalow would not be material. As such, the sub-standard visibility did not lead to a refusal for the traffic likely to be generated by that proposal.

As can be seen from the note of the site visit, Members were able to look at the existing access arrangements. Members also looked to see what visibility could be achieved from the access at various distances back from the road in view of the physical characteristics of the access – the corner of the third-party property, the footpath and the curve in the road.

At the meeting both the applicant and the County explained their positions. Because of the continued difference of view, a further joint visit was to be undertaken so as to agree the actual physical dimensions on site. It was agreed that the Highway Authority would then provide a further response in time for this Board meeting.

Updated Position

Following the further site meeting, the physical measurements at the site were agreed as matters of fact. A plan was subsequently submitted – see Appendix D. As a consequence, the Highway Authority has revised its position and its updated response is at Appendix E. It no longer objects subject to conditions.

Observations

The updated Highway Authority response is a material change in circumstance and as highway concerns have always been the central issue here, it will carry substantial weight. This is because it is based on agreed factual measurements, the evidence from a recent appeal which dealt with the same issue and the reduction in use as is now proposed.

The recommendation below has therefore changed from the previous reports. Members are advised that continuation with a recommendation of refusal based on a highway reason could only have been made if there was technical evidence of equal weight to rebut the current Highway Authority position.

At the last meeting, a speaker referred to heritage issues which he did not consider had been fully considered in the written reports. There is however reference to this in the initial May Board report. For the avoidance of doubt this issue will be dealt with again. The Council is under a Statutory Duty to have regard to the desirability of preserving the setting of Listed Buildings and of any features of special architectural or historic interest which they possess. Here, the relevant heritage assets are the Grade 2 Baptist Church; the Grade 2 number 87 (the Limes), the Grade 2 Homestead and the Grade 2 Farthings. The proposals have no direct impact on the fabric of any of these buildings and the main consideration is thus the potential impact on their settings. The three houses front Main Road, and it is not considered that their settings are materially affected by the proposed use because of separation distances and the levels of existing traffic using the Road. However, in the case of the Church, there will be greater activity associated with the proposed use – traffic travelling along the track; the parking required and a general increase in activity. This will have an impact on the ambience of its setting, but this will be at its rear and not on a regular basis. As such it is considered that the impact will be less than substantial. This however still carries significant weight and has to be balanced against any public benefits of the proposal. Throughout the course of this application, there has been as recognition of the benefits arising from the proposal in the provision of swimming lessons. In light of the updated highway response, it is considered that these benefits do outweigh the less than substantial heritage harm caused.

Recommendation

That planning permission be granted subject to the following conditions

1. Standard Plan numbers condition – plans numbered 3892.13; 3892.14 and 3892.15 received by the Local Planning Authority on 13/6/1996; plan number

3892.16 received on 12/8/1996 and plan number DWG/02RevA received on 23/8/22.

2. The swimming pool hereby approved shall only be used for purposes incidental to the enjoyment of the dwelling house known as Charity House, 89 Main Road, Austrey together with its limited community use for private lessons during the days and hours as set out in the Schedule attached to this Notice.

Reason: In the interests of highway safety

3. Within one month of the date of this permission, the visibility splay as shown on the approved plan referenced DWG/02RevA shall be provided. No structure, tree or shrub shall be erected, planted or retained within the splays and they shall be retained as such at all times.

Reason: In the interests of highway safety

4. Within one month of the date of this permission, full details and specifications for improvements to the access track between the applicant's garden and its junction with Flats Lane, shall be submitted to the Local Planning Authority. The works once approved in writing shall be implemented in full within three months of the date of that approval and shall be maintained as such at all times.

Reason: In the interests of highway safety.

Informatives:

- a) The Local Planning Authority has met the requirements of the NPPF in this case through engagement with the applicant and the Highway Authority in order to arrive at an amended scheme that could be supported.
- b) Standard Party Wall Act Informatives

Schedule:

Mondays	1000 to 1400 hours (each lesson to last 30 minutes)
	1630 to 1800 hours (each lesson to last 45 minutes)
Wednesdays	1000 to 1215 hours (each lesson to last 45 minutes)
	1300 to 1400 hours (each lesson to last 30 minutes)
Fridays	1000 to 1400 hours (each lesson to last 30 minutes)

General Development Applications

(5/c) Application No: PAP/2021/0687

89-91 Main Road, Austrey, Atherstone, Warwickshire, CV9 3EG

Variation of condition no: 4 of planning permission PAUSAV/0602/96/FAP (PAP/1996/3856) dated 14/08/1996 relating to use of swimming pool for limited community use for private lessons, for

Mr & Mrs Hames

Introduction

This application was referred to the May Board meeting, but a determination was deferred in order to invite the applicant to consider reducing the use of the pool and to consider an alternative access.

The applicant has proposed a reduction but wishes to retain the use of the access as originally proposed. This report brings matters up to date. A copy of the previous report is attached at Appendix A.

Amended Proposal

The applicant has taken up the invitation to reduce the proposed use and the amended hours are shown below, compared with that originally proposed.

Amended Hours	Original Hours
Mondays 1000 to 1400 (4 cars per 30 mins – so 32 over the period) 40 cars)	1000 to 1430 (4 cars per 30 mins –
Mondays 1630 to 1800 (lessons extended to 45 mins) 30 mins) (1 car every 45 mins – so 2 cars over the period) period)	1630 – 1800 (lessons of (4 cars over the
Wednesday 1000 – 1215 (lessons of 30 mins) (1 car every 45 mins – so 3 cars over the period) period)	1000 – 1230 (5 cars over the
Wednesday 1300 – 1400 (4 cars per 30 mins – so 8 over the period) 12 cars)	1300 – 1430 (4 cars per 30 mins –
No Wednesday evening period mins lessons with 6 in each) (no cars) period)	1600 to 1900 (30 (36 cars over the

Fridays 1000 to 1400
(4 cars per 30 mins – so 32 over the period)
period)

(1000 to 1430)
(40 cars over the

MAXIMUM USE

154 car movements in the week
movements in the week

272 car

The amended proposal was forwarded to the County Council and it maintains its objection based on there being a greater and significant increase in use of the access onto Austrey Lane which the Highway Authority consider is sub-standard and not capable of improvement – see Appendix B.

Observations

As reported to the May Board, the use here was one that officers consider could be supported in principle, but it was the scale of the this that led to the main issue – extra traffic using the access off Flats Lane onto the Austrey Road. The Highway Authority is maintaining its objection, notwithstanding the amended, reduced scale of the use now being considered. It considers that the greater use of the access is still not acceptable.

The applicant disagrees. He argues that the 2021 appeal decision – copied into the Appendix to this report - established that the access was acceptable for the existing use plus the additional traffic arising from a two-bedroom bungalow, because the normal dimensions for the north-western vision splay could be relaxed given the local road conditions, a speed survey and the imposition of a condition requiring improvements at the junction and to widen the access track to three metres. He says that that condition and widening can be applied to the current proposal. Additionally, he argues that the County Council has not given sufficient weight to the fact that the proposal has reduced and that the use proposed would be staggered or spread over three days in the week and that too, it would be limited to a few hours on each of those days. The traffic would in his view be “absorbed” into existing traffic flows.

It is not considered that the impact of additional traffic on the capacity of the local highway network is the issue here. It is whether the increased use of this access would be acceptable in road safety terms given that there is sub-standard vision to the north-west. This situation was found to be acceptable for the appeal proposal, but the issue is whether it is also acceptable for the additional use as set out above in the amended proposal. The increase in movements over the appeal proposal is considered to be material – up to 150 additional movements a week - but the impact of that increase is mitigated by its limitation to certain days and hours. However, at those times there would be a material impact and it is that which causes the Highway Authority to maintain its objection.

As such, that Authority considers that the impact does not accord with the terms of the NPPF and thus by association, the content of Policy LP29 (6) of the Local Plan.

Substantial weight is thus given to this, and it is thus the case that that outweighs the benefits of the proposal.

This therefore leads to a recommendation of refusal.

The Board, if it resolves to refuse planning permission will need to consider the expediency of enforcement action. That would require cessation of the “mixed community use for private swimming lessons” and reversion to the terms of the original permission – a personal use under condition 4 of PAP/1996/3856. As a consequence, the community benefits of the use would be lost. The Board could consider “lesser” measures, whereby the Notice itself would apply conditions upon the maximum levels of use. However, that “threshold” is unknown, and it is for the applicant to show to the Highway Authority’s satisfaction that a lesser figure can be acceptable.

There will clearly be an impact here in the loss of this facility and the benefits that it brings. There will also be a financial impact on the owner and on the instructors who take the lessons. These impacts will need to be considered in the planning balance assessment which the Board undertakes in its determination of the application. It is considered that the highway objection is justified in this case because of the intensification of use proposed of the substandard access.

A compliance period of three months is appropriate in order that there is proper management of the reduction in bookings over a reasonable time.

Recommendation

a) That planning permission be **REFUSED** for the following reason:

“It is considered that the greater use to be made of access arrangements onto Main Road through this proposal is substantial and that such an intensification of use is unacceptable given the physical characteristics of that access – width and visibility. This is of such a degree that there are highway safety concerns and as such the proposal does not accord with Policy LP29 (6) of the North Warwickshire Local Plan 2021 nor paragraph 111 of the National Planning Policy Framework 2021”

b) That authority is given not the Head of Legal Services to issue an Enforcement Notice under Section 172 (a) of the Town and Country Planning Act 1990 for the reasons set out in the recommendation (a) above; that the requirements of that Notice are “the mixed community use for private swimming lessons of the pool” shall cease, and its use shall revert to that set out in Condition 4 of planning permission PAP/1996/3856) with a compliance period of three months.

Notes:

i) The Local Planning Authority has met the requirements of the NPPF in this case through engagement with the applicant in order to see particularly if the

objection from the Highway Authority could be overcome so as to result in a positive outcome. That has not been possible and thus a decision has been made that accords with the Development Plan.

APPENDIX A

General Development Applications

(5/a) Application No: PAP/2021/0687

89-91 Main Road, Austrey, Atherstone, Warwickshire, CV9 3EG

Variation of condition no: 4 of planning permission PAUSAV/0602/96/FAP (PAP/1996/3856) dated 14/08/1996 relating to use of swimming pool for limited community use for private lessons, for

Mr & Mrs Hames

Introduction

This application is referred to the Board because the outcome may require an assessment of the expediency of taking formal enforcement action.

The Site

This is a large detached residential property on the north side of Main Road set between another residential property to the west and the Austrey Baptist Church to the east. There is residential property and the village shop on the opposite side of the road.

The property has a large rear curtilage with a number of outbuildings. It has also been extended.

A location plan is attached at Appendix A.

The Proposal

Planning permission was granted in 1996 for alterations and extensions to include the re-design of a swimming pool and conservatory. This permission was taken up and the approved works completed. The permission was subject to conditions, one of which, number 4, says that:

"The swimming pool hereby approved shall not be used for any purpose other than for purposes incidental to the enjoyment of the dwelling house known as Charity House, 89 Main Road, Austrey as such."

The reason for the condition was, "in order to prevent any unauthorised use of the property".

The current application seeks to vary this condition so as to read:

"The swimming pool shall be used for the incidental enjoyment of Charity House and limited mixed community use for private swimming lessons by appointment only, during the hours of:

Monday: 1000 to 1430 and 1630 to 1800 hours
Wednesday: 1000 to 1430 and 1600 to 1900 hours
Friday: 1000 to 1400 hours"

5a/1

The application arises as a consequence of a breach of the approved condition 4. Officers are satisfied that they had sufficient evidence to conclude that there had been a breach, resulting in the unauthorised use of the pool. The owner has acknowledged the breach and elected to submit this application to vary the condition in order to remedy that breach. Members are reminded that this course of action is enabled through planning legislation.

The applicant has indicated that the lessons cover children supported by a guardian in the pool guided by a swimming instructor on the side of the pool. This is done in groups rather than on an individual basis and with 5 or 6 sessions a day. The capacity of the pool is said to limit the usage to no more than groups of five. There is a swimming instructor present. Parking is to the rear of the house on an existing grassed area close to the pool. It is intended to pave this with grasscrete. It is said that there is space for eleven cars to account for a change over between lessons. One wheelchair accessible bay is to be included.

Vehicular access to the parking area for visitors is via a single lane track that emerges onto an agricultural access, known as Flats Lane, which in turn exits onto Main Road, between number 99 Main Road and 5 Kirtland Close.

Other Material Background Information

Members will recall that planning permission was granted on appeal in September 2021 for the conversion of an outbuilding at the rear of the main house for residential use. That permission included vehicular access via the same track referred to above and via the same stretch of Flats Lane onto Main Road.

A copy of this decision is at Appendix B and note should be taken of condition 3 which requires improvements to the access onto Main Road – i.e.:

“Development shall not take place until full details and specifications for the approved improvements to the access have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works have been carried out in accordance with the approved details. The access shall thereafter be retained as approved”.

It is understood that the works to the outbuilding may have taken place and that occupation may have occurred in breach of this condition as no details have been submitted for discharge.

The location of the outbuilding the subject of this decision has been added to Appendix A.

Austrey Baptist Church and 87 Main Road are both Grade 2 Listed Buildings.

Consultations

Warwickshire County Council as Highway Authority – It has remained concerned since the application was submitted because of the intensification of use of the access onto Main Road. The issue is the substandard visibility to the north from this access. The Authority is mindful of the appeal decision but is of the view that the proposed use under this application will intensify its use. Additionally, it cannot see how improvements can be made. The last response is at Appendix C.

Representations

Austrey Parish Council – Whilst acknowledging the need for children to learn to swim, it has serious concerns for the following reasons summarised from its letter – attached at Appendix D.

- The breach here started in the summer of 2021 when there was a noticeable increase in traffic using Flats Lane. This is unsuitable for increased usage because of its surface, visibility and emergence opposite the very well used shop. The established access into the site in front of number 89 should be used.
- The use is not “limited” as evidenced from internet usage - 27 lessons are advertised per week. Moreover, usage is wider than the “community” with people travelling from much further afield than the village.

Eight letters of objection have been received from local residents repeating the matters raised by the Parish Council.

Eight letters of support have been received from users of the pool.

Development Plan

The North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP2 (Settlement Hierarchy), LP15 (Historic Environment), LP21(Services and Facilities) and LP29 (Development Considerations)

Austrey Neighbourhood Plan 2017 – AP3 (Views); AP8 (5-Minute Walkable Neighbourhood)

Other Material Planning Considerations

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

The National Planning Practice Guidance – (the “NPPG”)

Observations

The site is within the village Development Boundary as defined by Policy LP2 of the Local Plan and thus the principle of the use of the pool for more than personal use is acknowledged, as services and facilities are to be supported within such a boundary. The issues with the case are thus to look at the potential impacts of the proposed variation in use.

The site is close to two Listed Buildings. The Council is under a Statutory Duty to have special regard to the desirability of preserving their settings and any features of special architectural or historic interest which they possess. The proposal has no direct impact on the fabric of either of the two heritage assets. However, because of their proximity – particularly that of the Church - it is the impact on their settings that is more important here. The proposal relates to the use of an existing building and thus their settings would not necessarily be affected as opposed to the erection of a new building.

However, the greater activity associated with the proposed use – traffic travelling along the track; the parking required and the general increase in activity will change the ambience of the setting of the Church. This however is considered to be at the lower end of less than substantial, but nevertheless that will still carry significant weight in the final planning balance.

None of the representations received focus on adverse impacts on neighbouring residential amenity. The curtilage of the site is large and thus impacts will be limited. However, there be a very limited impact because of increased traffic alongside the neighbouring house to the south as this adjoins the access onto Main Road.

The main matter here is the adequacy of the access onto Main Road to cater for increased usage.

The starting point is that there is an approval for some increased usage due to the appeal decision subject to some improvements being undertaken. Details of those improvements have not been submitted but they would include widening of the access track as this was marked on one of the plans approved at appeal. The inspector in coming to her decision considered that, "traffic flow and speed in the locality of the access is slowed by on-road parking by customers of the post office/shop on the opposite side of Main Road and by the frequent turning of vehicles in the road." She continues by saying that she "observed these conditions" and concluded that "these factors lead to an overall reduction in traffic speeds in the area" – see Paragraphs 8 and 9 of Appendix B. She came to the conclusion that the traffic generation from the proposed two bedroomed dwelling would not be material in terms of increased vehicle movements. She therefore was prepared to agree to the access being used, despite its sub-standard visibility to the north.

The applicant asks the Board to focus on the Inspector's findings and reasoning – in other words lower traffic speeds in the vicinity of the access enable more use of the access despite the sub-standard visibility, provided that the improvements are completed.

The Highway Authority is saying that the proposal will increase traffic using this access – 5/6 sessions a day with 4/5 people visiting suggests a minimum of 40 movements a day. This is considered not to be safe even given the lower traffic speeds. Additionally, third party parking in Flats Lane can reduce the available width here, thus adding to the concern.

Policy LP29 (6) of the Local Plan requires "safe and suitable access to a site for all users". The NPPF says that " development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

5a/4

The Inspector's decision and the reasoning behind it are considered to be material, but that should not lead to the conclusion that the access is acceptable for all traffic movements using the access. That may well be the case, but the applicant has provided no traffic assessment and no evidence to support his view that the increased use would not lead to adverse road safety impacts with the current physical arrangements at the access. Such evidence would need to take on board that improvements to the northern visibility are not possible because of third party land and physical "pinch-points".

It is considered that the applicant has not proven to the satisfaction of either the Highway Authority or officers that the proposal will satisfy both Local Plan Policy LP29 and the relevant paragraph of the NPPF. However before considering a possible refusal, the Board should make a judgement as to whether the benefits of the proposed use would outweigh this potential refusal.

There is merit in the provision of swimming lessons and this carries weight. However, the benefit should not be open-ended. There are clear highway issues here as well as the less than substantial harm to the setting of the heritage asset. The intensity of use could be restricted by conditions such that the weight to be given to the benefit would outweigh these harms. The applicant considers that the hours and numbers as proposed would form the basis of such conditions. That however, in the view of the Highway Authority and officers is too great a use. It would need to be less, but the applicant has offered no reduction, or the evidence to support the proposed or a lesser usage. Moreover, whilst conditions are appropriate, they would have to satisfy Planning Guidance. As such the enforceability of such conditions is considered not to be straight forward without quite sustained monitoring. For all of these reasons it is considered that as presently proposed, the benefits do not outweigh the harms.

As such a recommendation of refusal is to be considered.

That as Members are aware, will lead to an assessment having to be made on the expediency of enforcement action. Given the strength of the highway concern it is considered that it would be. The requirements of that Notice would be to revert to incidental use as per the original condition. However, that would mean the loss of the benefit which does carry weight. Lesser measures are an option here, but they are unable to be defined without the relevant highway evidence, or the possibility of use of an alternative access – that at the main house.

A recommendation is set out below which may thus be more proportionate in all of the circumstances here.

Recommendations

- a) That the applicant be advised that the Council is minded to refuse planning permission for the reasons given in this report and that as a consequence it is considered that it is expedient to issue an Enforcement Notice requiring reversion of the use of the pool to that defined by the original condition number 4.
- b) That the applicant be invited to review the proposal through reducing the use of the pool and to consider an alternative means of access.

- c) That in doing so, the applicant be advised that it is essential to provide satisfactory technical evidence to show to the Council's satisfaction that that reduced use is acceptable in highway terms.
- d) That the applicant provides robust evidence to show that the improvements to the access as agreed by the 2021 appeal decision have been completed in full, to the written satisfaction of the Local Planning Authority.
- e) That the Board be notified of progress on these matters.

5a/6

5f/114

APPENDIX A



Appeal Decision

Site visit made on 22 April 2021

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2021

Appeal Ref: APP/R3705/W/21/3267144

89-91 Main Road, Austrey CV9 3EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Darren Burchell against North Warwickshire Borough Council.
- The application Ref PAP/2020/0303, is dated 18 June 2020.
- The development proposed is conversion of outbuilding to dwelling.

Decision

1. The appeal is allowed and planning permission is granted for conversion of outbuilding to dwelling at 91 Main Road, Austrey CV9 3EG in accordance with the terms of the application, Ref PAP/2020/0303, dated 18 June 2020, subject to the conditions on the attached Schedule.

Preliminary Matters

2. The Council confirms that had it had the opportunity to determine the planning application, it would have been refused on highway safety grounds.
3. Since the submission of the appeal, the revised National Planning Policy Framework (the Framework) has been published. Since there is no change to national policy and guidance in relation to the matters at issue in this appeal, the comments of the main parties on the Framework have not been sought.

Main Issue

4. The Council raises no objections to the principle or most details of the proposed development. Having regard to all of the evidence, including the status of the relevant development plan policies as confirmed by the Council, there are no reasons to disagree. The main issue in this appeal therefore is the effect of the proposed development on highway safety.

Reasons

5. It is proposed to convert a building comprising a garage and workshop to a dwelling. It is one of a number of outbuildings at the rear of No 89-90 Main Rd, a substantial dwelling in extensive grounds.
6. The appeal building would be served by an existing access which is used by the appellant to reach the rear of their property. The access leads from the appeal site onto Flats Lane before joining Main Rd. Flats Lane also provides access to the garage belonging to the neighbouring property (No 99) which opens onto it. The lane is also used by agricultural vehicles accessing the fields to the rear. A public footpath runs alongside the lane.

<https://www.gov.uk/planning-inspectorate>

7. At issue in this appeal is whether there would be a safe and suitable access to the site at the junction of Flats Lane and Main Rd. The Highway Authority considers it to be substandard due to the limited visibility at the junction of these 2 roads. The required standard of 2.4m x 43m can be achieved to the south. However, to the north visibility is restricted by planting and the building line. It is noted that this standard can be reduced in situations where there are low traffic speeds.
8. Main Rd is the principal route through the village, with streetlights and housing on both sides. The speed limit is 30mph and there are no parking restrictions. There are multiple lay-bys for parking along the length of the road, including directly opposite the site access, and most properties have off street parking. Notwithstanding the pandemic's effect on the number of traffic movements, the submitted road speed data establishes traffic speeds along Main Rd as below the 30mph limit. Moreover, as confirmed by local residents, traffic flow and speed in the locality of the access is slowed by the on-road parking by customers of the post office/shop on the opposite side of Main Rd and by the frequent turning of vehicles in the road. I also observed these conditions and it appears to me that these factors lead to an overall reduction in traffic speeds in the area.
9. Furthermore, in terms of the potential intensification of the use of the access, it is necessary to consider its existing use, including by agricultural vehicles. I am not convinced by the evidence that the number of vehicle movements associated with the occupation of a 2 bedroomed dwelling would have a material effect on the access onto Main Rd such as to harm highway safety. Pedestrians crossing the road at this junction would be aware of the potential for vehicle movements at this point, particularly as the access is already there. In my experience this situation would be little different to many accesses in village and rural locations. Furthermore, the access track would be widened to a uniform 3m along its length which would give additional space for users of the public right of way.
10. In accordance with the aims of the Framework and on the basis of the site-specific considerations, I conclude that the appeal proposal would not lead to an unacceptable impact on highway safety and there would be no severe residual cumulative impacts on the road network. Accordingly, the proposal would comply with the requirements of Core Strategy Policy NW10 (6) which requires proper access to development sites; Policy LP31 of the Submitted Local Plan which continues this approach, and the Proposed Modification MM74 to Policy LP31.

Other Matters

11. I have had special regard to the desirability of preserving the settings and any features of special architectural or historic interest which the nearby listed buildings Austrey Baptist Church and 87 Main Rd possess. I concur with the Council that due to the distance between the appeal site and the listed buildings and the presence of intervening buildings there would be no harm to, or loss of, the significance of these designated heritage assets or their settings.
12. There would be minimal alterations to the appearance of the appeal building and new windows would be screened by boundary fencing. There would be no overlooking of adjoining properties or any other harm to the living conditions of neighbouring occupiers.

13. In respect of concerns about potential flood risk in the area resulting from the proposal, the proposal is for a conversion and not new-build development and any surface water would be disposed of by soakaway. Notwithstanding the concerns of the Austrey Parish Council about incidents of flooding and flood damage nearby, there is no convincing evidence that there would be an increased flood risk here. In this regard I share the Council's view.

Conditions

14. A condition is necessary which sets out the approved drawing for the avoidance of doubt and in the interest of proper planning. In the interests of visual amenity and highway and pedestrian safety, details and specifications for the approved improvements to the access are required to be submitted to and approved in writing by the local planning authority for approval and thereafter retained.
15. The Council suggested a condition restricting the construction of outbuildings under Class E of the General Permitted Development Order. The Framework and the Planning Practice Guidance indicate that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this specific case the resulting dwellinghouse would have a large garden area, the site is close to the village boundary and it is bounded by a public footpath and nearby fields. There is therefore the potential for buildings otherwise permitted under Class E to harm visual amenities. In this regard I have also considered the Austrey Neighbourhood Plan Policies AP2 and AP3 which among other things seek to retain access to surrounding fields and to protect important views. Accordingly, for these reasons the suggested condition has been imposed.
16. The installation of an electric vehicle charging point is required by condition in the interests of sustainability. A further condition was suggested requiring the submission of a Construction Management Plan. However, as the proposal is for the conversion of a small-scale existing building which is likely to require fewer construction material deliveries and personnel than a new build development, and because the access to the site already exists, I consider that such a condition would be unreasonable and unduly onerous.

Conclusion

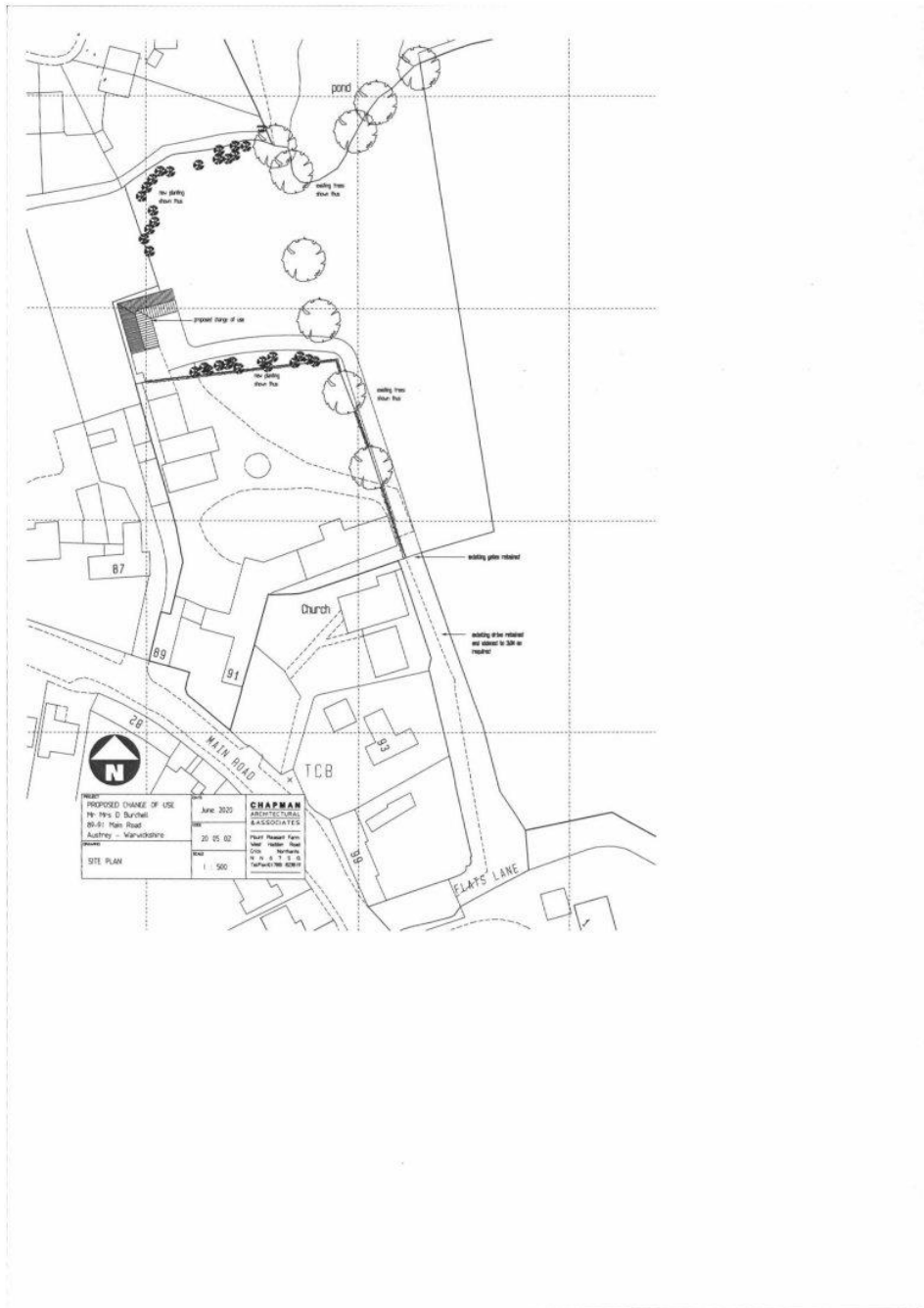
17. I have had regard to all other matters raised, including objections to the proposal from the Parish Council and neighbouring occupiers, but none affect my conclusions. For the reasons set out above the appeal should be allowed subject to the imposed conditions.

Elaine Benson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20 05 02 and 20 05 04.
- 3) Development shall not take place until full details and specifications for the approved improvements to the access have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the works have been carried out in accordance with the approved details. The access shall thereafter be retained as approved.
- 4) Notwithstanding the provisions of Class E of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or structures incidental to the enjoyment of a dwellinghouse shall be constructed.
- 5) Prior to the first occupation of the approved development, an electric vehicle charging point shall be installed and maintained in full working order at all times.



5a/12

5f/120

Jeff Brown

From: Chris Lancett <chrislancett@warwickshire.gov.uk>
Sent: 22 April 2022 16:35
To: plot64@talktalk.net
Cc: Christina Fortune; 'Pete Hames'; Jeff Brown
Subject: Re: Planning Application PAP/2021/0687: Charity House, 89-91 Main Road, Austrey

OFFICIAL

Afternoon All,

Apologies for the late response, got caught up on another application.

The Highway Authority still has concerns with the proposals. The main concern of the Highway Authority relates to the sub-standard visibility to the north of the access, and it is not considered that the inspectors previous condition covers the visibility.

The Inspectors decision gave significant weight to the level of traffic generation from the development, and they considered that a 2-bed dwelling would not result in a significant increase such that the development would result in a detriment to highway safety. The Appeal decision outlines that the inspector acknowledged the sub-standard visibility however considered that the dwelling would not intensify the use of the access significantly. The condition imposed by the inspector requires details of the access improvements previously proposed i.e resurfacing/widening of the access track to the rear rather than the visibility splays.

The condition being used in this instance would not overcome the concerns of the Highway Authority.

A commercial use is now being proposed which would result in more movements. From the previous details there could be 5 or 6 sessions a day all with 4 people attending. So, there could be a minimum of 40 movements a day on opening days just from people attending.

This would be a significant increase in movements through a sub-standard access which is considered to be detrimental to highway safety.

As outline in my previous emails the measurements do not appear to be correct on the drawings so the required splay does not appear achievable, significant alterations may be required to the kerb line which would not be supported.

It should also be noted that it is unclear if the required width of the access could be provided. As outlined by local residents and as seen on the Highway Authority's last site visit vehicles were parked within Flats Lane (assumed to be No.99) reducing the available width. If the occupiers of No.99 either own that area of Flats Lane or have access rights to park there, how would the width be maintained to allow 2-way flow?

Regards,
Chris

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

Tel: 01926 412 359
Email: chrislancett@warwickshire.gov.uk

www.warwickshire.gov.uk

From: [Heather Hadley](#)
Sent: 27 January 2022 15:28
To: [planappconsult](#)
Cc: [Heather Swan](#); [Helen Simpson](#); jacqui@austrey.co.uk; [sam](#); [Tristan Fraser](#); [Tony Treadwell](#); [Lynsey Treadwell](#)
Subject: Planning Application PAP/2021/0687

Dear Christana Fortune,

Ref - Planning Application PAP/2021/0687 - 89-91 Main Road, Austrey

I write on behalf of Austrey Parish Council to register our concerns regarding the application to change the swimming pool from residential use to commercial use. Whilst we are keen for children to learn to swim we have serious concerns with this application for the following reasons:-

Highways/ Traffic

The applicant has been breaching the planning restriction on the swimming pool by providing swimming lessons since summer 21. We are aware of this because of the very noticeable and concerning increased traffic around the track known as 'Flats Lane'. The area known as Flats lane is actually a muddy track providing an occasional entrance to the land at the rear of Charity House. It is in no way sufficient for regular vehicular usage and is a track regularly used by people out for a walk in the village. A previous application to build a new home using this entrance was rejected only 2 years ago citing 'highways' as one of the reasons for rejection.

The mud track turns out opposite the village shop and Postoffice. This is constantly a busy area with cars parking up outside the shop, and has become increasingly busy with the number of new homes built in our village over the past 5 years. The track also turns out right next to Kirtland Close and opposite The Green. Visibility is not good especially with the potential for traffic coming from several angles. It is simply not safe to be using on a regular basis and it's current continued use is causing many residents distress. There is also a concern that further usage will create mud that will encroach on the roadway outside the shop.

If the usage of the pool is for 'limited use' as stated in the application there should be no reason why the main house entrance could not be used and the 'small number of visitors' park on the driveway. The pool is attached to the main house after all so this would make complete sense. There should be absolutely no reason why Flats Lane should be used for this purpose other than convenience for the owner of Charity House to the detriment and danger of the residents of Austrey. Cars attending for swimming lessons should also not be parked up along the road outside Charity House as this also has the potential for accidents restricting the visibility of cars manoeuvring outside the shop and around Kirtland Close and The Green.

Basically, we feel very strongly that the area is not safe or suitable for the increase in traffic this business enterprise is already generating and could continue generating in future.

Volume of Usage

The applicant states in their application that the swimming pool will have 'limited community use for private lessons'.

We are already well aware of the usage as the applicant has now been providing lessons for a number of months and is advertising on the Internet. We can confirm in our opinion the usage should not be classed as 'limited'.

There are currently 27 lessons advertised per week of 30 minutes. This is not 'limited usage' but more in line with the number of lessons a town leisure centre would be offering. I doubt very much North Warwickshire Borough council would pass planning for a leisure centre right in the middle of Austrey village. The applicant also states the lessons are for the 'local community'. We already know from the sheer level of traffic people are not arriving on foot and are probably travelling in from other villages. Those travelling from other villages already have the option of swimming facilities in other areas such as Tamworth, Atherstone and Hinckley.

This is not just one or two lessons per week but a business operation on a large scale and is totally inappropriate for its setting.

We hope you will give our comments serious consideration. We are happy to meet up with you explain and discuss the traffic concerns if required.

Yours sincerely,

Heather Hadley
Parish Councillor
Austrey Parish Council

APPENDIX B

Your ref: PAP/2021/0687
My ref: 210687



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: Christina Fortune

21st June 2022

**PROPOSAL: Variation of condition no: 4 of planning permission
PAUSAV/0602/96/FAP (PAP/1996/3856)
LOCATION: 89-91 Main Road, Austrey, Atherstone**

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.

Since the initial response the Highway Authority has had multiple discussions/emails etc between the applicant/agent and LPA to discuss the potential affects of various proposed sessions. The most recent proposal is to have the following sessions:

*Monday Mothers & baby 10-2pm only - losing 30 minutes compared to current.
4 cars per 30 mins.*

*Monday 4:30 - 6pm family swim specific to disabled instruction where needed - making the lessons 45 minutes (compared to current 30 mins).
1 car every 45 mins.*

*Wednesday plus size ladies with access / mobility needs 10-12.30
1 car every 45mins*

*Wednesday mother & baby 1-2pm only - losing 30 minutes compared to current
4 cars every 30 mins*

No Wednesday evening (losing 3 hours)

*Friday 10-2pm as before
4 cars every 30 mins*

OFFICIAL

*Working for
Warwickshire*

The Highway Authority still has concerns with the proposed use as the existing access is considered to be sub-standard.

Guidance suggests that accesses onto roads with a speed limit of 30mph should be provided with visibility splays with an 'x' distance of 2.4 metres by 'y' distances of 43 metres. In this instance the access is located on the outside of a bend so an additional splay is required at a tangent to the kerbline to ensure other vehicles/highway users would be visible over the entire length of the 'y' distance. It is this additional splay that cannot be achieved due to the location of the existing building line of No.99. A plan has been provided to show the splay would be achievable from an 'x' distance of 2 metres however the Highway Authority does not consider that this location would be suitable for such an 'x' distance to be used. In order for a 2 metre 'x' distance to be considered guidance suggests the area should be both low-speed and very lightly-trafficked.

The agent considers that the previous appeal decision on the site (conversion of workshop into dwelling) outlines that the inspector considered the existing access to be 'safe' and that an 'x' distance of 2 metres would be acceptable.

It is not considered by the Highway Authority that the inspector found the access 'safe' nor did they agree that a reduced 'x' distance would be acceptable. The inspector's decision came down to the whether or not the development would be an intensified use of the access. The inspector stated - *'I am not convinced by the evidence that the number of vehicle movements associated with the occupation of a 2 bedroomed dwelling would have a material effect on the access onto Main Rd such as to harm highway safety.'*

On receipt of the previous speed survey advice was taken from both WCCs Transport Planning and Road Safety team to determine whether the location would quantify as a slow speed and very lightly trafficked area. The advice given from both was that this area was not considered to be either so a 2 metre 'x' distance should not be supported.

The Highway Authority had concerns with a 2-bed dwelling so would not support any commercial use on-site. Although lessons are not proposed every day the development would still result in a significant intensification of use.

Based on the above session times/amounts the development could result in a total of 154 two-way movements per week, with 68 on Monday, 22 on Wednesdays and 64 on Fridays. This level of trip generation is considered to be significant so as to have a severe impact on highway safety through the intensification of a sub-standard access.

It is also unclear if the numbers are robust. The Monday evening and Wednesday morning sessions are shown as 1 vehicle per 45 minutes, and these sessions are stated as Family Swim and plus size ladies with access/mobility needs respectively. Would these sessions therefore be 1:1 sessions with only a single family permitted or a single person allowed per session?

It is also unclear what could change in the future. Should the re-worded condition not be specific to the types of sessions proposed the Wednesday evening sessions could

OFFICIAL

potentially be converted into mother and baby sessions for example potentially producing further vehicular trips.

Based on the appraisal of the development proposals and the supporting information in the planning application the Highway Authority submits a response of **OBJECTION**, for the following reasons;

1. It has not been shown that the variation of condition would not result in a significant increase in vehicular movements using a sub-standard access.
2. It has not been shown that the required visibility splays would be achievable.

Yours sincerely

Chris Lancett

Chris Lancett
Development Group

****FOR INFORMATION ONLY****
COUNCILLOR HUMPHREYS – POLESWORTH

OFFICIAL

Appendix B

PAP/2021/0687 – 89/91 Main Road, Austrey

Site Visit - 5 August 2022 at 14:30

Present: Cllrs H Phillips, D Reilly and M Simpson together with S Cheshire (on behalf of the applicant) and J Brown

1. Members met at the junction of Flats Lane with Main Road
2. They were shown the characteristics of the location – the footpath, the curve in the road, the lay-by opposite, the corner of the third-party property, the width of the Flats Lane and the parking arrangements for that third party property.
3. The “x” distance for a visibility splay was measured – with a distance of both 2.4 and 2.3 metres. Members then looked at the visibility to the right at these distances. The measurements were taken from both the rear of the highway carriageway and from a likely “running-lane”.
4. The corner of the property was noted, as was bush.
5. Whilst here, Members witnessed the traffic using Main Road which included cars, a tractor and a cyclist.
6. Members then walked up the proposed access from the junction to the gate at the rear of the pool in order to look at its characteristics – its width and surfacing. At the gate Members also saw the location of the Pool. On the return to Main Road, Members saw the agricultural access that leads to the fields behind the residential property here.
7. The visit concluded at around 14:50.

PAP/2021/0687 – 89/91 Main Road, Austrey

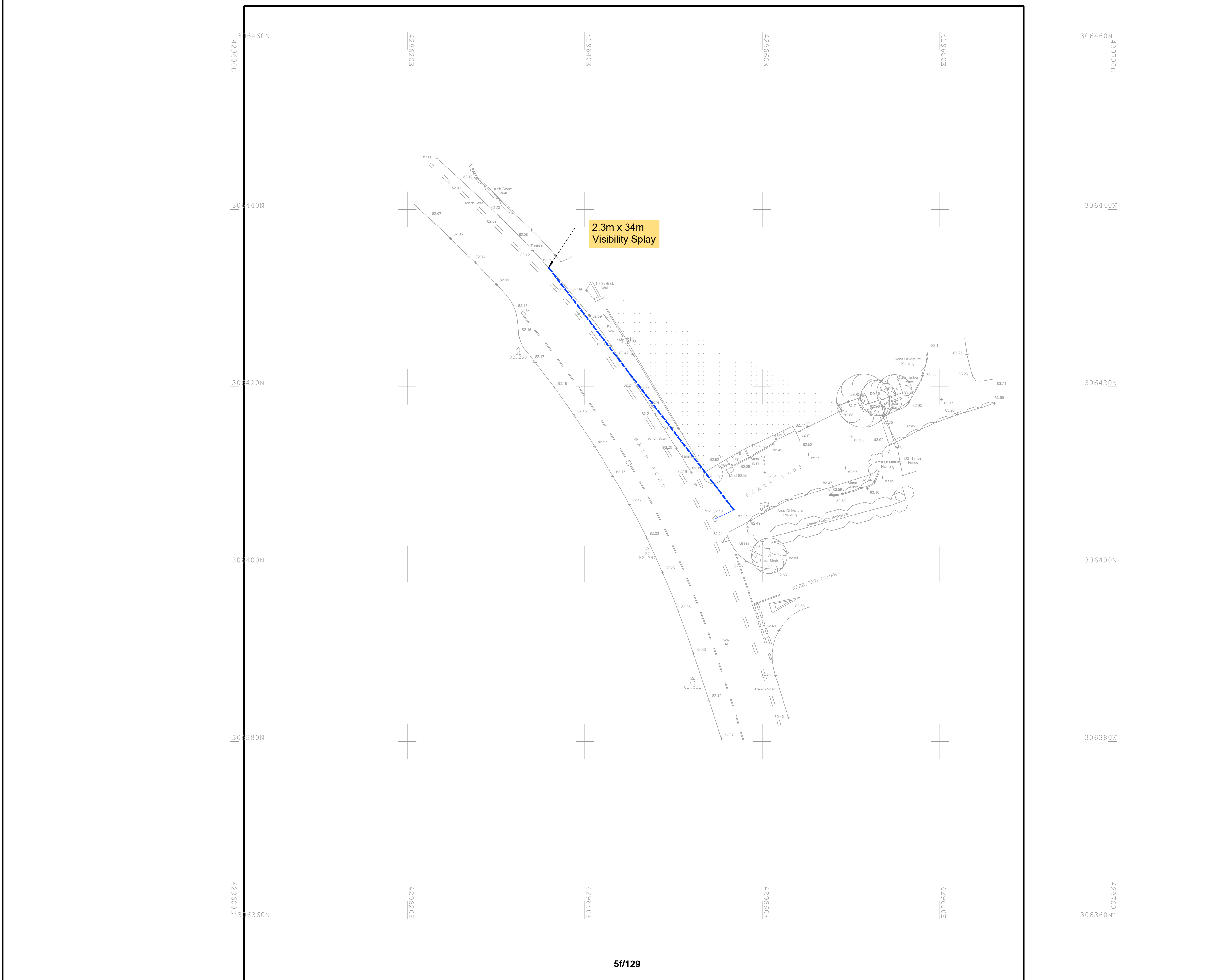
Meeting – 12 August 2022 at 14:00 in the Council House

Present: Cllrs D Humphries and H Phillips, Mr and Mrs Hames (the applicants), S Cheshire (their agent), C Lancett (WCC Highways) and J Brown.

1. The background to the meeting was explained based on the two deferrals by the Planning Board and an outline of the site visit was provided.
2. At that time Members had witnessed the right-hand visibility with dimensions of 2.3 and 2.4 metres back from both the edge of the carriageway and the “running-lane”.
3. WCC explained the basis of its continued objection – the substandard visibility to the right given the proposed increased use (as reduced by the latest amendment) over and above that already committed.
4. The applicants explained the evidence that had already been provided on traffic speeds with an 85th percentile figure of 27mph and the evidence from a topographic survey which illustrated that suitable visibility could be provided.
5. There was some discussion on the merits of having staggered hours and movements not during peak hours.
6. As a consequence of the continued difference between WCC and the applicant, both parties agreed to attend the site immediately following the meeting in order to agree dimensions on the ground.
7. WCC was asked to provide a further response based on the agreed dimensions and to base that response on the latest proposed schedule of activity as set out in the last Board report.
8. WCC confirmed that the vegetation at the corner of 99 Main Road was in the highway and that WCC could remove it.
9. Planning conditions could be used to approve only this schedule if that was to be the case.
10. All parties were informed that a determination should now be made on the 7 September 2022 – the next Board meeting.



NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
23/08/2022
PLANNING & DEVELOPMENT
DIVISION



2.3m x 34m
Visibility Splay

General Notes

Rev	Issue Comment	Date
-	-	-



Client
Architect

Project
Main Road Austery

Drawing Title
**Site Access
Visibility Splays**

Drawing Number
DWG-02 Rev A
Scale & Sheet Size
1:200 @ A1

Your ref: PAP/2021/0687

My ref: 210687



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: Christina Fortune/ Jeff Brown

23rd August 2022

**PROPOSAL: Variation of condition no: 4 of planning permission
PAUSAV/0602/96/FAP (PAP/1996/3856)**

LOCATION: 89-91 Main Road, Austrey, Atherstone

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.

Since the initial response the Highway Authority has had multiple discussions, meetings and site visits between the applicant/agent and LPA to discuss the potential affects of various proposed sessions. The most recent proposal is to have the following sessions:

*Monday Mothers & baby 10-2pm only
4 cars per 30 mins.*

*Monday 4:30 - 6pm family swim specific to disabled instruction where needed - making the lessons 45 minutes.
1 car every 45 mins.*

*Wednesday plus size ladies with access / mobility needs 10-12.30
1 car every 45mins*

*Wednesday mother & baby 1-2pm only
4 cars every 30 mins*

*Friday 10-2pm as before
4 cars every 30 mins*

Based on the above session times/amounts the development could result in a total of 154 two-way movements per week, with 68 on Monday, 22 on Wednesdays and 64 on Fridays.

The development would therefore result in an intensified use of the existing access, which is currently sub-standard. Improvements are proposed to the access (in accordance with the previous appeal decision) and a plan has now been provided to show that the required visibility splay could be achieved in accordance with that agreed during the various site visits. Whilst the additional tangent to the kerb line cannot be achieved it is noted that the splay is roughly 0.38 metres from the kerb line, this could be considered as acceptable as road users (cars, cyclists etc) should still be visible over the full extent of the visibility splay as they should be travelling away from the kerb line.

Based on the appraisal of the development proposals and the supporting information in the planning application the Highway Authority submits a response of **no objection**, subject to the following conditions:

1. Within 1 month of the date noted on the decision notice the visibility splay as shown on drawing number DWG-02 Rev A shall be provided. 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 and the splay shall thereafter be retained during the approved use of the site.
2. Within 1 month of the date on the decision notice, full details and specifications for the approved improvements to the access shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details and the access shall thereafter be retained as approved.

Yours sincerely

Chris Lancett

Chris Lancett
Development Group

****FOR INFORMATION ONLY****
COUNCILLOR HUMPHREYS – POLESWORTH

General Development Applications

(5/g) PAP/2022/0401 and 0402

Britannia Works, Coleshill Road, Atherstone

Proposed Removal of conditions numbered 7, 9 and 10 and Variation of conditions numbered 2, 4, 13, 21 and 24 of planning permission PAP/2019/0180 and Listed Building Consent PAP/2019/0183 both dated 6/11/19 for

Atherstone Britannia Ltd

Introduction

These applications are referred to the Board in light of its continuing interest in the site

The Site

These former hat factory premises are located between the Coventry Canal, Richmond Road and the Coleshill Road about 400 metres south of Atherstone town centre. There are established residential areas around the site with some other retail uses and a public house.

Within the site there are two separate mill buildings which date from the late Victorian period – one facing the Coleshill Road and the second overlooking the canal towards the south-east. These are now connected by early twentieth century industrial blocks. The whole premises were last in use in 1999 when manufacturing ceased. The overall built form is generally three to four storeys and runs along the Coleshill Road frontage and the canal side. All access is via Richmond Road.

Background

The two older mill buildings are Grade 2 Listed Buildings.

In summary, permissions dating from 2019 have established the principle of the redevelopment of the site for a 70-bed care home. That involved the demolition of the buildings on site, apart from those along the Coleshill Road frontage. The majority of the pre-commencement conditions attached to these permissions were then discharged. In 2020, additional permissions were granted to demolish the Coleshill Road frontage due to the deterioration in its appearance and structure. However, the present appearance of that façade would be replicated when re-built.

The Proposals

Since the 2020 permissions, the applicant has been looking in detail at the design and operation of internal layout of the new care-home. As a consequence, the current applications seek to vary plans approved under the 2019 permissions so as comply with the appropriate up to date care-home standards and regulations, as well as being “tailored” to reflect North Warwickshire’s housing requirements. Additionally, because of the continuing delay in implementing these 2019 permissions, the applicant is seeking to vary some of the 2019 conditions to allow more time to discharge the outstanding “pre-commencement” conditions. The

proposals also include the “removal” of conditions. This is because these conditions have already been discharged and in effect would be redundant if the 2019 permissions as now proposed to be varied are taken up, as they incorporate the 2020 revisions.

The condition numbers are the same for both the planning permission and the Listed Building Consent. In more detail, the conditions to be varied are:

Condition 2 - to include the list of new plans as a consequence of the internal changes and also the subsequent external changes.

Conditions 4, 13, 21 and 24 - The original conditions required details to be approved prior to any development on site. In order to provide more time for submission, the time periods are proposed to be changed – either to prior to any construction above slab level, or to between the commencement of ground works and completion of slab level.

In respect of the conditions to be removed then:

Condition 7 deals with phasing – This has already been discharged, but it reflected the position in 2019, when the retention and refurbishment of the frontage was a priority. It can no longer carry any weight if the 2020 permissions as reflected in the proposed changes are implemented.

Conditions 9 and 10 - These have been discharged, but again they refer to the measures needed to support the frontage buildings whilst demolition took place behind them. This will now no longer be needed given the 2020 permissions and their incorporation into the proposed changes in the current application.

So as to illustrate the plan changes, the 2019 approved site plan is at Appendix A and the current proposal is at Appendix B

The 2019 approved elevations are at Appendices C and D, with the current proposals at Appendices E, F and G.

Consultations

Historic England – No comments to make

Warwickshire County Council as Lead Local Flood Authority – It objected to the revisions proposed to Condition 21 as underground surface drainage works may have to be agreed before any groundworks are commenced. However, a rewording of the condition has been agreed bespoke to the drainage works as set out in the recommendation below.

Canal and River Trust – No Comments to make

Representations

Atherstone Town Council – It sees no reason why the conditions need to be varied but accepts that there may be “planning” reasons for doing so and thus leaves it to the Board to decide.

One letter of objection has been received referring to the low provision of car parking and thus the potential pressure on already saturated on-street car parking. It suggests that the scheme needs to be reviewed.

The period in which representations can be submitted expires between the date of the publication of this report and the date of the Board meeting. The Board will be advised at its meeting of any other representations received.

Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP7 (Housing Development), LP15 (Historic Environment), LP29 (Development Considerations) and LP30 (Built Form)

Other Material Planning Considerations

The National Planning Policy Framework

The Atherstone Conservation Area Designation Report

Observations

a) Introduction

The principle of complete redevelopment of this site has been established through the 2019 and 2020 permissions. The current set of applications is solely concerned with variations of the 2019 permissions so as to incorporate the 2020 proposals in order to meet up-to-date care-home standards and to be designed, so that the accommodation meets the Borough's requirements. The remit of the Board is thus limited to looking at the merits of the proposed variations.

b) Plan Changes

Dealing first with the plan changes, it is useful to start by identifying the proposed differences between those approved and those now proposed.

There is very little difference in terms of the site layout – comparing Appendix A with B. Indeed, they could be considered to be immaterial. The main changes are:

- A more uniform “footprint” and slightly less ground coverage.
- The main block drawn a little further back from the canal-side
- No change in car parking provision.

There is more of a difference between the two sets of elevations – Appendices C to G.

Taking the Coleshill Road frontage first then – Appendices C and E:

- The ground floor entrance and arch arrangements are simplified – points A and B on the two Appendices
- The two windows in the canal-side building are slightly lowered – points C and D on the two Appendices

- The secondary entrance has been removed – points E and F on the two Appendices.

The proposed alterations are acceptable as they do not detract from the overall appearance on street-scene. Indeed, it is considered that there is probably an enhancement. Additionally, this should be treated as a new structure which reflects the original and not one that has to replicate every detail.

Turning to the canal-side frontage – Appendices D and G:

- There is less four storey development– points G and H on the Appendices.
- The “industrial” appearance of the frontage is much reduced with more differentiation in design detail including gables and balconies - points G and H on the Appendices.

Members will recall that the design approach throughout has been to try and reflect the industrial heritage of the past use of the site through the new build. That was achieved with the 2019 permissions. The current variations reduce that element and introduce a more recognisable residential character at the site’s eastern end. This is welcome as the current proposals have a greater degree of differentiation and variety in the overall canal side frontage. It successfully marries the industrial and residential elements in equal proportions.

Looking at the Richmond Road Elevation – Appendices D and F:

- As above, there is less four storey development and a much more recognisable residential appearance – points H, I, K and L on the Appendices.

In conclusion it is considered that in design terms, the current proposals should be supported. They do not materially introduce a different design approach to that of 2019, but the changes are considered to have enhanced the outcome, creating greater variety and interest.

The Council is under a Statutory Duty to preserve and enhance the character and appearance of its Conservation Areas. The site is not within the town’s Conservation Area as its boundary is some 100 metres to the north. The current proposals have no direct impact on the character and appearance of the Conservation Area because of this separation distance. The changes now proposed do not dilute the present scale of development on the site which was wholly linked to the town’s industrial and transport history and that is still represented through the current proposals. It is not only the historic link with the Area that is retained, but there is also a visual link in that the site is visible from locations within the Area. These proposals will still retain those linkages, thus preserving the character and appearance of the Area.

The Council is also under a Statutory Duty to have special regard to preserving the setting and any features of special architectural and historic interest that a Listed Building possesses. The application site is part of a Grade 2 former millinery works and the significance of the asset is that it remains part of the town’s industrial heritage. However, the combination of the 2019 and 2020 permissions have now removed that significance such that the development replicates that heritage, rather

than preserving it. This position now carries substantial weight and the current proposals do not alter this in any material way.

Overall, therefore it is concluded that the current proposals can be supported in design terms and that there is no harm to the heritage assets given the recent set of permissions.

c) Variations

The proposed variations to the conditions are considered to be appropriate in the current circumstances. Their original wording was that details had to be submitted prior to commencement. Whilst this is understandable, there is no practical imperative to have all details agreed at this time. Some details can be agreed after commencement without prejudice to the overall development. For instance, in this case archaeological investigations cannot proceed until after demolition and drainage works also need to be implemented after clearance. It is significant that the Lead Local Flood Authority has agreed a revised wording of the condition affecting drainage works. The key matter is that whatever details are approved, they are then actually implemented on site during construction.

d) Removals

These proposals are a direct consequence of the changes brought about by the 2020 permissions as the requirements of these conditions cannot be undertaken if the 2019 permissions as proposed to be varied under (a) above are commenced on site.

Recommendations

a) PAP/2022/0401

That subject to no objections being received that cannot be overcome by condition, planning permission be granted subject to the following conditions:

- i) Standard three year condition
- ii) The development hereby approved shall not be carried out otherwise in accordance with plan numbers HCT/288/PA3/003, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311 and 312, the Written Scheme of Investigation, Structural Surveys and Heritage Statement together with the details approved under DOC/2020/0031 dated 22/9/20.
Reason: To ensure that the development is carried out strictly in accordance with the approved plans
- iii) Prior to any construction above slab level, sample panels of the facing brickwork to be used for the walling of all of the buildings shall be constructed on site. Only the brickwork then subsequently approved in writing by the Local Planning Authority shall be used on site.

Reason: In the interests of the visual amenities of the area.

- iv) For the avoidance of doubt, there shall be no UPVC windows or doors used on any of the buildings hereby approved. All of the windows and external doors shall be recessed back in their openings by a minimum of 75mm.

Reason: In the interests of the heritage interest in the site

- v) Between the commencement of groundworks, but prior to the completion of works up to slab level, the following details shall be submitted to the Local Planning Authority:

- a) A programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition shall be undertaken and completed in accordance with the document referred to in condition 2 entitled "Written Scheme of Investigation for Archaeological Field Evaluation" by the University of Leicester Archaeological Services.

- b) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall then be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

Reason: In view of the potential for the works to disturb any archaeological features associated with the industrial use of the site

- vi) Prior to the occupation of the site, a detailed proposal for the remediation of any soft landscaping areas approved to address the lead content of the underlying soils shall be submitted to the Local Planning Authority. Occupation shall then only take place once any proposals as approved in writing by the Authority have been fully implemented on site to the written satisfaction of the Local Planning Authority.

Reason: In order to reduce the risk of pollution

- vii) In the event that contamination is found at any time when carrying out the development that was not previously identified, it must be reported immediately to the Local Planning Authority. An Investigation and Risk Assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared. Work may only continue in line with remediation agreed by the Authority.

Reason: In the interests of reducing the risk of pollution.

viii) Prior to first occupation of the site, where any remediation measures have been carried out in pursuance of condition (ii) and (vii), a post remediation verification report shall be submitted to the Local Planning Authority
Reason: In the interests of reducing the risk of pollution.

ix) Prior to the installation of any part of the drainage system, a detailed surface water drainage scheme for the use of the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- demonstrate that the system is designed in accordance with CIRIA C753 through the submission of plans and cross sections of all the drainage features.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% critical rain storm to a rate to be agreed by the Local Planning Authority. This must show a minimum of a 50% reduction on pre-development peak run-off.
- Demonstrate that the attenuation storage accords with Science Report SC030219
- Demonstrate detailed design of the surface water scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the system for a range of return periods and storm durations inclusive of the 1 in 1 year; 1 in 2 year, 1 in 30 year and 1 in 100 year plus climate change, return periods.
- Provide plans and details showing the allowance for exceedance flows and overland flow routing. Water must not be directed towards properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.

Reason: To reduce the risk of flooding.

x) There shall be no occupation of the development hereby approved until a detailed maintenance plan written in accordance with CIRIA C753 has first been submitted to and approved in writing by the Local Planning Authority. It shall include the name of the party together with full contact details responsible for the implementation of the approved plan. The measures in the approved plan shall be maintained at all times.

Reason: To reduce the risk of flooding.

xi) There shall be no occupation of any of the units hereby approved until the whole of the car parking provision; turning areas and access arrangements as shown on the approved plan have first been fully completed to the written satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

xii) There shall be no construction above slab level, until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include the appropriate specification for any noise insulation needed to ensure an acceptable noise climate for the occupiers of the residential development and in particular those occupying units adjoining the neighbouring public house. The approved Plan shall be implemented in full to the written satisfaction of the Local Planning Authority prior to occupation of any of the units hereby approved

Reason: In the interests of the residential amenities of the area.

xiii) There shall be no demolition of the façade facing Coleshill Road until a Materials Recovery Statement has first been submitted to and approved in writing by the Local Planning Authority. The presumption in this Statement is that materials will be retained and re-used on site. It should establish the procedures to be followed in respect of the salvage of facing materials from this façade in order that they may be re-used on site. Only the approved procedures shall be followed, and these shall remain in force until the site is fully cleared of materials.

Reason: In view of the heritage interest of the buildings.

xiv) There shall be no demolition of the façade facing Coleshill Road until a photographic record of the whole of this facade has been undertaken and submitted to the Local Planning Authority. Work shall only commence following written approval of receipt of that record.

Reason: In the interests of recording the town's heritage and to enable replication of the elevation in its replacement.

Informatives:

- a) The Local Planning Authority has met the requirements of the NPPF in this case by working with the applicant and consultees in order resolve planning issues such that a positive outcome can be achieved.
- b) Attention is drawn to the adjoining canal and the need to engage with the Canal and River Trust at the earliest opportunity in regard of the demolition and its management as well as the prevention of potential contamination of the canal water.
- c) Similarly, attention is drawn to the Coleshill Road and the need to engage with Warwickshire County Council in respect of the demolition and its management in view of the safety aspects of the public highway.
- d) Standard Party Wall Act notes.

b) PAP/2022/0402

That subject to no objections being received that cannot be overcome by condition, Listed Building Consent be granted subject to the following conditions:

- i) Standard three year condition
- ii) The development hereby approved shall not be carried out otherwise in accordance with plan numbers HCT/288/PA3/003, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311 and 312, the Written Scheme of Investigation, Structural Surveys and Heritage Statement together with the details approved under DOC/2020/0032 dated 22/9/20.
Reason: To ensure that the development is carried out strictly in accordance with the approved plans
- iii) Prior to any construction above slab level, sample panels of the facing brickwork to be used for the walling of all of the buildings shall be constructed on site. Only the brickwork then subsequently approved in writing by the Local Planning Authority shall be used on site.
Reason: In the interests of the visual amenities of the area.
- iv) The demolition of Block Q shall be carried out by hand (or tools held in the hand other than power-driven tools) and the materials stored for re-use on the site.
Reason: In view of the heritage interest in the site.
- v) For the avoidance of doubt, there shall be no UPVC windows or doors used on any of the buildings hereby approved. All of the windows and external doors shall be recessed back in their openings by a minimum of 75mm.
Reason: In the interests of the heritage interest in the site
- vi) Between the commencement of groundworks, but prior to the completion of works up to slab level, the following details shall be submitted to the Local Planning Authority:
 - a) A programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition shall be undertaken and completed in accordance with the document referred to in condition 2 entitled "Written Scheme of Investigation for Archaeological Field Evaluation" by the University of Leicester Archaeological Services.
 - b) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall then be submitted to and approved in writing by the Local

Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

Reason: In view of the potential for the works to disturb any archaeological features associated with the industrial use of the site”.

- vii) There shall be no demolition of the façade facing Coleshill Road until a Materials Recovery Statement has first been submitted to and approved in writing by the Local Planning Authority. The presumption in this Statement is that materials will be retained and re-used on site. It should establish the procedures to be followed in respect of the salvage of facing materials from this façade in order that they may be re-used on site. Only the approved procedures shall be followed, and these shall remain in force until the site is fully cleared of materials.

Reason: In view of the heritage interest of the buildings.

- viii) There shall be no demolition of the façade facing Coleshill Road until a photographic record of the whole of this facade has been undertaken and submitted to the Local Planning Authority. Work shall only commence following written approval of receipt of that record.

Reason: In the interests of recording the town’s heritage and to enable replication of the elevation in its replacement.

Informatives:

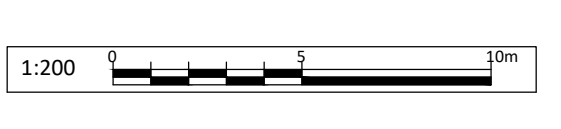
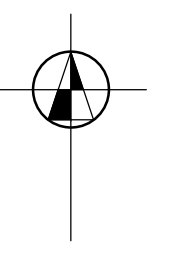
- a) The Local Planning Authority has met the requirements of the NPPF in this case by working with the applicant and consultees in order resolve planning issues such that a positive outcome can be achieved.
- b) Attention is drawn to the adjoining canal and the need to engage with the Canal and River Trust at the earliest opportunity in regard of the demolition and its management as well as the prevention of potential contamination of the canal water.
- c) Similarly, attention is drawn to the Coleshill Road and the need to engage with Warwickshire County Council in respect of the demolition and its management in view of the safety aspects of the public highway.
- d) Standard Party Wall Act notes.

MATERIAL KEY

- 600x600 BLOCK PAVING SLABS, COLOUR TBC
- PERMEABLE BLOCK PAVING, COLOUR TBC
- PERMEABLE BLOCK PAVING, COLOUR TBC
- BLOCK PAVING SLABS, COLOUR TBC
- GRAVEL
- SOFT LANDSCAPING (REF. BEA LANDSCAPE SCHEME)



NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
26/03/2019
PLANNING & DEVELOPMENT
DIVISION



↑ REVISIONS

No.	Description

MSQUARE
architects ltd
11 STUDIO, TALBOT YARD, MARKET HARBOUROUGH
LEICESTERSHIRE, LE16 7NP - TEL: 01858 430915
www.msquarearchitects.com

CLIENT	HCT HOMES LTD		
PROJECT	BRITANNIA WORKS, COLESHILL ROAD, ATHERSTONE, CV9 2AA		
TITLE	PROPOSED SITE LAYOUT		
DWG No.	HCT	288	PA2 002
DATE	NOV '18	SCALE	1:200
DRAWN	OTM	CHECKED	

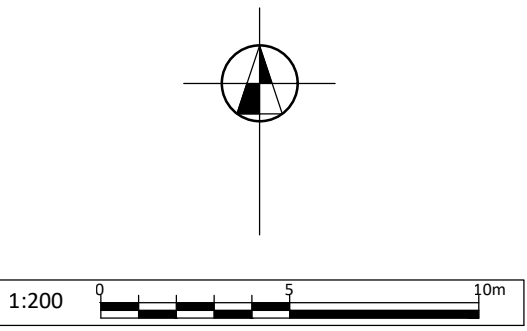
Do not scale from this drawing, use dimensions only
All discrepancies must be reported to the Architect

© MSQUARE ARCHITECTS LTD

MATERIAL KEY

- 600x600 BLOCK PAVING SLABS, COLOUR TBC
- PERMEABLE BLOCK PAVING, COLOUR TBC
- PERMEABLE BLOCK PAVING, COLOUR TBC
- BLOCK PAVING SLABS, COLOUR TBC
- GRAVEL
- SOFT LANDSCAPING (REF. BEA LANDSCAPE SCHEME)

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
28/07/2022
PLANNING & DEVELOPMENT
DIVISION



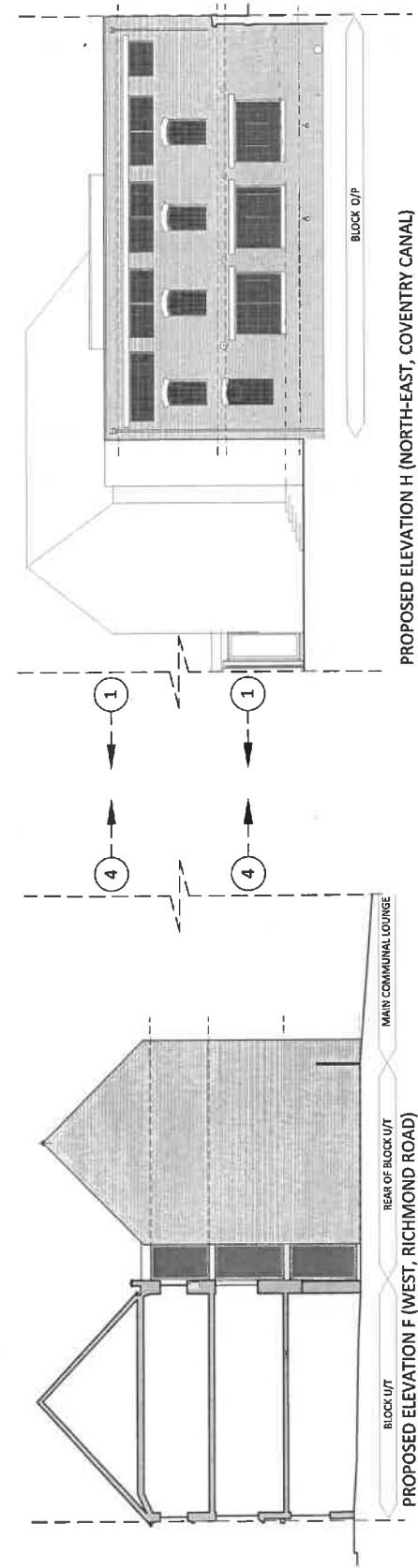
A	21.07.22	GENERAL AMENDMENTS
↑ REVISIONS		

MSQUARE
architects Ltd
11 STUDIO, TALBOT YARD, MARKET HARBOROUGH
LEICESTERSHIRE, LE16 7NP - TEL. 01858 410915
www.msquarearchitects.com

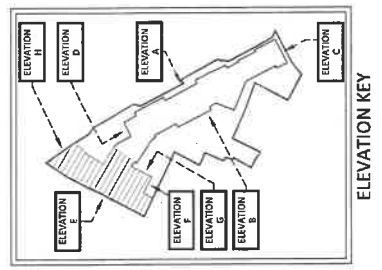
CLIENT	HCT HOMES LTD		
PROJECT	BRITANNIA WORKS, COLESHILL ROAD, AHERSTONE, CV9 2AA		
TITLE	PROPOSED SITE LAYOUT		
DWG No.	HCT	288	PA3 003
DATE	JULY 2022	SCALE	1:200
DRAWN	DD	CHECKED	OTM
Do not scale from this drawing, use dimensions only All discrepancies must be reported to the Architect			
© MSQUARE ARCHITECTS LTD			



PROPOSED ELEVATION E (NORTH, COLESHILL ROAD)

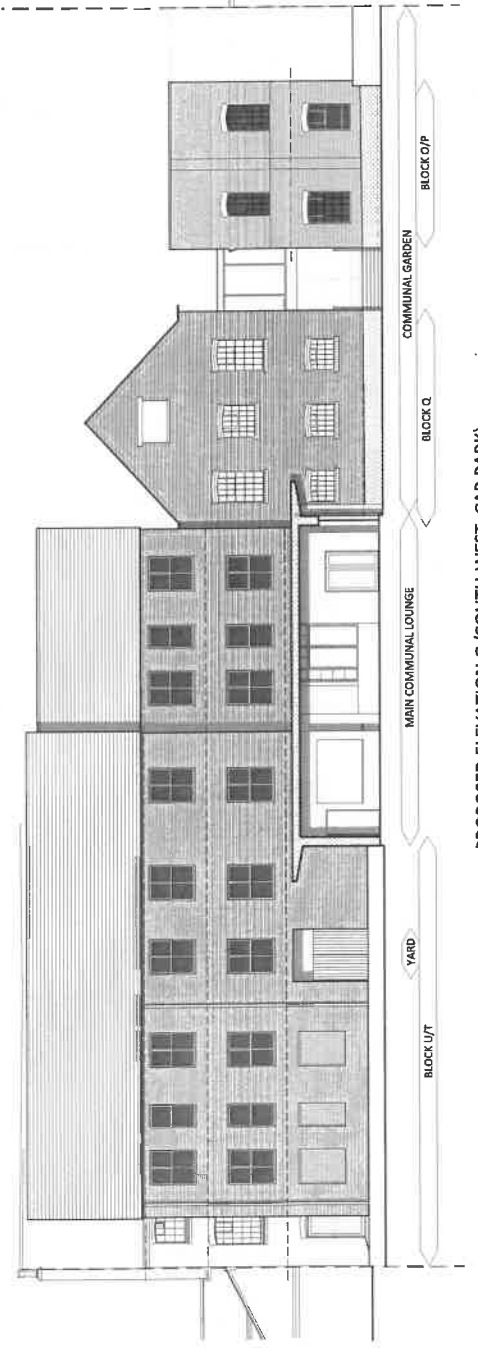


PROPOSED ELEVATION H (NORTH-EAST, COVENTRY CANAL)



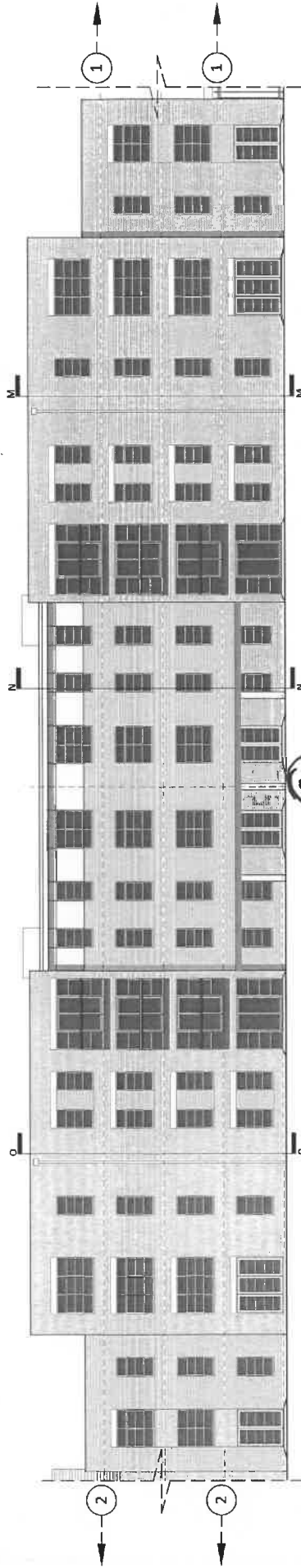
ELEVATION KEY

MARKET WORKS/ARCHITECTS
 100, COLLEGE STREET
 BIRMINGHAM
 B2 4BA
 TEL: 0121 633 1100
 WWW.MARKETWORKS.CO.UK

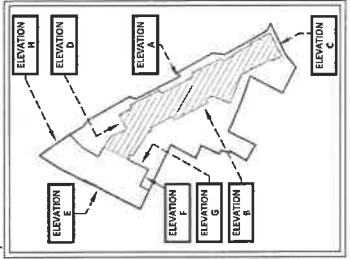


PROPOSED ELEVATION G (SOUTH-WEST, CAR PARK)

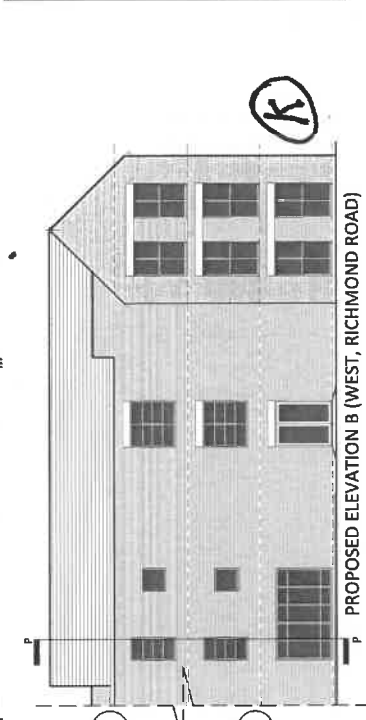
1:1000	1:1000
B 20.06.19	Layout amended
A 16.06.19	Revised scheme
P REVISIONS	
<p>MSQUARE 100, COLLEGE STREET, BIRMINGHAM B2 4BA TEL: 0121 633 1100 WWW.MSQUARE.CO.UK</p>	
<p>CLIENT: MARKET WORKS, COLLEGE ROAD, BIRMINGHAM</p>	
<p>PROJECT: PROPOSED NORTH-EAST ELEVATION (COVENTRY CANAL)</p>	
DATE	NOV/18
SCALE	1:1000
DRAWN BY	JP
CHECKED BY	DPH
<p>© MSQUARE ARCHITECTS LTD</p>	



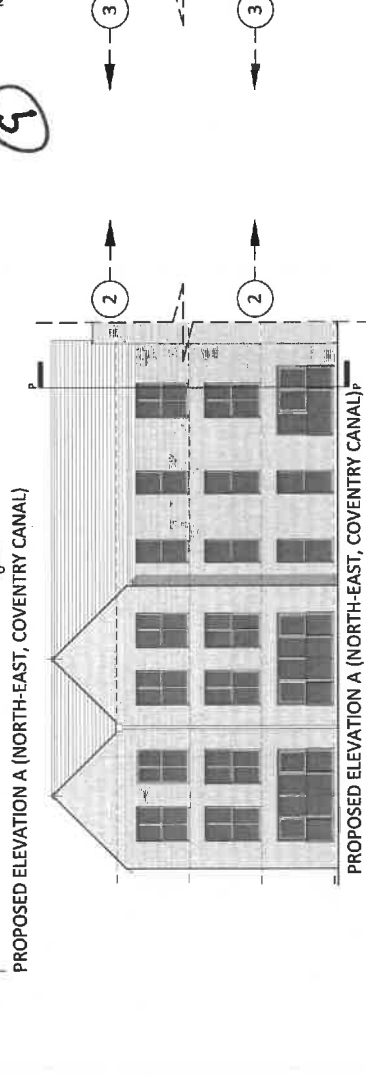
PROPOSED ELEVATION A (NORTH-EAST, COVENTRY CANAL)



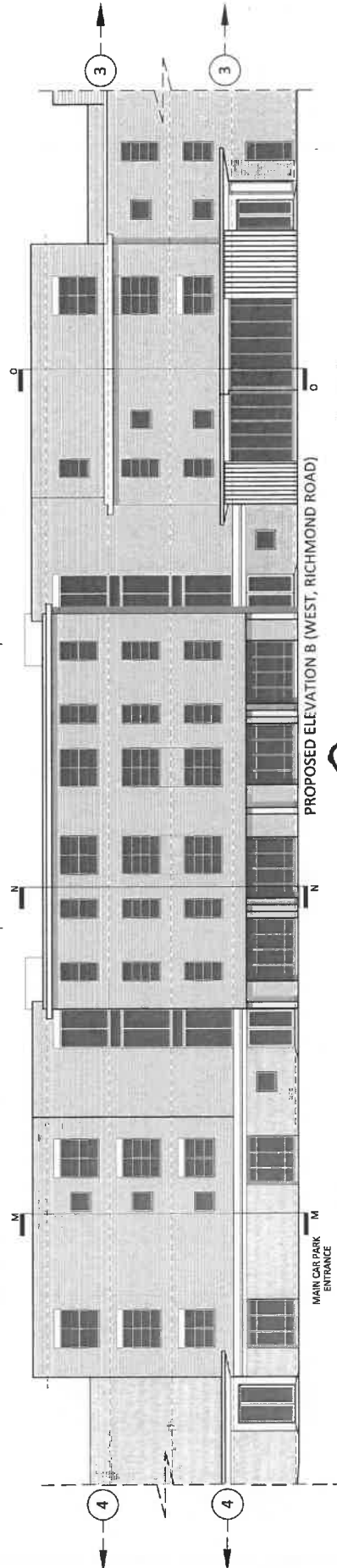
ELEVATION KEY



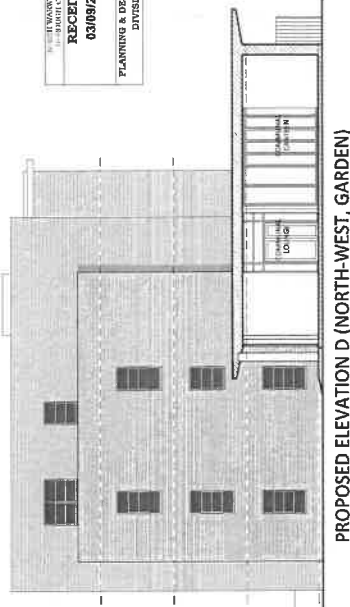
PROPOSED ELEVATION B (WEST, RICHMOND ROAD)



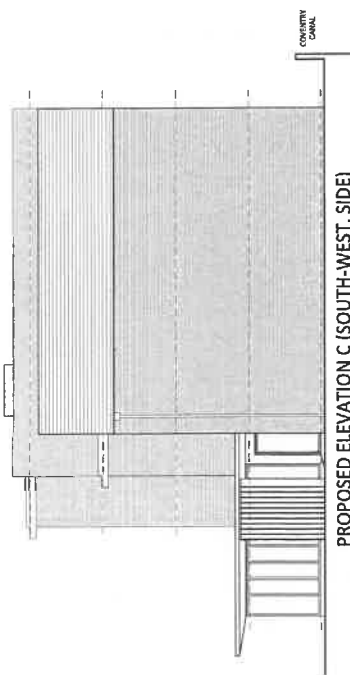
PROPOSED ELEVATION A (NORTH-EAST, COVENTRY CANAL)



PROPOSED ELEVATION B (WEST, RICHMOND ROAD)



PROPOSED ELEVATION D (NORTH-WEST, GARDEN)



PROPOSED ELEVATION C (SOUTH-WEST, SIDE)

APPENDIX D

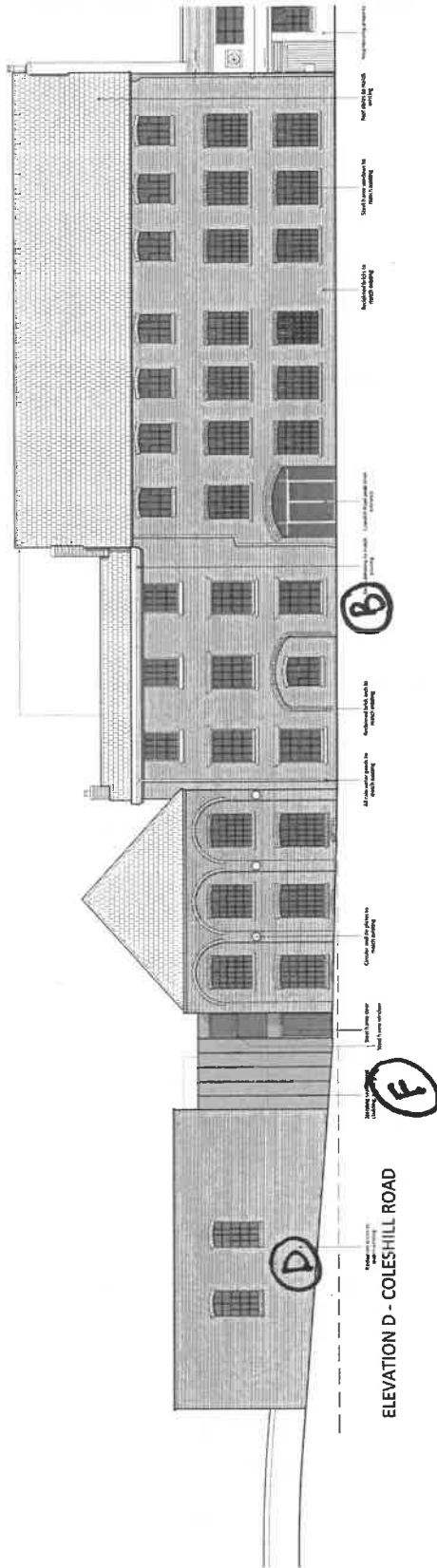
NOTICE: THESE DRAWINGS, INCLUDING THIS ELEVATION KEY, HAVE BEEN APPROVED BY THE LOCAL AUTHORITY ON 07/11/2019 IN ACCORDANCE WITH THE BUILDING ACT 2019. THIS APPROVAL IS SUBJECT TO CONDITIONS. SUBJECT TO CONDITIONS ON NOTICE

C	25.00.19	Elevation B elevation review
B	25.00.19	Drawings amended
A	15.00.19	Revised scheme
P	05.00.19	Final scheme

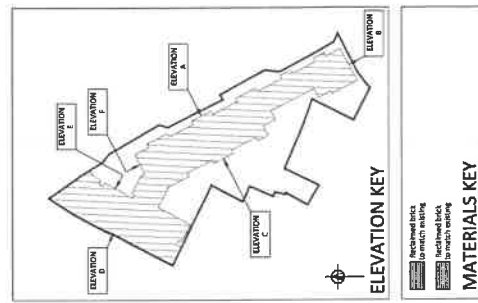
M&J LARK	
ARCHITECTS	
215/216, VICTORIA ROAD, MANCHESTER, M13 9PL	
0161 275 4444	
www.mandjarlark.com	
CLIENT	HCT HOMES LTD.
PROJECT	RESIDENTIAL DEVELOPMENT, COVENTRY CANAL, COVENTRY, CV3 2AA
TITLE	COVENTRY CANAL WATER ELEVATION (RICHMOND ROAD)
DWG No.	128
DATE	03/09/2019
SCALE	1:500
STATUS	ISSUED FOR PERMIT
DESIGNED BY	MD
CHECKED BY	MD
DATE	03/09/2019
We warrant that the information contained in these drawings was prepared by us or on our behalf by a qualified person.	
© M&J LARK ARCHITECTS LTD	

RECEIVED 03/09/2019 PLANNING & DEVELOPMENT DIVISION

MORTIMER CONSERVE
 RECEIVED
 28/07/2022
 PLANNING & DEVELOPMENT
 DIVISION



ELEVATION D - COLESHILL ROAD

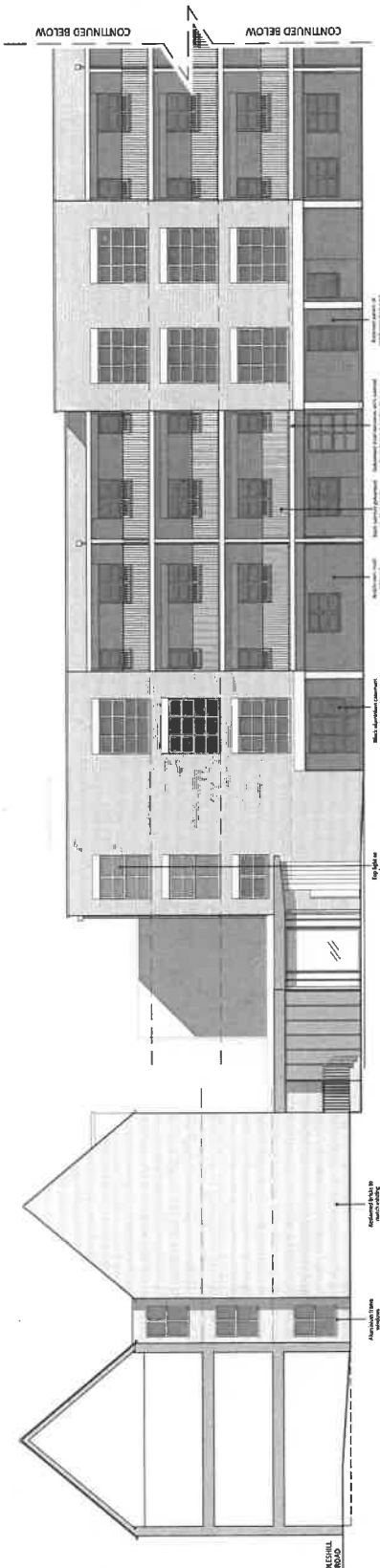


ELEVATION E

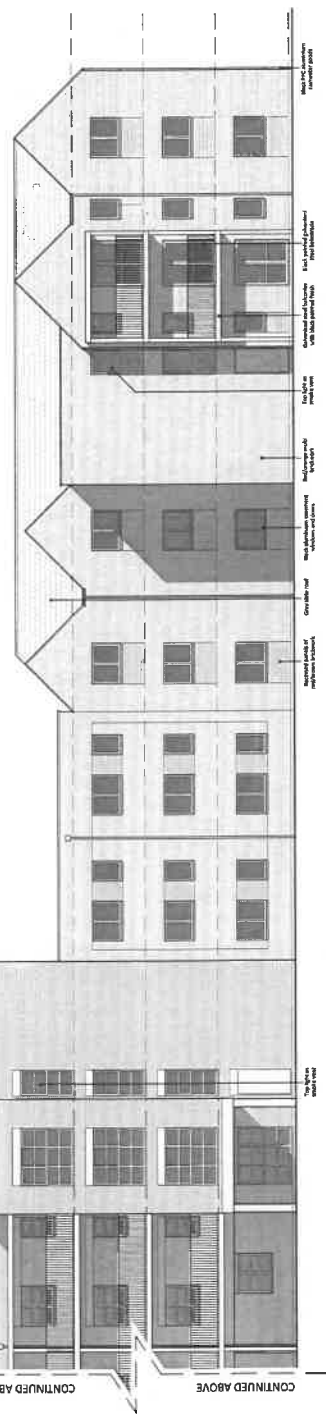
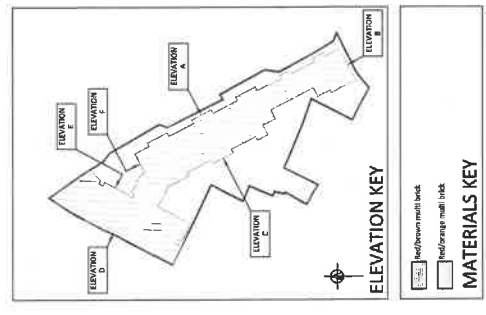
APPENDIX E

1:1000	Scale
A 21.07.22 GENERAL ARRANGMENTS	
T REVISED	
MB SQUARE ARCHITECTS LTD 115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000	
CLIENT: MORTIMER CONSERVE, COLESHILL ROAD, AUSTIN, TEXAS PROJECT: MORTIMER CONSERVE, COLESHILL ROAD, AUSTIN, TEXAS TITLE: PROPOSED ELEVATIONS D & E DRAWING NO: MCT 288 P&Z 212 DATE: 22.07.2022 SCALE: 1:1000 @ A1 DRAWN BY: SFH CHECKED BY: MFM Do not scale from this drawing, use dimensions only. All dimensions used in preparation of this drawing.	
© MORTIMER CONSERVE LTD	

RECEIVED
 28/07/2022
 PLANNING & DEVELOPMENT
 DIVISION



5g/147 ELEVATION C



APPENDIX F

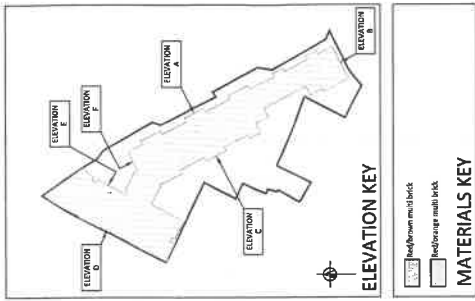
2100	Scale
A	22/07/22 GENERAL ARRANGEMENTS
B	28/07/22 REVISIONS

CLIENT	NET HOMES LTD.
PROJECT	BRITANNIA WORKS, COLESHELL ROAD, COLESHELL, SAUNDERSVILLE
TITLE	PROPOSED ELEVATIONS
DRAWN	NET
CHECKED	OTM
DATE	22/07/2022

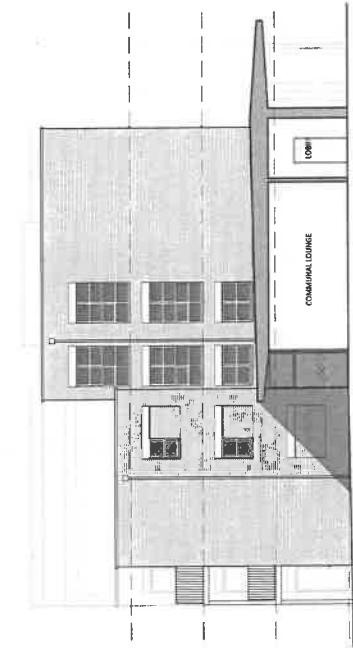
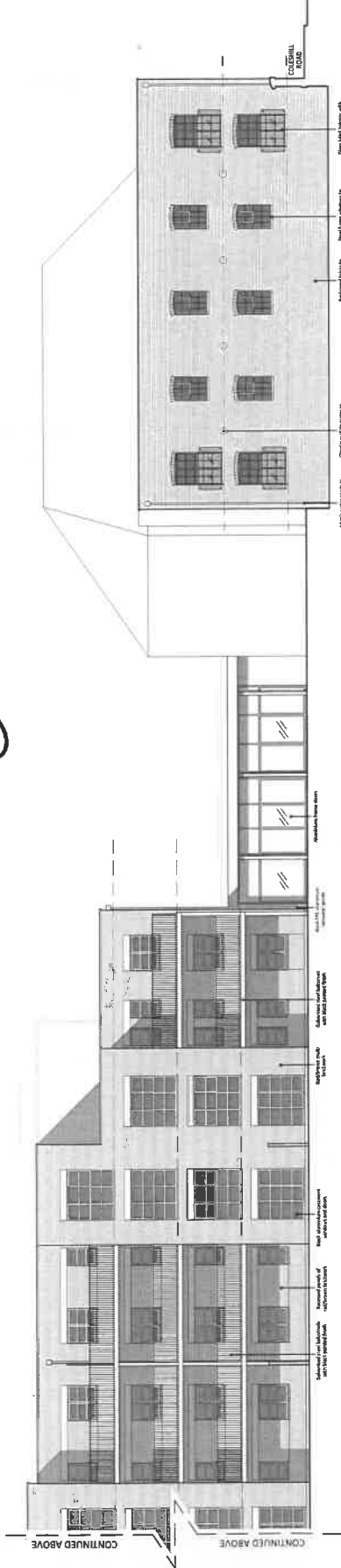
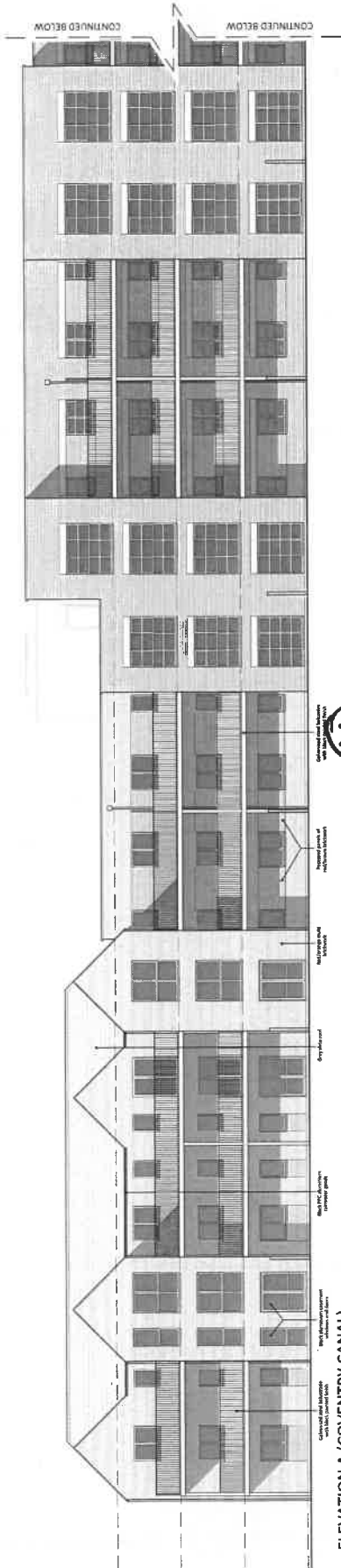
NO.	DATE	BY	FOR
1	22/07/2022	OTM	FOR APPROVAL

Do not scale from this drawing, use dimensions only. All dimensions in millimetres unless otherwise stated.

© MBSQUARE ARCHITECTS LTD



RECEIVED
 28/07/2022
 PLANNING & DEVELOPMENT
 DIVISION



1:100	GENERAL ARRANGEMENTS
A	23/07/22
F	REVISIONS
MSQUARE ARCHITECTS LTD 100, BRISTOL ROAD, BIRMINGHAM, B15 2JG TEL: 0121 709 0079 WWW.MSQUAREARCHITECTS.COM	
CLIENT	KCT HOMES LTD.
PROJECT	SEVENHILLS WORKS, COVENTRY ROAD, COVENTRY, CV3 2JN
TITLE	PROPOSED ELEVATIONS A, B, F
DWG NO.	NET 208 PA3 310
DATE	12/07/22 SCALE 1:100 @ A1
DRAWN	SPH CHECKED DTA
Do not scale from this drawing. Use dimensions from the project.	
© MSQUARE ARCHITECTS LTD	

Agenda Item No 6

Planning and Development Board

7 September 2022

**Report of the
Head of Development Control**

Appeal Update

1 Summary

1.1 The report updates Members on recent appeal decisions

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

2 Consultation

2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Appeal Decisions

a) Watling Street, Dordon

3.1 This is an appeal against a refusal to grant approval for a telecommunications mast in the verge of the A5 Watling Street close to the site of the former Ambulance Station. The appeal usefully sets out the procedure involved in dealing with Prior Approval cases – paras 2 to 4 – and then undertakes a thorough assessment of the relevant matters. The key issue here was that the visual harm caused to the character and appearance of the area, outweighed the importance of delivering a 5G network. Interestingly too, the letter indicates short-comings in the appellant's search for alternative sites, which will provide a useful guide for future cases.

... 3.2 The decision is at Appendix A

4. Report Implications

4.1 Environment, Sustainability and Health Implications

4.1.1 The mast decision is important as it recognises the significance that should be given to the visual impact of this type of development and the role of the Development Plan.

4.2 Links to Council's Priorities

4.2.1 The decision is in line with the Council's priority of protecting its character.

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



Appeal Decision

Site visit made on 28 June 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2022

Appeal Ref: APP/R3705/W/22/3290953

Watling Street, Dordon CP, Warwickshire B78 1TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 CK Hutchinson Networks (UK) Ltd against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2021/0628, dated 5 November 2021, was refused by notice dated 5 January 2022.
 - The development proposed is a 16.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan as a whole. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.
4. The appellant considers that the installation of the proposed cabinets on their own constitutes permitted development, and hence could be carried out on site without prior approval. However, it is reasonable to assume that these would only be constructed as part of the proposed works as they are intrinsically connected to the functioning of the proposed mast. They would not be built if the mast were not built, and equally the mast would not be built without the ground level works. I have therefore considered the cumulative effects of the proposed mast and ground level works.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area, the effect on highway and pedestrian

safety, and, if any harm is identified, whether it would be outweighed by the need for the installation and the lack of less harmful alternative sites.

Reasons

Character and Appearance

6. The appeal site is part of the grass verge adjacent to the footpath on the northern side of the A5 Watling Street, a busy section of dual carriageway that forms part of the Strategic Road Network. The highway verge is not particularly wide and encompasses a footpath, grass verges, streetlighting and trees. Despite its location next to a major highway the site is located within a predominately residential area, with a mixture of detached and semi-detached dwellings located on both the northern and southern side of Watling Street.
7. Whilst there are vertical features including telegraph poles and streetlights in the vicinity of the appeal site, these are slimline in design and stand at around 10 metres in height. The proposed monopole would be significantly taller, bulkier and more prominent than these existing features. When combined with the associated equipment cabinets, the proposed development would therefore appear visually intrusive and at odds with the prevailing size and scale of existing street furniture and would detract from the street scene.
8. The appeal site is located against a backdrop of existing trees which runs along the boundary line to the north of the site. However, whilst this would provide an element of screening, their effect would be limited due to the overall height of the proposed monopole which would project above the top of trees. Furthermore, the trees would provide no meaningful screening of the proposal in views from the south or when approaching along Watling Street from the east. As a result, the proposed monopole and associated cabinets would be unduly visible and prominent and appear incongruous and obtrusive features within the street scene.
9. The proposed colour of the mast would be grey which would broadly align with the colour of the nearby street furniture. The appellant has indicated a willingness to alter the colour of the equipment to help the development integrate into the area if deemed necessary. However, its colour would not alter the fundamental issue of its scale, height and siting.
10. Accordingly, having regard to its siting and appearance, the proposed development would cause harm to the character and appearance of the area. In so far as they are a material consideration, the proposal would be contrary to Policy LP30 of the North Warwickshire Local Plan 2021 (NWLPL). This policy, amongst other matters, seeks to ensure that developments respect and reflect the character and appearance of the area and harmonise with both the immediate setting and wider surroundings.

Highway and Pedestrian Safety

11. The Council's reasons for refusal also referred to the potential impact of the proposed mast on highway safety, and in particular the consultation response from National Highways concerning the site's location within the Strategic Road Network (SRN) boundary and topple zone of the A5 carriageway. The site's location within the SRN and topple zone means that, in addition to obtaining planning approval, the appellant is also required to obtain approval from National Highways through the Telecoms Mast Registration Procedure.

12. Whilst the evidence available to me suggests that such approval has not yet been obtained, National Highways did not recommend that the application was refused. They instead requested that the application was not determined for a period of two months to give the appellant sufficient time to obtain the necessary approval. This indicates that National Highways were not materially concerned about the likelihood of the appellant obtaining the necessary approval in due course, nor that the proposal itself would result in any specific highway safety concerns. Accordingly, I see no reason why the approval from National Highways could not be achieved prior to the commencement of works on site.
13. As detailed above the highway verge in this location is not particularly wide, with the footpath being particularly narrow. The proposed monopole and cabinets however would be situated on a grass verge to the rear and would not impede on the footpath or the grassed area between the footpath and the dual carriageway. Therefore, on a day-to-day basis the proposal would not have an adverse impact on the free flow of highway or pedestrian users. I also note that the Local Highway Authority raised no objection to the proposal.
14. The proposed monopole and cabinets would of course first have to be erected, with the appellant advising that subsequently around two maintenance visits per year would be necessary. These activities would result in various vehicles and personnel requiring access to the site which is located adjacent to a very busy stretch of dual carriageway. I acknowledge that it may be possible for these vehicles to park safely a short distance away and therefore not block the highway itself, however given the narrowness of the highway verge it is highly probable that whilst work was taking place the footpath would be inaccessible for pedestrians or cyclists.
15. It is possible therefore that for a very limited number of days per year the footpath running immediately past the appeal site might be obstructed. I note however that there is also the provision of a footpath on the opposite side of the A5 Watling Street which could be used in such circumstances. This footpath can be safely reached via a footbridge a short distance to the east of the appeal site, or via a pedestrian crossing with traffic lights to the west of the appeal site adjacent to the industrial estate. Therefore, whilst the closing of the footpath may result in some inconvenience for pedestrians and other users, there would be suitable alternative options available during these periods.
16. Accordingly, the siting and appearance of the proposal would not have an unacceptable effect on highway and pedestrian safety. In so far as it is a material consideration, the proposal would accord with Policy LP29 of the NWLP which, amongst other matters, seeks to ensure that developments provide safe and secure access for all users.

Alternative sites

17. For a new mast or base station paragraph 117 c) of the National Planning Policy Framework (the Framework) requires the developer to submit evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure. According to the appellant the cell search area covers a densely packed residential area, with no scope to put the mast outside of the extremely constrained cell radius, and that the proposed location is the only viable option. The appellant has considered and discounted fourteen other sites, which are listed and described.

18. I recognise that the 5G cell search area is constrained, however all the discounted options appear to be located at street level. There is limited evidence before me that indicates that existing buildings within the locality have been investigated and the reasons for this. Although I acknowledge that the immediately surrounding buildings are residential, an industrial site containing a number of tall buildings is located within the cell search area, as shown at Figure 5 Area Coverage Map of the Appellant's Statement of Case, a short distance to the south-west of the appeal site.
19. Furthermore, the level of detail for the discounted options is somewhat limited and there is a lack of a detailed justification for each discounted site. A number of these sites have been discounted due to them 'overlooking residential properties'. However, as detailed above the appeal site itself is close to residential properties but the appellant does not advise why the alternative sites would be more harmful than the appeal site in this regard.
20. I am therefore not satisfied that a thorough review of possible site options within the cell search area has been conducted, and that the level of detail for those sites which were explored and discounted is somewhat vague and without robust justification.
21. As a result, the harm I have identified to the character and appearance of the area is not outweighed by the needs for the installation to be sited in the proposed location.

Other Matters

22. The appellant refers to pre-application consultation with the Council and Ward Councillors, which resulted in the Council responding with a query concerning the sequential approach. The appellant duly responded to this query however the application was still refused. Whilst I can sympathise with the appellant's position it does not alter my findings with regard to the siting and appearance and the resultant harm to the character and appearance of the area.
23. In order to meet health safeguards, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Planning Balance and Conclusion

24. Paragraph 114 of the Framework supports the expansion of electronic communications networks, including next generation mobile technology. There would be social and economic benefits from the proposal in these regards, which would facilitate the provision of 5G communications, which would help the delivery of economic growth, as well as enhancing local facilities and services via better connectivity and communication. I attribute moderate positive weight to these benefits.
25. Although I have found that the proposal would be acceptable in terms of highway and pedestrian safety, it would have a harmful effect upon the character and appearance of the area, to which I attribute significant weight.

The harm I have identified is not outweighed by the benefits of the scheme or the need for the installation to be sited as proposed.

26. For the reasons given above, I conclude that the appeal should be dismissed.

David Jones

INSPECTOR