

**To: The Deputy Leader and Members of the Planning and Development Board
Councillors Simpson, Bell, T Clews, Dirveiks, Gosling, Hancocks, Hayfield, D Humphreys, Jarvis, Jordan, Morson, Moss, Parsons, H Phillips, Reilly and Rose.**

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719237 via e-mail – democraticservices@northwarks.gov.uk

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

1 AUGUST 2022

The Planning and Development Board will meet on Monday, 1 August 2022 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

AGENDA

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

REGISTERING TO SPEAK AT THE MEETING

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

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

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

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

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they may need to mute the sound on YouTube when they speak on the phone to prevent feedback). The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

- 4 **Minutes of the meeting of the Board held on 4 July 2022** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Planning Applications** - Report of the Head of Development Control

Summary

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

- 5a **Application No: PAP/2021/0531 - Land Between Holmfield And Oakdene, Bennetts Road North, Corley**

Erection of bungalow with detached garage

5b Application No: DOC/2022/0052 - Hartshill School, Church Road, Hartshill, Nuneaton, CV10 0NA

Approval of details required by condition no - 12 of planning permission PAP/2021/0627 dated 25/02/2022 relating to glazing scheme on 1st and 2nd floor facing Church Close

5c Application No: PAP/2022/0241 - The Office, Church Road, Warton, B79 0JN

Change of use of land to become public house seating area, with pergola structure for covered seating, also containing drainage and raised garden beds

5d Application No: PAP/2022/0298 - South View, Weddington Lane, Caldecote, Nuneaton, CV10 0TS

Proposed garage, gym and link to existing property

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

6 Supplementary Planning Document “Planning Obligations for Open Space, Sport and Recreation” and Associated Calculator Documents Update for Public Consultation - Report of the Chief Executive

Summary

This report seeks approval for public consultation of an updated Draft Planning Obligations for Open Space, Sport and Recreation' Supplementary Planning Document (SPD) and associated Calculator Documents. The report addresses points and issues raised by Members of the Local Development Framework Sub-committee at their meeting on 23rd May 2022. Any comments from the public consultation will be brought back to Board, prior to progressing towards formal adoption as a Supplementary Planning Document.

The Contact Officer for this report is Mike Dittman (719451).

7 Appeal Update - Report of the Head of Development Control

Summary

The report brings Members up to date on recent appeal decisions.

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

8 **Budgetary Control Report 2022/23 - Period Ended 30 June 2022 -**
Report of the Corporate Director - Resources

Summary

The report covers revenue expenditure and income for the period from 1 April 2022 to 30 June 2022. The 2022/2023 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

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

9 **Exclusion of the Public and Press**

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

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

The Contact Officer for this report is Samuel Patten (719220).

11 **Confidential Extract of the Minutes of the meeting of the Planning and Development Board held on 4 July 2022 - copy herewith, to be approved and signed by the Chairman.**

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

4 July 2022

Present: Councillor Simpson in the Chair

Councillors Bell, T Clews, Gosling, Hancocks, Hayfield, D Humphreys, Jarvis, Jordan, McLauchlan, Moss, H Phillips, O Phillips, Reilly and Rose.

Apologies for absence were received from Councillors Dirveiks (Substitute O Phillips) Morson (Substitute McLauchlan) and Parsons.

Also in attendance was Councillor M Humphreys.

15 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

16 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 6 June 2022, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

17 **Planning Applications**

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

Resolved:

- a That in respect of Application No PAP/2021/0531 (Land Between Holmfield And Oakdene, Bennetts Road North, Corley) determination be deferred for a site visit;**

[Speaker: Dereck Beverley]

- b A That Application No PAP/2021/0044 be REFUSED for the following reason:**

It is not considered that the proposal accords with policies LP1, LP10, LP14, LP29 (6) and LP30 of the North Warwickshire Local Plan 2021 and Policies DP1 and BE2 of the Mancetter Neighbourhood Plan 2017, as

supplemented by Sections 9 and 12 of the National Planning Policy Framework 2021, in that the site cannot be assimilated into the surroundings and landscape without significant adverse impact and neither has it been shown that it can provide safe and suitable access;

- B That authority be given to the Head of Legal Services to issue an Enforcement Notice under Section 172 (1) of the Town and Country Planning Act 1990 in respect of the unauthorised development described in this report, for the reasons as also identified and with a compliance period of twelve months; and**
- c That Application No PAP/2021/0687 (89-91 Main Road, Austrey, Atherstone, Warwickshire, CV9 3EG) be deferred for a site visit and for officers to continue discussion with the applicant.**

[Speakers: Paul Chadwick and Teresa Hames]

18 Former Daw Mill Colliery

The Head of Development Control brought Members up to date as a consequence of the issue of an Enforcement Notice by the Warwickshire County Council.

Resolved:

That the report be noted.

19 HS2 Sub-Group

The Head of Development Control reported that at the February 2022 meeting of the Planning and Development Board, the Board resolved to establish an HS2 Subgroup and that a group of Members be convened to review HS2 proposals. The report sought to establish the broad terms of reference and operating practices of the HS2 Subgroup, including arrangements for the delegation of HS2 Consents decisions. It further summarised the HS2 consenting regime and the obligations of North Warwickshire Borough Council in determining consents.

Resolved:

- a That the operational arrangements for the HS2 Subgroup set out in the report be agreed; and**
- b That the Planning and Development Board confer delegated authority for HS2 Related Consent Decisions to the Head of Development Control in consultation with the HS2 Subgroup.**

20 **Exclusion of the Public and Press**

Resolved:

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

21 **Enforcement Action**

The Head of Development Control sought authority for enforcement action following a breach of planning control.

Resolved:

- a That the Board authorises the Head of Legal Services to issue an Enforcement Notice in respect of the breach of planning control identified at this address for the reasons given in the report;**
- b That authority is given to the Head of Legal Services to issue a further Enforcement Notice if the development comprising the breach identified in a) above continues, for the reasons set out and that any further Enforcement Notice only be issued following consultation with the Board Chairman and the Opposition Planning Spokesperson; and**
- c That the Head of Legal Services is also authorised to issue prosecution proceedings for any failure to comply with either Enforcement Notice and/or the Temporary Stop Notice previously issued.**

22 **Confidential Minutes of the Planning and Development Board meeting held on 6 June 2022**

That the confidential minutes of the Planning and Development Board meeting held on 6 June 2022 were received and noted.

Councillor Simpson
Chairman

Agenda Item No 5

Planning and Development Board

1 August 2022

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 5 September 2022 at 6.30pm in the Council Chamber

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:
https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
5/a	PAP/2021/0531	1	Land Between Holmfield And Oakdene Bennetts Road North Corley Erection of bungalow with detached garage	General
5/b	DOC/2022/0052	26	Hartshill School, Church Road, Hartshill, Nuneaton, CV10 0NA Approval of details required by condition no - 12 of planning permission PAP/2021/0627 dated 25/02/2022 relating to glazing scheme on 1st and 2nd floor facing Church Close	General
5/c	PAP/2022/0241	68	The Office, Church Road, Warton Change of use of land to become public house seating area, with pergola structure for covered seating. also containing drainage and raised garden beds	
5/d	PAP/2022/0298	80	South View, Weddington Lane, Caldecote Proposed garage, gym and link to existing property	

General Development Applications

(5/a) Application No: PAP/2021/0531

Land Between Holmfield And Oakdene, Bennetts Road North, Corley,

Erection of bungalow with detached garage, for

Mr Beverley

Introduction

This application was referred to the Board's July meeting, but determination was deferred in order that Members could visit the site. This took place after the publication of this report and thus a note will be circulated separately.

The previous report is attached at Appendix A

Additional Information

The applicant spoke at the last meeting and drew Member's attention to his view that the site was previously developed land ("PDL") and thus appropriate development in the Green Belt. He particularly referred to para 7.24 of the North Warwickshire Local Plan 2021. This matter will be dealt with below. He also referred to other matters which will be dealt with.

Previously Developed Land

The Inspector dealing with the appeal here concluded that the site was previously developed land – see paragraph 13 of the letter attached at the end of Appendix A.

Officers accept this conclusion.

The issue is how this is taken forward in the determination of this case.

The applicant referred Members to para 7.24 of the Local Plan. This is a paragraph in the Reasoned Justification ("RJ") for Policy LP3 which deals with the Green Belt. The Reasoned Justification and the Policy is attached in full at Appendix B.

Para 7.12 of the RJ explains that the National Planning Policy Framework ("NPPF") provides the strategic policy guidance for new development in the Green Belt. Policy LP3 builds on the NPPF providing the local context and policies of how it – that is the NPPF – will be implemented in certain circumstances. Paragraph 7.24 of the RJ says that the NPPF gives guidance on how to deal with applications for the partial or complete redevelopment of PDL. It continues by saying that redevelopment within the lawful use of the PDL is acknowledged as being appropriate development. It is this last sentence that the applicant particularly wishes to emphasise.

However, there are two matters here.

Firstly, the RJ is not planning policy. It is an explanation as to how the wording of the policy – in this case LP3 - has been justified. In other words, it provides the context for the Policy. In this case there is no further reference to PDL in the actual policy. The approach to PDL cases in the Green Belt is thus through the NPPF – as per paragraph 7.12 of the RJ.

Secondly, that paragraph does not alter or amend the NPPF wording on how to treat applications for the redevelopment of PDL. The relevant paragraph in the NPPF is 149 (g). Paragraph 149 defines when the “construction of new buildings” might be exempted from the definition of inappropriate development. The exemption in paragraph (g) deals with PDL. It says that the exemption would apply to:

“Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority”.

As a consequence of these two matters, the NPPF wording carries greater weight than para 7.24 of the Local Plan.

Openness

As indicated verbally and as mentioned in the last report in Appendix A, the exception above is conditioned. The fact that a site might be PDL does not automatically mean that it is appropriate development. A PDL proposal may be appropriate, only if it would have “no greater impact on the openness of the Green Belt than the existing development”. The appeal Inspector concluded that the appeal proposal “would have a greater impact on the openness of the Green Belt and as a result, the proposal would fail to meet criterion (g) of paragraph 145 of the Framework”. (Paragraph 145 is now paragraph 149 in the updated NPPF). There is no physical change in the immediate vicinity of the current site, nor to the site itself since the date of that decision in early 2021, to warrant a different conclusion.

Infill

The Local Plan Policy LP3 on the Green Belt defines “limited infilling” and this assists in looking at paragraph 149(g) – “Limited infilling may be acceptable where a site is clearly part of the built form of a settlement, i.e. where there is substantial built development around three or more sides of a site”. The appeal Inspector concluded at paragraph 11 of his letter that, “the appeal scheme is not limited infill development in a village”.

Additionally, Members will have seen the aerial photograph attached to the last report and they have now had the benefit of a site visit. The former in officers’ view confirms the Inspector’s conclusion and that the definition in LP3 is not satisfied.

Other Matters

The applicant, when he addressed the meeting also referred to other matters – in short, the scale of extensions and outbuildings built at neighbouring property further along Bennetts Road North and at Oakdene, the property immediately to the east of the application site.

Members will know that each application is dealt with on its merits. In particular the background to each case will differ. For instance, the conditions in respect of extensions in Green Belt are different to that for proposals on PDL or on infill sites; different permitted development rights apply to sites, development undertaken with their benefit is not subject to the Green Belt “conditions”, and Government has expanded these rights over time.

In respect of extensions in the Bennetts Road frontage, then Members are aware that an extension within a group of buildings may well have very limited impact on the openness of the Green Belt, taking into account permitted development rights, but that that same sized extension may well have far more impact if the building is isolated, again bearing in mind permitted development rights. In the case of outbuildings in rear gardens, then permitted development rights are significant and can often result in large buildings being constructed.

In respect of Oakdene, then a 2021 permission was granted for extensions here. But the proposal also involved the demolition of workshops at the rear. The volume of these was included in the extension – in effect an “exchange”. As a consequence, the overall proposal was considered to result in less of an impact on the openness of the Green Belt than the existing situation.

Recommendation

That planning permission be **REFUSED** for the reason outlined in Appendix A.

General Development Applications

(5/a) Application No: PAP/2021/0531

Land Between Holmfield And Oakdene, Bennetts Road North, Corley,

Erection of bungalow with detached garage, for

Mr Beverley

Introduction

This application is referred to the Board in view of its previous interest in the site.

The Site

This comprises a 0.3 hectare L-shaped parcel of land situated immediately adjacent to Holmfield at the eastern end of a residential frontage comprising some 35 houses along the north side of the road between Stains Farm and Holly Farm. The surroundings are largely rural in character, appearance and function, with the M6 Motorway 500 metres to the north and Corley around a kilometre to the south-east.

A location plan is at Appendix A.

The Proposals

As described above, planning permission is being sought for the construction of a detached single storey dwelling and a detached garage. The dwelling comprises two rectangular sections with shallow pitched roof slopes linked by a narrow, glazed corridor. It would be some 20 metres back from the road frontage which reflects the “building line” of the properties either side. The double garage would stand behind.

The proposed layout is at Appendix B with the proposed elevations at Appendices C and D.

Background

The site has a planning history

- Planning permission was refused for the demolition of Holmfield to the west and its redevelopment by two replacement detached dwellings. This proposal also extended over the application site.
- Planning permission was subsequently granted in 2019 for a single replacement bungalow for Holmfield. This is almost complete. A double garage was included.
- Planning permission was refused in August 2020 for the erection of a new detached bungalow on the current application site. This proposal was similar to the current application. An appeal was lodged but dismissed in January 2021. The Decision letter is at Appendix E.

Consultations

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

One letter of support has been received

One letter of objection has been received referring to Green Belt harm; there would be no visual enhancement and adverse impact on neighbouring residential amenity

Development Plan

North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP8 (Windfall Allowance), LP14 (Landscape), LP16 (Natural Environment), LP29 (Development Considerations), LP30 (Built Form) and LP35 (Renewable Energy and Energy Efficiency)

Other Material Planning Considerations

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

National Planning Practice Guidance

The North Warwickshire Five Year Housing Land Supply as at 31 March 2022

Air Quality and Planning Guidance SPG – 2019

North Warwickshire Landscape Character Assessment 2010

Observations

a) The Green Belt

The site is in the Green Belt. The NPPF states that the construction of new buildings here is not appropriate development and thus by definition is harmful to the Green Belt. This carries substantial weight and thus the presumption here is one of refusal. However, the NPPF does identify a number of exceptions to this and there are two that might apply in this case. Each needs to be assessed.

The first is when the construction consists of “limited infilling in a village”. In this case it is considered that the proposal might well constitute “infill” because of the site’s position vis-à-vis the development to the west. However, the “gap” here is large and visually noticeable; there is a continuous line of development to the west but not to the east, with other sizeable gaps. There is thus some doubt that the proposal would accord with the test of “limited infill” development. However, the matter is settled with the adoption of the 2021 Local Plan. Here Policy LP3 in respect of the Green Belt says that “limited infilling in settlements washed over by the Green Belt will be allowed within the infill

boundaries as defined on the Policies Map.” The site is not within such a defined boundary. Additionally, LP3 says that “limited infilling may also be acceptable where a site is clearly part of the built form of a settlement – i.e. where there is substantial built development around three or more sides of a site.” This does not apply here. Moreover, the Inspector in the recent appeal concluded that the appeal scheme is not “limited infill development in a village” – paragraph 11 of Appendix E. It is not considered that there has been any physical change in circumstances at or adjoining the site to warrant a different conclusion. As a consequence of all of these matters, the current proposal does not satisfy this first exception.

The second exception is where the construction consists of the “partial or complete redevelopment of previously developed land (“PDL”). There are conditions attached to this exception, but it is first necessary to assess whether the proposal passes the definition of “PDL” in the NPPF. This was a matter that the Inspector looked at in the recent appeal. He concluded that the site was PDL – paragraph 13 of Appendix E.

However as referred to above and as set out in the Appeal Decision letter, this does not necessarily lead to the proposal automatically becoming appropriate development in the Green Belt. This is because the exception is governed by two conditions. The proposal is not being promoted as “meeting an identified affordable housing need within the area of the Local Planning Authority” and as such it would not accord with this condition. The second is that the proposal should not have a greater impact on the openness of the Green Belt than the existing development. The Inspector as indicated above, looked at this condition and concluded that that “proposal would have a greater impact on the visual openness of the Green Belt than the currently undeveloped land”. As a consequence, “the proposal would have a moderately adverse impact on the openness of the Green Belt” – paragraph 14 of Appendix E. It would thus fail to meet the terms of this exception. The physical characteristics of the site and adjoining land have not changed since the date of that decision and neither is this a materially different proposal in terms of size or scale. As such there is no new evidence to warrant a different conclusion.

The proposed development is thus inappropriate development in the Green Belt. Substantial Green Belt harm is thus caused. The Board should now establish if other harms are caused.

b) Other Harms

The Highway Authority has raised no objection subject to standard conditions and this replicates its position at the time of the proposal that subsequently went to appeal. The Inspector in that case neither found the evidence to support a highway refusal reason. As such it is acknowledged that the proposal would accord with Local Plan policy LP29 and the relevant section of the NPPF.

To the northwest of Holmfield there are properties which show a variety of built-form, sited within narrow long rear gardens with further properties to the south-east. The immediate property to the west is a newly constructed bungalow. The proposed form is unusual in that it is made up of two sections, but their design and character would not be materially out of-keeping with the general appearance of the residential frontage here. As such it is acknowledged that the proposal would generally accord with Local Plan Policies LP1 and LP30.

No harm is considered to be caused to neighbouring residential amenity. The low profile of the dwelling and its separation from adjacent properties ensures that light and sunlight losses as well as overshadowing would be minimal. There would be change in that there would be greater levels of activity on the site, but the general locality is not isolated or immune from human or vehicular activity. Because of the size of the site, it is considered that there would be no material adverse impact. The proposal would therefore accord generally with Local Plan policy LP29.

As such it is not considered that there are other harms that amount to them having an adverse impact. It is note-worthy too, that the Inspector in the recent appeal decision did not raise any other issues.

c) The Applicants Case

This proposal is effectively a resubmission of the proposal recently dismissed at appeal.

The applicant at that time argued his case on several counts – that the design of the proposal would be of “exceptional quality, outstanding and innovative”; that the development of the site would reduce “anti-social behaviour”, that the development would be comparable with other planning permissions granted by the Council for housing in the Green Belt, that it would be a “self-build” project and that the applicant would offer contributions to a “local project” if the Council agreed.

In this current application the applicant is arguing on several points.

Firstly, he says that this is a “self-build” project. There is he continues, a need for the Council to identify and plan for smaller building sites, so as to accommodate small house builders. It is acknowledged that the NPPF says at paragraph 62 that all types of housing should be reflected in planning policies – including people who wish to “commission or build their own homes”. The Council is also required to keep a register of self-build plots for those who wish to build themselves. In these respects, it is considered that this proposal would help with this outcome and thus it carries moderate weight in the final planning balance.

Secondly, he refers to the conclusion of the Inspector that this is PDL and thus redevelopment remains relevant and appropriate. Moreover, it remains his view that the proposal would not conflict with the purposes of including land within the Green Belt; it would only have a “moderate” adverse impact as found by the Inspector and he refers to other appeal decisions in other Local Authorities which he says are equivalent to his case. In respect of this argument, Green Belt harm is still caused and there is no new evidence forwarded by the applicant to suggest a review is needed of the Inspector’s findings on PDL and “infilling”. Whilst other appeal decisions might be relevant, they are case specific. Here of course there is an equivalent recent appeal decision for the application site. This argument therefore carries no weight in the final planning balance.

Thirdly he argues that the bungalow would include ground source heat pumps, solar panels, rainwater harvesting and highly insulated building techniques. These benefits are acknowledged, but the new Building Regulations coming into effect later this year,

will make these attributes mandatory for all new builds and thus there is nothing exceptional to warrant any weight being given to this argument.

d) The Final Planning Balance

Members will be aware that having found that the proposal causes substantial definitional Green Belt harm and moderate actual Green Belt harm, the Board had to assess whether the matters put forward by the applicant are of such weight to “clearly” outweigh the total harm caused and thus amount to the very special circumstances necessary to support the application.

It is considered that they do not for the following reasons.

Firstly, the Council has a five-year housing land supply as evidenced in the latest monitoring report – 6.2 years. There is thus no overriding need to boost that supply through just one house.

Secondly, the recently adopted Local Plan is not out of date and gives added weight to the analysis of the exceptions for when proposed new building construction can be considered as being appropriate development. The contents of Policy LP3 thus carry full weight here. That definitional Green Belt harm carries substantial weight.

Thirdly, the greater public interest here rests with the national and local planning policy objectives of retaining the permanence and openness of the Green Belt.

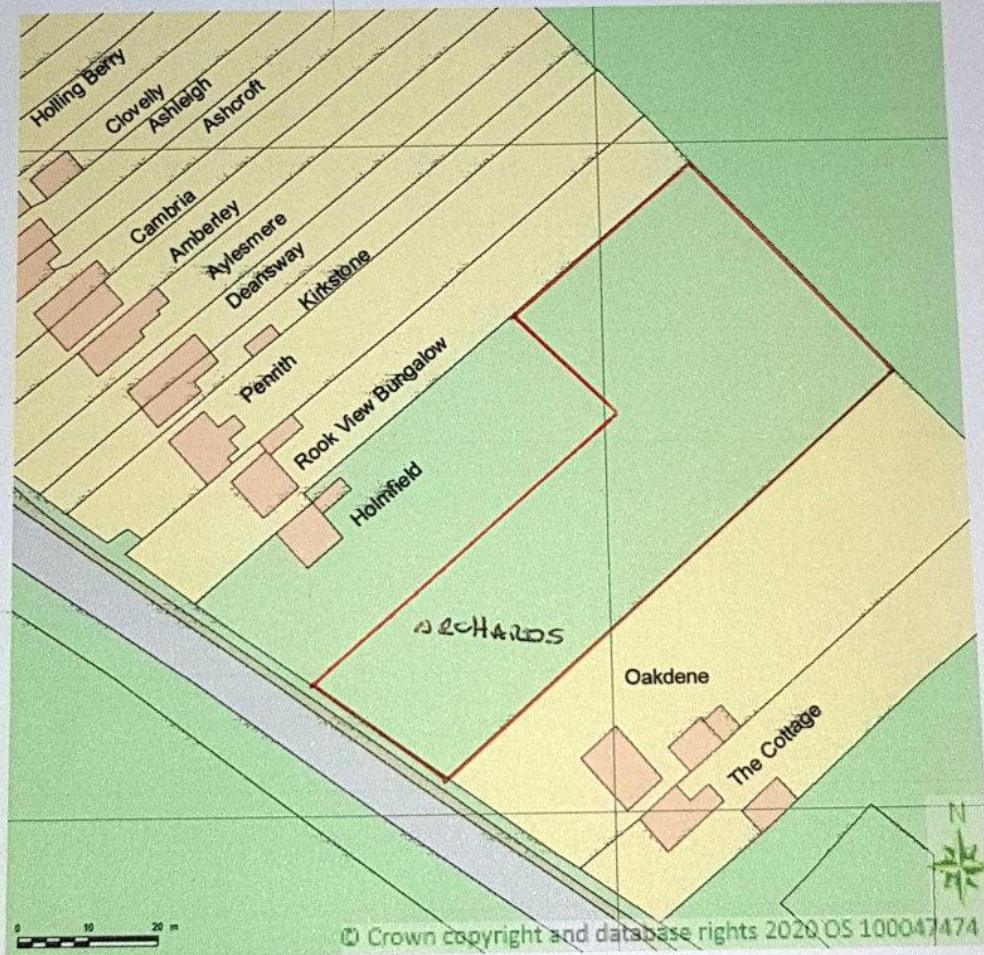
Recommendation

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

1. “The site is located within the Green Belt where the construction of new buildings is considered to amount to an inappropriate form of development. The proposal is not considered to accord with any of the exceptions defined in the National Planning Policy Framework which would make this proposal appropriate development. Moreover, the proposal would introduce built form into a presently open area materially reducing openness from both a spatial and a visual perspective. The matters raised by the applicant are not of sufficient weight to clearly outweigh the harm caused. Accordingly, the proposals do not accord with Policy LP3 of the North Warwickshire Local Plan 2021 and Section 13 of the Framework.

**SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 431083, 285551**

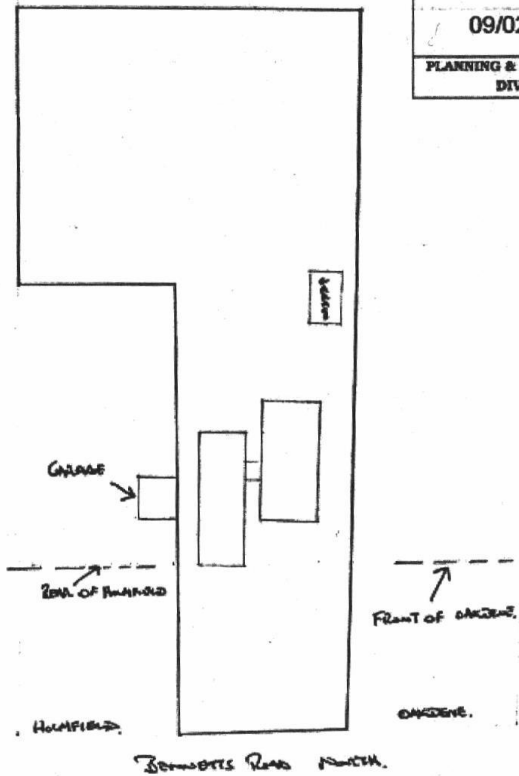
NORTH WARWICKSHIRE
BOROUGH COUNCIL
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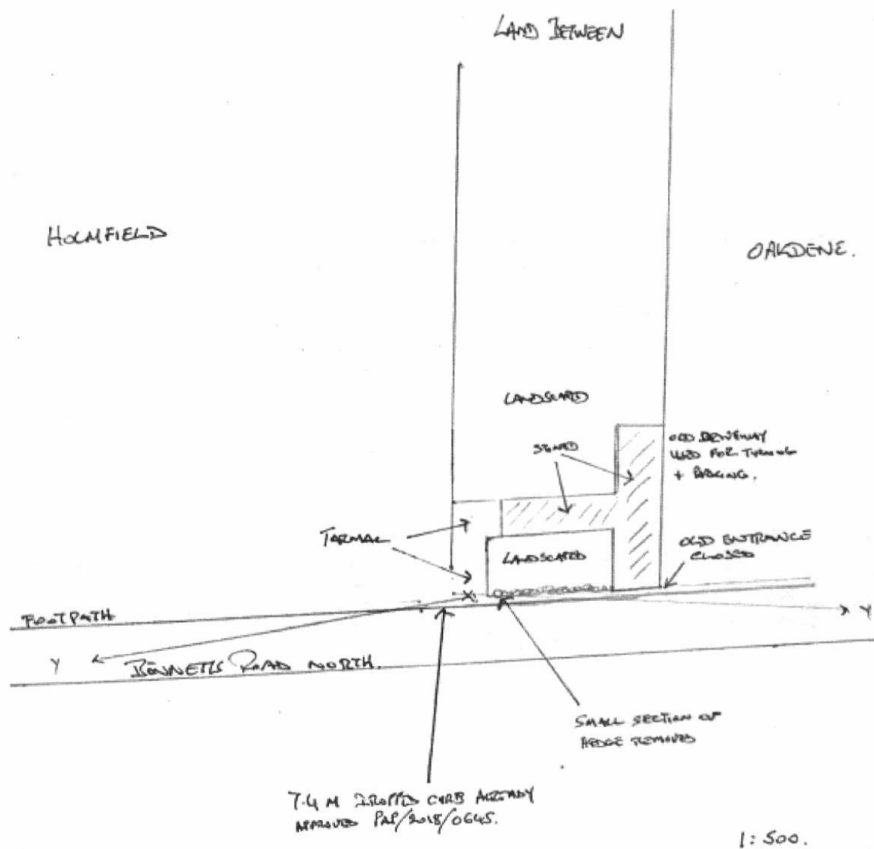
Appendix B – Site layout

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09/02/2022
PLANNING & DEVELOPMENT
DIVISION

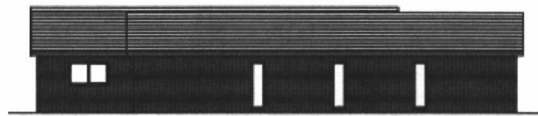


SCALE 1:500

APPENDIX C



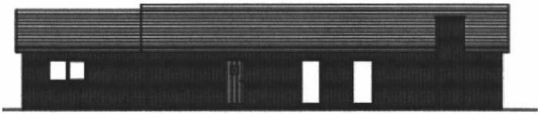
Appendix C - elevations



**Side Elevation
As Proposed**



**Front Elevation
As Proposed**



**Side Elevation
As Proposed**

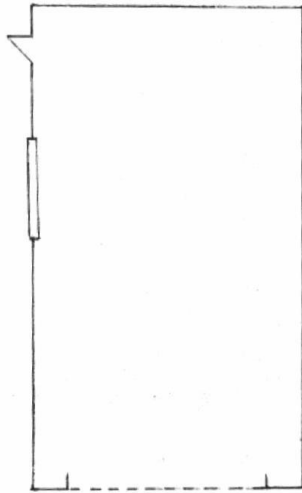


**Rear Elevation
As Proposed**

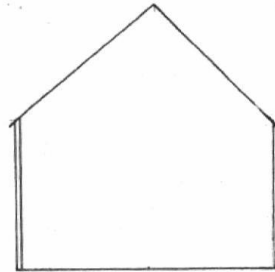
Appendix D –layout of dwelling and garage



142/2621/0531



NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED
09/05/2022
PLANNING & DEVELOPMENT DIVISION



LAND BETWEEN HOLMFIELD + OAKDEN

SCALE 1:50



Appeal Decision

Site Visit made on 8 December 2020 G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2021

Appeal Ref: APP/R3705/W/20/3258573

Orchards, Bennetts Road North, Corley CV7 8BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Dereck Beverley against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2020/0236, dated 19 May 2020, was refused by notice dated 20 August 2020.
- The development proposed is new build bungalow.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan documents.
 - ii. Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate development

4. Paragraph 143 of the National Planning Policy Framework (the Framework) identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that new buildings should be regarded as inappropriate in the Green Belt, save for a limited number of exceptions. The exceptions include, under paragraph 145 (e), limited infilling in villages.
5. There is no specific definition of 'limited infilling' within the Framework or the North Warwickshire Local Plan Core Strategy (adopted 2014) (CS) and,

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

similarly, what constitutes a 'village' is not defined. The site is not located within any of the defined settlements referred to in Categories 1 – 4 in Policy NW2 of the CS and, in terms of planning policy, is outside of any defined settlement boundary within the countryside that is washed over by the Green Belt. However, category 5 of the policy identifies that there are settlements within the district that are washed over by the Green Belt where no settlement boundary has been identified. Whether any given settlement or location would amount to a 'village' is not specifically defined within the settlement hierarchy of the development plan.

6. Policy NW3 of the CS sets out the Council's approach to development in the Green Belt in more detail and states that infill boundaries will be brought forward to indicate where infill and limited redevelopment would be permitted. I understand that the Council is seeking to identify 'infill boundaries' within an emerging plan which has reached examination stage. The Council have indicated that village locations have been identified and that the appeal site falls outside an area where infill would be permitted. Notwithstanding that point, no extracts from the plan have been provided and it is not clear if there are any outstanding objections to it. As such, I can give little weight to emerging policy and it is necessary to exercise planning judgement to ascertain whether the proposal would amount to 'limited infilling' within a 'village'.
7. Infilling is normally associated with the completion of an otherwise substantial built up frontage of several buildings or at the very least, the consolidation of a largely built up area.
8. The site is located between two dwellings within a run of ribbon development along Bennetts Road North which is located to the north of Coventry but outside of the settlement boundary for the city. The site and the wider ribbon development is washed over by the Green Belt and other than the line of houses, there does not appear to be the services and facilities that would typically be associated with a village.
9. The prevailing character of the immediate area is semi-rural with rural roads featuring ribbons of primarily single depth residential development interspersed with fields and countryside. The site is located towards the end of a row of development on such a road. The dwellings either side of the appeal site create a built-up frontage and the site is capable of accommodating a single dwelling in such a way as to continue the built-up frontage. Accordingly, the proposal would fall within the scope of the 'limited infill' aspect of Paragraph 145 (e) of the Framework.
10. However, whilst there are other residential properties nearby, the presiding character around the site remains semi-rural. The site is physically and visually disconnected from Coventry as well as any other settlements nearby. Residents would have to travel to reach the services and facilities available in Coventry City centre or the suburbs to the north of Coventry. Given the separation and the absence of nearby local services or facilities, this leads me to conclude that the location of the infill would not be within a 'village' for the purposes of Paragraph 145 (e).
11. For the reasons outlined above, I do not consider that the appeal scheme represents a limited infill development in a village. It cannot therefore be

treated as being within the exceptions identified in paragraph 145 of the Framework. Consequently, I conclude that the proposal would not meet criterion (e) of paragraph 145 of the Framework.

12. Paragraph 145 (g) permits the infilling or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
13. The appellant notes that there was a dwelling on the site that has since been demolished but the remains of foundations are still in place. Third party comments support that position and noted that the house was demolished in the late 1980s. Having viewed the site there is evidence of previous development in terms of the composition of the base material on the ground. As such, despite the site being presently free of built form, there was in all likelihood a dwelling on the site and I am satisfied that the site is previously developed land having regard to the definition within the Framework.
14. Nevertheless, the dwelling has been demolished and as such, the site is now open and undeveloped. The proposed dwelling would introduce new built form into the Green Belt where there is none above ground level. This would have a harmful impact upon the spatial openness of the Green Belt. Furthermore, whilst the site is bounded by hedgerows and the proposal would be a single storey dwelling with a garage, the buildings would be seen over the hedges as well as through the driveway for the proposed dwelling. As such, the proposal would have a greater impact on the visual openness of the Green Belt than the currently undeveloped site. As a consequence, the proposal would have a moderately adverse impact on the openness of the Green Belt.
15. The appellant also notes that the site could be considered previously developed land because it is garden land located outside of the built-up area. Notwithstanding whether or not the site is garden land, as noted above, the proposal would have a greater impact on the openness of the Green Belt and as a result, the proposal would fail to meet criterion (g) of Paragraph 145 of the Framework.
16. Given that the proposal would infill the gap between two existing dwellings, and that the site represents previously developed land, I am satisfied that it would not result in encroachment in the countryside. Nonetheless, that does not affect my conclusions on whether the proposal amounts to inappropriate development, having regard to the specific criteria within paragraph 145 of the Framework.
17. Therefore, the proposed development would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal

18. The appellant has referred to paragraph 79 (e) of the Framework which permits isolated homes where the design of the dwelling is of exceptional quality in that

it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

19. Notwithstanding whether or not the dwelling would be truly outstanding or innovative, the proposed dwelling is located within run of ribbon development with dwellings either side of it. As such, it cannot be considered isolated in either a physical or a functional sense for the purposes of Paragraph 79 (e) of the Framework. Consequently, the proposal would fail to meet criterion (e) of the Paragraph 79 of the Framework.
20. The surrounding dwellings are a mix of two storey and single storey dwellings, some of which have garages and because the dwelling would be located within a run of ribbon development a single storey dwelling, with a garage, in this location would not appear out of character. Most of the dwellings locally are rendered, although the neighbouring dwelling is a red brick building. The proposed buff stone is not commonly used within the immediate street scene but its use here would not be unduly harmful given the existing range of materials used within the immediate area. The bungalow itself would include a central glass aperture which would separate the two side sections of the dwelling. This would create an interesting architectural feature that is not common within the area. Nonetheless, the built form either side of the glass aperture would have the appearance of a relatively standard bungalow, with some modern elements. Consequently, whilst the dwelling would be attractive, the design of the dwelling would not be exceptional. For this reason, a single storey dwelling with a garage would not appear out of character for the area and the appearance of the dwelling, whilst not exceptional, would not harm the character or appearance of the street scene. Nevertheless, good design would be an expectation of any development, having regard to local and national planning policy and this does not amount to a positive effect in favour of the proposal.
21. The appellant has provided an email where they have offered to contribute to a local project if the Council agreed. Whilst I note that offer, no legal agreement under section 106 of the Town and Country Planning Act 1990 has been provided with the appeal and the email cannot be relied upon to guarantee any contribution. In any event, it would only be possible to take into account any contributions that are necessary to make a development acceptable in planning terms. In other words, matters that would be required to mitigate the harmful impact of the scheme. I can see no obvious connection between the suggested offer of a contribution to a local project and the harm that would arise in terms of inappropriate development within the Green Belt and the harm to the openness of the Green Belt. As such, I attach no weight to that matter.
22. The appellant, as well as third parties, note that because the site has been vacant it has been used for anti-social purposes and by developing the site, the proposal would stop such behaviour from taking place in the future. Whilst the proposal could stop the anti-social behaviour from taking place, a similar outcome could be reached through appropriate security measures around the site that would not require the erection of a permanent structure which harms the openness of the Green Belt. Accordingly, I attribute very limited weight to this consideration.

23. The appellant has referred to a number of residential applications and appeals that were allowed in the Green Belt. As set out by the Council, the approved applications and appeals were substantively different to these proposals, including extensions to existing dwellings and sites located in identified settlements in Policy NW2 of the CS. Because those proposals were in the Green Belt, the assessment of each proposal is site specific and conclusions, in terms of openness, are generally unique to each proposal. As such, there are limited comparisons that can be drawn between those schemes and this one. Furthermore, each case must be assessed on its own merits and the Council or the Planning Inspectorate permitting schemes elsewhere would not justify these proposals.
24. The appellant has highlighted that the dwelling would be a self-build project, although limited supporting information in that respect has been provided. However, I have no reason to doubt that position. The Council are required to keep a register of self-build plots and the proposed dwelling would help to the Council to deliver one additional self-build plot. To that end, I attach limited weight to this positive consideration.
25. The proposal would deliver an additional dwelling which would provide a modest contribution towards the Council's 5-year housing land supply and I attach limited weight to this positive consideration having regard to the scale of the development.

Conclusion and Green Belt balance

26. Paragraph 143 of the Framework identifies that inappropriate development in the Green Belt should not be approved except in very special circumstances. Paragraph 144 states that substantial weight must be given to any harm to the Green Belt and that very special circumstances will not exist unless that harm, and any other harm arising from the proposal, is clearly outweighed by other considerations. The proposed development would cause harm to the Green Belt by reason of inappropriateness and would result in a reduction in the openness of the Green Belt, which would conflict with one of the key purposes of designating land within the Green Belt and the relevant policies of the development plan. I attach substantial weight to those matters.
27. Whilst I have found no harm to the character and appearance of the area, that would be an expectation of any development and does not amount to a positive effect in favour of the proposal. On the other side, the redevelopment of the site would stop the site being used for anti-social behaviour and the proposed dwelling would contribute towards the Council's 5-year housing land supply and redevelop a previously developed site. To these considerations I collectively attach moderate weight.
28. The other considerations in support of the appeal do not, on balance, clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
29. Having regard to the above, the identified conflict with the development plan and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

30. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR

In Categories 1 to 4 settlements development within development boundaries will be supported in principle. Development directly adjacent to settlement boundaries may also be acceptable, including that which would enhance or maintain the vitality of rural communities, provided such development is proportionate in scale to the relevant settlement and otherwise compliant with the policies in the plan and national planning policy considered as a whole (including in respect of Green Belt protections)

Category 1: Market Towns of Atherstone with Mancetter and Polesworth with Dordon and the Green Belt Market Town of Coleshill

Category 2: Settlements adjoining the outer boundary of the Borough

Development will be permitted directly adjacent to built up areas of adjoining settlements if:

- a) the site lies outside of the Green Belt or Strategic Gap
- b) development would integrate clearly with wider development
- c) has a clear separation to an existing North Warwickshire settlement to ensure the character of North Warwickshire settlements are preserved; and,
- d) linkages are made to existing North Warwickshire settlements to ensure connectivity between places especially via walking and cycling

Category 3: Local Service Centres – Baddesley with Grendon, Hartshill with Ansley Common, New & Old Arley, Kingsbury, Water Orton

Category 4: Other Settlements with a development boundary - Ansley, Austrey, Curdworth, Fillongley, Hurley, Newton Regis, Piccadilly, Ridge Lane, Shuttington, Shustoke, Warton, Whitacre Heath, Wood End

Development within development boundaries will be supported in principle. Development directly adjacent to settlement boundaries may also be acceptable. All development will be considered on its merits; having regard to other policies in this plan and will cater for windfall housing developments usually on sites of no more than 10 units at any one time depending on viability, services and infrastructure deliverability

Category 5: All other locations

All Development

In all other locations development will not generally be acceptable, albeit as set out above that there may be some instances where development may be appropriately located and would enhance or maintain the vitality of rural communities under this category. Special circumstances should exist to justify new isolated homes in the countryside such as rural workers' needs, the optimal viable use of a heritage asset, the re-use of redundant buildings enhancing its immediate setting, the subdivision of an existing residential dwelling, or development of exceptional quality or innovative design or for rural exception sites in line with national planning policy. All such development will be considered on its merits and with regard to other policies in this plan.

Green Belt

- 7.12 National Green Belt policy operates over two thirds of the Borough. Within Green Belts the primary aim is to maintain the open nature of the area and there is a general presumption against development that is inappropriate, except in very special circumstances. The National Planning Policy Framework provides the strategic policy guidance. It gives advice on where and what development is appropriate or inappropriate in the Green Belt. This policy builds on the NPPF, provides the local context and provides

how it will be implemented in certain instances.

- 7.13 The pressure on the Borough from surrounding urban areas needs to be considered in the context of protections accorded to the Green Belt, and how areas of the Green Belt perform relative to the functions for Green Belt. Two studies have been carried out relating to the Green Belt.
- 7.14 The first relates to how broad areas and parcels of land perform in relation to the five purposes of Green Belt as defined by the NPPF.³ The Joint Green Belt Study highlighted some areas as relatively poor performing in some aspects of the purposes of Green Belt. Taking into account the needs of the Borough, the pressures for further development and the environmental impacts it is considered some of these sites will be either allocated now for development or safeguarded for development as and when required whether in this Plan period or the next. This is explained further in this Plan.
- 7.15 The maintenance of the Green Belt is seen as a vital component in protecting and enhancing the Borough as an area of pleasant countryside, especially by preventing the incursion of nearby urban areas. It is not just the wholeness of the Green Belt designation that is important but having defensive boundaries. As a result, a second Study of the Green Belt has been carried out looking at the future boundaries of the Green Belt in relation to the outer limits and the detailed boundaries around settlements.⁴ The study has been undertaken to look at ensuring that the boundaries continue to be defensible and follow clear physical features. The detailed boundaries of the Green Belt are shown on the Policies Map.
- 7.16 It is accepted that settlements surrounded by the Green Belt have smaller scale opportunities than those outside the Green Belt. This is in essence the role of the Green Belt, in protecting the openness between places. However, there may be opportunities for limited infill and redevelopment in villages still washed over by the Green Belt designation. Two settlements exhibit a clear, focused and cohesive settlement pattern with limited infill potential. Middleton and Lea Marston are considered to have the potential for one or two true infill plots. Therefore, infill boundaries have been drawn to indicate where infill and limited redevelopment would be permitted and are shown on the Policies Map.
- 7.17 It must be stressed that a Green Belt Infill Boundary is not the same as a Development Boundary. A Green Belt Infill boundary is only intended to accommodate that type of development defined as "infill" or "infilling". The policy defines "limited" through the use of a boundary rather than by a number or indeed leaving the matter open to interpretation on a case-by-case basis. This is the same approach adopted for settlement and town centre boundaries. The village however remains "washed over" by Green Belt and development within the village continues to be controlled by National and Local Green Belt policy. The restriction on development classed as "inappropriate" within a Green Belt therefore still applies. A Development Boundary however excludes the area within it from the Green Belt and its policy constraints. It establishes the principle for development and enables all types of development to be accommodated (site availability and other policies permitting). This includes redevelopment of existing buildings and plots, such as the demolition of large properties in large plots or the redevelopment of garden areas for higher density housing proposals.

³ Joint Coventry & Warwickshire Green Belt Study – Stage 2 Report April 2016

⁴ North Warwickshire Green Belt Study 2016

- 7.18 One exception to the principle that construction of new buildings are inappropriate development in the Green Belt is where a building is replaced, providing the new building is in the same use and not materially larger than the one it replaces. Another is limited infilling or complete redevelopment of previously developed sites where that would not have a greater impact on the openness of the Green Belt. A further exception is an extension or alteration which is not disproportionate relative to the size of the original building.
- 7.19 It is not considered that the NPPF alone is all that is necessary for the management of new development proposals in North Warwickshire's Green Belt. The spatial vision and the strategic objectives set out in the Core Strategy 2014 and this Local Plan, emphasise that it is the rural character of North Warwickshire that distinguishes it from its neighbours. That character is to be retained by safeguarding that countryside and protecting its openness from encroachment. The Council therefore has to have robust and consistent policies to implement these objectives. The NPPF provides the background to do so, but it lacks definition when it comes to some of the details of handling planning applications. The policy below provides that definition as the alternative would be to rely on the wording of the NPPF and thus determine each application on its merits. This could result in an inconsistent approach, but on the other hand the use of stricter definitions should not be seen as prescriptive.
- 7.20 In particular it is some of the adjectives used in the NPPF that are considered to lack precision and it is the purpose of the policy below to make these explicit. It therefore addresses the main definition issues that are likely to arise when dealing with new development proposals in the Green Belt. There are two key quantitative adjectives "disproportionate" and "materially larger". In addition, it is considered necessary to consider how previously developed land is dealt with. These are explained below.
- 7.21 The present saved 2006 Local Plan policy ENV13 includes that extensions within the Green Belt will be considered against a figure of 30% as a guide in order to assist in the assessment as to whether extensions are disproportionate or not. This has been applied consistently since that Plan was adopted; it is well understood, it has been upheld throughout that period on appeal, and it has impacted on new development proposals. It is not considered that there is reason to vary this figure. However, the policy below does address a constant issue arising with its use and that is the relationship with permitted development rights. Each application will be dealt with on its merits against this policy. However, there may be circumstances whereby larger extensions might be deemed acceptable. Examples could include the existing building's setting, proximity and relationship with other buildings; its prominence in the landscape and whether there would be a substantial improvement in the overall design of the building. These considerations would also need to be assessed against the 30% figure set out in the policy.
- 7.22 The figure of 30% will also be used as a guide where it relates to replacement houses in the Green Belt. However, because of the different definitions in the NPPF – "disproportionate" and "materially larger" there could be case for different quantitative figures. The term "not materially larger" might suggest a lesser amount of development than "disproportionate". This is why it is also important to assess each application on its merits using the same considerations as set out above where appropriate. An additional consideration would be to look at the merits of replacing a building either on the same footprint as the existing or another.
- 7.23 It is considered that the use of a quantitative measure in these instances is a very useful indicator as to what the Council considers to be the meaning of these adjectives. Given the importance of retaining the Green Belt to the Council and to the consistent successful use of the measure since the adoption of the 2006 Local Plan, it is considered that it

should be retained.

- 7.24 The NPPF gives guidance on how to deal with applications for the partial or complete redevelopment of previously developed land. Redevelopment within the lawful use of the previously developed land is acknowledged as being appropriate development. A redevelopment proposal for an alternative use that is itself appropriate within the Green Belt by definition in the NPPF is clearly acceptable. Other development proposals are still appropriate development by virtue of the NPPF, but other material planning considerations may have to be considered in the final planning balance.

LP3 Green Belt

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Other than in instances where allocations are proposed, Green Belt within the Borough will be protected accordingly. The following criteria set out how Green Belt applies to land and settlements in North Warwickshire, whether named in LP2 or not, with development management policy/policies for the Green Belt set out subsequently.

- 1 The outer extent of the Green Belt as well as the detailed development boundaries for the settlements identified in Policy LP2 are shown on the Policies Map
2. Areas within Development Boundaries are excluded from the Green Belt.
3. Limited infilling in settlements washed over by the Green Belt will be allowed within the infill boundaries as defined on the Policies Map.
4. Limited infilling may also be acceptable where a site is clearly part of the built form of a settlement, i.e. where there is substantial built development around three or more sides of a site.
5. Settlements surrounded or washed over by the Green Belt will be able to pursue the Community Right to Build in accordance with the relevant statutory requirements.

When considering proposals within the Green Belt in addition to the NPPF, regard should also be had to the following considerations:

- a) provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, regard will be had to whether such proposals are of a scale necessary for the efficient function of the parent use concerned and that they are the minimum size necessary
- b) Extensions will be considered to be disproportionate building based on the merits of each individual case. Both quantitative and qualitative criteria will be used in this assessment. For the purposes of this policy, the original building is defined as that which was present on 1 July 1948 or that which came into being after this date as a result of the original planning permission, i.e., as built and volume is defined as gross external volume including basements and cellars.
- c) A replacement building will be considered to be materially larger based on the merits of each individual case. Both quantitative and qualitative criteria will be used in this assessment. Replacements should be located on the same footprint as the existing building unless there are material benefits to the openness of the Green Belt or, when environmental and amenity improvements indicate otherwise. For the purposes of this policy, volume is defined as gross external volume including basements and cellars.
- d) Consideration will be given to the removal of permitted development rights where the new development is considered to be at the maximum scale acceptable to ensure the openness of the Green Belt, or where other issues such as visual impact and impact on neighbouring residential amenity, are material.

- e) Relevant planning consideration, such as the sustainability of the location; landscape and visual appearance or impact, the loss of employment land and impacts on general amenity will all be considered in the final planning balance in respect of proposals to redevelop previously developed land within the Green Belt.

Strategic Gap

- 7.25 Polesworth with Dordon is one of the Market Towns in the Borough. Due to its location it has a close relationship with Tamworth. NW19 of the Core Strategy 2014 referred to a strategic gap between Polesworth and Dordon. This was to avoid coalesce with Tamworth. The Core Strategy however did not define where the boundaries of this area would fall and it was expected that this would be through the emerging Site Allocations Plan. As this Local Plan has superseded the production of the Site Allocations Plan it is now included in this Plan.
- 7.26 A detailed technical study has been carried out to look at the area and to determine where the detailed boundaries should be drawn. A separate consultation was carried out by the Council to consider the extent of the "gap" and this has informed the designation as shown on the Policies Map.
- 7.27 Following the approval of the site at the south-eastern site of junction 10 M42 and A5 for employment use the area south of the A5 is removed from the Meaningful Gap as proposed in the Draft Site Allocations Plan and Draft Local Plan. This means that any consideration of a contiguous area linking the Green Belt northwards cannot be considered. The Strategic Gap north of the A5 is therefore free standing. Its purpose is clear in that it is to maintain the gap, both visually and in landscape terms between the urban areas of Polesworth, Dordon and Tamworth.
- 7.28 The purpose of policy LP4 is to retain and respect the separate identities and characters of the settlements of Tamworth and Polesworth with Dordon to avoid their coalescence. The Strategic Gap seeks to retain and maintain the sense of space, place and separation between these settlements so that when travelling through the strategic gap (by all modes of transport), a traveller should have a clear sense of having left the first settlement, having travelled through an undeveloped area and then entering the second settlement.

LP4 Strategic Gap

In order to maintain the separate identity of Tamworth and Polesworth with Dordon, a Strategic Gap is identified on the Policies Map in order to prevent their coalescence. Development proposals will not be permitted where they significantly adversely affect the distinctive, separate characters of Tamworth and Polesworth with Dordon. In assessing whether or not that would occur, consideration will be given to any effects in terms of the physical and visual separation between those settlements.

General Development Applications

(5/b) Application No: DOC/2022/0052

Hartshill School, Church Road, Hartshill, Nuneaton, CV10 0NA

Approval of details required by condition no - 12 of planning permission PAP/2021/0627 dated 25/02/2022 relating to glazing scheme on 1st and 2nd floor facing Church Close, for

Wates Construction Limited

Introduction

This application is being reported to the Board given the Board's past interest in the site.

The application was referred to the Board on 11 February 2022 and that report is attached at Appendix A with the decision notice at Appendix B.

As part of that decision, a condition was attached requiring details of the glazing scheme for the 1st and 2nd floors of the new building facing Church Close to be submitted for assessment. The trigger point was prior to use of the school being brought into use.

The Site

The School is located on the east side of Church Road with the majority of the buildings set back from the road and the playing fields set behind them. In total the site amounts to just over 7.5 hectares in area, most of which is playing fields extending well to the east.

The site is bounded by bungalows along Church Close to the north, agricultural land to the north-east and east, Nathaniel Newton Infant School to the south and Church Road to the west. The surrounding context of the site is represented by predominantly residential use, alongside small-scale retail and local services, particularly to the north-west, west and south. Rural land extends to the east, with Hartshill Quarry located a short distance to the north-east.

The existing range of school buildings is concentrated at the south and western end of the site where it is situated next to Nathaniel Newtown Infant School. These comprise a mix of single, two and three storey heights with a wide range of building dates and thus appearances.

The Proposal

The planning permission granted the replacement of the existing school building with a new three storey school building. The decision notice required details of the glazing scheme on the 1st and 2nd floors facing Church Close to be submitted for assessment in order to protect the privacy of residents in Church Close. The full condition reads as follows:

12. Prior to the school building being brought into use, a glazing scheme for the treatment of the windows in the 1st and 2nd floor facing Church Close shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include options and alternatives with a preferred option for the treatment of these windows. The approved scheme shall be carried out prior to the use of the school hereby approved being brought into use and shall be maintained in perpetuity.

REASON: To protect the privacy of the residential properties in Church Close in respect of overlooking.

Development Plan

North Warwickshire Local Plan - LP1 (Sustainable Development), LP2 (Settlement Hierarchy), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP21 (New Services and Facilities), LP22 (Open Spaces and Recreational Provision), LP27 (Walking and Cycling) LP29 (Development Considerations), LP30 (Built Form), LP33 (Water and Flood is Management), LP34 (Parking), LP35 (Renewable Energy and Energy Efficiency)

Hartshill Neighbourhood Plan 2017 - H3 (Car parking at Schools and Nurseries); H5 (Ensuring new development provides appropriate infrastructure), H7 (Traffic and parking in the village), H13 (Health and Well-being) and H18 (Land at Hartshill Quarry)

Other Relevant Material Considerations

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

Residential Design Guide 2003

Representations

Since the grant of permission, work has now commenced. Additionally, as requested by the Board, a local liaison group has been set up specifically to monitor the construction. This group comprise residents from Church Close, the contractors – Wates, the School, Hartshill Parish Council and officers It has been meeting regularly as part of the ongoing construction works.

As part of this involvement, residents met on the 29 June 2022 to discuss a series of options for the windows as required by the above condition. Present at the meeting

were representatives of the residents, the school, Wates, a Borough Councillor and a Planning Officer.

Four options were discussed, and a number of concerns were raised by the residents. These involved whether the windows would open, the level of obscurity and the need for fully obscure glazed windows. Landscaping options were also raised. Option 3 was potentially the preferred one involving the provision of obscure glazing to 1.7 metres in height along the northern elevation. Following further consideration Wates have amended this to include this at both first and second floor.

A letter from the residents has been received in response to the meeting and details submitted, outlining the following concerns:

1. Residents consider that the windows in this northern elevation should be non-opening.
2. Any opening windows lead to a greater impact in terms of privacy on the residents.
3. Openings will increase noise levels from the classrooms and as two of the second- floor rooms are science rooms, air-conditioning will be required.
4. Opening windows will give unobscured view into gardens and residential properties.
5. These should be sealed units.
6. They wish to see sample details of the obscure glass.
7. They appreciate the contractor has agreed to obscure the first floor windows too.
8. The average height of a 15 year old is 1.7 metres. Therefore 2/5th of the students on average could be higher than this.
9. As a consequence, the 1.7 metres is not at a high enough level and they require the full windows to be fully frosted.
10. They do not see how the application can be approved until matters have been agreed by all residents.

Observations

The Development Management Procedure Order sets out the procedures for applicants to gain a “deemed consent” by default, if an application for consent, agreement or approval on a planning condition has not been determined by the Council within 8 weeks or an agreed extended period. This period expires on 17 August. This is why this case is referred to the Board at this meeting.

Planning Permission PAP/2021/0627 was granted subject to Condition 12, which reads:

“Prior to the school building being brought into use, a glazing scheme for the treatment of the windows in the 1st and 2nd floor facing Church Close shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include options and alternatives with a preferred option for the treatment of these windows. The approved scheme shall be carried out prior to the use of the school hereby approved being brought into use and shall be maintained in perpetuity.

REASON: To protect the privacy of the residential properties in Church Close in respect of overlooking.”

The reason for the condition was to overcome concerns in respect of residents from overlooking and privacy implications into the garden areas and habitable windows of their properties. The Board considered it was appropriate to request options and alternatives to consider this impact.

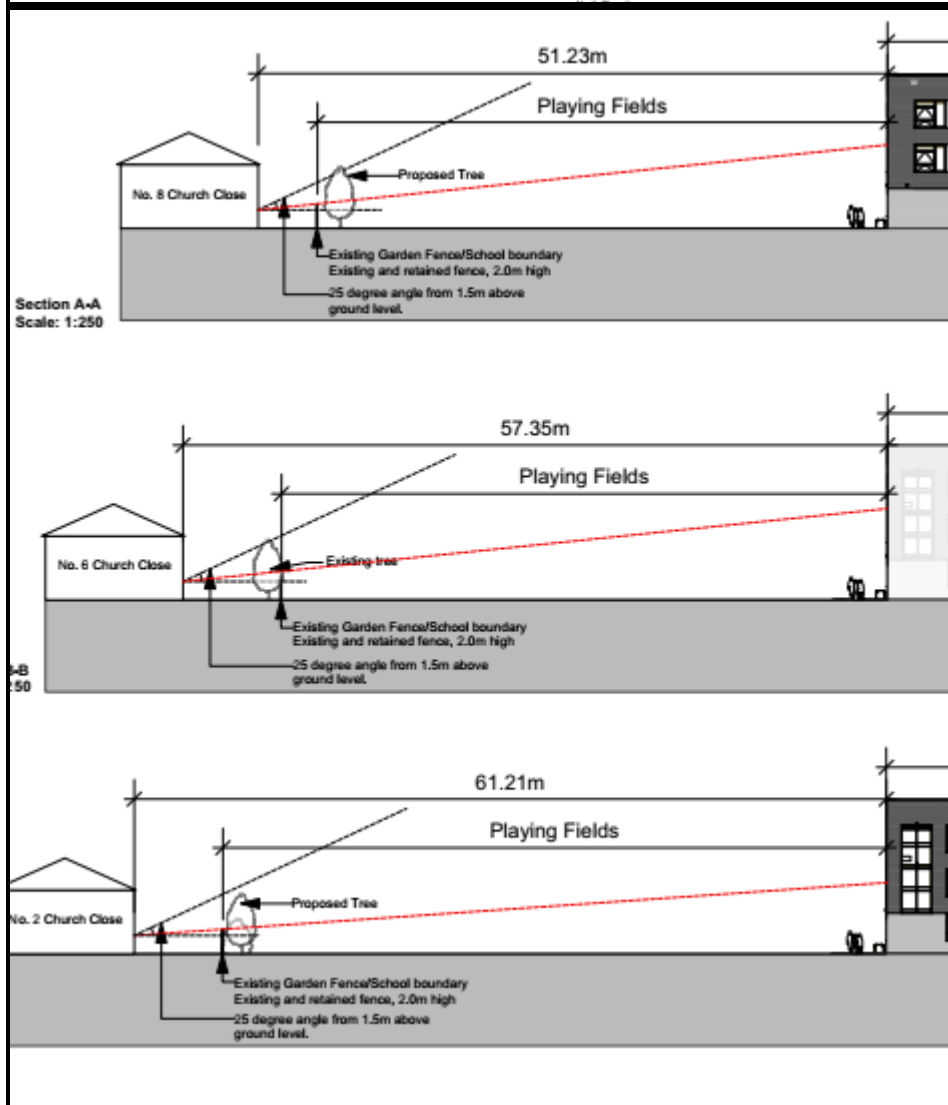
As a consequence of this, Wates submitted four options in respect of the proposal - see Appendix C.

1. Do nothing
2. Landscaping along the boundary with Church Close
3. Obscure glaze first and now second floor windows for first 1.7m of the windows
4. Fully obscure glaze the second-floor windows only.

An assessment of these is provided below. It is agreed that interior and exterior spaces which are overlooked will have reduced privacy and that this can affect the quality of life of existing residents. The Council therefore expects development to be designed to protect the privacy of the occupants of both new and existing dwellings to a reasonable degree. Therefore, new buildings and the location of new windows should be designed to avoid overlooking if possible, or to address it through proportionate mitigation. The extent of overlooking will need be assessed on a case-by-case basis.

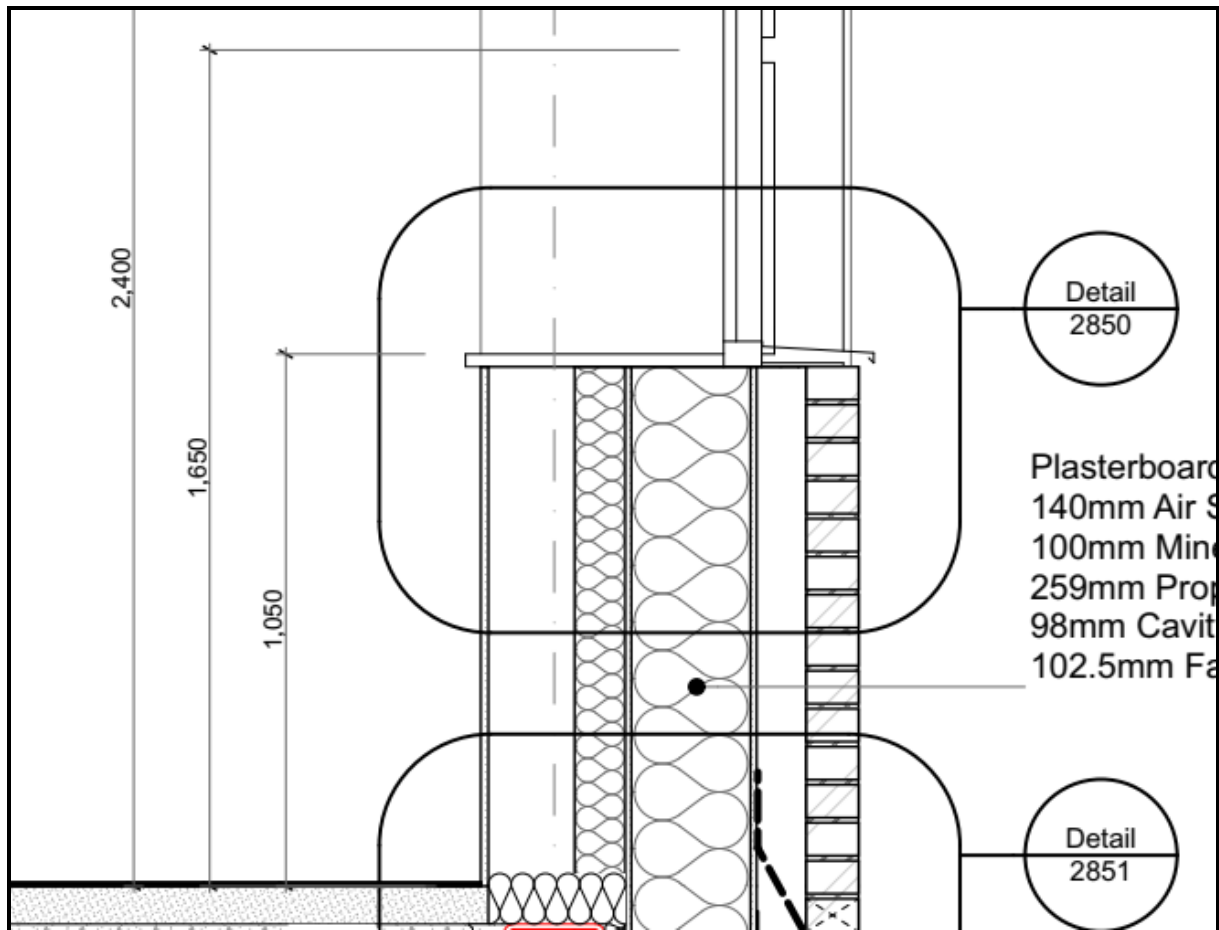
The places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings. For the purposes of guidance, habitable rooms are considered to be residential living rooms, bedrooms and kitchens. The area of garden nearest to the window of a habitable room is most sensitive to overlooking. In this instance the orientation of the existing properties in Church Close is such that rear gardens, living rooms, kitchen and bedrooms face the new building. The levels of the land are such that the school's finished floor level is slightly higher than the bungalows, but not significantly i.e., by no more than 0.3m.

Throughout England, planning authorities have different measurements to ensure privacy implications are not detrimental. North Warwickshire does not have specific measurement on this. However, its good practice is to provide a minimum distance of 21m between the windows of habitable rooms in existing properties directly facing the proposed (either residential or non-residential) development. This assumes a level topography. In instances where building heights, design or topography mean that opportunities for overlooking would be increased, it is advisable to increase this separation distance. Therefore, when there are three storey properties such as this, it would be increased to 30 metres. In this instance it can be seen from the layout that the building is nearly 44 metres from the nearest garden and 50 metres to the nearest property in Church Close. The Board considered that it was seen as necessary to further reduce the impact of the proposed building on the neighbouring residential properties. This is why the "window" condition was included. The applicants have considered the layout of the windows and have proposed the use of obscure glazing in part, to reduce the perception of overlooking of the residential bungalows. There is a balance here for the Board to assess between requiring all of the window to be obscure glazed, against the impact on the residential properties, and the education and health needs of school children to have the best learning environment available.



Some mitigation is also possible through looking at the proposed use of the rooms on the first and second floor as well as their internal arrangement. The windows on the northern elevation include changing room windows, a resistant materials classroom and doorways on the ground floor. On the first floor there is a staff/work room and two English classrooms. On the second floor there is a staff workroom, an ICT technician's room and a science classroom. The approved floor plans are shown at Appendix D.

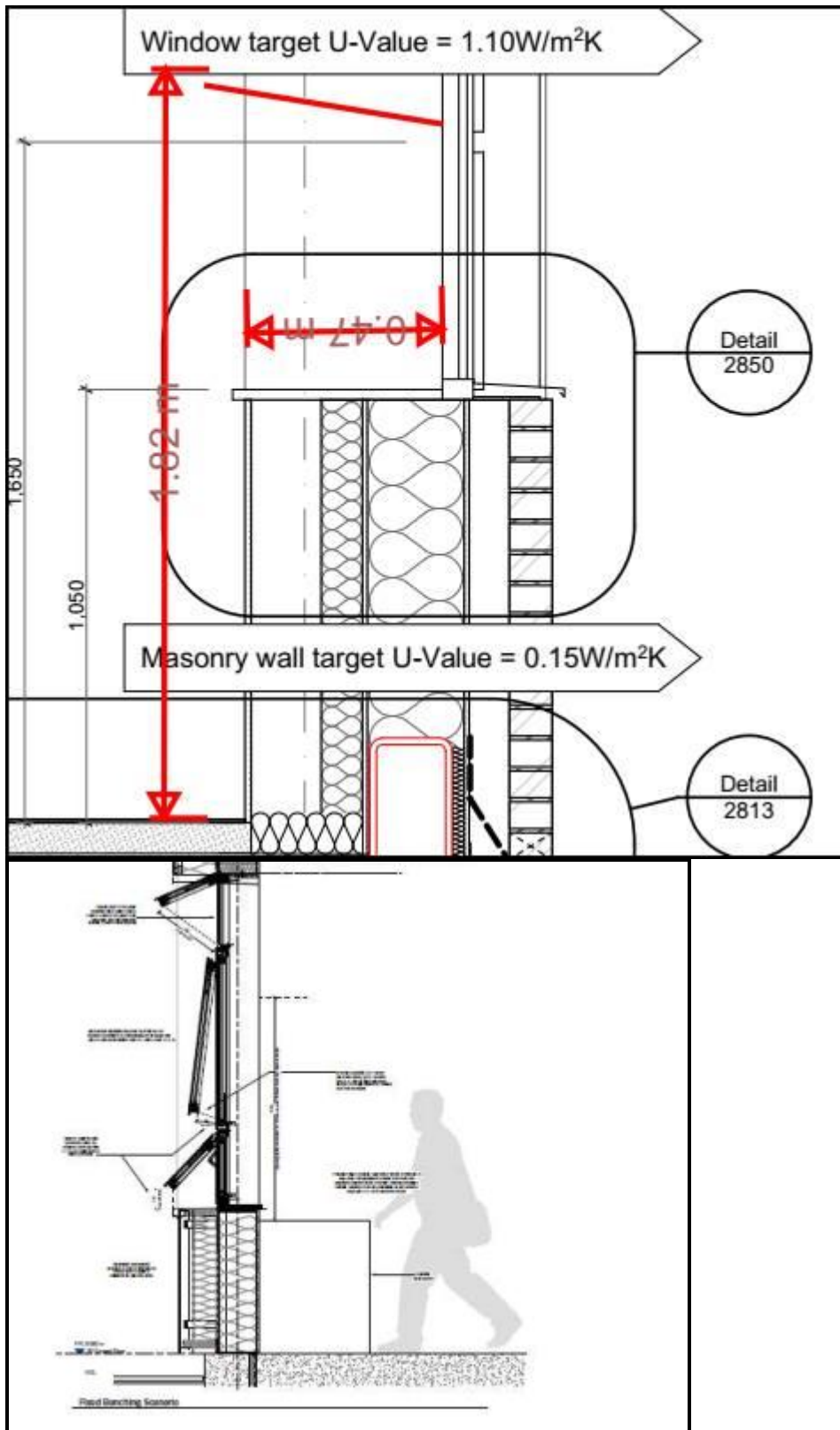
The plans submitted shows a typical cross section of windows and the cills inside. This indicates that there is a 0.5metre wide wall and then the proposal is to provide obscure panelling of around 1.7m high.



With regards to the second floor Science Classroom, then this classroom will have perimeter benching or storage cupboards of a nominal width of 600mm. The distance from the inside face of the window to the face of the benching will be circa 1.07m. These details all have an impact on whether it would be possible for a pupil or teacher to look directly into someone's garden or not. Detailed below is a cross section showing the obscure glazing level up to 1.7m. The red line indicates a 1.82 metre eye level. This would require a 1.9 -1.95 or a 6 foot 2-5 inches tall person to be able look into a resident's garden or property. The majority of under-16 children are lower than this height. As a secondary school - pupils are aged between 10 and 16 - the classrooms would be used by all years and not just the tallest students and therefore the impact on privacy would be negligible as it would only be for tallest students - those over 6 foot tall and above. This angle of sight indicates the limited/restricted visibility provided by the obscure glazing at 1.7m.

Not only this, but the layout of the rooms is important to the consideration. The layout of the science room is perpendicular (90-degrees) to the windows. Along the external wall there will be storage facilities for science (measuring 1.07m wide). This will further restrict direct access to the front of the windows further reducing any possibility of direct

overlooking from the windows. It is the concern of residents that with windows opened there will be direct unobstructed overlooking of their gardens and dwelling for the majority of the day. However, the distance, orientation of the building and use of the rooms is such that it will not lead to detriment. The rooms will have blinds which can be used if necessary.



Wates are looking to provide details of the commercial glazing proposed. Once received this is to be shown to residents as well as to Council representatives.

It should be noted that a school is not the same as a residential dwelling and it is unlikely that privacy and overlooking would be the same or over a prolonged period. Schools are open 39 weeks of a 52-week year and are fully open from around 8:45 until 15:30. The privacy implications of this should also be considered. It is understood that residents in Church Close have genuine concerns about overlooking and privacy implications, but there are other site specific considerations including the classroom arrangement, window height and distance from properties such that it would difficult to demonstrate a detrimental or harmful impact on these existing properties.

The Local Plan requires development to comply with Supplementary Planning Guidance. This provides clear guidance on the way buildings relate to each other and the impact of this on levels of acceptable amenity for both existing and future occupiers. Paragraph 130 of the NPPF is also relevant and sets out the need for planning to deliver a good standard of amenity for all existing and future occupants of buildings. It is considered that the proposed Option 3 will provide a satisfactory level of amenity for the existing residents and for the new school building.

Other Issues

Condition 10 on the permission requires details of noise insulation from the building and plant.

Within discussions, residents have raised Human Rights issues. It is true that there may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of the application and this discharge of conditions application by assessing the impact of the windows against adopted policy in the Local Plan and other material considerations. In other words there is appropriate and relevant domestic legislation that provides the basis for full assessment of the issues raised by residents.

Due regard, where relevant, has also been taken of the North Warwickshire Borough Council's equality duty as contained within the Equalities Act 2010. The authority has had due regard to the public sector equality duty (PSED). Under section 149 of the Equality Act 2010, a public authority must in the exercised of its functions, have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as **age, gender, disability and race**. This proposal affects both young and old, however it has been established that a balanced consideration of factors in support of the proposal has been concluded and that this has no impact on such protected characteristics.

Recommendation

That the following details be approved in discharge of condition 12 attached to **PAP/2021/0627** dated 25/2/22:

- i) Window alterations dated 29 June 2022 is discharged in full discharge of Condition 12.

General Development Applications

(7/g) Application No: PAP/2021/0627

Hartshill School, Church Road, Hartshill, Nuneaton, Warwickshire, CV10 0NA

Full planning application for the demolition of existing school buildings (with the exception of the sports hall) and the development of a three-storey building for educational purposes (Use Class F1), alongside associated access, sports pitches, landscaping and parking, for

- Wates - On Behalf Of The DfE

Introduction

This application is being reported to the Development and Planning Board at the discretion of the Head of Development Control.

The Site

The School is located on the east side of Church Road with the majority of the buildings set back from the road and the playing fields set behind them. In total the site amounts to just over 7.5 hectares in area, most of which is playing fields extending well to the east.

The site is bound by residential properties fronting Church Close to the north, agricultural land to the north-east and east, Nathaniel Newton Infant School to the south and Church Road to the west.

The surrounding context to the site is represented by predominantly residential use, alongside small-scale retail and local services, particularly to the north-west, west and south. Rural land extends to the east, with Hartshill Quarry located a short distance to the north-east.

The existing range of school buildings is concentrated at the south and western end of the site where it is situated next to Nathaniel Newtown Infant School. These comprise a mix of single, two and three storey heights with a wide range of building dates and thus appearances. The overall site is illustrated at Appendix A.

The Proposal

This is a full planning application for the demolition of the existing school buildings (with the exception of the sports hall) and the development of a three-storey building for educational purposes (Use Class F1), alongside associated access, sports pitches, landscaping and parking

It proposes a new three-storey teaching block including main hall, library, studios and classrooms alongside significantly improved outdoor amenity space. The existing sports hall is proposed to be retained. External areas will be resurfaced and landscaped it is said in order to deliver a development which is energy efficient, which enhances its

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setting and which will be accessible to all. The scheme has been designed it is said, to provide a positive contribution to the local area, with a strong and cohesive design which responds to and is influenced by the local context and landscape. All existing buildings on the site, apart from the Sports Hall, will be demolished once the new school building has been constructed and is ready for occupation, with continuity in use throughout. New playing fields will be re-provided to replace those impacted.

A temporary construction access is required for the duration of the construction phase of the development. This will be created from Church Road and will lead eastwards across the site, to the north of the existing main vehicular access.

The new block would be 8651 square metres (but with a footprint of around 2900 square metres).

There would be no increase in pupil or staff numbers from the existing 1050 pupils and 110 members of staff.

The location of the buildings to be demolished is at Appendix B.

The location of the new building is at Appendix C.

Its appearance and visualisation are shown at Appendix D.

The application is accompanied by a number of supporting documents including a Planning and a Design and Access Statement which concludes that the proposal will provide significant investment to the educational provision of the area and will significantly improve the teaching and learning environment for staff, students and visitors alike over the existing situation.

The submitted reports are as follows:

A Ground Conditions report recommends that conventional foundations would be appropriate but that they should incorporate measures to reduce gas emissions into the building.

Noise Report concludes the impact of the proposal on adjacent residential properties.

The Arboricultural report indicates the removal of a small number of trees as a consequence of the demolitions, but with new planting in the vicinity of the new building. It also indicates the removal of one ash fronting Church Road, however this will be replacement post construction along with additional replacements.

An Ecological Impact Assessment and Biodiversity Net Gain assessment concludes that it is possible to provide and deliver a net gain in biodiversity on site under the proposed landscape plans via the like-for-like and like-for-better compensatory actions. The proposed landscaping can also bring further benefits for biodiversity. There is no impact on protected species.

The Flood Risk Assessment concludes that the surface water is not considered to be a significant flood risk here and that foul water discharge is unlikely to be any greater than at present. Sustainable drainage systems can be employed to drain the site.

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A Heritage Statement concludes that there are benefits to the rationalisation and simplification of the school complex, but that there would be a low level of harm to the significance of the setting of the Church of Holy Trinity as a result of some loss of its local prominence. This level of harm is low and 'less than substantial' in NPPF terms.

A Transport Note concludes that as there will be no increase in pupil or staff numbers. It is expected that there will no increase in traffic as a result of the proposed development.

An Archaeological Desk based assessment has concluded that archaeological mitigation, should it be necessary, might be achieved by localised excavation and/or by means of a programme of monitoring under archaeological supervision and control during the construction programme. A geophysical survey has been carried out and a written scheme of investigation has been submitted outlining the level and detail of trial trenching which will be undertaken in the next couple of months.

An Energy Strategy indicates that there is a 100% reduction in carbon through the use of air source heat pumps for water and heating. The use of the photovoltaic array will reduce energy consumption. 11 fast charging car points will be provided as part of the proposal too.

A detailed construction management plan indicates the construction phasing and demolition works, housing of working, fencing and security, construction access, storage, noise and dust management, lighting, drainage and tree mitigation.

Development Plan

North Warwickshire Local Plan - LP1 (Sustainable Development), LP2 (Settlement Hierarchy), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP21 (New Services and Facilities), LP22 (Open Spaces and Recreational Provision), LP27 (Walking and Cycling) LP29 (Development Considerations), LP30 (Built Form), LP33 (Water and Flood is Management), LP34 (Parking), LP35 (Renewable Energy and Energy Efficiency)

Hartshill Neighbourhood Plan 2017 - H3 (Car parking at Schools and Nurseries); H5 (Ensuring new development provides appropriate infrastructure), H7 (Traffic and parking in the village), H13 (Health and Well-being) and H18 (Land at Hartshill Quarry)

Other Relevant Material Considerations

The National Planning Policy Framework 2021 – (the "NPPF")

Playing Fields Policy and Guidance – Sport England 2018

NWBC Playing Pitch Strategy 2017

Supplementary Planning Guidance: Air Quality Supplementary Planning Document 2019

Consultations

Environmental Health Officer – No objections subject to noise conditions

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Warwickshire Police Architectural Liaison Officer – No objection subject to design layout mitigation.

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

Warwickshire County Archaeology – No objections subject to conditions

Warwickshire Forestry Officer - No objection subject to replacement of trees on site

Warwickshire Fire and Rescue Services – No objection subject to conditions

Nuneaton and Bedworth Borough Council - No objection

Severn Trent Water Ltd – No objection to the proposal

Sports England – No objection subject to conditions

Warwickshire County Council as Highway Authority – It had initial concerns about the potential for increased traffic generation but following confirmation that the development would not increase staff or pupil numbers, there is no objection in principle to the proposal. However, as there is a new access for construction traffic, a road safety audit is required for to assess the impact. Additionally swept path details and the impact on highway trees will have to be assessed.

Representations

14 letters have been received raising. These include 13 objections raising the following issues:

- Proposed construction access is limited in width and impacts on the adjacent TPO'd trees.
- The footpath should be maintained for wheelchair and mobility scooter access at all times.
- Construction delivery times are not mentioned.
- The construction worker hours should provide some time over the weekend for peace and quiet for residents.
- The construction will last for nearly 2 years.
- An alternative construction access should be considered.
- Construction parking should be positioned further away from residential properties and within the school during in school holiday to alleviate noise.
- A fence adjacent to the construction access should be positioned to reduced impact on neighbours no higher than 1.8m.
- The position of the access road will have a detrimental impact on neighbouring residential properties.
- Lighting during construction could be detrimental.
- Car parking at the doctor's surgery site could be considered rather than adjacent to the existing residential properties.
- The proposal does not blend in with street as a whole.
- There is an existing flood problem in the area.

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- Existing sewer system has limited capacity.
- Distance of the school to properties in Church Close will lead to privacy implications and will restrict light to neighbouring properties.
- Noise from the school use will impact on residential properties.
- Dust and air quality will be affected during construction.
- Windows should be frosted to ensure that privacy is not detrimental.
- There has been consultation prior to the application but little as changed.
- School pupils should not increase as highways implications are significant.

One letter of support has been received indicating that the application should be supported as it is an investment in children's future.

Observations

a) Introduction

There is no objection in principle to the general approach taken here in order to replace inappropriate and inadequate education accommodation with a better equipped and more sustainable building. There are however a number of issues which will impact on the final outcome of this report.

b) Principle of Development

In terms of the proposed school, the presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively. The aim of the NPPF is to achieve sustainable development and some of the objectives relevant to this proposal are making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life, ensuring high quality development through good and inclusive design and the efficient use of resources. Additionally, development should support existing communities and contribute to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community. Local Policy LP1 outlines that where planning applications accord with policies, the proposal will be approved without delay, unless material considerations indicate otherwise. Policies supporting improvements to school are clearly indicated in the Local Plan and the Hartshill Neighbourhood Plan.

Paragraph 20 of the NPPF outlines the need to support the delivery of services which the community needs, whilst section 8 emphasises that weight that should be given to the need to create, expand or alter schools through the preparation of plans and decision on applications.

Hartshill School is receiving investment through the School Rebuilding Programme. The programme is carrying out major rebuilding and refurbishment projects at school and sixth form college buildings across England, with buildings prioritised according to their condition. The aim of the programme is to replace poor condition buildings across the country securing best value for money in doing so. It is clear from the site there is a need to consolidate the existing school buildings.

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The NPPF also indicates that local planning authorities should ensure the faster delivery of other public services infrastructure and resolve key planning issues. The principle of the educational redevelopment is supported by neighbourhood, local and national planning framework, however this is subject to other considerations outlined below.

c) Impact on Visual Amenity

The adopted Local Plan and Hartshill Neighbourhood Plan sets out that development needs to be a high standard of design. Chapter 12 of the NPPF is also relevant and sets out the importance of good design in relation to new development.

The proposals include the demolition of all existing school buildings with the exception of the sports hall. The replacement development comprises a new three-storey teaching building. This is formed of a broadly rectangular block. It will be positioned on land to the front of the existing buildings, on land which is currently open, set behind the trees which front Church Road. This block will provide modern educational facilities including classrooms, workshops and laboratories, main hall, dining hall, drama and activity studios and associated staff and pupil administration and welfare facilities.

To some extent the location of the new building within the wider site has been dictated by existing site constraints. This includes the position of a Severn Trent water main, the position of existing trees, the need to retain the existing pedestrian and vehicle access and consideration of the relationship with neighbouring properties. The existing buildings will need to remain until the new building is complete which also dictates the position.

The height of the proposed main building is comparable to the existing buildings at three storeys high, but the new building is a composite as a replacement of a number of scattered buildings. The location of the building at the front of the site will make it more prominent, especially from Church Road. The design of the building has taken some consideration of the predominantly residential area of Victorian terraced and semi-detached dwellings. The design has echoed some of the character of the Victorian dwellings, the elevational treatment is primarily red-brick masonry faced, with a standing seam metal faced grey cladding used at key accent locations. This is focussed on the main entrance and access. The burgundy coloured panels highlight the main entrances to the building. The ground floor utilises a grey plinth to the building. A secondary masonry brick in light grey has been incorporated between the glazing to soften the façade. The proposed fenestration provides both a horizontal and vertical emphasis to the building reducing its scale.

In terms of design this development is high quality of design and finish. The proposal reflects elements of the scale and style of the existing buildings on the site as well those in context. It is considered that the proposed development will deliver a new high-quality teaching and learning building for Hartshill School. The proposals have been designed to make a well-designed positive contribution to the local area and context.

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d) Impact in terms of Highways

The DfE funding is only for works within the school site, and the new building is only to accommodate the existing 1050 students and 110 FTE staff. The scheme is replacing the existing school buildings with no additional staff or students.

A fundamental issue with a number of school applications relates to highways, however in this instance the proposal is providing replacement facilities and is not to increase the number of pupils which remains at 1050 pupils. Originally the Highway Authority objected to the application in that there was no road safety audit for the proposed construction access along Church Road. There is no principal objection to the scheme. However, a revised transport statement, interim travel plan and road safety audit have all been submitted indicating tracking of construction vehicles into the site.

It is considered that the proposal will have limited material impact in terms of highway operation and in the context of NPPF the impact will not be 'severe' (paragraph 111). The proposal is in a highly sustainable location and there would consequently be no impact on the number of movements on the local highway network. Schools are generators of travel and should therefore be located so as to maximise their accessibility by public transport, walking and cycling. Where related accommodation is to be provided it should have ready access to the site by non-car modes. In this instance it is considered and reflects existing demand to the point that the proposal is in a good location. The proposal is providing a travel plan, upgraded car parking, cycle parking and electric charging spaces which will all help to improve sustainable travel solutions to the school.

The applicants have provided additional information in respect of the proposed usage and have provided 110 car parking spaces in total for the proposed use, including 11 charging points and 5 disabled spaces. The impact on parking provision, highway safety and traffic flows is therefore considered to be acceptable subject to the recommended highways conditions which are likely to be in respect of car parking, cycle storage, and Green Travel Plan conditions.

e) Loss of sports pitches

There will be a reduction in playing fields during the works. Sports England have been consulted and have responded with no objections. It is proposed that the playing field land will be re-provisioned on the site of the demolished school buildings. The replacement provision (circa 0.45ha) is greater in size than the playing field proposed to be lost and given its rectangular nature it will also provide more usable areas. The replacement provision would be capable of accommodating an u11/12s football pitch. It is also acknowledged that the area to the north of the proposed block will be retained as playing field land and is capable of accommodating rounders pitches and potentially an u7/8s football pitch. There is no objection to the scheme in respect of sports provision.

f) Loss of trees

An Ash tree to the north corner of the site fronting Church Road is to be removed to allow for the construction haul road to be provided. The County Council Tree Officer has commented that the ash tree has seen some decay for sometime and can be removed subject to appropriate replacement in a similar position following the completion of the

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development. It is likely that the replacement will include three or more trees within the site as well as a replacement along Church Road.

The access road will include geo-textile membranes over the roots of the trees to ensure that none of the other trees are impacted by the construction haul road. The position of the surface water drainage system has also been amended to ensure the retention of an important oak tree within the site close to the existing sports hall.

g) Impact on Residential Amenity (Light, Aspect and Privacy)

The Local Plan requires development to comply with Supplementary Planning Guidance and in turn allows for consideration of the Residential Design Guide and national guidance. This guide provides clear guidance on the way buildings relate to each other and the impact of this on levels of acceptable amenity for both existing and future occupiers. Paragraph 127 of the NPPF is also relevant and sets out the need for planning to deliver a good standard of amenity for all existing and future occupants of buildings.

The proposed building would be three storey in nature but would be 12.5 metres in height to the parapet. The most affected property in Church Close is 44 metres away to the garden and 50 metres to the original property. Comments have been raised about overlooking into adjacent properties. A school is not the same as a residential dwelling it is unlikely that privacy and overlooking would be the same. Classrooms would be supervised for the majority of the time and children would be focused on learning. The second floor of the scheme has been laid out to ensure that there is limited opportunity through the provision of a staircase, ICT room, staff room.

Residents have indicated that they require any windows overlooking their properties to have obscure glazed windows. However, due to the use as a school, the position it is not considered that this is necessary. Overall, it is not considered that there would be a material loss of light, aspect and privacy.

h) Impact on Residential Amenity (Noise and Disturbance)

Paragraph 185 of the NPPF sets out the need to consider the potential for noise that could be generated from new development. The impact of the proposed building in respect of noise from the uses and the comings and goings. However, the site already has an established use and the existing use generate noise. Environmental Health have no objections to the proposal. But it is fair to say that any building will be designed to prevent noise getting in and in that respect noise from within the building is unlikely to disturb those nearby residents.

However, the proposal is likely to include provisions for air conditioning units to be located around the outside of the building and these clearly have the potential to cause noise disturbance to residential properties when in use. Environmental Health have assessed the proposed development and raised no objection subject to a condition requiring details of the air conditioning units or plant.

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i) Other issues

A large number of the local concerns revolve around working hours during construction and noise mitigation. A construction management plan has been submitted indicating mitigation and a separate access to control access. To reduce the impact of construction trips, no construction vehicle trips will be permitted during of the school's drop off and pick up hours so as to avoid conflict with pupils arriving and departing to/from School. The hours of use for the temporary access are expected to be controlled via a suitably worded planning condition should permission be granted. Parking on Church Road opposite the temporary entrance will also need to be suspended for the duration of its use, which will be covered under a Temporary Traffic Regulation Order (TTRO) in agreement with WCC highways. Subject to the planning permission the redevelopment is scheduled to start in April 2022, and take around 17 months to complete with full handover to the school expected by September 2023 and September 2024 for Project Completion

Surface water drainage would be through sustainable systems and the County Council Flooding team have no objections to the proposal. In principle the details of this system can be provided on site and a suitably worded condition will ensure that this can be "reserved" for future approval and thus it is considered that the impact on drainage would be acceptable.

In terms of protecting and enhancing biodiversity, the site is not designated of national or local importance, however, in its previously developed state, it forms a site that holds biodiversity value. Surveys have demonstrated that impacts on protected or important species are unlikely. The application indicates that the proposal will lead to a net increase in terms of biodiversity.

Economic Implications

The developments would give rise to a number of economic benefits. For example, it would generate significant employment opportunities including for local companies, in the construction industry during construction. Overall, it is considered that the development proposals would have limited economic and significant social benefits to the local area.

Planning Balance

The NPPF establishes the need for the planning system to achieve sustainable development which is composed of mutually dependent economic, social and environmental dimensions (paragraph 7, 8). There is consequently a presumption in favour of applications for sustainable development (paragraphs 11 and 12). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise. Taking into account the above assessment on the school, it is consequently considered that the proposed development is in accordance with the development plan and the NPPF.

The Board has to assess the balance between all of the issues above. It can be seen above that there is little in the way of adverse demonstrable harm arising from the proposals as a consequence of highway, drainage, arboricultural, environmental or

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residential amenity impacts. The use of planning conditions can assist here reflected below.

Overall, there are significant community benefits in favour of granting planning permission for this school from a social, economic and environmental perspective and these would outweigh the limited harms identified including the less than substantial harm on the nearby heritage asset. It is therefore considered that the proposed development would achieve sustainable development and should therefore be approved.

Recommendation

That subject to there being no objection from the Warwickshire County Highways that cannot be overcome by conditions, the Council is minded to support the application subject to the conditions set out below

1. The development shall be started within three years of 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).

2. The development hereby approved shall only be carried out in accordance with the application form, the supporting letter and drawing numbers:

Ground floor plan 108-LSI-A1-00-DR-A-1300-S2-P03
First floor plan 108-LSI-A1-01-DR-A-1301-S2-P03
Second floor plan 108-LSI-A1-02-DR-A-1302-S2-P03
Roof plan 108-LSI-A1-R1-DR-A-1305-S2-P02
Location plan 108-LSI-A1-XX-DR-A-1170-S2-P03
Elevations 108-LSI-A1-ZZ-DR-A-1350-S2-P02
Sections through 108-LSI-A1-ZZ-DR-A-1370-S2-P02
Drainage Layout Sheet 1 108-AKS-XX-ZZ-DR-C-9201_P06
Drainage Layout Sheet 2 108-AKS-XX-ZZ-DR-C-9202_P06
Fire Tender and Refuse Truck Tracking 108-AKS-ZZ-ZZ-DR-C-9053_P06
Construction Traffic Tracking 108-AKS-ZZ-ZZ-DR-C-9054_P05
Temporary Site Entrance Works 108-AKS-ZZ-ZZ-DR-C-9060_P04
Landscape Illustrative Masterplan 108-ALA-ZZ-ZZ-DR-L-0038 – P05
Landscape General Arrangement 108-ALA-ZZ-ZZ-DR-L-0039 – P08
Fencing arrangement 108-ALA-ZZ-ZZ-DR-L-0040 – P05
Demolition Plan Planning 108-ALA-ZZ-ZZ-DR-L-0041
Existing Site Layout – Planning 108-ALA-ZZ-ZZ-DR-L-0043
Landscape Visualisations – Planning - 108-ALA-ZZ-ZZ-DR-L-0044
Site Sections 1 to 4 Planning - 108-ALA-ZZ-ZZ-DR-L-0049-52
Cycle Storage Details 108-ALA-ZZ-ZZ-DR-L-0053
Bin Storage _ Collection Strategy 108-ALA-ZZ-ZZ-DR-L-0054
EV Parking Provision 108-ALA-ZZ-ZZ-DR-L-0055
Playing Pitch Continuity Plan_P05 108-ALA-ZZ-ZZ-DR-L-0056
Bin Storage Details 108-ALA-ZZ-ZZ-DR-L-0057

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Existing Site Levels Planning 108-ALA-ZZ-ZZ-DR-L-0058
GRP HV Substation Details 108-ALA-ZZ-ZZ-DR-L-0058
External Lighting Strategy Layout 108-CSD-00-XX-DR-E-63312-13
External Security CCTV Layout 108-CSD-00-XX-DR-E-68011
Surveys 108-LSI-A1-00-DR-A-1200-S2-P02

Phase one ground investigation and addendum
Planning Statement
Design and Access Statement
Arboricultural Impact Assessment Hartshill 210639-PD-11A
Heritage Statement
Biodiversity Net Gain Assessment update
Ecological Impact Appraisal
Bat Emergence Survey
Transport Technical Note RUK2021N00600-RAM-RP-00005
Travel Plan
Archeological Desk Based Assessment
Archaeological WSI
Archaeological Geophysical survey
Flood Risk Assessment
Flood Risk Addendum
Agent information dated 08th December 2021 relating surface water
Drainage Strategy
Noise Assessment
Energy Statement
Agronomy Survey
Playing Pitch Continuity Plan
Playing Pitch Management/Maintenance Plan

REASON

To define the approval.

CONDITIONS to be complied with PRIOR to the commencement of development hereby approved

3. No development shall take place other than in accordance with the Written Scheme of Investigation (WSI) and until
 - a) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
 - b) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been 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. The development, and any archaeological fieldwork, post-excavation analysis,

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publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents

REASON

To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of LP15 of the adopted North Warwickshire Local Plan, coupled with the requirements of paragraphs 194 - 198 of the National Planning Policy Framework 2021.

4. Notwithstanding the submitted no development shall commence until a Construction Method Statement has been updated then submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

REASON

In the interests of highway safety and residential amenity. To ensure that the construction period of the development is managed in an efficient way and to reduce the likelihood of vehicles queuing on the adopted highway as recommended by the Highway Authority.

CONDITIONS to be complied with PRIOR to development above slab level

5. No development above slab level shall commence until full details and samples of materials proposed to be used in the external parts of the building have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

REASON

In the visual interests of the area.

6. The development shall be carried out in accordance with the approved contamination land report and remediation within those reports. If any unacceptable contamination or adverse ground conditions are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The report shall include a verification plan of how the remedial measures will be measured and proved.

REASON

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

7G/150

7. Within three months of the completion of the development a verification report shall be provided to the Local Planning Authority in order to identify how the remediation objectives were achieved compared with the verification plan.

REASON

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

8. Prior to the completion of the slab level a landscaping scheme shall be submitted to the Local Planning Authority for approval. This scheme shall reflect the approved landscaping scheme but will also indicate the replacement trees for the ash tree at the front of the site. For the avoidance of doubt landscaping includes, boundary treatment, surfacing materials, trees and hedges. The approved details and areas identified shall be carried out within the first planting season following the first use of the premises commencing.

REASON

In the interests of the amenities of the area.

CONDITIONS to be complied with Prior to USE commencing

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

REASON

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

10. The development hereby approved shall be carried out in accordance with the Playing Pitch Continuity Plan drw 108-ALA-ZZ-ZZ-DR-L-0056_05, this shall be implemented and complied with in full throughout the carrying out of the development.

REASON

7G/151

To protect playing fields from damage, loss or availability of use during the construction of the development and to accord with Development Plan Policy

11. The new school building hereby approved shall not be brought into use and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the Local Planning Authority and Local Lead Flood Authority within the maintenance plan.

REASON

To ensure the future maintenance of the sustainable drainage structures

12. Before the development/use hereby permitted is brought into use, a scheme for the insulation of the building and plant in order to minimise the level of noise emanating from the said building and plant shall be submitted to and approved in writing by the Borough Council and the scheme as approved shall be fully implemented before the use hereby permitted is brought into use.

REASON

In the interests on the neighbouring residential properties.

13. Prior to the use of the new school block being brought into use a written pitch construction specification (and programme of implementation) and playing field maintenance schedule for a five year period from commencement of use, based on the findings of the submitted 'A feasibility study for the construction of a natural turf winter sport pitch at Hartshill School (dated 15th September 2021)', shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved scheme and maintenance schedule shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

REASON

To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with the Local Plan.

14. Use of the development shall not commence until a scheme for removal of the site compounds and the reinstatement of the playing field land has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme must be in accordance with Sport England guidance "Natural Turf for Sport" (2011). The playing field shall be restored in accordance with the approved scheme.

7G/152

REASON

To ensure the site is restored to a condition fit for purpose and to accord with Local Plan

15. No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan.

REASON

To ensure the future maintenance of the sustainable drainage structures.

All other CONDITIONS to be complied with:

16. Any planting which within a period of 5 years of implementation dies, is removed, or becomes seriously damaged or diseased shall be replaced during the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to a variation. Should replacement planting be necessary, the Local Planning Authority shall be notified in writing not less than 7 days prior to the replacement planting taking place. Notification shall include details of the problem with the implemented scheme and the specification and timing of the replacement planting.

REASON

In the interests of the setting and visual appearance of the development.

7G/153

5b/49

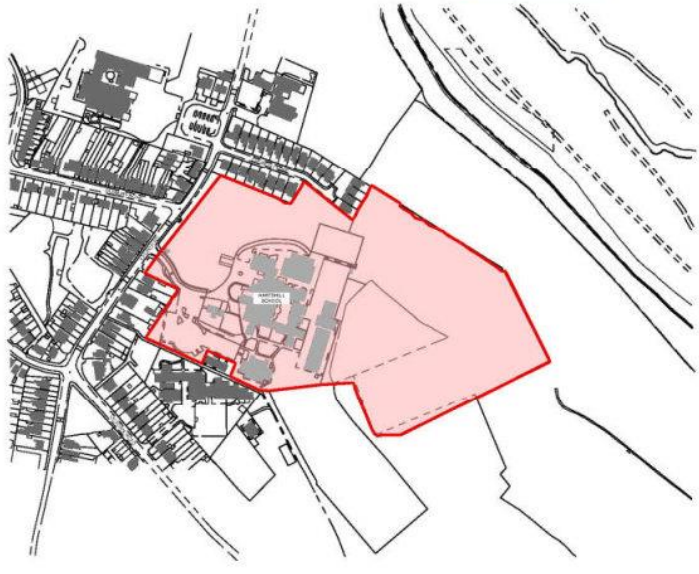
APPENDIX A

PAP/2021/0627

PLANNING & DEVELOPMENT DIVISION

School District Address:
National School
County: [blank]
District: [blank]
City: [blank]

RECEIVED
11/11/2021
PLANNING & DEVELOPMENT
DIVISION



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APPENDIX B

PAP/2021/0627

PLANNING & DEVELOPMENT DIVISION

School District Address:
National School
County: [blank]
District: [blank]
City: [blank]

RECEIVED
11/11/2021
PLANNING & DEVELOPMENT
DIVISION



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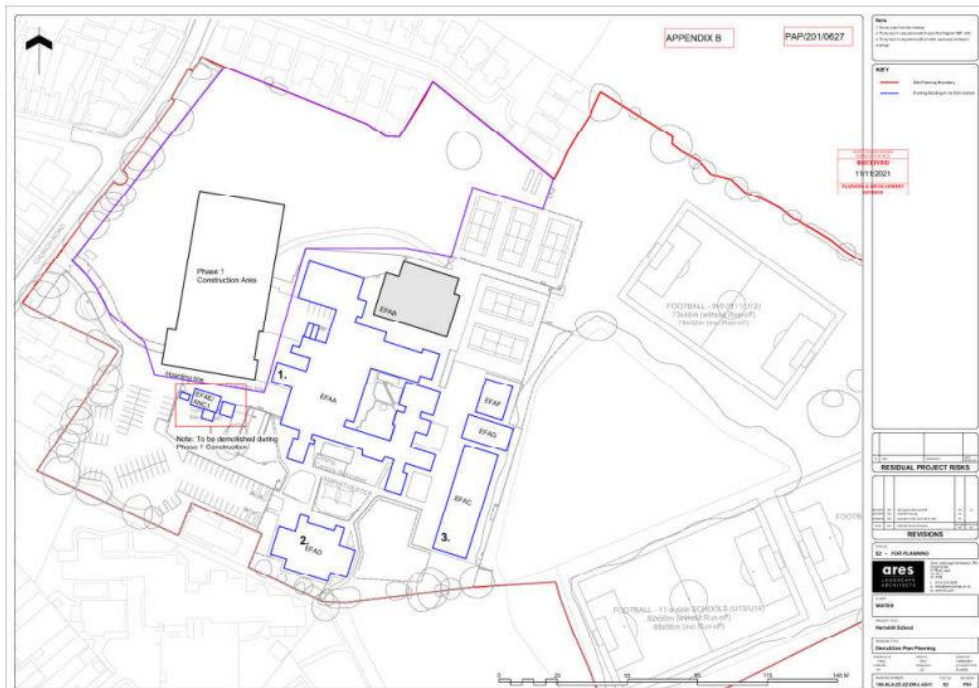
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APPENDIX D
PAP/2021/0627

PEDESTRIAN ENTRANCE VIEW

AERIAL VIEW FROM CHURCH ROAD

AERIAL VIEW FROM SOCCER FIELD

AERIAL VIEW FROM EXISTING PAVED LOT ENTRANCE

REVISIONS

NO.	DATE	DESCRIPTION

RESIDUAL PROJECT RISKS

RISK ID	RISK DESCRIPTION	IMPACT	MITIGATION

PROJECT INFORMATION

Client: [Redacted]

Project Name: [Redacted]

Location: [Redacted]

Phase: [Redacted]

Scale: [Redacted]

Author: [Redacted]

Check: [Redacted]

Drawn: [Redacted]

Date: [Redacted]

7G/156

5b/52



**North Warwickshire
Borough Council**

Ben Hood
Turley
Turley Associates
9 Colmore Row
Birmingham
B3 2BJ

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

Telephone: (01827) 715341
Fax: (01827) 719225
E Mail: PlanningControl@NorthWarks.gov.uk
Website: www.northwarks.gov.uk

Date: 25 February 2022

The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
The Town & Country Planning (General Development) Orders
The Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended)

DECISION NOTICE

Major Full Planning Application

Application Ref: PAP/2021/0627

Site Address

Hartshill School, Church Road, Hartshill, Nuneaton, Warwickshire, CV10 0NA

Grid Ref:

Easting 432776.01
Northing 293733.44

Description of Development

Full planning application for the demolition of existing school buildings (with the exception of the sports hall) and the development of a three-storey building for educational purposes (Use Class F1), alongside associated access, sports pitches, landscaping and parking

Applicant

Wates - On Behalf Of The DoE

Your planning application was valid on 15 November 2021. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following conditions:

1. The development shall be started within three years of 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).

2. The development hereby approved shall only be carried out in accordance with the application form, the supporting letter and drawing numbers:

Ground floor plan 108-LSI-A1-00-DR-A-1300-S2-P03
First floor plan 108-LSI-A1-01-DR-A-1301-S2-P03
Second floor plan 108-LSI-A1-02-DR-A-1302-S2-P03
Roof plan 108-LSI-A1-R1-DR-A-1305-S2-P02

Authorised Officer: _____

Date: 25 February 2022

Location plan 108-LSI-A1-XX-DR-A-1170-S2-P03
Elevations 108-LSI-A1-ZZ-DR-A-1350-S2-P02
Sections through 108-LSI-A1-ZZ-DR-A-1370-S2-P02
Drainage Layout Sheet 1 108-AKS-XX-ZZ-DR-C-9201_P06
Drainage Layout Sheet 2 108-AKS-XX-ZZ-DR-C-9202_P06
Fire Tender and Refuse Truck Tracking 108-AKS-ZZ-ZZ-DR-C-9053_P06
Construction Traffic Tracking 108-AKS-ZZ-ZZ-DR-C-9054_P05
Temporary Site Entrance Works 108-AKS-ZZ-ZZ-DR-C-9060_P04
Landscape Illustrative Masterplan 108-ALA-ZZ-ZZ-DR-L-0038 – P05
Landscape General Arrangement 108-ALA-ZZ-ZZ-DR-L-0039 – P08
Fencing arrangement 108-ALA-ZZ-ZZ-DR-L-0040 – P05
Demolition Plan Planning 108-ALA-ZZ-ZZ-DR-L-0041
Existing Site Layout – Planning 108-ALA-ZZ-ZZ-DR-L-0043
Landscape Visualisations – Planning - 108-ALA-ZZ-ZZ-DR-L-0044
Site Sections 1 to 4 Planning - 108-ALA-ZZ-ZZ-DR-L-0049-52
Cycle Storage Details 108-ALA-ZZ-ZZ-DR-L-0053
Bin Storage _ Collection Strategy 108-ALA-ZZ-ZZ-DR-L-0054
EV Parking Provision 108-ALA-ZZ-ZZ-DR-L-0055
Playing Pitch Continuity Plan_P05 108-ALA-ZZ-ZZ-DR-L-0056
Bin Storage Details 108-ALA-ZZ-ZZ-DR-L-0057
Existing Site Levels Planning 108-ALA-ZZ-ZZ-DR-L-0058
GRP HV Substation Details 108-ALA-ZZ-ZZ-DR-L-0058
External Lighting Strategy Layout 108-CSD-00-XX-DR-E-63312-13
External Security CCTV Layout 108-CSD-00-XX-DR-E-68011
Surveys 108-LSI-A1-00-DR-A-1200-S2-P02

Phase one ground investigation and addendum
Planning Statement
Design and Access Statement
Arboricultural Impact Assessment Hartshill 210639-PD-11A
Heritage Statement
Biodiversity Net Gain Assessment update
Ecological Impact Appraisal
Bat Emergence Survey
Transport Technical Note RUK2021N00600-RAM-RP-00005
Travel Plan
Archeological Desk Based Assessment
Archaeological WSI
Archaeological Geophysical survey
Flood Risk Assessment
Flood Risk Addendum
Agent information dated 08th December 2021 relating surface water
Drainage Strategy
Noise Assessment
Energy Statement
Agronomy Survey
Playing Pitch Continuity Plan
Playing Pitch Management/Maintenance Plan

REASON

To define the approval.

Authorised Officer: 

Date: 25 February 2022

CONDITIONS to be complied with PRIOR to the commencement of development hereby approved

3. No development shall take place other than in accordance with the Written Scheme of Investigation (WSI) until

a) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.

b) An Archaeological Mitigation Strategy document (including an amended Written Scheme of Investigation for any further archaeological fieldwork that might be proposed) has been 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. The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents

REASON

To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of LP15 of the adopted North Warwickshire Local Plan, coupled with the requirements of paragraphs 194 - 198 of the National Planning Policy Framework 2021.

4. Notwithstanding the submitted Construction Management Plan no development shall commence until a Construction Management Plan has been updated then submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Statement shall be adhered to throughout the construction period.

REASON

In the interests of highway safety and residential amenity. To ensure that the construction period of the development is managed in an efficient way and to reduce the likelihood of vehicles queuing on the adopted highway as recommended by the Highway Authority.

CONDITIONS to be complied with PRIOR to development above slab level

5. No development above slab level shall commence until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to use of the new school building being brought into use to the satisfaction of the Local Planning Authority.

REASON

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

Authorised Officer: 

Date: 25 February 2022

6. No development above slab level shall commence until full details and samples of materials proposed to be used in the external parts of the building have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

REASON

In the visual interests of the area.

7. The development shall be carried out in accordance with the approved contamination land report and remediation within those reports. If any unacceptable contamination or adverse ground conditions are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The report shall include a verification plan of how the remedial measures will be measured and proved.

REASON

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

8. Within three months of the completion of the development a verification report shall be provided to the Local Planning Authority in order to identify how the remediation objectives were achieved compared with the verification plan.

REASON

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

9. No development above slab level shall commence until a landscaping scheme shall be submitted to the Local Planning Authority for approval. This scheme shall reflect the approved landscaping scheme and will also indicate the replacement tree for the ash tree (T1) at the front of the site. For the avoidance of doubt landscaping includes, boundary treatment, surfacing materials, trees and hedges. The approved details and areas identified shall be carried out within the first planting season following the first use of the premises commencing.

REASON

In the interests of the amenities of the area.

10. Prior to the installation of the plant and use of the school hereby approved a scheme for the insulation of the building and plant in order to minimise the level of noise emanating from the said building and plant shall be submitted to and approved in writing by the Borough Council and the scheme as approved shall be fully implemented before the use hereby permitted is brought into use.

REASON

In the interests on the neighbouring residential properties.

Authorised Officer: 

Date: 25 February 2022

CONDITIONS to be complied with Prior to USE commencing

11. The new school building hereby approved shall not be brought into use until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the Local Planning Authority and Local Lead Flood Authority within the maintenance plan.

REASON

To ensure the future maintenance of the sustainable drainage structures

12. Prior to the school building being brought into use, a glazing scheme for the treatment of the windows in the 1st and 2nd floor facing Church Close shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include options and alternatives with a preferred option for the treatment of these windows. The approved scheme shall be carried out prior to the use of the school hereby approved being brought into use and shall be maintained in perpetuity.

REASON: To protect the privacy of the residential properties in Church Close in respect of overlooking.

13. Prior to the use of the new school block a written pitch construction specification (and programme of implementation) and playing field maintenance schedule for a five year period from commencement of use, based on the findings of the submitted 'A feasibility study for the construction of a natural turf winter sport pitch at Hartshill School (dated 15th September 2021)', shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved scheme and maintenance schedule shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

REASON

To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with the Local Plan.

14. Use of the development shall not commence until a scheme for removal of the site compounds and the reinstatement of the playing field land has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme must be in accordance with Sport England guidance "Natural Turf for Sport" (2011). The playing field shall be restored in accordance with the approved scheme.

REASON

To ensure the site is restored to a condition fit for purpose and to accord with Local Plan

Authorised Officer: 

Date: 25 February 2022

15. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the sports hall, activity studio, playing field pitches, changing room provision, toilets and car park; and include details of pricing policy, hours of use, access by non-(educational establishment) users (non-members), management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

REASON

To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Local Plan.

All other CONDITIONS to be complied with:

16. The development hereby approved shall be carried out in accordance with the Playing Pitch Continuity Plan drw 108-ALA-ZZ-ZZ-DR-L-0056_05, this shall be implemented and complied with in full throughout the carrying out of the development.

REASON

To protect playing fields from damage, loss or availability of use during the construction of the development and to accord with Development Plan Policy

17. Any planting which within a period of 5 years of implementation dies, is removed, or becomes seriously damaged or diseased shall be replaced during the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to a variation. Should replacement planting be necessary, the Local Planning Authority shall be notified in writing not less than 7 days prior to the replacement planting taking place. Notification shall include details of the problem with the implemented scheme and the specification and timing of the replacement planting.

REASON

In the interests of the setting and visual appearance of the development.

18. Construction of the temporary access road hereby approved shall not commence until a detailed design including any necessary Road Safety Audit and associated mitigation measures have first been submitted to the Local Planning Authority and approved in writing, in consultation with the Highway Authority. Thereafter the temporary access road shall not come into use until such time as the works approved under this condition have been fully implemented.

REASON

In the interests of highway safety.

Authorised Officer: 

Date: 25 February 2022

APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pcs.
4. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

PURCHASE NOTICES

1. If either the Local Planning Authority or the Department for Communities and Local Government grants permission to develop land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

Authorised Officer: _____



Date: 25 February 2022

L3 Ref: 10845/A-22/06-A-200_North Elevation
Rev: 02
The copyright of the design remains with L3 Architects Design Ltd and may not be reproduced without their prior written consent.
All dimensions are to be finished on site and the Contract Administrator holds the responsibility for any discrepancies.
Drawings to be read in conjunction with the current specification.
Do not scale from this drawing. Conditional precedents.

DOC/2022/0052

NORTH BARNWICKSIDE
DOCKSIDE COURT 15
RECEIVED
29/06/2022
PLANNING & DEVELOPMENT
DIVISION



Decorative Material Key

- Primary Brickwork
Colour Selection: FBC
M&S Reference: F1_26_34_32_15
- Secondary Brickwork
Colour Selection: FBC
M&S Reference: F1_26_34_32_15
- Insulated Standing Seam Cladding
Colour Selection: FBC
M&S Reference: F1_26_34_32_15
- Aluminium Cladding
Colour Selection: FBC
M&S Reference: F1_26_34_32_15
- Frontal External Cladding
Colour Selection: FBC, 3516
M&S Reference: F1_26_34_32_15, 23_35
- Parapet Brick System
Colour Selection: FBC, 3516
M&S Reference: F1_26_34_32_15
- Aluminium Cladding - Flat Roof
Colour Selection: FBC, 3516
M&S Reference: F1_26_34_32_15

P10 - LW 20/05/22 - Obscure Glazing to Lower Floor Windows
P11 - LE 29/05/22 - First Floor Windows
Rev: [] [] [] [] [] []
Scale: 1:150

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www.lsiarchitects.co.uk

Client: Wates Construction
Project: Harfield School
Title: General Arrangement Elevations
Drawing: North Elevation - Proposed

Scale	Date	Drawn
1:150	23/05/22	LE

Revision	Description	Date	By	Rev
01	Issue for Review and Comment		03	01

Hartshill Academy, Church Road, Hartshill, Nuneaton, Warwickshire CV10 0NA

Full Planning Application Ref: PAP/2021/0627 NORTH WARWICKSHIRE
BOROUGH COUNCIL

Discharge of Pre-Installation Planning Conditions Under 12

Window Treatment Options to North Elevation/ Revision A - 29.06.22

PLANNING & DEVELOPMENT
DIVISION

The following options detailed below were proposed and discussed during a Pre-application meeting held on 17th May 2022 at NWBC Offices.

Attendees :

- Andrew Collinson, Principal Development Control Officer (NWBC)
- Jeff Brown, Head of Development Control Service (NWBC)
- David Mosedale, Project Manager (Wates)
- Mike Westwood, Senior Design Manager (Wates)

Option 1

Maintain current design with clear glass to all windows with no change to the original planning submission.

The design of the proposed development has been carefully considered, as demonstrated in the submitted Design and Access Statement. The DAS includes an in-depth assessment of the application site and surroundings and describes how this has informed the siting and design of the proposed new building.

The proposed design of the building will create a 'high quality' development which contributes positively to the character and quality of its environment in accordance with Objective 6 and Policies LP14 and LP30 of the Local Plan.

The relationship of the proposed building with its neighbours has also been carefully considered. The building is sited approximately 45m from the boundary with the residential properties to the north. The north elevation has been designed to include a minimal amount of glazing, with the internal layout a mix of staff work rooms and a small number of classrooms. We therefore believe that the distance of the building from the boundary and the internal layout will avoid unacceptable overlooking in accordance with Policy LP29.

The enclosed drawing numbers 108-LSI-A1-ZZ-DR-A-250 - GA Elevations, 108-ALA-ZZ-ZZ-DR-L-0051 - Site Sections and 108-ALA-ZZ-ZZ-DR-L-0061 - Church Close Sections demonstrate the 'line of sight' from the residential properties in Church Close which we consider to not propose any issues with overlooking of the residents.

Benefits –

- No changes to scheme originally proposed.
- Protects & de-risks the building performance by sticking to the compliant Net Zero Carbon (NZC10) strategy and maintains the ability to construct the teaching 'superblock' without delays to the construction programme.

Disadvantages –

- Does not address the concerns of the residents of Church Close.

Decision – Following Consultation this Option is not selected

Option 2

This option is to supplement the replacement of tree T1 (which was removed in agreement with the Local Authority and Tree Officer due to its condition and to allow the formation of the temporary site construction access) with the introduction of tree screening to the school boundary with Church Close as indicated on enclosed drawing number 108-ALA-ZZ-ZZ-DR-L-0045 & 0047 – Planting Plans.

This tree planting will provide additional 'natural' screening of the new building along the boundary with residential properties of Church Close to supplement that which already exists.

Benefits –

- No change to scheme design for the main building.
- Protects & de-risks the building performance by sticking to the compliant Net Zero Carbon (NZC10) strategy and maintains the ability to construct the teaching 'superblock' without delays to the construction programme.
- Provides additional 'natural' screening to the boundary with the properties of Church Close to supplement the existing/proposed landscaping of the whole site.

Disadvantages –

- Although it is proposed to install semi-mature trees along the boundary it is conceivable that it may take several years to achieve a suitable level of screening to the building from the resident's perspective.
- Tree screening may in time provide 'shadowing' to the resident's properties of Church Close during Summer months due to the aspect of the rear gardens all being south facing.
- Impact upon sports fields from addition of trees requiring relocation of some existing sports facilities elsewhere within the curtilage of the site in agreement with Sports England.
- Increase and ongoing maintenance of the trees from the school.

Decision – Following Consultation this Option is not selected

Option 3

As demonstrated by drawing numbers 108-ALA-ZZ-ZZ-DR-L-0051 - Site Sections and 0061 - Church Close Sections the windows to the first floor of the proposed teaching block fall below the level of the 'line of sight' from the residential properties in Church Close, considering the height of the existing boundary fencing and existing landscaping to the properties.

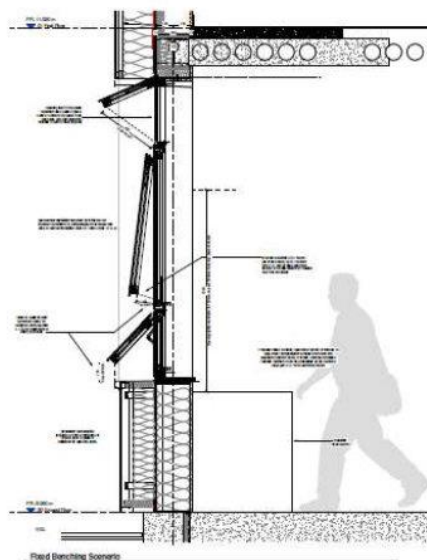
Consequently, this option is to include obscured glazing to the lower portion of the windows (area of window below 1700mm above finished floor level) to the windows of the second floor of the North elevation only.

Benefits –

- The inclusion of the obscured glazing to the lower portion of the windows provides an adequate level of reduced visibility by the occupants of the rooms whilst either standing or seated and prevents any potential of overlooking of the residential properties of Church Close some 45m away.
- The retention of clear glass to the upper portion of the windows reduces the educational impact for the students as this maintains some level of visible outlook from the room towards the sky without causing overlooking.
- The partial obscured glazing minimises the impact upon the light transmittance and daylighting into the rooms and minimises the need for additional artificial lighting.
Whilst the reduction of light transmittance for each space will be lowered, they are still in compliance with the requirements of Annex 2E of the DfE requirements and therefore acceptable.

Disadvantages -

- The installation of 'partial' obscured glazing to the lower pane will have some impact upon the light transmittance and daylighting into the rooms.
- Although the obscured glazing prevents looking out of the windows some visible shadows / some colour may still be seen through the obscured glazing when viewed from outside.



Decision – Following Consultation this Option is Proposed

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Option 4

As demonstrated by drawing numbers 108-ALA-ZZ-ZZ-DR-L-0051 - Site Sections and 0061 - Church Close Sections the windows to the first floor of the proposed teaching block fall below the level of the 'line of sight' from the residential properties in Church Close, considering the height of the existing boundary fencing and existing landscaping to the properties.

However, unlike option 3 above this option is to include obscured glazing to the full height of the whole window units to the second floor of the North elevation only (refer to photographic representation below).

Benefits –

- None to the occupants of the teaching spaces since this option takes away any 'outlook' from these rooms.
- The inclusion of the obscured glazing to the whole portion of the windows provides an adequate level of reduced visibility by the occupants of the rooms preventing the ability to look out of the windows (no real increased benefit to looking out of the windows than option 3 above as this additional obscurity is above head height).

Disadvantages -

- The full height obscured glazing will have a serious impact upon the light transmittance and daylighting into the rooms well below the levels set by the DfE for schools/teaching spaces.
- This solution is likely to require an increase in supplementary artificial lighting within the rooms leading to increased energy costs.
- Severely reduces the educational impact for the students due to obscure glass with no visible 'outlook' to outside spaces giving a feeling of emotional detachment and potential claustrophobia of the occupants.
- Although the obscured glazing prevents looking out of the windows some visible shadows / some colour may still be seen through the obscured glazing when viewed from outside.



Photographic representation of obscured glazing to the full height of the windows (option 4 only)

Decision – Following Consultation this Option is not selected

Conclusion & Proposal for Discharge of Condition 12

Having carefully considered all the options listed above and having sort pre-application advice from Andrew Collinson and Jeff Brown of NWBC we believe that **Option 3** is the most suitable solution for all parties and therefore this forms our proposal to discharge this condition.

We believe that this option not only minimises the impact upon the school and its occupants, but addresses the concerns raised by the residents of Church Close with regards to any potential overlooking of their properties.

We therefore respectfully request that the above listed condition is discharged based upon implementation of the **Option 3** proposal and the information provided herein.

The above proposed options were discussed during a Residents Meeting held on 28th June 2022 at Hartshill Academy.

Attendees :

Andrew Collinson, Principal Development Control Officer (NWBC)
Margaret Bell (Local Councillor)
David Mosedale, Project Manager (Wates)
Mike Westwood, Senior Design Manager (Wates)
Gemma Whetton (HHA)
Beverley Wilkins (Resident)
Bev Gilbert (Resident)
Ray Cockayne (Resident)

After much discussion, the above proposal to implement Option 3 was not received favourably by the residents of Church Close as there was no treatment included for the first floor windows.

As a consequence, Wates Construction are now proposing to implement the works proposed to the second floor on the first floor also as detailed on the enclosed drawing number 108-LSI-A1-ZZ-DR-A-2060-S3-P02 – General Arrangement Elevations – North Elevation Proposals.

We believe that this concession by Wates Construction goes someway to addressing the concerns of the residents whilst complying with the DfE / School and Planning Authority requirements and would be a suitable compromise for all parties as we need to maintain a suitable educational environment for the students.

This revised approach by Wates has the full backing of the school, the Planning Officer, Andrew Collinson and the Local Councilor, Margaret Bell who attended the above meeting.



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