

**To: The Deputy Leader and Members of the Planning and Development Board
Councillors Simpson, Bell, T Clews, Deakin, Dirveiks, Hancocks, Hayfield, D Humphreys, Jarvis, Lees, Macdonald, Parsons, H Phillips, Rose, A Wright.**

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

2 AUGUST 2021

The Planning and Development Board will meet on Monday, 2 August 2021 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 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 14 July 2021** – copy herewith, to be approved and signed by the Chairman.
- 5 **Budgetary Control Report 2021/22 Period Ended 30 June 2021** – Report of the Corporate Director – Resources.

The report covers revenue expenditure and income for the period from 1 April 2020 to 30 June 2021. The 2021/2022 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)

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

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

Summary

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

6a **PAP/2021/0302, PAP/2021/0303 and DOC/2021/0052 – Land South of Dairy House Farm, Spon Lane, Grendon**

PAP/2021/0302 - Variation of condition no: 5 of planning permission PAP/2017/0156 relating to permit an additional 9 new dwellings on site, in respect of outline application for erection of residential dwellings with associated access

PAP/2021/0303 – Variation of conditions of PAP/2019/0156 to amend drawing and to discharge conditions 11 and 18.

DOC/2021/0052 – Approval of details required by conditions 7, 8 9 and 10 of PAP/2017/0156.

6b **PAP/2021/0394 – 6 Boulters Lane, Wood End, CV9 2QE**

Erection of detached double garage.

6c **PAP/2020/0190 – 19 Dordon Road, Dordon, B78 1QW**

Erection of 2 single storey dwellings with associated access and parking.

6d **PAP/2021/0188 – 49 Friary Road, Atherstone, CV9 3AQ**

Part two and part single storey rear extension including modifications to front elevation.

6e **PAP/2021/0028, PAP/2021/0029 and PAP/2021/0030 – Old Rail Farm, Hurley Common, Hurley, CV9 2LS**

i) **Change of use of land to stationing a shepherd's hut for holiday accommodation and associated walkway and parking area, and formation of visitor car park for existing permitted holiday lets, for existing permitted holiday lets**

ii) **Change of use of redundant agricultural building to workshop for the maintenance of HGVs and agricultural vehicles, together with associated development including formation of hardstanding**

iii) **Change of use of redundant agricultural building to stables, tack room, overnight accommodation for groom, feed storage, commercial horse-rug washing, and dog-grooming**

6f **PAP/2021/0101 – The Old Mortuary, North Street, Atherstone, CV9 1JN**

Variation of condition no: 2 of planning permission PAP/2020/0056 relating to drawings amended to meet inclusive design regulations and building regulations requirements; in respect of demolition of existing building and construction of new 2 storey offices and meeting room

- 6g **PAP/2018/0050 - Fir Tree Paddock, Quarry Lane, Mancetter**
Variation of conditions no: 2, 5 & 6 of planning permission ref PAP/2007/0730 (Appeal ref APP/R3705/A/08/2066891) relating to development shall be carried out in accordance with plan submitted 07_145C_003 and residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time; in respect of change of use to retain caravan for occupation by one gypsy/traveller family
- 6h **PAP/2020/0684 - Meadow View Farm, Kinwalsey Lane, Meriden, CV7 7HT**
Change of use from a field of agricultural or nil use, to that of sui generis dog walking, care and training and planting of trees
- 6i **Application No: PAP/2021/0196 and PAP/2021/0203 - The Limes, 87 Main Road, Austrey, CV9 3EG**
Planning application and Listed Building application for the change of use of paddock to garden land and erection of summer house and/or gazebo
- 6j **Application No: PAP/2020/0599 - 92, Coleshill Road, Hartshill, CV10 0PH**
Formation of additional car parking including changing of levels, construction of boundary, retaining walls and lighting (retrospective)

The Contact Officer for this report is Jeff Brown (719410).

7 **Corporate Plan and Performance Targets** – Report of the Head of Development Control.

Summary

The report brings the Board up to date on a number of targets and indicators.

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

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

**MINUTES OF THE
PLANNING AND DEVELOPMENT BOARD**

14 July 2021

Present: Councillor Simpson in the Chair

Councillors Bell, Chambers, D Clews, Dirveiks, Hancocks, Hayfield, D Humphreys, Jarvis, Jordan, Lees and Parsons.

Apologies for absence were received from Councillors T Clews, Deakin, Macdonald (Sub Jordan), H Phillips (Sub Chambers), Rose and A Wright (Sub D Clews).

1 Disclosable Pecuniary and Non-Pecuniary Interests

The following Councillors declared a non-pecuniary interest in Minute No 3 (Planning Applications):.

Councillor Jarvis – Application No PAP/2021/0151 (115 Victoria Road, Hartshill, CV10 0LS) and PAP/2021/0188 (49 Friary Road, Atherstone, CV9 3AQ)

Councillors Bell - Application No PAP/2021/0032 (Land 500 metres south east of Common Farm, Ansley Common)

Councillor D Humphreys and Parsons – Application No PAP/2020/0621 (22 Maypole Road, Warton, B79 0HP).

2 Minutes

The minutes of the meeting of the Planning and Development Board held on 12 April 2021, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

The minutes of the meeting of the Planning and Development Board held on 23 June 2021, copies having been previously circulated, were reported as having one amendment. The proposer under Motion Under Standing Order 9(13) from should read as Councillor T Clews not Councillor Bell. Following this amendment the minutes were approved as a correct record and signed by the Chairman.

3 Planning Applications

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

Resolved:

- a** That Application No PAP/2019/0648 & 0683 (The Coach Hotel, 150 High Street, Coleshill, B46 3BG) be approved, subject to the conditions set out in the report of the Head of Development Control;

[Speaker: Martin Mense]

- b** That Application No PAP/2021/0190 (19 Dordon Road, Dordon, B78 1QW) be deferred subject to further legal advice;

[Speaker: Ian Ritchie]

- c** That Application No PAP/2020/0342 (Land opposite Baddesley Farm, Lower House Lane, Baddesley Ensor) be approved, subject to the conditions set out in the report of the Head of Development Control, the following changes to conditions and an additional informative:

- i** **New Condition 5**
“No development shall commence until such time as details have been submitted to show the ground levels of the menage and the measures to be taken to achieve them. Only the approved details and measures shall then be implemented on site.

Reason

In the interests of the visual amenities of the area”

- ii** **Re-number all of the remaining conditions**

- iii** **Add informatives:**

- a** **The Local Planning Authority has met the requirements of the NPPF in this case through engagement with the statutory Agencies and the local community in order to achieve a positive outcome through the submission of amended proposals.**

- b** **Attention is drawn to the public footpaths that cross the site – AE59 and AE60. These shall remain unobstructed at all times and advice should be taken from the Warwickshire County Council in respect of**

their protection and maintenance throughout the life of the development.

- c Attention is drawn to the need to seek advice and guidance from Warwickshire County Council in respect of the works to be undertaken on the implementation of the access.**

[Speaker: Joe Dickinson]

- d That Application No PAP/2021/0151 (115 Victoria Road, Hartshill, CV10 0LS) be approved, subject to the conditions set out in the report of the Head of Development Control;**

[Speaker: Andrea Radford and Christopher Timothy]

- e That Application No PAP/2020/0483 (1 Morgan Close, Arley, CV7 8PR) be refused, for the reasons set out in the report of the Head of Development Control, and that an Enforcement Notice be served for the reasons detailed in the report and that the compliance period be three months;**

- f That in respect of Application No PAP/2021/0032 (Land 500 metres south east of Common Farm, Ansley Common) and Application No PAP/2021/0033 (Land 250 metres east of Common Farm, Ansley Common):**

- i The report be noted;**
- ii The Board requests the applicant to fully outline and evidence his case to show that the pre-conditions set out in Policy LP39(a) of the Submitted North Warwickshire Local Plan have been satisfied and that the proposal fully satisfies the delivery of the other matters identified there-in; and**
- iii A site visit be arranged prior to determination of the applications;**

- g That Application No PAP/2020/0621 (22 Maypole Road, Warton, B79 0HP) be approved, subject to the conditions set out in the report of the Head of Development Control and that the Head of Development Control write to the applicant to suggest that an approach be made to the County Council in an attempt to improve visibility at the access point;**

[Speaker: Father Phillip Wells]

- h** That Application No PAP/2019/0705 (Land west of Old Holly Lane, Atherstone) be held, subject to the completion of a Section 106 Agreement and subject to the conditions, together with others as may be recommended by the County Council, as set out in the report of the Head of Development Control;

[Speaker: Aaron Folkes]

- i** That Application No PAP/2020/0684 (Meadow Farm, Kinswalsey Lane, CV7 7HT) be deferred for a site visit;

[Speaker: Robert Pargetter]

- j** That Application No PAP/2021/0165 (Land rear of 161 Tamworth Road, Kingsbury, B78 2HJ) be approved, subject to the conditions set out in the report of the Head of Development Control;

- k** That in respect of Application No PAP/2020/0582 and PAP/2020/0583 (The Stables, Packington Estate, Meriden, CV7 7HF):

- i** The Board is minded in principle to approve both planning permission and Listed Building Consent for the applications;
- ii** Conditions for both applications be delegated to the Head of Development Control, in consultation with the Chairman of the Board and the Opposition Spokesperson; and
- iii** If the objection from the Georgian Society cannot be overcome through the submission of amended plans or by planning conditions, the application be referred to the Secretary of State to see if he wishes to intervene;

[Speaker: Ian Saunders]

- l** That Application No PAP/2021/0126 (41 New Street, Birchmoor, B78 1AF) be approved, subject to the following conditions:

- i** Standard three year condition; and
- ii** Standard plan numbers condition – the site plan received on 08/03/2021 and the proposed plans received on 02/06/2021.

Notes:

- a The Local Planning Authority has met the requirements of the NPPF in this case through enabling a positive outcome; and
- b Standard Party Wall Act informatives.

[Speaker: Holly Holloway]

- m That Application No PAP/2020/0552 (Chapel House, Church Lane, Fillongley, CV7 8EW) be approved, subject to the conditions set out in the report of the Head of Development Control and that the Head of Development Control circulate a note to Board Members in respect of the parking policy of the Fillongley Neighbourhood Plan;

[Speaker: Robert Pargetter]

- n That Application No PAP/2021/0188 (49 Friary Road, Atherstone, CV9 3AQ) be deferred for a site visit;
- o That Application No PAP/2021/0194 (42 Austrey Road, Warton, B79 0HW) be withdrawn;
- p That Application No PAP/2020/0599 (92 Coleshill Road, Hartshill, CV10 0PH) be deferred for a site visit.

4 Blackgreaves Farm, Blackgreaves Lane, Lea Martson

The Head of Development Control detailed the background to a Temporary Stop Notice, served in connection with works at Blackgreaves Farm, Blackgreaves Lane, Lea Martson, and sought the Board's confirmation of the action taken.

Resolved:

That the action taken concerning the issue of a Temporary Stop Notice in respect of works at Blackgreaves Farm, Blackgreaves Lane, Lea Martson be approved.

5 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2020 – March 2021

The Chief Executive informed Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April 2020 to March 2021.

Resolved:

- a That the report be noted; and

- b That the Head of Development Control report back to the next Board meeting outlining what actions were needed in respect of the Indicators and targets marked as "red" in the report.**

Councillor Simpson
Chairman

**Planning and Development Board
14 July 2021
Additional Background Papers**

| Agenda Item | Application Number | Author | Nature | Date |
|-------------|--------------------|--------------|--------------|---------|
| 5 | PAP/2019/0648 | WCC Highways | Objection | 22/6/21 |
| | | Resident | Objection | 6/6/21 |
| 5 | PAP/2020/0190 | Agent | Amended plan | 18/6/21 |
| | | Agent | E-mail | 21/6/21 |
| | | | Site Visit | 19/6/21 |
| 5 | PAP/2020/0342 | | Site Visit | 19/6/21 |
| 5 | PAP/2021/051 | Resident | Support | 13/7/21 |
| 5 | PAP/2020/0599 | | Site Visit | 12/7/21 |

Agenda Item No 5

Planning and Development Board

2 August 2021

Report of the Corporate Director - Resources

Budgetary Control Report 2021/22 Period Ended 30 June 2021

1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2020 to 30 June 2021. The 2021/2022 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.

Recommendation to the Board

That the report be noted and that the Board requests any further information it feels would assist it in monitoring the budgets under the Board's control.

2 Introduction

- 2.1 Under the Service Reporting Code of Practice (SeRCOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but, also support costs relating to such areas as finance, office accommodation, telephone costs and IT services. The figures contained within this report are calculated on this basis.

3 Overall Position

- 3.1 The actual expenditure for those services reporting to this Board as at 30 June 2021 is £93,649 compared with a profiled budgetary position of £71,634; an overspend of £22,015 for the period. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period.

- 3.1.2 Where possible, the year-to-date budget figures have been calculated with some allowance for seasonal variations, in order to give a better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.

3.2 Planning Control

- 3.2.1 The overspend of £31,388 is mainly due to lower than profiled income from planning fees of £44,404. This has been partly offset by lower than expected expenditure on professional fees, advertising and publicity.

3.3 Local Land Charges

- 3.3.1 The income received to date from searches is ahead of budget by £10,447. At June we have received 46% of the income for the year.

4 Performance Indicators

- 4.1 In addition to the financial information provided to this Board, when the budgets were set in February, performance indicators were included as a means of putting the financial position into context. These are shown at Appendix B.

- 4.2 The gross cost of planning applications is below the budgeted position due to the higher number of applications received. The net cost of planning applications is above the budgeted position as the applications received are subject to lower fees.

- 4.3 The gross and net cost per Land Charge search is lower than expected due to the higher number and mix of searches between full searches and Official Register searches undertaken.

5 Risks to the Budget

- 5.1 The key risks to the budgetary position of the Council from services under the control of this Board are:

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

- 5.2 A risk analysis of the likelihood and impact of the risks identified above are included in Appendix B.

6 Estimated Out-turn

- 6.1 Members have requested that Budgetary Control reports provide details on the likely out-turn position for each of the services reporting to this Board. The anticipated out-turn for this Board for 2021/22 is £284,700 the same as the approved budget.
- 6.2 The figures provided above are based on information available at this time of the year. Whilst planning income is currently below budget, it can vary significantly during the year. No change to the out-turn has been assumed at this time but this may change as the financial year progresses. Members will be updated in future reports of any changes to the forecast out turn.

7 Report Implications

7.1 Finance and Value for Money Implications

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

7.2 Environment and Sustainability Implications

- 7.2.1 The Council has to ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

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

Planning and Development Board

Budgetary Control Report 2021/2022 as at 30 June 2021

| Cost Centre | Description | Approved Budget 2021/2022 | Profiled Budget to 30 June 2021 | Actual to 30 June 2021 | Variance | Comments |
|--------------------|----------------------------------|----------------------------------|--|-------------------------------|-----------------|-----------------|
| 4009 | Planning Control | 164,850 | 51,901 | 83,289 | 31,388 | Comment 3.2 |
| 4010 | Building Control Non Fee-earning | 51,520 | 3,905 | 3,905 | - | |
| 4012 | Conservation and Built Heritage | 58,400 | 14,587 | 14,587 | - | |
| 4014 | Local Land Charges | 6,090 | 281 | (10,166) | (10,447) | Comment 3.3 |
| 4018 | Street Naming & Numbering | 3,840 | 960 | 2,034 | 1,074 | |
| | Total Net Expenditure | 284,700 | 71,634 | 93,649 | 22,015 | |

Performance Indicators for Budgets Reporting to the Planning and Development Board

| | Budgeted Performance | Profiled Budgeted Performance | Actual Performance to Date |
|--------------------------------------|-------------------------|-------------------------------------|----------------------------------|
| Planning Control | | | |
| Number of Planning Applications | 900 | 225 | 261 |
| Gross cost per Application | £890.84 | £952.90 | £771.59 |
| Net cost per Application | £183.17 | £230.67 | £319.11 |
| Caseload per Planning Officer | | | |
| All applications | 167 | 41.7 | 48.3 |
| Local Land Charges | | | |
| Number of searches | 400 | 100 | 170 |
| Gross cost per search | £131.98 | £127.81 | £75.18 |
| Net cost/(surplus) per search | £15.23 | £2.81 | (£59.80) |

Risk Analysis

| | Likelihood | Potential impact on Budget |
|--|------------|----------------------------|
| Need for public enquiries into planning developments | Medium | Medium |
| Decline in planning applications leading to a reduction in Planning Income. | Medium | Medium |
| Applications not dealt with within 26 weeks, resulting in full refund to applicant. | Low | Medium |
| Implications of losing planning appeals, resulting in appellant costs awarded against the Council or loss of Planning Income | Medium | Medium |

**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, 6 September 2021 at 6.30pm via Teams.

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 |
|---------|---|---------|---|-----------------------|
| 6/a | PAP/2021/0302 PAP/2021/0303 DOC/2021/0052 | 1 | Land south of Dairy House Farm, Spon Lane, Grendon. Variation of condition 5 of PAP/2017/0156 in order to add 9 dwellings. Variation of condition of PAP/2019/0156 to amend drawing and to discharge conditions 11 and 18 Approval of details required by conditions 7,8,9 and 10 of PAP/2017/0156 | General |
| 6/b | PAP/2021/0394 | 11 | 6 Boulters Lane, Wood End Erection of double garage | General |
| 6//c | PAP/2020/0190 | 16 | 19 Dordon Road, Dordon Erection of two single storey dwellings with associated parking. | |
| 6/d | PAP/2021/0188 | 30 | 49, Friary Road, Atherstone, CV9 3AQ Part two and part single storey rear extension including modifications to front elevation | |
| 6/e | PAP/2021/0028 PAP/2021/0029 | 35 | Old Rail Farm, Hurley Common, Hurley, CV9 2LS i) Change of use of land to stationing a shepherd's hut for holiday accommodation and associated walkway and parking area, and formation of visitor car park existing permitted holiday lets, for existing permitted holiday lets ii) Change of use of redundant agricultural building to workshop for the maintenance of HGVs and agricultural vehicles, together with associated development including formation of hardstanding | |

| | | | | |
|-----|-------------------------------------|-----|--|--|
| | PAP/2021/0030 | | iii) Change of use of redundant agricultural building to stables, tack room, overnight accommodation for groom, feed storage, commercial horse-rug washing, and dog-grooming | |
| 6/f | PAP/2021/0101 | 50 | The Old Mortuary, North Street, Atherstone, CV9 1JN Variation of condition no: 2 of planning permission PAP/2020/0056 relating to drawings amended to meet inclusive design regulations and building regulations requirements; in respect of demolition of existing building and construction of new 2 storey offices and meeting room | |
| 6/g | PAP/2018/0050 | 81 | Fir Tree Paddock, Quarry Lane, Mancetter, Variation of conditions no: 2, 5 & 6 of planning permission ref PAP/2007/0730 (Appeal ref APP/R3705/A/08/2066891) relating to development shall be carried out in accordance with plan submitted 07_145C_003 and residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time; in respect of change of use to retain caravan for occupation by one gypsy/traveller family | |
| 6/h | PAP/2020/0684 | 88 | Meadow View Farm, Kinwalsey Lane, Meriden. Change of use from a field of agricultural or nil use, to that os sui generis dog walking, care and training and planting of trees | |
| 6/i | PAP/2021/0196 & PAP/2021/0203 | 100 | The Limes, 87 Main Road, Austrey, CV9 3EG Planning application and Listed Building application for the change of use of paddock to garden land and erection of summer house and/or gazebo | |
| 6/j | PAP/2020/0599 | 108 | 92, Coleshill Road, Hartshill, CV10 0PH Formation of additional car parking including changing of levels, construction | |

| | | | | |
|--|--|--|--|--|
| | | | of boundary, retaining walls and lighting (retrospective), | |
|--|--|--|--|--|

General Development Applications

(6/a) Application No: PAP/2021/0302, PAP/2021/0303 and DOC/2021/0052

Land South of Dairy House Farm, Spon Lane, Grendon,

PAP/2021/0302 - Variation of condition no: 5 of planning permission PAP/2017/0156 relating to permit an additional 9 new dwellings on site, in respect of outline application for erection of residential dwellings with associated access

PAP/2021/0303 – Variation of conditions of PAP/2019/0156 to amend drawing and to discharge conditions 11 and 18.

DOC/2021/0052 – Approval of details required by conditions 7, 8 9 and 10 of PAP/2017/0156

All for - Vistry Partnership

Introduction

An outline planning permission was granted for the erection of 120 dwellings in 2018 on land south of Dairy House Farm and east of the new Bellway estate off Spon Lane in Grendon. The matters reserved by that outline have been approved as well as pre-commencement conditions discharged. Work is well underway.

These three applications are all stem from the first one – PAP/2021/0302. This is a proposal to add an extra 9 dwellings to the outline consent. If approved, this would require a variation to the already approved layout – PAP/2021/0303 – as well as to some of the details previously discharged under pre-commencement conditions – DOC/2021/0052.

The matter is referred to the Board given the Board's previous interest in the site.

The Proposals

It is proposed to add nine dwellings to the already approved scheme.

The reason behind this according to the applicant, is that there has been a marked interest by potential occupiers here for 2 and 3-bedroom houses. Hence to accommodate this demand, some of the 4-bedroom dwellings are to be replaced with smaller ones. The changes relate to the approved layout affecting plots 46 to 52 and plots 53 to 59. These are all along the southern Watling Street site boundary.

In respect of plots 46 to 52, approved plots 46, 51 and 52 comprise three detached houses. These would be replaced with 5 houses – two pairs of semi-detached and a detached. Approved plots 47 to 50 are at the rear of these plots and comprised 4 detached houses. These are to be replaced by four pairs of semi-detached houses. So, there would be an additional six houses. Of all of these new houses, two would face south – towards the existing houses on the Watling Street.

In respect of plots 53 to 59, then the approved scheme comprised five detached and a pair of semi-detached houses – four of the detached face south towards Watling Street.

The proposed plots comprise two detached and four pairs of semi-detached houses – an extra three houses. Of all of these new houses, only one would face south – towards the existing houses in Watling Street.

Overall, there would therefore be an additional three units facing south towards Watling Street.

All of the additional houses have two parking spaces. There are minor consequential changes to the road layout in the vicinity of these proposals, but no changes to ground levels. There would be changes in the appearance of the new street scenes. Additional landscaping has been added over that already approved for the open land between the new street frontages and the rear boundary of the Watling Street properties.

The proposals therefore are submitted in order to vary the outline and the approved reserved matters approvals. Additionally, any consequential changes to the details already approved at pre-commencement stage where they relate to the changed layout are addressed in the DOC application referenced application. These include surface and foul water details, the landscape and ecological management plan as well as the planned maintenance of open space. In re-visiting these details the applicant has taken an opportunity to strengthen the landscaping on the west side of the estate within the open area of land that runs between the new houses and the existing houses that front Chetwynd Drive and Wood View on the adjoining Bellway estate.

The approved layout of the estate the subject of these proposals together with the proposed layout is at Appendix A.

Representations

Grendon Parish Council objects on the grounds that:

- This would mean additional traffic using the single access into the whole estate off Spon Lane and Hastings Road. This therefore increases highway safety risks and the possibility of that access being blocked. There are already safety issues here and there have been “near misses”.
- There is no need for more houses
- How will this affect access into the reserved housing site?
- Three objections have been received from occupiers of property on the Watling Street.
- These refer to:
 - The “soft” southern edge to the estate is reduced
 - It will appear more dense - any increased density should be within the estate not around its edge
 - Loss of privacy and over-looking together with increased activity.

Consultations

Warwickshire County Council as Highway Authority – No objection

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted Regulation 19 Local Plan 2018 – LP31(Development Considerations) and LP32 (Built Form)

Proposed Modifications to the Regulation 19 Plan – MM74 (in respect of LP31) and MM75 (in respect of LP32)

Observations

There is no objection in principle here as the location of these alterations is within an established site already under construction. The issues here therefore relate to an assessment of potential adverse impacts.

The Parish Council refers to several matters. In respect of increased car numbers then the applicant points out that the approved scheme showed that the four-bedroom houses each had more than two spaces and that these would be “lost”. The smaller houses now being proposed would each have two spaces. He suggests therefore that the nett increase in traffic generated may thus not be as great as suggested. Even allowing for this, it is considered that there would indeed be an increase in traffic, but the Highway Authority has not objected either to the increased number, or indeed to the changed engineering in the vicinity of the proposed changes. This will carry significant weight.

In respect of questions about the reserved housing site, then access into that would need to be resolved prior to any application coming forward. The relevant policy in the emerging Local Plan – LP39(a) as proposed for modification under MM89 - requires as Concept Plan to be prepared. This is where access arrangements would be resolved. The planning issues revolve around the impact on the residential amenity of established properties immediately to the south, as recorded in the representations above. Ground levels are not proposed to be changed. The rear elevations of the existing properties backing onto the site do not follow an even building line. So, the separation distances from these rear elevations to the front of both the approved and the proposed dwellings are also variable.

First looking at the approved plots 53 to 56, the distances from the approved front elevations of plots 53, 54, 55 and 56 to the existing rear elevations in Watling Street are 44.7; 37.5, 37.2 and 35.6 metres respectively. The distances from the proposed front elevations of plots 53, 54, 55/55a, and 56a to the existing rear elevations are 47.3; 38.4,

40.5, 42.5 and 36.6 respectively. It is not considered that there is a material difference between the two sets of distances. In fact, there is an overall slight improvement.

Turning to approved plots 51, 52 and 46, then the distances from their front elevations to the rear of the existing houses in Watling Street are 35.9; 47.4 and 60.2 metres. In respect of the proposed plot numbers 51/51a; 52/52a and 46, then the distances would be 35; 46.6 and 50 metres. Hence there would be an overall reduction in the separation distances. However, the resultant distances are still well in excess to the normally accepted guidance of 22/23 metres.

Overall, it is agreed that there would be an additional three units facing Watling Street and thus there would be additional windows in the overall frontage street scene and that there would be additional comings and goings along the length of these new frontages. However, the separation distances remain within guidance and would not give rise to materially worse impacts as the overall increase is from 7 to 10 units, which is not considered to be material within the setting here. Additional landscaping is also proposed.

It follows therefore that the consequential changes to the already approved reserved matters – i.e. essentially the layout – can also be supported.

The revised details required at pre-commencement stage consequent to these layout alterations also can be supported.

The revised Landscape and Habitat Enhancement Plan remains the same and only includes the revised layout and the consequential adjustments to the areas to be maintained as outlined in the Plan. The maintenance regime remains unaltered. There is no objection as this is a solely consequential amendment, not materially affecting the overall approach to the estate. The additional landscaping along the western boundary is welcomed.

The changes to surface and foul water discharge details relate to the increased number of units and the slightly modified hard surface areas. It is agreed that there would be a limited uplift in storm water levels. However, it is noteworthy that the County Council as Lead Local Flood Authority – in respect of the increased surface water run-off from the extra houses - has not raised an objection.

Recommendations

a) PAP/2021/0302

That planning permission be granted subject to the following conditions:

1. Standard Outline Condition
2. Standard Outline Condition
3. Standard Outline Condition

4. The development hereby approved shall not be carried out otherwise than in accordance within the redline location plan received on 31 March 2017; the site access layout details shown on plan number WIE11711/001RevB, the Construction Management Plan Version 3 dated 15/4/19 and its Addendum and plan received on 4/7/18, the CgMs Written Scheme of Investigation dated June 2019, the Oxford Archaeology Report referenced 7492 dated September 2019, plan number A6W/12779/04/09/11– CY-0101 and the Statement and Plan number 70843S(G)600 received on 1/8/19

REASON

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

Defining Conditions

5. For the avoidance of doubt the permission permits no more than 129 houses – none to be more than three storeys in height – to be constructed within the application site and this number shall be provided in general terms as identified on the Master Plan number D100D received on 5 July 2021.

REASON

In order to define the scope of the permission granted.

Pre-Commencement Conditions

6. No development shall commence on site , including any site preparation or clearance work until a detailed surface water drainage scheme for the site (including a timetable for implementation) based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out only in accordance with the approved scheme.

REASON

In the interests of reducing the risk flooding.

7. No development shall take place until a scheme for the disposal of foul water from the site (including a timetable for delivery) has first been submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved scheme.

REASON

In the interests of reducing the risks of pollution and flooding

8. No development shall commence on site until a detailed Landscape and Ecological Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The works shall then only be carried out in accordance with the approved Plan.

REASON

In the interests of the visual amenities of the area and so as to enhance and protect bio-diversity and ecological interest in the site.

9. No development shall take place until a detailed scheme for the provision, transfer and maintenance of all areas of open space as shown on the approved Plan (including a timetable for transfer) has first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area as well as the health and well-being of existing and future residents.

Other Conditions

10. For the avoidance of doubt, no structure, tree or shrub shall be erected, planted or retained within the vision splays shown on the approved site access layout plan exceeding or likely to exceed at maturity a height of 0.6 metres above the level of the public highway carriageway

REASON

In the interests of highway safety

11. The details required to be submitted under the application for the approval of reserved matters as required by condition (1) for the estate layout and design of the houses shall include sufficient space within each residential curtilage for the provision of storage space for a minimum of three 240 litre wheeled bins. The storage space shall remain permanently available for this purpose.

REASON

To enable effective storage space to be made available for the disposal of household waste and in the interests of the visual amenities of the area.

Notes:

1. The Local Planning Authority has worked with the applicant in a positive manner in line with the requirements of the National Planning Policy Framework through discussion and clarification in order to address the matters raised by representations and consultation responses.
2. The scheme and details to be submitted under condition 6 above shall provide evidence of infiltration testing in accordance with BRE 365 guidance; demonstrate that surface water systems are designed in accordance with CIRIA Report C753, evidence the limitation of discharge rates by rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the Qbar greenfield runoff rate for the site, demonstrate compliance with Science Report SC030219, provide designs and calculations in support of surface water drainage systems including any attenuation system and outfall arrangements (showing performance of the designed system for a range of return periods for storm durations inclusive of the 1 in 1 year, 1 in 2 year 1 in 30 year, 1in 100 year plus climate change return periods) and provide plans and details showing the allowance for exceedance flow and overland flow routing (including measures to reduce the impact of exceedance events). The information submitted should also include written evidence of agreement with Severn Trent Water of connections to the existing surface water network and a maintenance plan to show how the entire surface water system is to be managed and maintained after completion for the lifetime of the development.
3. Attention is drawn to Sections 38, 149, 251, 163 and 184 of the Highway Act 1980; the New Roads and Street Works Act 1991, the Traffic Management Act 2004 and all appropriate Codes of Practice. Further advice can be gained from the Warwickshire County Council as Highway Authority.

b) PAP/2021/0303

That plan numbers 70743/D00; D100D, 09A, 10A, 11C, 12D, 13D, 14E, 15E, 16D, 17D, 19C, 20D, 21C, 22D, 23D, 201D, L(90)900J, 901M, 902N, 903P and L(90)500 W, together with plan numbers 70743/L/(90)500W, 906 and A(G)231 all be approved in full discharge of condition 1 of planning permission PAP/2021/0302.

Subject to following conditions

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended, or as may be amended in the future, all houses hereby approved that have integral garages shall retain the garage for that purpose at all times

REASON

In the interests of highway safety so as not to increase the incidence of on-street car parking.

2. For the avoidance of doubt, no structure, tree or shrub shall be erected, planted or retained within any visibility splay shown on the approved layout plan exceeding or likely to exceed at maturity a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of highway safety

Notes:

1. The Local Planning Authority has worked with the applicant in a positive manner in line with the requirements of the National Planning Policy Framework through discussion and clarification in order to address the matters raised by representations and consultation responses.
2. Attention is drawn to Sections 38, 149, 251, 163 and 184 of the Highway Act 1980; the New Roads and Street Works Act 1991, the Traffic Management Act 2004 and all appropriate Codes of Practice. Further advice can be gained from the Warwickshire County Council as Highway Authority.
3. Public Footpath AE33 lies adjacent to the site on which planning permission has been granted. It is an offence to obstruct or damage public footpaths. This permission does not authorise the interference in any way of the path AE33. For advice about the protection of the footpath during construction you should contact the Warwickshire County Council Right of Way Team
4. The topographical constraints of the site will require a section of Road 1 as labelled on drawing 70743/D03RevY to be at a gradient of 1:15. The Highway Authority has accepted this at the reserve matters stage and appreciate this will be submitted as such during the Section 38 Technical Approval process. The section of carriageway with the steeper gradient is also to be considered for an improved highway surface, further details of which are to be dealt with during the Section 38 process. This is to be the only deviation from the standard requirement for the adoption of the highway. The remaining carriageway levels are to be at a gradient of 1:20 and at a gradient of 1:50 for a length of 15 metres at junctions.
5. The Highway Authority requires specific standards to provide a development that is usable from the perspective of the highway network as well as usable for all modes of transport that will access the development. For future developments, applicants should adhere to the current requirements of the Highway Authority and not follow the precedents in existing developments. This is to ensure the user has a quality experience that meets changing needs.

6. The development specifies the use of vertical speed control features. These must be constantly lit by suitable street lighting to ensure that they can be seen during dark periods of the day.
7. It is important that any proposed trees will not conflict with the position of street lighting columns and will not create an obstruction to the visibility of travelling drivers/pedestrians/cyclists. It is recommended that the final position of trees is considered as part of the Section 38 technical approval process.

c) DOC/2021/0052

That the following details be approved in discharge of conditions 6, 7, 8 and 9 of PAP/2021/0302:

1. The Landscape and Habitat Enhancement and Maintenance Plan - 70743B received on 16/6/21 in full discharge of conditions (8) and (9)
2. Plan number 1696/134B received on 16/6/21 and plan numbers 1696/07B; 1696/109B and 1696/111B in full discharge of conditions (6) and (7)

General Development Applications

(6/b) Application No: PAP/2021/0394

6, Boulters Lane, Wood End, Atherstone, CV9 2QE

Erection of detached double garage, for

Mr D Milligan

Introduction

This application is referred to the Board as the applicant is an employee of the Council.

The Site

This is central to a small row of five cottages on the east side of Boulters Lane just north of its junction with Tamworth Road. It is within a residential area.

The Proposals

These consist of a proposed double garage with a pitched roof at the rear of the garden. It would measure 7 by 7 metres and be 4.6 metres to its ridge. It would be constructed in red brick and clay tiles so as to match the materials on the house. Access would be via an existing drive by the side of the end cottage in the row.

These matters are illustrated at Appendix A

Representations

None received at the time of preparing this report. The notification period ends on the day before this Board meeting and thus a verbal update will be given at the meeting.

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted Regulation 19 Local Plan 2018 – LP31 (Development Considerations) and LP32 (Built Form)

Proposed Main Modifications to the Submitted Plan 2021 - MM74 (in respect of LP31) and MM75 (in respect of LP32)

Observations

The design of the garage is in keeping with the cottages here and there is unlikely to be any adverse impact on neighbouring residential amenity because of separation distances and the garage backing onto other garages.

Recommendation

That subject to there being no objections received by the expiration of the consultation period, planning permission be GRANTED subject to the following conditions:

1. Standard Three year condition
2. Standard plan numbers condition – 772/001; 002 and 003 received on 28/6/21

Notes:

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through the issue of a speedy decision.
2. Standard Party Wall Act Informatives.

BACKGROUND PAPERS

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

Planning Application No: PAP/2021/0394

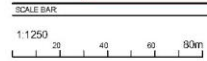
| Background Paper No | Author | Nature of Background Paper | Date |
|----------------------------|------------------------|---|-------------|
| 1 | The Applicant or Agent | Application Forms, Plans and Statement(s) | 28/6/21 |

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

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



LOCATION PLAN
Scale 1:1250



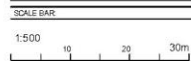
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| REVISION DESCRIPTION: | | |
| REVISIONS: | | |
| STATUS: PLANNING | | |
| PROJECT: | | |
| 6 BOULTERS LANE WOOD END ATHERSTONE, WARWICKSHIRE CV9 2QE | | |
| DRAWING TITLE: | | |
| PROPOSED DETACHED GARAGE LOCATION PLAN | | |
| DATE: | PAPER SIZE: | SCALE: |
| APRIL 2021 | A3 | 1:1250 |
| DRAWING NUMBER: | | REVISION NUMBER: |
| 772-001 | | |

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BLOCK PLAN
Scale 1:500



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| PROPOSED DETACHED GARAGE BLOCK PLAN | | |
| DATE: | PAPER SIZE: | SCALE: |
| APRIL 2021 | A3 | 1:500 |
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| 772-002 | | |

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PAP/2021/0394



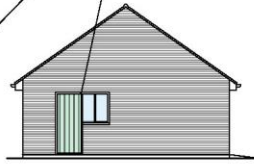
NEW ROOF
NEW BITUMED ROOF WITH FAIRFAX CLAY TILES. COLOUR TO MATCH EXISTING HOUSE ELEVATIONS.

NEW WALLS
NEW BRICKWORK TO BE RED FACING BRICK. COLOUR TO MATCH EXISTING HOUSE ELEVATIONS.

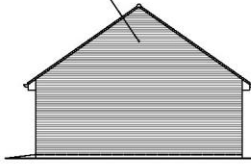
NEW WINDOWS AND DOORS
NEW WINDOW TO BE SPIC IN WHITE TO MATCH EXISTING.
NEW DOOR TO BE COLOURED COMPOSITE.



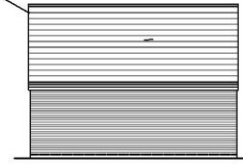
Proposed South Elevation



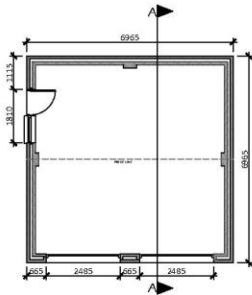
Proposed West Elevation



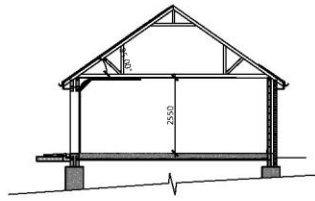
Proposed East Elevation



Proposed North Elevation



Proposed Layout Plan



Typical Section A-A

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| STATUS: PLANNING | | |
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| 6 BOULTERS LANE WOOD END ATHERSTONE, WARWICKSHIRE CV9 2QE | | |
| DRAWING TITLE: | | |
| PROPOSED DETACHED GARAGE PLAN, SECTION A-A & ELEVATIONS | | |
| DATE | REV. NO. | SCALE |
| JUNE 2021 | A3 | 1:100 |
| DRAWN BY: | 772-003 | DESIGN NUMBER: |
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General Development Applications

(6/c) Application No: PAP/2020/0190

19, Dordon Road, Dordon, B78 1QW

Erection of 2 single storey dwellings with associated access and parking, for

Ms A Roberts

Introduction

This application was referred to the last Board meeting, but determination was deferred so that legal advice could be taken.

The previous report is attached in full at Appendix A.

Recommendation

That planning permission be **REFUSED** for the reasons set out in Appendix A, subject to the inclusion of the amended plan as also set out in the Appendix.

APPENDIX A

General Development Applications

(b) Application No: PAP/2020/0190

19, Dordon Road, Dordon, B78 1QW

Erection of 2 single storey dwellings with associated access and parking, for

Ms A Roberts

Introduction

This application was referred to the Board's November meeting in 2020. A determination was deferred in order that Members could visit the site. That had to be delayed because of the restriction on gatherings in the past few months. Following relaxation of the restrictions, the visit is due to take place just before the date of this meeting. A verbal report will be made at the meeting. A copy of the previous report is at Appendix A.

Other Material Planning Considerations

Since the last report there is an update needed in respect of the other material planning considerations affecting this case. The Council proposed its Main Modifications to the Submitted Regulation 19 Local Plan in March 2021, after the date of the Board meeting which last dealt with this case. The consultation period ended in mid-April 2021. At the time of writing this report there has been no comment from the Examination Inspector about the outcome of that consultation process. As a consequence, the Modifications mentioned below are those that have been included in the consultation. Nevertheless because of the advanced status of the Submitted Plan, they will carry significant weight. Any changes will be referred to verbally at the meeting.

Main Modification MM21 relates to Submitted Policy LP1. It does not materially affect the current proposal.

Main Modification MM24 relates to Submitted Policy LP2 in respect of the Settlement Hierarchy. The Modification would not alter the position or status of Dordon as a Category 1 settlement within the hierarchy.

Main Modification MM74 relates to Submitted Policy LP31. It does not materially affect the current proposal.

Main Modification MM75 relates to Submitted Policy LP32. There is no material change to that submitted policy.

Observations

The proposed modifications would not alter the recommendation to the Board as set out in the last report at Appendix A. The circumstances surrounding the case have not therefore altered. The proposal is the same as that dismissed at appeal in October

2020. If a different outcome is to be considered, then the Board should be satisfied that there has either been a material change in circumstance, or that fresh evidence is available to clearly demonstrate that the reasons for the case being dismissed at appeal have clearly been overcome. It is considered that neither of these conditions has been met.

The recommendation therefore remains as set out in Appendix A, but the policy reference should now include the Submitted Plan policies LP1 and LP31 as they are proposed to be modified by MM21 and MM74.

Recommendation

That the recommendation set out in Appendix A be agreed subject to the variation as set out in this report.

General Development Applications

(4c) Application No: PAP/2020/0190

19, Dordon Road, Dordon, B78 1QW

Erection of two single storey dwellings with associated access and parking for Ms A Roberts

Introduction

This application is referred to the Board in light of the recent appeal decision at the same address which is reported elsewhere on this agenda.

The Site

This is a two-storey detached dwelling fronting Dordon Road but which has a large rear garden extending also across the back of number 17, the neighbouring property. The surrounding area is residential in character with a mix of two storey detached and semi-detached houses constructed in a range of materials. These front both Dordon Road and Birchmoor Road to the north such that there is dominant linear pattern of development. These properties have long and wide rear gardens. The site backs onto the Polesworth School to the south.

A general location plan is attached at Appendix A

The Proposal

This is for the erection of two single storey dwellings at the rear of number 19 with associated access using the existing access to number 19 and parking.

The proposed layout and appearance of the dwellings is at Appendix B

Background

There have been four previous refusals for the residential development of the application site with two dismissed appeals.

In November 2012, planning permission was refused for the erection of four, four-bedroom houses using the existing access to number 19. The reasons for refusal refer to highway and access matters as well as to the adverse impact on the character and appearance of the area.

In May 2013, planning permission was refused for an outline application for residential development using the existing access next to number 19. The refusal reasons were the same as for the 2012 refusal.

In December 2013, planning permission was refused for an outline application for residential development using access next to number 19. The refusal reasons once

again reflect the issues already raised. This decision was appealed, but that was not successful. Appeal APP/R3705/A/14/2213784 dismissed 2nd June 2014.

In June 2019 a further application for two single storey dwellings with access next to number 19 was refused. The refusal reasons were consistent with the previous cases. This was again appealed but that was dismissed earlier this month. This is the appeal referred to in the introduction to this report. It has the reference APP/R3705/W/20/3247217. For convenience it is also attached here at Appendix C.

Development Plan

The Core Strategy 2014 – NW2(Settlement Hierarchy); NW10 (Development Considerations) and NW12 (Quality of Development)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design) and ENV14 (Highway Design)

Other Material Planning Considerations

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

The North Warwickshire Local Plan Submission Version, March 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP31 (Development Considerations) and LP32 (Built Form)

Consultations

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

Environmental Health Officer – Expresses concern about disturbance and noise because of the shared access next to a dwelling

Representations

Six objections have been received from local residents referring to:

- There has been no change in circumstance since the 2019 refusal
- There are highway and road safety concerns because of the proximity of the access to the School
- The layout and siting of the proposal goes against the current layout of the period properties along Dordon and Birchmoor Roads
- There is an issue about land ownership
- The application does not address the matters raised in the last appeal
- There may be an issue with ground levels
- Refuse bins will cause a problem

Observations

The application site is within the development boundary defined by the Development Plan for Polesworth and Dordon and thus the principle of residential redevelopment here is acceptable, subject to the proposal satisfying a number of the most important

other policies in the Plan relevant to new housing proposals. In this case these are NW10 and NW12 of the Core Strategy and Saved Policy ENV12.

In this regard the planning history of this site is a material planning consideration of substantial weight. This has been summarised above – four refusals and two appeals dismissed. Over this period there has been a reduction the scale of the proposals in order to try and overcome earlier refusals, but this has not been successful. The main issues throughout this history are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of the adjoining residential properties with particular regard to noise and disturbance from vehicles. In each case all of the submitted proposals have been found not to accord with the three policies identified above.

The application before the Board is exactly the same as that submitted last year and which has been very recently dismissed at appeal – Appendix C. There has been no change to the planning policies since the appeal and neither has the proposal been amended. If a different outcome is to be considered, then the Board should be satisfied that there has either been a material change in circumstance or that fresh evidence is available to clearly demonstrate that the issues raised can be overcome.

Recommendation

That planning permission be refused for the following reasons:

1. It is not considered that the proposed siting of the new dwellings would respect the character of the area. The back-land development, whilst acknowledged would be designed as bungalows, would result in an incongruous feature within the defined spatial pattern of the area. Furthermore, the development would reduce the host properties amenity space which would go further go against the grain within the area. The proposed development by way of siting would not harmonise with the immediate setting and wider area. As such the proposal would be contrary to Policy NW12 of the North Warwickshire Core Strategy, 2014 and saved Policy ENV12 of the North Warwickshire Local Plan, 2006.
2. It is considered that the use of the proposed access would lead to vehicles passing in close proximity to the host dwelling. Together with the positioning of detached garages close to boundary of the site this would result in the living standards of neighbouring properties being degraded from that currently enjoyed by way of disturbance and noise intrusion from vehicles. The proposal is contrary with Policy NW10 of the Core Strategy.

Notes:

- i) The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case by working with the applicant and attempting to negotiate a satisfactory outcome. However, despite such efforts the planning objections have not been satisfactorily addressed.

BACKGROUND PAPERS

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

Planning Application No: PAP/2020/0190

| Background Paper No | Author | Nature of Background Paper | Date |
|----------------------------|------------------------------|---|-------------|
| 1 | The Applicant or Agent | Application Forms, Plans and Statement(s) | 1/4/2020 |
| 2 | Environmental Health Officer | Consultation | 30/7/2019 |
| 3 | Warwickshire County Council | Consultation | 8/7/2019 |
| 4 | Local Resident | Objection | 0/5/2020 |
| 5 | Local Resident | Objection | 28/4/2020 |
| 6 | Local Resident | Objection | 28/4/2020 |
| 7 | Local Resident | Objection | 21/4/2020 |
| 8 | Local Resident | Objection | 19/4/2020 |
| 9 | Local Resident | Objection | 19/4/2020 |

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

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

APPENDIX A





Appeal Decision

Site visit made on 27 July 2020

by **Chris Forrett BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/R3705/W/20/3247217

19 Dordon Road, Polesworth, Warwickshire B78 1QW

- 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 A Roberts against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2019/0317, dated 6 June 2019, was refused by notice dated 22 August 2019.
 - The development proposed is the construction of 2 single storey dwellings with associated access and parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal submission was initially missing details of the proposed garage buildings and the details of one of the bungalows. However, as part of the appeal submission these details have now been provided.
3. In accepting these details at this stage, I am mindful of the principles of the Wheatcroft case (Bernard Wheatcroft Ltd. v Secretary of State for the Environment and Another 1982). However, given that these details should ordinarily have been part of the original application, and were already described in the application documentation itself, I consider that there would be no prejudice to any party by accepting this detail at the appeal stage. I have therefore determined the appeal with these plans in mind.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of the adjoining residential properties with particular regard to noise and disturbance from vehicles.

Reasons

Character and appearance

5. The appeal site is located on the west side of Dordon Road which is largely a residential area, albeit that there is a school nearby. The properties on Dordon Road have a varied style and palette of materials, although the prevailing form of development in the area is that of properties which directly front onto the street.

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

6. As pointed out by the Appellant, there are some exceptions to this in the wider area, although this does not in itself define the overarching pattern of development.
7. The appeal site itself, is somewhat unusual in that it is 'L' shaped and wraps around the rear of 17 Dordon Road and is therefore substantially larger than many of the other properties in the area. That said, one of the characteristics of the area is that properties have long or wide gardens.
8. My attention has been drawn to a previous appeal decision¹ at the site which, from the evidence before me, indicates was for three detached two-storey houses (albeit that this proposal was in outline only). Significantly, that appeal decision set out that the siting of the new dwellings within the rear garden would be at odds with the established pattern of development in the area.
9. The current proposal is different in that there is a reduction in the number of residential properties proposed and that they are bungalows rather than two-storey dwellings. In that sense, the visual implications of the current proposal are significantly less than the previous appeal development and it cannot be said that the proposal would result in the same level of visual harm to the area. In that sense, the current proposal would not restrict views across the appeal site to any great degree given its scale and single storey nature.
10. That said, the proposal would still be in contrast to the established pattern of development in the area and I find that this is the most important factor in my determination of the effect of the development on the character and appearance of the area.
11. Whilst the existence of ancillary domestic buildings to the rear of the existing dwellings provide some built form in a tandem fashion, it is significant that these are largely of a much smaller scale than the appeal proposal. I have also had regard to the buildings which form part of the school complex to the south of the site. However, these are part of a very different type of development and do not justify what is before me.
12. In addition to the above, the proposal would significantly reduce the size of the garden to the existing property. Whilst I acknowledge that the existing garden is probably the largest in the area, the resultant garden would neither be as long or as wide as other detached properties in the area. To that end, this would lead to further erosion of the character and appearance of the area.
13. For the above reasons the proposal would harm the character and appearance of the area and would be in conflict with Policy NW12 of the North Warwickshire Core Strategy (2014) (CS) and Policy ENV12 of the North Warwickshire Local Plan 2006 which amongst other matters seek to ensure that development relates well and harmonises with the immediate setting and wider surroundings and improves the settlements character. It would also conflict with the overarching aims of the National Planning Policy Framework.

Living conditions

14. The existing dwelling has a long driveway alongside the boundary with Fairbirch House and the appeal proposal would utilise this driveway to access the two new dwellings. This, combined with the relocation of the existing

¹ Reference APP/R3705/A/14/2213784 dated 2 June 2014

dwelling's parking provision to the property frontage, would mean that there would be a net gain of one additional property utilising this driveway.

15. However, the most significant issue is in relation to the occupants of the host property, No.19, as this property has four corner windows which are immediately adjacent to the driveway at both ground and first floor level. Whilst any existing vehicular activity along the driveway is currently associated with this dwelling, this would not be the case should the appeal proposal be allowed.
16. In the absence of any convincing evidence to the contrary, the noise and disturbance from vehicles associated with the two new properties would be likely to cause an unacceptable level of harm to the occupiers of No.19.
17. As noted by the Council, it would not be possible to control any such disturbance. Furthermore, users of the driveway would be able to have a clear view into the two habitable rooms through the corner windows which in turn would lead to a loss of privacy.
18. Turning to the adjoining properties, I am also conscious that the proposal would introduce new vehicle activity close to the rear boundary of No.17. However, this would be behind some existing outbuildings and as such any noise and disturbance associated with these movements would be largely shielded from the rear garden and dwelling of No.17. Given the single storey nature of the development, and the existing outbuildings, I consider that there would be no loss of privacy to the occupants of No.17 as a result of the front windows of the bungalow facing the rear of No.17.
19. In respect of Fairbirch House, there is an existing hedgerow which provides a degree of screening from the access driveway. Whilst the increased use of the driveway would lead to some additional noise and disturbance, given the amount of development proposed I consider that this would not lead to such a degree of harm which would warrant the withholding of planning permission.
20. For the above reasons the proposal would adversely affect the living conditions of the occupiers of 19 Dordon Road as a result of increased noise and disturbance from traffic passing along the driveway contrary to Policy NW10 of the CS which seeks to ensure that new developments avoids unacceptable impacts upon neighbouring amenities through overlooking and noise disturbance.

Other matters

21. I have also had regard to other developments which have been brought to my attention, including a new dwelling between 13 and 17 Dordon Road, and the Abbey Croft bungalows (and others off High Street).
22. However, the new dwelling between 13 and 17 Dordon Road sits broadly in line with the existing dwellings and is not a tandem style of development. In respect of the other bungalows off High Street, I note that these are not in the immediate vicinity of the appeal site. Furthermore, from the very limited information before me, it is not clear whether these were given permission under the same set of planning policies or similar circumstances. Moreover, each proposal must be considered on its individual merits.

23. I have also taken account that the proposal would contribute two new much needed dwellings to the area. However, the positive aspects of this do not outweigh the harm I have identified.
24. Finally, I have also had regard to the matters raised in the representations, including matters relating to traffic, access issues and the proximity of the school. However, none of these matters provide a further compelling reason why planning permission should be withheld.

Conclusion

25. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

General Development Applications

(6/d) Application No: PAP/2021/0188

49, Friary Road, Atherstone, CV9 3AQ

Part two and part single storey rear extension including modifications to front elevation, for

Mr Field

Mr and Mrs Field

Introduction

This case was referred to the last Board meeting, but determination was deferred in order to enable Members to visit the site. A note of that visit will be given at the meeting.

The previous report is at Appendix A

Recommendation

That planning permission be granted subject to the conditions as set out in Appendix A.

General Development Applications

(5/N) Application No: PAP/2021/0188

49, Friary Road, Atherstone, CV9 3AQ

Part two and part single storey rear extension including modifications to front elevation, for

Mr and Mrs Field

Introduction

This application is brought to the Board as a local member considers that the impacts on neighbouring residential amenity and appearance should be given greater weight in the recommended final planning balance.

The Site

This is one of several dwellings within a row of similar houses in a residential frontage on the north side of Friary Road. To the rear are the rear gardens of semi-detached properties in Tudor Crescent.

The house to the left of the application site – number 48 - has a single storey flat roof rear extension which runs alongside the common ownership boundary. There is an outbuilding at the rear of the garden in the application site.

The general location is shown at Appendix A.

The Proposals

The proposals have been amended several times in order to try and address the matters raised by representations as recorded below. The final scheme now before the Board is that described below.

It is proposed to remove a small single storey outbuilding immediately at the rear of the house and then extend beyond the rear elevation of the existing house. This extension would comprise a part two and a part, single storey development. The single storey element extends some 5.5 metres away from the host dwelling's rear elevation and a first-floor extension is proposed over half of this ground floor extension closest to the house. This first-floor extension would be 3.2 metres in depth. The whole combined structure would be inset 1.1 metres from the adjoining property – number 50 – to the right, in order to allow access into the rear garden. On the opposite side, the structure would be inset some 0.3 metres from the common ownership boundary leaving a gap which would extend as far back as the adjoining property's rear extension as referred to above. The roof over the single storey element would be mono-pitched with roof lights extending into the two storey element. This part would then have a small hipped roof running back into the main slope of the rear roof of the existing house. There would be one new bedroom window in the rear first floor element.

All of these features are illustrated at Appendix A.

Representations

An objection has been received referring to the following matters:

- The new windows will lead to overlooking and loss of privacy
- The roof heights will overshadow and block light to the rear of the neighbouring property
- There is concern about the soil vent from an en-suite
- The proposal will affect roof guttering along the whole of the row of properties here and because of the extension there would be increased flows and the likelihood of overflow and flooding.
- This would be the only two storey extension in this part of Friary Road and Tudor Crescent

Atherstone Town Council has no objection as long as the proposals are agreeable to the neighbours.

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations) and NW12 (Quality of Development)

Other Material Planning Considerations

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

The Submitted Regulation 19 Local Plan 2018 – LP31 (Development Considerations) and LP32 (Built Form)

Proposed Main Modifications to the Submitted Plan 2021 – MM74 (in respect of LP31) and MM75 (in respect of LP32)

The Guide to Householder Developments – NWBC Supplementary Planning Guidance 2003

Observations

As indicated above, there have been several amendments here in an attempt to accommodate the representations received.

It is considered that the design and appearance of the final amendment is entirely in-keeping with the host dwelling and that it would still remain subservient to that dwelling. Several changes have been made since the original submission to arrive at this latest scheme – the recessing of the extension away from the adjoining property; a change away from an initial gable roof arrangement so as to reduce massing and thus reduce the likelihood of loss of light to a bathroom window, limiting the first floor extension such that it fully falls within the 45 degree guidance and the rendering of the facing elevations. The proposal is now one that can be fully supported in design terms vis-à-vis the host dwelling.

There is a concern that the proposal would if approved, be the first first-floor extension in this general area and thus that it would not accord with the character and local distinctiveness of the locality. This is not a reason for refusal. As Members are aware each application should be assessed on its own merits. In this case the site is not in a Conservation Area; it is not a Listed Building nor is it within a setting of any heritage asset. There is neither no design code nor guidance for this area. In these circumstances there would be no support for a refusal. On the contrary, the proposal is considered to improve the local character – one of the objectives of the NPPF as well as the Development Plan.

Turning to the other matters raised, then in respect of the overlooking matter, all of the rear gardens here are already overlooked and there is not considered to be any evidence to suggest that this proposal would make matters materially worse for any of the neighbours.

The matters of drainage and surface water run-off have been highlighted a number of times throughout the representations that have been made on the various amendments. The drainage and soil vent from the first floor en-suite will discharge into pipework that is to be located in the recess that was referred to earlier, next to number 48. It will thus be self-contained within the application site.

Roof surface water has been of concern. Presently the guttering running along the rear eaves of all of these Friary Road properties, is co-joined – one length of guttering with down-pipes. The concern was that the extension would increase the roof surface water run-off and thus potentially lead to overflows in the main run of that guttering. The re-design of the extension has in fact enabled this matter to be resolved. All of the gutters for the extension would be self-contained running into their own downpipes on the application site with no connections to adjoining property. An existing downpipe in No. 50 will continue to take surface water from 49 and 50, as it does now. Overall therefore, it is considered that there could well be some improvement here as there would be less roof water discharge into the existing run of guttering.

Overall, therefore it is considered that the proposal fully accords with Development Plan policy as well as the guidance set out in the NPPF.

Recommendation

That planning permission be GRANTED subject to the following conditions:

1. Standard three year condition
2. Standard plan numbers condition – 1250/03C

Notes:

1. The Local Planning Authority has fully met the requirements of the NPPF in this case by seeking significant changes to the proposal in order to improve its quality as well as to respond to representations made.
2. Standard Party Wall Act Informatives

General Development Applications

(6/e) Application Numbers: PAP/2021/0028, PAP/2021/0029 and PAP/2021/0030

Old Rail Farm, Hurley Common, Hurley, CV9 2LS

- i) Change of use of land to stationing a shepherd's hut for holiday accommodation and associated walkway and parking area, and formation of visitor car park for existing permitted holiday lets, for existing permitted holiday lets**
- ii) Change of use of redundant agricultural building to workshop for the maintenance of HGVs and agricultural vehicles, together with associated development including formation of hardstanding**
- iii) Change of use of redundant agricultural building to stables, tack room, overnight accommodation for groom, feed storage, commercial horse-rug washing, and dog-grooming**

all for

Mr and Mrs Stibbs

Introduction

These applications are being reported to the Board as the recommendations include the need to consider the expediency of enforcement action should they be refused and in respect of other unauthorised development on the site.

The Site

The site relates to a farm which comprises of a substantial two-storey farm house to the south of the site; an L-shaped range of brick one-storey barns, a cow shed, a large portal framed building, a small brick built building and another large utilitarian building.

A part of the L-plan range has been used as a self-catering cottage/ holiday let since 2015 when it was converted. This was considered to be permitted development under Part 3 Class M of General Permitted Development Order at the time. Also, planning permission was granted for two additional self-catering cottages in 2019. This has yet to be completed in its entirety.

Access is afforded along an un-adopted road from Hurley Common. It is a shared access in that it is also used by Severn Trent Water vehicles visiting the Water Treatment Works to the west.

A Public Right of Way runs south to north to the east of the farm - reference T55a - and another runs east to west south of the farmhouse - reference T55 - as indicated on the plan attached (Appendix A).

The site is located outside of a defined development boundary and within the Green Belt.

The Proposals

These are as outlined in the descriptions give in the “header” above.

A planning statement and a sustainability statement have been submitted with the applications together with an agricultural appraisal for the groom’s accommodation.

The applicant indicates that the workshop for the maintenance of HGVs would only be for his own vehicles and this would number three in total.

Applications (i) and (iii) are retrospective as the proposed developments have now been carried out. Application (ii) has been carried in part, but the agricultural maintenance use is currently taking place in the large agricultural building in application (iii).

Plans illustrating the proposals are at Appendices B and C for the shepherd’s hut; D and E for the HGV use and F for the mixed uses.

Development Plan

North Warwickshire Core Strategy (October 2014) - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW9 (Employment), NW10 (Development Considerations), NW12 (Quality of Development), NW13(Natural Environment), NW15 (Nature Conservation) and NW17 (Economic Regeneration)

North Warwickshire Local Plan 2006 (Saved Policies) - HSG3 (Housing Outside of Development Boundaries); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON9 - Re-use of rural buildings, TPT1 (Transport Considerations in new development), TPT3 (Access and sustainable travel and transport), TPT6 (Vehicle Parking) and Appendix 3 (Parking Standards Guidance)

Other Relevant Material Considerations

The North Warwickshire Local Plan Submission Version, March 2018 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP11 (Economic Regeneration), LP13 (Rural Employment), LP14 (Landscape), LP16 (Natural Environment), LP31 (Development Considerations) and LP32 (Built Form)

Proposed Main Modifications to the Regulation 19 Local Plan 2021 – MM21 (in respect of Policy LP1); MM24 (in respect of LP2), MM28 (in respect of LP3 Green Belt), MM55 (in respect of LP11), MM57 (in respect of LP13), MM74 (in respect of LP31) and MM74 (in respect of LP32)

National Planning Policy Framework 2019 – (the “NPPF”)

Consultations

Warwickshire County Council as Highway Authority - It objects to all three applications because of the intensification of the access which is considered to be substandard.

Environmental Health Officer – No objection to all three applications subject to conditions.

Representations

Three objections have been received on each application referring to the following matters:

- Nuisance from proposed use, adversely affecting the amenity of adjacent properties
- Noise and disturbance from HGV and vehicles passing property.
- Should be no material increase in traffic.
- Impact on the Green Belt
- Overlooking and loss of privacy
- Entrance drive is restricted, so many near misses
- Ownership of road
- Other unauthorised development taking place.

One representation of support has been received on each application, supporting the application for the following reason:

- Good to see redundant building being used in a sympathetic way.

Observations

a) The Green Belt

The site lies within the Green Belt. Inappropriate development here is defined as being harmful to the Green Belt and thus carries a presumption of refusal. What is or is not inappropriate is defined in the NPPF. In the cases here there is some overlap between the various categories of “development” proposed and thus each possible category will need to be identified. Members will be aware that the construction of new buildings, with exceptions, is inappropriate development. One of these is where the building is an appropriate facility for outdoor sport or outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The re-use of buildings is not necessarily inappropriate provided that the building is permanent, of substantial construction and meets the two conditions set out above. Material changes in the use of land, may not necessarily be inappropriate, provided that they too preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

With the cases in hand, each has been described as a change of use and that will be the starting point for assessment as to whether the proposals are inappropriate or not. However, because of the changes do involve the re-use of existing buildings there is the overlap as referred to above.

There is no definition of openness in the NPPF, but national guidance advises that it is made up of four elements – spatial, visual, the degree of activity associated with a development and whether the development is permanent or not. There are five purposes for including land within the Green Belt and in this case the most significant

one is to safeguard the countryside from encroachment. Each of the proposals will need to be considered against this background.

Firstly, in respect of the shepherd's hut, it is not considered that it falls within the exception of being an "appropriate facility", as it is in fact a residential use. It also relates to tourism, rather than to outdoor sport or outdoor recreation. The application however is for the change of use of the land and this includes the siting of the "hut", the creation of hardstanding, fencing, provision of a hot tub and other engineering works including two parking spaces to the south of the access. The proposal also includes an additional ten parking spaces for the existing bed and breakfast unit to the west of the farmhouse. The hut is on land that is currently vacant of buildings. As a consequence, and by reason of its height, volume and overall extent, the development would lead to a loss of openness. The structures, associated paraphernalia, the extent of the car parking and all of the vehicular and human activity is also considered to have an adverse visual impact. Although set back from the road, it would be seen from the adjoining access as well as the public footpaths which run close to the site. Moreover, the application is not for a temporary use. Overall, there would be an increased urbanising impact because of the intensification of development leading to encroachment of the countryside. The proposal is not considered to meet the conditions set out in the NPPF, thus meaning that it is inappropriate development in the Green Belt.

The second proposal is for the change of use of a former agricultural building for the maintenance of HGVs and agricultural vehicles, including the formation of hardstanding. It is a permanent building of substantial construction. As a consequence, the re-use of just the building would be appropriate development under the definitions set out above. However, the definition is also contingent of the proposal preserving openness. It is the inclusion within the proposal of the change of use of land and the creation of a sizeable hardstanding to the rear of the building on which to park HGV's, other vehicles and for the storage of equipment and materials, that takes this proposal beyond re-use. This outdoor area has an adverse spatial and visual impact as it is visible from the adjacent footpath to the east - the T55a. Additionally there is the activity associated with the use of this area that causes these adverse impacts. It does not therefore preserve openness. The proposal also conflicts with the safeguarding purpose of the Green Belt given the intensification and urbanising influence. In conclusion this proposal is considered to be inappropriate development in the Green Belt.

The final proposal is to change the use of a redundant agricultural building to stables, with a tack room, overnight accommodation for a groom, feed storage, commercial horse-rug washing, and dog-grooming. In this case the building is existing, permanent and of substantial construction and its reuse would thus be appropriate development under the definitions above. The application itself is defined by a red line which just includes the building itself. The proposal would thus appear to be appropriate development. However, unauthorised areas have been engineered outside for use in association for the proposals. The applicants have indicated that although it is not clearly shown, parking for the uses would be within the existing internal courtyard of the farm buildings rather than on this outside area. Further consideration will thus have to be given to this later in the report.

It is therefore concluded that two of these applications represent inappropriate development in the Green Belt and that the third is also likely to. As such substantial weight is given to this conclusion and thus planning permissions should not be granted except in very special circumstances.

b) Other harms

i) Highways

Saved Policy TPT1 supports development in situations whereby there is sufficient capacity within the highway network to accommodate the traffic generated and saved policy TPT3 stipulates that development will not be permitted “unless its siting, layout and design makes provision for safe and convenient pedestrian and vehicular access and circulation”. Emerging local plan policy LP31(6) reflects Core Strategy policy NW10(6) - both of which require safe and suitable access to be provided for all users.

Paragraph 109 of the NPPF makes it clear that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the scheme are severe.

The shepherds hut, livery use, HGV maintenance yard, groomer's accommodation, rug washing and dog grooming uses could lead to a significant cumulative increase in the number of comings and goings to the premises. The applicant points out that there would not be a significant increase because the HGV repair and maintenance is a personal use; the horse rug activity would only be one vehicle a week as the business would operate on a collect and return basis, and the dog grooming use would be in operation for two days a week and would be only for three or four dogs on those days.

In addition to this, it is material that there are existing established uses on site - bed and breakfast and self-catering – and there is the fall-back of continuation or reversion to agricultural uses and activity – particularly in respect of the type and frequency of traffic generation. As recorded earlier the access here is shared in that Severn Trent Water use it to access the Water Treatment Works to the southwest of the farm. Members should also be aware that The Traffic Commissioner has also given the applicant an Operator's Licence for six vehicles. This is conditioned on an interim basis such that, *“Vehicles must not enter or leave the operating centre before 0730 or after 1800 on Mondays to Fridays; before 0730 and after 1300 on Saturdays. Vehicles shall not enter or leave the operating centre at all on Sundays and Bank Holidays.”*

Notwithstanding all of these other considerations, the access is still substandard – limited visibility, limited passing spaces and no separate footway for pedestrians. This has been the overriding consideration of the Highway Authority – the access not being suitable for commercial vehicles or for two-way vehicle movements. Based on this advice, officers consider that it has not been demonstrated that the proposals either individually or cumulatively would not have a detrimental impact on highway safety for all road users. The proposal would thus not accord with Policy NW10 of the Core Strategy and particularly the relevant paragraphs of the NPPF.

ii) Ecology

In respect of ecology, Core Strategy policy NW15 requires development to “ensure that there is a net gain of biodiversity” and emerging policy LP16 seeks to protect and enhance the natural environment and provide net gains for biodiversity where possible, both reflecting the wording of the NPPF at paragraph 170(d).

No surveys have been submitted in respect of the presence of a bat or bird roosts within the buildings. Also, the proposals will lead to the loss of a number of areas within the site, some of which have ecological potential.

Given the significance of bio-diversity as a material consideration of significant weight, it is not considered that the proposals have shown that there would be a net gain in bio-diversity. The proposals do not therefore accord with Policy NW15 or the associated paragraphs in the NPPF.

iii) Impact on residential amenity

Another consideration with these applications is that of the developments’ impact on the amenity of nearby residential properties. 2014 Core Strategy Policy NW10 (9) requires all development proposals to avoid and address unacceptable impacts upon neighbouring residents, such as but not limited to noise, light, and other pollution.

The wording of this policy is amended and carried forward into policy LP31 (Development Considerations) of the emerging local plan. Furthermore, paragraph 180 of the NPPF states that planning decisions should consider the impacts of pollution on living conditions and “avoid noise giving rise to significant adverse impacts on health and the quality of life” (180c).

Bearing in mind the distance from neighbour’s properties it is likely that the increased HGV movement and vehicles movement is the only aspect of the development where the amenities of residential properties could be considered detrimental. It is not considered that there is sufficient evidence to demonstrate a reason for refusal in this instance given the “fall back” position outlined in section (i) above and that in order to accord with the policy the impact has to be “unacceptable”.

iv) Sustainability

The application site is located outside a defined settlement boundary for the purposes of Policy NW2 of the Core Strategy or for emerging Policy LP2 within the Submitted Local Plan, 2018. Both policies as well as the NPPF indicate that new residential development outside of development boundaries and thus in the countryside is not be encouraged. However, that which is related to an essential agricultural or rural business need could be supported. The applicant has advised that the groom’s accommodation is required to provide care and supervision of seven livery stables. The 24-hour requirement relates to issues of illness out of hours. In this instance however it is considered that the applicant’s own house and the presence of the holiday accommodation could provide initial cover. It is not considered that it has been shown that there is an essential need for permanent accommodation. No operational or business case has been provided. This proposal cannot be supported as it would not accord with Policy NW2 or the NPPF.

c) The Harm Side of the Planning Balance

The harm side of the planning balance therefore amounts to the Green Belt harm identified earlier and the other harms outlined above. If the applications are to be supported then the applicant has to show that any material considerations he advances in support should “clearly outweigh” the total level of harm caused such that amount to the “very special circumstances” that would enable that support.

d) The Balance

In respect of the proposal for the shepherd’s hut, the applicant advances arguments revolving around farm diversification and meeting a tourism need. These are acknowledged, but the application site is no longer in sole use as an agricultural holding and it has not been shown from an operational or business case point of view that the addition of one extra unit of tourism accommodation would support any ongoing agricultural activity. Moreover, there is the extant consent on the site that has not been fully taken up. These considerations carry little weight and are not sufficient to clearly outweigh the total harm caused.

In respect of the HGV use then the applicant has been unable to provide any considerations which might be weighed in the final planning balance. The site is not appropriate for such a use and even if there was the agricultural “fall-back” the size of the holding has significantly decreased in the past few years. As such there are no matters that would clearly outweigh the harms caused.

Whilst the final application would be appropriate development as submitted, there is no support for the accommodation and highway harms are still likely.

e) Enforcement Action

The three proposals are recommended for refusal as set out below. As there are retrospective matters here as identified above, the matter of whether it is expedient to commence enforcement action needs to be considered.

Government guidance is that such action is a last resort and that it should be proportionate. In this case there are other considerations that needed to be weighed in the assessment of whether formal action would be “expedient” here, as that is the test set out in legislation. Firstly, there is the fall-back of continuation or reversion to agricultural uses and activity – particularly in respect of the type and frequency of traffic generation. There is then the take-up of the 2019 planning permission which would generate traffic and there is also the fact that STW vehicles regularly use this access.

Additionally, Members should be aware that there would be cost to the applicant if enforcement action is agreed and is successful. There would be a loss of income in respect of the holiday accommodation and the cost of removing and finding new accommodation for the HGV maintenance activity. The latter is considered to be of weight in the balance. The loss of income for the accommodation is not considered to be significant here given the extant consents for equivalent accommodation on the site. As such the harms identified above are considered to carry greater weight and would supply the reasons for the service of the Notice. In respect of the HGV activity then the applicant took a “risk” in acquiring and commencing the activity in breach of planning

control and a move here involved a search for premises which would have to be undertaken again. It is considered that the harms here are sufficient for enforcement action.

The requirements of any Notice in respect of the shepherd's hut would be for its removal and all of its associated infrastructure and the ancillary hardstanding with the re-instatement of the land and a compliance period of three months.

The requirements of the Notice to do with the HGV use would be for the cessation of the use; the removal of the vehicles and associated plant and equipment together with the hardstanding and the re-instatement of the land within a compliance period of six months.

f) Further Unauthorised development

Following site visits from officers, it has become apparent that there are other unauthorised developments at Old Rail Farm. These are indicated on the map below:

- a) A haulage business together with the creation of areas of hardstanding for the business which includes the storage of materials and waste on the site
- b) An additional shepherd's hut 2 site to the south of the fishing lake



The applicant runs a haulage business and there has been a noticeable increase in development on the site during the course of dealing with the applications. This has led to large areas of materials, hardcore and products within the site as a whole, most noticeably in an area to the north of STW works. Hoppers and used material have appeared on the site. The use requires the deliveries of some materials to the site, so it can be stored in hoppers and then taken off site.

The haulage use is unacceptable in that the proposed development is leading to harm to the openness of Green Belt. This is particularly in respect of all of the elements identified earlier – adverse spatial and visual impacts as well as to significant activity and encroachment of the countryside.

As well as storage areas, materials, machines and other items stored outside, this gravelled and part hard-surfaced area the area resembles a depot or builder's yard. These items volumetrically affect the openness of this part of the Green Belt and the openness cannot be said to be preserved by what is now happening on the land. These are significantly harmful to the openness of this part of the Green Belt. The overall visual impact is significantly intrusive and harmful to this part of the land area. The areas and its immediate surroundings can be seen from the public footpaths both near and distant viewpoints within the site and it is considered that the overall development is obtrusive and jarring within open countryside setting. The applicant has tried to disguise these areas with bunding, but this itself has had an impact on the landscape.

Notwithstanding this the development does have a visual intrusion officers consider that the development enforced against is contrary to policies NW12 and NW13 of the Core Strategy which seek to protect the and enhance the quality of the area. It is also contrary in my view to the policies set out in section 11 of the NPPF (conserving and enhancing the natural environment). The development also impacts the biodiversity of the surrounding area.

The highway implications of the use are also compounded by the proposal.

In terms of the planning balance although there may be diversification, there are more fundamental concerns in respect of proposal. As well as harming the Green Belt in principle through inappropriateness, it is also harmful due to its negative visual impact on the general character and appearance of its rural location. The use is not outweighed by any other consideration and therefore the harm is such that it is necessary to take enforcement action for its removal and remediation.

The use of the additional shepherds hut has not commenced as yet, however the hut has been sited on a hard-surface and some services have been provided. Generally, a similar assessment as above has been carried out. However, in terms of the impact on the openness the hut is well assimilated within a dense area of landscaping at present.

It must be remembered that the hut is an inappropriate form of development and inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. These would only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. As the development is not yet complete it could include some additional paraphernalia which may harm the green belt. The use also exacerbates the existing substandard access arrangements. Overall, officers conclude that the benefits of the scheme would be limited in terms of providing farm diversification and tourist accommodation. In line with the Framework officers attach substantial weight to the harm that would be caused to the Green Belt by reason of inappropriateness and the loss of openness. Therefore, the benefits and all other considerations would not clearly outweigh the totality of harm to the Green Belt. As such, the very special circumstances necessary to justify the scheme do not exist. In this regard the proposal would conflict

with the Framework and as it already exists consideration should be given whether it is expedient to take enforcement action. The harm is such that it is necessary to take enforcement action for its removal and remediation.

Recommendations

a) That planning permissions be **REFUSED** for the following reasons:

i) PAP/2021/0028 – the Shepherd’s Hut

1. The application site is located within the Green Belt and the shepherds hut and other associated development and infrastructure is considered to represent an inappropriate form of development. It would not preserve openness and would conflict with the purposes of including land within it. There are no material considerations to clearly outweigh the Green Belt harm caused so as to amount to very special circumstances. The proposal does not accord with Policy NW3 of the North Warwickshire Core nor Section 13 of the National Planning Policy Framework 2019.
2. The development fails to secure safe vehicular access by reason of the limited width of the access road without separate pedestrian footway and a substandard access onto Hurley Common. Accordingly, the proposals are contrary to saved policies TPT1 and ENV14 of the 2006 North Warwickshire Local Plan policy NW10 of the 2014 North Warwickshire Core Strategy and paragraph 109 of the National Planning Policy Framework 2019.
3. The development fails to show any bio-diversity gain and thus does not accord with Policy NW15 of the North Warwickshire Core Strategy 2014 nor Section 15 of the NPPF, particularly paragraph 170 (d).

ii) PAP/2021/0029 – HGV maintenance

1. The application site is located within the Green Belt and the change of use to a workshop and associated development would not preserve the openness of the Green Belt by introducing development onto a previously open part of the site, reducing openness from both a spatial and visual perspective. Furthermore, the proposal would encroach into the open countryside, conflicting with one of the five purposes of including land within the Green Belt. There are no material considerations identified which clearly outweigh the harm caused and thus amount to very special circumstances. The proposal does not accord with Policy NW3 of the North Warwickshire Core Strategy 2014 nor Section 13 of the National Planning Policy Framework 2019,
2. The development fails to secure safe vehicular access by reason of the limited width of the access road without separate pedestrian footway and a substandard access onto Hurley Common. Accordingly, the proposal is contrary to saved policies TPT1 and ENV14 of the 2006 North Warwickshire Local Plan; policy

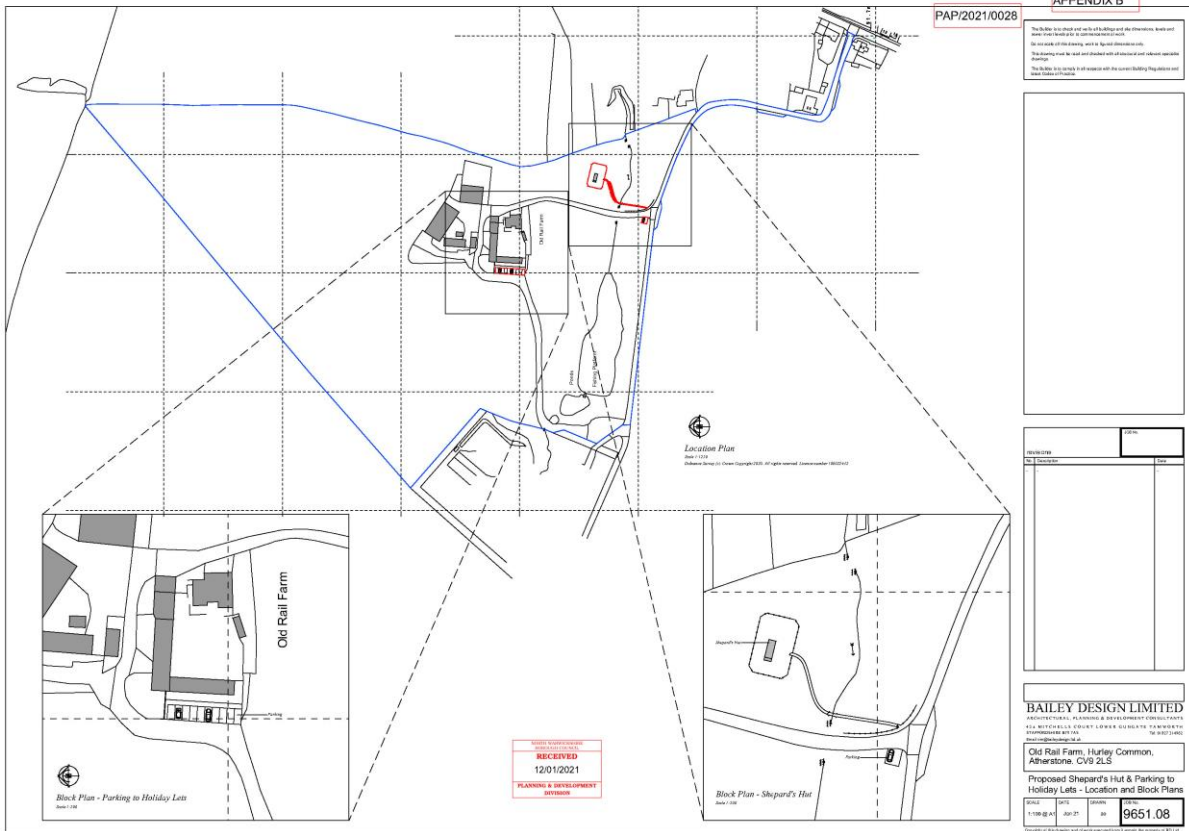
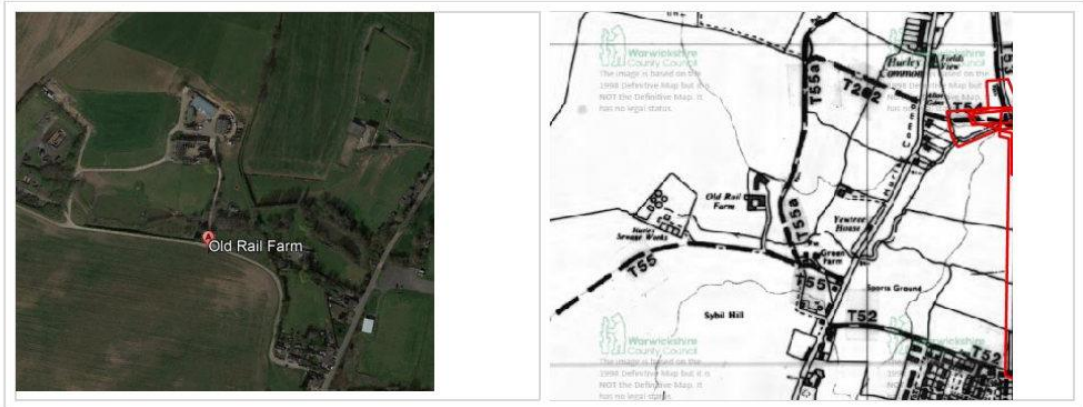
NW10 of the 2014 North Warwickshire Core Strategy and para 109 of the National Planning Policy Framework 2019.

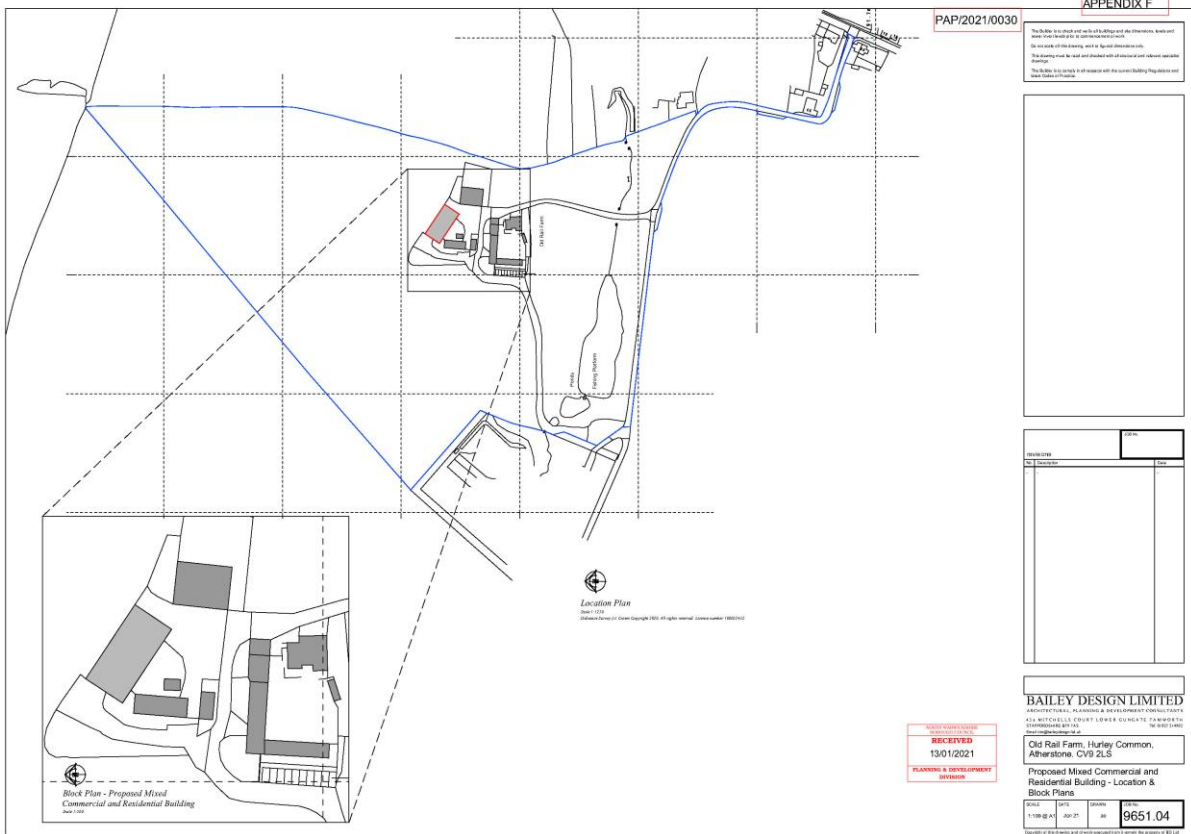
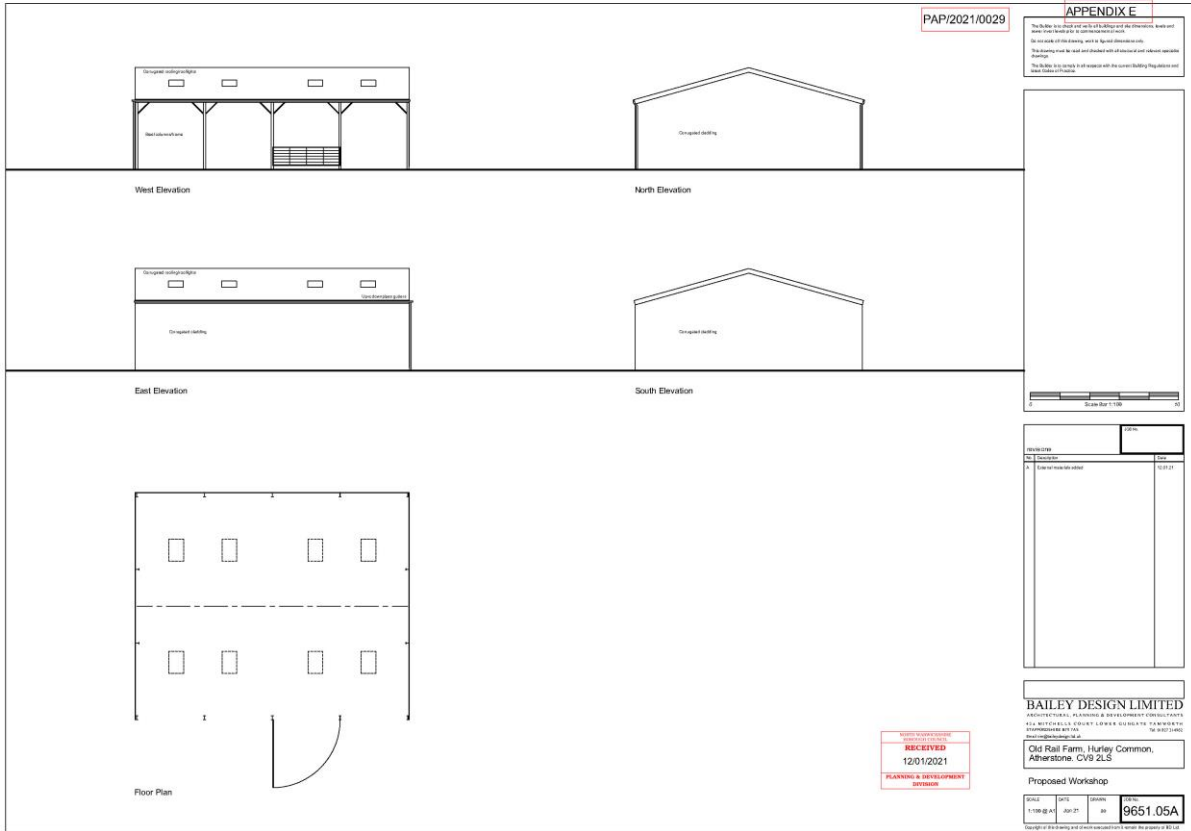
3. The development fails to show any bio-diversity gain and thus does not accord with Policy NW15 of the North Warwickshire Core Strategy 2014 nor Section 15 of the NPPF, particularly paragraph 170 (d).

iii) **PAP/2021/0030 - stabling**

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that there is a demonstrable essential need for a permanent groom's dwelling at the site and as such, the proposal would not accord with Policy NW2 of the North Warwickshire Core Strategy 2014 nor Paragraph 79 of the National Planning Policy Framework 2019
 2. The development fails to secure safe vehicular access by reason of the limited width of the access road without separate pedestrian footway and a substandard access onto Hurley Common. Accordingly, the proposals are contrary to saved policy TPT1 and ENV14 of the 2006 North Warwickshire Local Plan, policy NW10 the 2014 North Warwickshire Core Strategy and para 109 of the National Planning Policy Framework 2019
 3. The development fails to show any bio-diversity gain and thus does not accord with Policy NW15 of the North Warwickshire Core Strategy 2014 nor Section 15 of the NPPF, particularly paragraph 170 (d).
- b) That it is considered expedient to serve Enforcement Notices for the reasons as outlined in this report in respect of the unauthorised developments with the requirements as outlined and with the compliance periods as recommended.

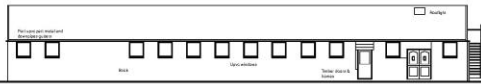
Appendix A - Ariel photograph and footpaths



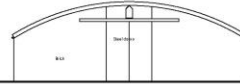


PAP/2021/0030

APPENDIX G



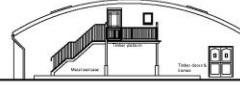
South West Elevation



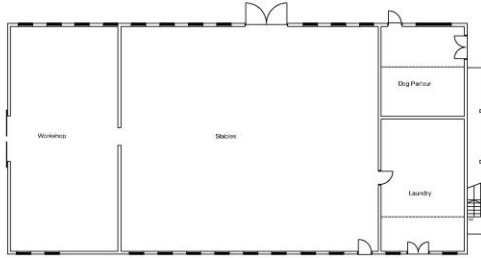
North West Elevation



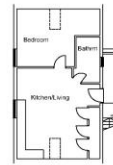
North East Elevation



South East Elevation

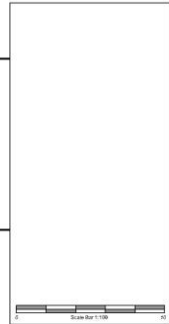


Ground Floor Plan



First Floor Plan

This Plan is to be used in conjunction with the Planning and Development Regulations, 2000 and 2002 and the Planning and Development Act, 2000 and 2002. It is not to be used as a substitute for a planning application. The Planning and Development Regulations, 2000 and 2002 may be amended from time to time and the user should refer to the Planning and Development Regulations, 2000 and 2002 for the latest version.



| REV | DATE | DESCRIPTION |
|-----|------------|----------------------------|
| A | 13/01/2021 | Initial Issue for Approval |

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baileydesigning.com

Old Rail Farm, Hurley Common,
Atherstone, CV9 2LS
Proposed Mixed Commercial and
Residential Building

RECEIVED
13/01/2021
PLANNING & DEVELOPMENT
DIVISION

| SCALE | DWG | DATE | BY | NO. |
|------------|-----|-------|----|----------|
| 1:100 @ A1 | 01 | 20/12 | BA | 9651.03A |

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General Development Applications

(6/f) Application No: PAP/2021/0101

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

**Variation of condition no: 2 of planning permission PAP/2020/0056 relating to drawings amended to meet inclusive design regulations and building regulations requirements; in respect of demolition of existing building and construction of new 2 storey offices and meeting room
, for**

- Atherstone Town Council

Introduction

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

The Site

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

The general location is illustrated at Appendix A.

The Proposal

It is proposed to demolish the existing single storey old mortuary building – which has been in use as an office space and meeting room for the Town Council since its approval for office use in 2001 and to replace it with a new two storey block to provide a ground floor meeting room and a first floor office and storage space for records. No parking spaces exist to serve the existing arrangement and no parking spaces are now proposed. The access arrangement for pedestrians would remain off the footway accessed from North Street. The development would be at the back of the pavement and would be on the footprint of the existing building.

The proposed layout is at Appendix B.

In order to provide the maximum amount of internal space whilst reflecting some of the existing neighbouring designs, the building will be two-storey with a pitched roof design.

This is illustrated at Appendix C.

The design of the building reflects the historic appearance of much of the recent developments that have been built within Atherstone's Conservation Area, namely stone headers and cills, sash windows; brick arched headers and the symmetrical fenestration proportions.

Background

The building has previously been in use as a mortuary, which is still reflected in its current internal layout. It is in need of thermal upgrading and the space within the building is limited in size. It has been in use for some years as the Town Council's Offices since the application was approved in 2001 from a previous store to offices. Prior to that the building was in use as a mortuary.

A previous application was granted planning permission in August 2020, as shown in Appendix D.

Representations

An objection has been received essentially saying that the accommodation is too small:

- The layout does not provide space for mobility scooters; pushchairs or bicycles
- The building is still too small. It is not large enough to accommodate many members of the public.
- There is inadequate space for Councillor surgeries and other meetings

Consultations

Warwickshire County Council as Highway Authority – No response yet received. It objected to the previous application because of the lack of parking.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW14 (Historic Environment), NW15 (Nature Conservation), NW18 (Atherstone) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design) and ENV16 (Heritage and Conservation)

Other Material Planning Considerations

The Submitted Regulation 19 Local Plan 2018 – LP1(Sustainable Development); LP2 (Settlement Hierarchy), LP15 (Historic Environment), LP21 (Town Centres and Neighbourhood Centres), LP31 (Development Considerations) and LP32 (Built Form)

Proposed Main Modifications to the Regulation 19 Local Plan 2021 – MM 21 (in respect of Policy LP1); MM24 (in respect of LP2), MM60 (in respect of LP15), MM74 (in respect of LP31), MM75 (in respect of LP32).

The National Planning Policy Framework 2019 – (the “NPPF”)

Observations

The site is within the development boundary for Atherstone as defined in the Development Plan. The principle of a new development which replaces an existing building for use as an office and meeting room situated in a sustainable location where the building can be accessed on foot is considered to be acceptable in principle. The matter of the setting of the Conservation Area, access and demolition also needs to be assessed.

Planning permission has already been granted for the proposal for the replacement of the Old Mortuary and therefore the variation application presented here does not seek to re-visit the principle of the proposal again; it merely seeks to address the revisions required under Condition 2 of the previous permission PAP/2020/0056 dated 21/08/2020, relating to exterior design, appearance and interior access arrangements, which includes an interior lift to the first floor and is well spaced internal accommodation suitable for good access.

a) Demolition and the Historic Context

The proposal still requires the demolition of the Old Mortuary - a 20th century pre-war building dated in the period of 1900 – 1945, located on the south side of North Street and within the Atherstone Conservation Area. As such the Council is under a statutory duty to ensure that the character and appearance of that Area is preserved and enhanced. In order to make such an assessment, it is important to understand the significance of the Area in heritage terms and then consider whether the demolition would adversely harm that significance.

The significance of the Atherstone Conservation Area is that it covers an extensive area of the town centre, displaying the town's architectural and historic evolution. This particular part of the Conservation Area is in North Street and much of its significance lies in the limited re-development of the former burgage plots belonging to the Long Street buildings. The townscape here is relatively open and the land use is for parking with the occasional small-scale development.

The context of North Street from Friars Gate to Ratcliffe Road dates from the late 18th century and (formerly Dog Lane) through the former courtyard of the Swan Inn under the Swan Arch. The views in and out of the Conservation Area are noted for simplicity. There are similar existing single storey buildings in the vicinity of the Old Mortuary and limited brick walls adjacent to the highway. All are of limited intrinsic merit, dating mostly from the early-mid 20th century, the only benefit of the immediate context to the application site is that these existing buildings provide enclosure and continue to mark the historic boundaries to the burgage plots.

Unfortunately, most of the area now comprises parking areas and visually plots have been lost and amalgamated. There is no exceptional historic merit in this immediate location and the immediate surrounding buildings. To the north side of North Street is a 1960's housing development and many immediate buildings to the Old Mortuary are either considered as negative or neutral buildings within the Conservation Area.

The above assessment does not change with regards to the requirements for varying Condition 2 of the previous planning permission, of which remains a material consideration as the original permission can still be implemented.

The existing building has a utilitarian appearance and is out of place within the street scene. Any architectural features it may have once possessed have been diluted by the introduction of Upvc windows. Internally there is no evidence of any special design features. The demolition would enable the opportunity for complete redevelopment of the site, albeit limited in footprint and scale.

The proposal for the re-build of the Old Mortuary based on the variation scheme proposed will go some way to offer an enhancement to North Street without affecting the sense that the plots of land surrounding it resemble the former burgage plots. As such the demolition and re-build would not detract from the interest, distinctiveness and amenity of this area. Views towards existing landscaping would not be harmed, such as that of the Copper Beech tree at Beech House. The proposal for demolition and re-build is also of a significant distance from the Beech Tree in order that no harm would be caused on its root structure.

The site is at the rear of the Listed Buildings at Long Street and is near to the setting of the Listed Buildings at Market Street. The Council is under a statutory duty to have special regard to the desirability of preserving Listed Buildings, its setting or any features of special architectural or historic interest which it possesses. The architectural significance of the Listed Buildings in the wider vicinity of the application site is high and these buildings add significantly to the character of this end of North Street.

In terms of impact on the Listed Buildings at No. 102 and 108 Long Street and the Post Office at Long Street along with the undesignated Heritage Assets, then the proposal does not harm the setting beyond that of the existing mortuary building, particularly as the existing plot is retained and so any views of the former burgage plots remain undeveloped. Other Listed Buildings at Friars Gate, the Market Tavern and Beech House on Market Street, are also set at a reasonable distance from the proposal in order that there is no direct harm to the setting of these buildings. St. Marys House is a Listed Building on the north side of North Street and the setting of this building is not harmed given there is some intervening landscaping and a high boundary wall. In these circumstances the proposal for demolition and re-build has no direct harm on the setting or of the architectural significance of the aforementioned Listed Buildings.

Glimpses of these buildings would be retained, and the proposal is of a small scale being limited to two storeys in height such that the Listed Buildings retain their prominence in the setting. Overall there is no loss on the significance of the surrounding Listed Buildings by the variation to the previously approved scheme. The proposal would not therefore fail to preserve the setting of the Listed Buildings given the distances involved and where their setting remains preserved and unaltered by the proposal.

Overall, the demolition will not directly affect the characteristics of the historic environment described above given that the variation scheme only changes the details on the elevation of the building and does not raise the scale or alter the footprint of the previous approved scheme. The principle of demolition does not change from that of the previous assessment of the site and is therefore supported in this case, particularly as no other use for the Old Mortuary building would be feasible without substantial re-organisation and thermal upgrading. The building itself is redundant for re-purposing objectives. There is thus a substantial enhancement to the heritage assets of the town providing a public benefit in terms of enhancement and the continued provision of a public facility which serves the residents of the town. The Heritage principles do not therefore change regarding the varied proposal which reflects minor design alterations.

b) Principle of providing a replacement building

The principle of the replacement building has already been established as part of the previously submitted scheme which was approved at Planning Board in August 2020. The previous application addressed the nature of objections based around the matter that existing vacant buildings within the Town Centre should be considered as an alternative solution, rather than redevelop the existing site.

This issue has not been raised during the current variation scheme and therefore the previous principle remains the same. The sequential test considers that no other vacant buildings have come forward and whilst the previous application mentioned the use of the Arcade that was historically used as the Town Council offices prior to the uptake of the Old Mortuary Building in 2003, the Arcade required upgrading at the time and so the move to the Old Mortuary building was considered to be a more suitable option.

By 2006, the Mortuary building was fully used and over the next few years alternative premises were highlighted and considered under the previous approved application, including Denham Court, the Magistrates Court building, Beech House, the former Telephone Exchange building, the Old Surgery on the Market Place, the "Factory" on Station Street and more recently the Partnership Building on Coleshill Road in 2018.

The Town Council still considers the proposed option for demolition of the Old Mortuary and re-building is necessary. It had previously carried out a feasibility study of the Old Mortuary stating that the logic behind this, was that the demolition and re-development of this site would improve an existing asset under the ownership of the Town Council and at the same time provide the much needed office space and an accessible meeting room.

The matter before the Board is not to review the principles of the proposal again but to consider the varied plans relating to design and appearance and as the previously approved scheme can be implemented in any case. As such the matter raised by the objection carries little weight as the size of the new building has already been approved. The current application only deals with changes to design and appearance.

The proposed new build is on the edge of the town centre; it is in a sustainable location, the use has been here since 2003, the current arrangements for public meetings are already taking place at an edge of town centre site, there has been a reasonable range of alternatives considered and refurbishment of existing spaces will also incur costs.

Core Strategy policy NW18 allows for improved community facilities in more sustainable buildings and policy NW20 seeks the retention of existing services which contribute towards the functioning of a settlement. It is acknowledged that the site is not in the town centre itself, but given all of the above matters, it is considered that on balance the proposal for the varied plans relating to design and appearance of the building whereby internally it takes into consideration interior access provisions and is considered to be an approved scheme to that of the earlier permission and is therefore supported.

c) Design and Amenity

The proposal is supported from a design perspective and the specific finish in respect of materials, textures and colours along with architectural detailing can be dealt with by a condition as is normal practice, in any case a discharge of conditions application is currently logged with the Local Planning Authority. A good quality scheme can be achieved here which complements the existing buildings along the street scene, where similar two storey buildings have been provided in North Street in recent years. The use of boundary railings is characteristic of a townscape building. A planning condition can also be added to reserve the detail of refuse collection matters.

The variation scheme offers no worse impact on the residential amenity of adjoining occupiers or land owners in terms of loss of privacy or loss of light beyond how the existing building is arranged, or beyond that of the footprint and scale of the previously approved scheme, albeit the interior arrangement is considerably improved. A first floor would still be proposed, however the size and position of apertures and the degree of fenestration is appropriate and there is substantial separation distances between the proposal and nearby buildings and neighbours along North Street. The siting of the building causes no obstruction or access issues to the neighbouring uses along Long Street, Market Street, North Street or Ratcliffe Road. No objections have been recorded on the revised application at present relating to loss of amenity.

It is understood that the varied scheme has been provided because of the previously recorded DDA issues with the internal design – door sizes and gradients pertaining to the earlier application. However, the main interior space has been re-organised with DDA provisions in mind.

Overall, the principle of a two-storey building remains acceptable as part of the varied scheme in the overall external design and interior arrangement that is being proposed.

d) Access and Highway safety

The proposal makes no provision for parking and turning vehicles on the site. Members should be aware that there is no parking or turning facility presently on site and there is no capacity at all to make any such provision. This is why the Highway Authority had previously objected. Though the varied scheme does not seek to rectify this matter and as such would likely receive a further highways objection. In principle the highways objection raised under the previous application would not likely be removed.

It is acknowledged that North Street is a one way route and that on occasions vehicles are parked along here, which has a single yellow line. The new building however would not be considered to intensify the existing use. This is limited to two members of staff

and the needs of fifteen Councillors along with the general public. The varied proposal new will not add any further parking demand; the building is not in full use all of the time, meetings are usually in the evenings and there are a number of public car parks in town with free space (especially in the early evenings when the Council usually meets). These parks are within a reasonable distance from the site. Moreover, Members will be fully aware that practically all new residential development in the town centre along with new office and retail space has not made on-site provision.

In terms of assessing this in the final planning balance, in light of the varied scheme, the proposal does not change how the existing use operates in this location; this site is accessible for non-motorised users and there are nearby car parks.

Conclusion

The varied proposal seeks to continue for the replacement of an existing building covering the same front print and scale but of slightly different apertures and fenestration arrangement and with an improved interior layout is considered to be acceptable in the context of its setting as this part of the town requires enhancement and opportunities to improve the built form should be taken.

No new amenity issues in terms of loss of amenity to residential or business occupiers would result from the varied proposal, given the relationship between the varied appearance of the building and the surrounding built form and land uses. In terms of vehicle parking then the site already operates within its existing site limitations and with no further material intensification of use the existing arrangements would continue to operate without material adverse impacts.

Whilst the varied scheme remains contrary to parking requirements, it is in general accordance with polices NW1, NW12, NW14, NW18 and NW20 of the Core Strategy in that this a responsive proposal that enhances the existing built form at North Street and harmonises with its surroundings with the scheme not conflicting with sustainability policies of the Core Strategy or the NPPF.

Recommendation

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

1. Standard Three Year condition.
2. Standard Plan Numbers.
3. No development shall commence on site until full details of all of the facing and roofing materials to be used; window details at a scale of 1:20 for the elevations and at a scale of 1:5 for the sections, details of the eaves and verge and rainwater goods together with the means of refuse/waste collection shall have first all been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area.

4. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner, unless details have first been submitted to, and approved in writing by, the Local Planning Authority.

REASON

To protect the privacy of the occupiers of adjoining properties and in the interests of preserving the character and appearance of the conservation area.

5. A Construction management plan condition.

REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

4. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97. Planning Application No: **PAP/2020/0056**

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|------------------------|---|----------|
| 1 | The Applicant or Agent | Application Forms, Plans and Statement(s) | 23.02.21 |
| 2 | Public | Representation | 26.03.21 |
| 3 | Case Officer to Agent | e-mail | 6.05.21 |
| 4 | Agent to Case Officer | e-mail | 21.05.21 |
| 5 | Agent to Case Officer | e-mail | 22.06.21 |
| 6 | Case Officer to Agent | e-mail | 22.06.21 |
| 7 | Agent to Case Officer | e-mail | 22.06.21 |
| 8 | Case Officer to Agent | e-mail | 16.07.21 |
| 9 | Agent to Case Officer | e-mail | 16.07.21 |
| 10 | Case Officer to Agent | e-mail | 16.07.21 |
| 11 | Agent to Case Officer | Revised plans | 21.05.21 |

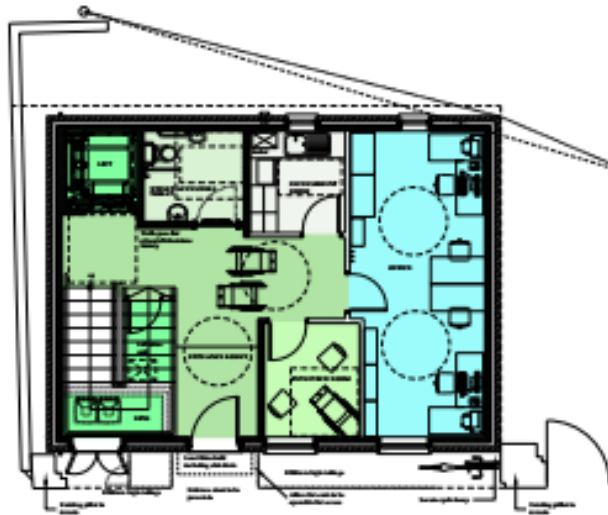
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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

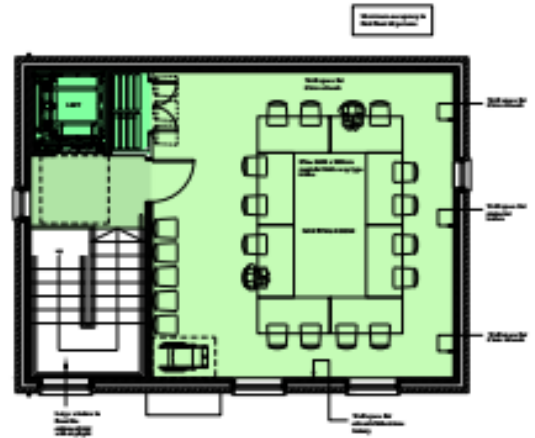
APPENDIX A



APPENDIX B



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

1.1.1.1.1.1

RECEIVED
21/05/2021
PLANNING & DEVELOPMENT
DIVISION

APPENDIX C



APPENDIX D

(2) Application No: PAP/2020/0056

Town Council Offices, North Street, Atherstone, CV9 1JN

Demolition of existing building and construction of new 2 storey offices and meeting room, for

Atherstone Town Council

Introduction

This application was referred to the July Board meeting, but determination was deferred in order to allow members the opportunity to visit the site. In light on the current restrictions, Members were invited to visit the site themselves particularly as the site is accessible from public vantage points.

The previous report is attached for convenience at Appendix A

Further Observations

Several comments were made during the discussion on this item and the following matters of clarification can be made.

As was referred to in the previous report the lawful use of the site is as an “office and meeting room” by virtue of a planning permission granted in 2002. Hence the principle of this use is acceptable at this location. The proposed use through this application is the same as the lawful use and thus it can be treated as the redevelopment of a site within its lawful use.

Secondly the site is within the Town Centre boundary for Atherstone as defined by the Development Plan and indeed also in the emerging Local Plan as submitted to the Secretary of State. Here proposals for shopping uses, offices, entertainment and leisure floorspace are encouraged and proposals that do not support the viability or vitality of the town centre are not to be supported. Hence there is no objection in principle here to the continuation of this use in a town centre location.

Thirdly, as indicated in the previous report on page 3/121 the weight given to a “sequential” test as described in the NPPF is limited – the site is inside the defined town centre albeit on its outer edge; there is a lawful use here, that is a use encouraged by the Development Plan and it is not within the remit of the Borough Council to review or to re-work the outcome of past Town Council decisions.

Fourthly, the heritage issues were extensively set out on pages 3/118 and 119 of the previous report and the conclusion of the Council's Heritage Officer was that in the final balance of those issues, that the harm caused was less than substantial but that that was outweighed by the greater public benefits. Those Members that have undertaken a visit will be able to draw their own conclusions in respect of the impact of the proposal on the character and appearance of the Conservation Area and the setting of Listed Buildings

including the views across the rear open land between Ratcliffe Street and the rear elevations of properties fronting the Market Place.

Fifthly, the reasons for not giving the Highway Authority's response full weight are clearly outlined in the report at page 3/122. Potential intensification of use within a permitted use does not result in a change of use unless that intensification results in a materially different use. There is no evidence to put forward to support that likelihood here. The 2002 approval was based in some part on the sustainable location with nearby parking provision within the town centre and that remains the current position.

Finally, as was explained at the meeting, a planning permission is one of several consents that are needed prior to construction. Others will include approval under The Building Regulations and that will cover matters such as disabled access; energy efficiency and sustainable building materials. It is up to each applicant to decide whether or not to include such matters within a planning application or not, in the knowledge that alterations might be required later on. This is quite normal practice and Members will have noted that these matters have not arisen when dealing with other planning applications which have come before the Board for determination when new public buildings have been reported. Further discussion with the Building Surveyors suggests that their main interest will be in the entrance door and lobby. Any changes here would thus not prejudice the scheme as a whole. As a consequence, because of the interest raised, a condition would be appropriate to explicitly look at this matter prior to commencement of construction.

Recommendation

That planning permission be granted subject to the conditions set out in Appendix A.

(3) Application No: PAP/2020/0056

Town Council Offices, North Street, Atherstone, CV9 1JN

Demolition of existing building and construction of new 2 storey offices and meeting room, for

Atherstone Town Council

Introduction

This application is referred to the Board under the adopted Scheme of Delegation because the recommendation is contrary to the receipt of an objection from the Highway Authority.

The Site

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

The general location is illustrated at Appendix A.

The Proposal

It is proposed to demolish the existing single storey old mortuary building – which has been in use as an office space and meeting room for the Town Council since its approval for office use in 2001 and to replace it with a new two storey block to provide a ground floor meeting room and a first floor office and storage space for records. No parking spaces exist to serve the existing arrangement and no parking spaces are now proposed. The access arrangement for pedestrians would remain off the footway accessed from North Street. The development would be at the back of the pavement and would be on the footprint of the existing building.

The proposed layout is at Appendix B.

In order to provide the maximum amount of internal space whilst reflecting some of the existing neighbouring designs, the building will be two storey with a pitched roof design.

This is illustrated at Appendix C.

The design of the building reflects the historic appearance of much of the recent developments that have been built within Atherstone's Conservation Area, namely stone headers and cills, sash windows; brick arched headers and the symmetrical fenestration proportions

Background

The building has previously been in use as a mortuary, which is still reflected in its current internal layout. It is in need of thermal upgrading and the space within the building is limited in size. It has been in use for some years as the Town Council's Offices since the application was approved in 2001 from a previous store to offices. Prior to that the building was in use as a mortuary but has been used for storage since 1985.

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Representations

Neighbours, the Civic Society and the Labour Group on the Town Council have objected referring to the following matters:

- It will intrude over the back of Listed Buildings in Long Street and Market Street as well as block out the historic pattern of the burgage plots which are still apparent.
- Whilst the old mortuary does not enhance the quality or character of the Conservation Area, this proposal is not a sensitive development
- The building's style, design and materials are imprecise. It makes no positive contribution and no enhancement
- There is no indication of the building materials to be used
- There is no estimation of costs which would imply that the cheapest building materials would be used i.e. not reclaimed bricks, soft wood windows and doors and concrete pan tiles. The standard of building would be mediocre.
- The public building should be worthy of a civic building
- Little has been thought about regarding the accessibility to the public
- Limited external space and no provision for mobility scooters, cycles and prams. With no consideration for the storage of rubbish bins. It is assumed that these items would be parked on the pavement outside and this would then become a safety hazard.
- The proposed development would impact on the copper beech tree with a massive canopy spread near to this development. A full assessment of this tree needs to be undertaken to assess the likely demolition and construction of the building on the health of the tree.
- There is no parking provision, there is a single yellow line indicating that parking is restricted at certain times of the day. It is not possible for councillors and members of the public to park. Parking standards would suggest parking for at least two cars. Councillors are often forced to park elsewhere and walk back to the building which some users of the building are unable to do.
- DDA compliance is an issue, the meeting room downstairs cannot accommodate the number of councillors as well as officers and members of the public, especially if users have a restricted mobility, and the upstairs office facility would not be accessible for anyone with mobility issues. We consider the proposed building does not conform to regulations, Part M under Building control. The internal design is inadequate with opening doors and there is no lift and so there is no access to the upstairs. Office is less accessible for people with mobility issues.
- Concerns over additional staff numbers and increased parking in the street. The street can become congested at times.
- Lack of consultation with the public there has been no engagement in the public domain.
- There are a number of viable alternatives in Atherstone including the refurbishment of the Arcade or bringing any other empty building into use. The Arcade already has the facilities and just needs a lift – it is centrally located. Need an appraisal of other options.
- The cost of this proposal could be avoided as it is a waste of public money
- The location is inappropriate for a civic building.
- A building of this type should be a focal point for the town
- Where will waste bins be placed?
- Replacing the current building with same footprint is missing s chance to provide residents with a building to be proud of and as user friendly in line with DDA standards.

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- The site has never been a suitable place for office base or meeting facility, it is remote from the main high street, it is not easy to find at the back of the town because of the one-way system.
- The internal design offers no privacy for counselling.
- The location is not fit for purpose it does not address concerns of public engagement, visitor parking or public expense.
- Parking implications for surrounding residents at Jenkins Court, post office yard and Ratcliffe street and the car park at 'screatons' and the surgery as well as north street residents,
- Not clear on the opening hours, or whether meetings are being held there. The issue of lighting or cycle racks is not described.
- The property will now become two stories instead of one and will fill the whole of the site on our boundary. This will have an overbearing impact on our two proposed properties. Secondly the over development on this site completely negates your insistence for us to have an amenity area for our two dwellings.
- It is more effective to use empty buildings, if a sequential test were applied then the arcade would be the preferred location.

Consultations

Warwickshire County Archaeologist – A building recording would be useful.

Environmental Health Officer – No comments

Warwickshire County Council as Highway Authority – Objection

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations), NW12 (Quality of Development), NW14 (Historic Environment), NW18 (Atherstone) and NW20 (Services and Facilities)

Other Material Planning Considerations

The National Planning Policy Framework 2019 – (the "NPPF")

The Atherstone Conservation Area Designation Report

The Draft Atherstone Conservation Area Appraisal – 2006

Observations

The site is within the development boundary for Atherstone as defined in the Development Plan. The principle of a new development which replaces an existing building for use as an office and meeting room situated in a sustainable location where the building can be accessed on foot is considered to be acceptable in principle. The matter of the setting of the Conservation Area, access and demolition also needs to be assessed.

a) Demolition and the Historic Context

The proposal requires the demolition of the Old Mortuary - a 20th century pre-war building dated in the period of 1900 – 1945, located on the south side of North Street and within the Atherstone Conservation Area. As such the Council is under a statutory duty to ensure that the character and appearance of that Area is preserved and enhanced. In order to make such an assessment, it is important to understand the significance of the Area in

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heritage terms and then consider whether the demolition would adversely harm that significance.

The significance of the Atherstone Conservation Area is that it covers an extensive area of the town centre, displaying the town's architectural and historic evolution. This particular part of the Conservation Area is in North Street and much of its significance lies in the limited re-development of the former burgage plots belonging to the Long Street buildings. The townscape here is relatively open and the land use is for parking with the occasional small scale development.

The context of North Street from Friars Gate to Ratcliffe Road dates from the late 18th century and (formerly Dog Lane) through the former courtyard of the Swan Inn under the Swan Arch. The views in and out of the Conservation Area are noted for simplicity. There are similar existing single storey buildings in the vicinity of the Old Mortuary and limited brick walls adjacent to the highway. All are of limited intrinsic merit, dating mostly from the early-mid 20th century, the only benefit of the immediate context to the application site is that these existing buildings provide enclosure and continue to mark the historic boundaries to the burgage plots.

Unfortunately, most of the area now comprises parking areas and visually plots have been lost and amalgamated. There is no exceptional historic merit in this immediate location and the immediate surrounding buildings. To the north side of North Street is a 1960's housing development and many immediate buildings to the Old Mortuary are either considered as negative or neutral buildings within the Conservation Area.

The existing building is essentially a building of utilitarian appearance and is out of place within the street scene. Any architectural features it may have once possessed have been diluted by the introduction of Upvc windows. Internally there is no evidence of any special design features. The demolition would enable the opportunity for complete redevelopment of the site, albeit limited in footprint and scale.

The proposal for the re-build of the Old Mortuary will go some way to offer an enhancement to North Street without affecting the sense that the plots of land surrounding it resemble the former burgage plots. As such the demolition and re-build would not detract from the interest, distinctiveness and amenity of this area. Views towards existing landscaping would not be harmed, such as that of the Copper Beech tree at Beech House.

The proposal for demolition and re-build is also of a significant distance from the Beech Tree in order that no harm would be caused on its root structure.

The site is at the rear of the Listed Buildings at Long Street and is near to the setting of the Listed Buildings at Market Street. The Council is under a statutory duty to have special regard to the desirability of preserving Listed Buildings, its setting or any features of special architectural or historic interest which it possesses. The architectural significance of the Listed Buildings in the wider vicinity of the application site is high and these buildings add significantly to the character of this end of North Street.

In terms of impact on the Listed Buildings at No. 102 and 108 Long Street and the Post Office at Long Street along with the undesignated Heritage Assets, then the proposal does not harm the setting beyond that of the existing mortuary building, particularly as the existing plot is retained and so any views of the former burgage plots remain undeveloped. Other Listed Buildings at Friars Gate, the Market Tavern and Beech House

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on Market Street, are also set at a reasonable distance from the proposal in order that there is no direct harm to the setting of these buildings. St. Marys House is a Listed Building on the north side of North Street and the setting of this building is not harmed given there is some intervening landscaping and a high boundary wall. In these circumstances the proposal for demolition and re-build has no direct harm on the setting or of the architectural significance of the aforementioned Listed Buildings.

Glimpses of these buildings would be retained, and the proposal is of a small scale being limited to two storeys in height such that the Listed Buildings retain their prominence in the setting. Overall there is no loss on the significance of the surrounding Listed Buildings. The proposal would not therefore fail to preserve the setting of the Listed Buildings given the distances involved and where their setting remains preserved and unaltered by the proposal.

Overall, the demolition will not directly affect the characteristics of the historic environment described above but it would enable an opportunity to be taken to enhance the setting of the area without directly impacting on the architectural significance of the Listed Buildings or that of the character of the Conservation Area. The principle of demolition is therefore supported in this case, particularly as no other use for the Old Mortuary building would be feasible without

substantial re-organisation and thermal upgrading, the condition of the Old Mortuary is not in good order. The building itself is redundant for re-purposing objectives. There is thus a substantial enhancement to the heritage assets of the town providing a public benefit in terms of enhancement and the continued provision of a public facility which serves the residents of the town.

b) Principle of providing a replacement building

The principle of the replacement building here has brought about issues on the impact it might have on other vacant town centre buildings. This is a matter highlighted in the objections namely that existing vacant buildings within the Town Centre should be considered as an alternative solution, rather than to redevelop the existing site. This is a material consideration as paragraph 86 of the NPPF requires that "*Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to date plan.*" The purpose of the sequential test is to ensure that proposed main town centre uses which are not in an existing town centre are in the best locations.

In terms of applying a sequential test here, then the objective would be to see if there were any matters which weigh against replacing the Town Council offices within the town centre. The Town Council has been asked to comment on this – particularly in respect of the re-use of existing vacant space within the Town Centre itself. The response is summarised below.

It is understood that the Arcade was historically used as the Town Council offices prior to the uptake of the Old Mortuary Building in 2003. The Arcade required upgrading at the time and so the move to the Old Mortuary building was considered to be a more suitable option. By 2006, the Mortuary building was fully used and over the next few years alternative premises were seriously considered. These included Denham Court, the Magistrates Court building, Beech House, the former Telephone Exchange building, the Old Surgery on the Market Place, the "Factory" on Station Street and more recently the

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Partnership Building on Coleshill Road in 2018. By November 2017, the Town Council had to temporarily move its public meetings to a meeting room within North Warwickshire Borough Council Offices and this permitted space for two members of staff to work from the Old Mortuary building. The Town Council's administration and its public meetings have worked over a split location ever since.

In 2019 a series of accommodation options were again considered as the condition of the Old Mortuary had become more serious and its long term suitability needed to be considered. Four options were discounted as they would not provide the necessary meeting room space required by the Town Council and two further options were considered which were the Atlas Building on Station Street and the Old Post Office on Long Street. Furthermore an office appraisal was considered as to how the Old Mortuary itself maybe re-developed as a satisfactory alternative for accommodation.

The Town Council carried out a feasibility study of the Old Mortuary stating that the logic behind this, was that the demolition and re-development of this site would improve an existing asset under the ownership of the Town Council and at the same time provide the much needed office space and an accessible meeting room.

The matter before the Board is not to re-work or to review the outcome of past decisions of the applicant. It has to determine the application that has been submitted on its own planning merits - in other words does it accord with Development Plan policy. In this case the site is on the edge of the town centre; it is in a sustainable location, the use has been here since 2003, the current arrangements for public meetings are already taking place at an edge of town centre site, there has been a reasonable range of alternatives considered and refurbishment of existing spaces will also incur costs. Core Strategy policy NW18 allows for improved community facilities in more sustainable buildings and policy NW20 seeks the retention of existing services which contribute towards the functioning of a settlement. It is acknowledged that the site is not in the town centre itself, but given all of the above matters, it is considered that on balance the proposal can still be supported.

c) Design and Amenity

The proposal is supported from a design perspective and the specific finish in respect of materials, textures and colours along with architectural detailing can be dealt with by a condition as is normal practice. A good quality scheme can be achieved here which complements the existing buildings along the street scene, where similar two storey buildings have been provided in North Street in recent years. The use of boundary railings is characteristic of a townscape building. A planning condition can also be added to reserve the detail of refuse collection matters.

There is likely to be no worse impact on the residential amenity of adjoining occupiers in terms of loss of privacy or loss of light beyond how the existing building is arranged, albeit a first floor would be introduced. The degree of fenestration is appropriate and there is substantial separation distances between the proposal and nearby buildings. The siting of the building causes no obstruction or access issues to the neighbouring uses along Long Street, Market Street, North Street or Ratcliffe Road. No objections have been received relating to loss of amenity.

It is agreed that there may be DDA issues with the internal design – door sizes and gradients. However the main public space is at ground level and only staff would use the

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upstairs office space. Nevertheless it is considered that from a planning perspective, this can be dealt with by condition. The principle of a two storey building is acceptable in the overall external design that is being proposed. Once internal DDA requirements are considered – e.g. door sizes; gradients, stair lifts - there would be scope to amend the internal layout and this might have an impact on external appearance. However this can be accommodated through subsequent amendments.

d) Access and Highway safety

The proposal makes no provision for parking and turning vehicles on the site. Members should be aware that there is no parking or turning facility presently on site and there is no capacity at all to make any such provision. This is why the Highway Authority has objected.

The Board will fully understand that that Authority's concern about the need for on-site provision is consistent with past responses for town centre developments. Members are therefore asked to give it weight. The issue is whether there are other considerations that would outweigh the objection.

It is acknowledged that North Street is a one way route and that on occasions vehicles are parked along here, which has a single yellow line. The new building however would not be considered to intensify the existing use. This is limited to two members of staff and the needs of fifteen Councillors along with the general public. The proposed new office will not add any further parking demand; the building is not in full use all of the time, meetings are usually in the evenings and there are a number of public car parks in town with free space (especially in the early evenings when the Council usually meets). These parks are within a reasonable distance from the site. Moreover Members will be fully aware that practically all new residential development in the town centre along with new office and retail space has not made on-site provision.

The highway objection is of weight here. However in terms of assessing this in the final planning balance, the proposal does not change how the existing use operates in this location; this site is accessible for non-motorised users and there are nearby car parks. On balance and given other Board decisions in respect of sites in the locality, it is considered that the evidence to support an objection is not sufficiently demonstrable.

Conclusion

The proposal to replace an existing building covering the same front print, but of larger scale and massing is considered to be acceptable in the context of its setting as this part of the town requires enhancement and opportunities to improve the built form should be taken. No new amenity issues in terms of loss of amenity to residential or business occupiers would result from the proposal. In terms of vehicle parking then the site already operates within its existing site limitations and with no further material intensification of use the existing arrangements would continue to operate without material adverse impacts. Whilst the scheme is contrary to parking requirements, it is in general accordance with policies NW1, NW12, NW14, NW18 and NW20 of the Core Strategy in that this a responsive proposal that enhances the existing built form at North Street and harmonises with its surroundings with the scheme not conflicting with sustainability policies of the Core Strategy or the NPPF.

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Recommendation

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

1. Standard Three Year condition.
2. Standard Plan Numbers.
3. No development shall commence on site until full details of all of the facing and roofing materials to be used; window details at a scale of 1:20 for the elevations and at a scale of 1:5 for the sections, details of the eaves and verge and rainwater goods together with the means of refuse/waste collection shall have first all been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area.

4. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner, unless details have first been submitted to, and approved in writing by, the Local Planning Authority.

REASON

To protect the privacy of the occupiers of adjoining properties and in the interests of preserving the character and appearance of the conservation area.

5. No development other than demolition shall commence on site until details are first submitted and approved in writing by the Local Planning Authority to show compliance with disability access legislation. Only the approved details shall then be implemented on site.

REASON

To ensure that the development meets DDA requirements

6. A Construction management plan condition.

REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the

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consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com
4. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

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BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000
 Section 97. Planning Application No: **PAP/2020/0056**

| Background Paper No | Author | Nature of Background Paper | Date |
|----------------------------|---------------------------|---|-------------|
| 1 | The Applicant or Agent | Application Forms, Plans and Statement(s) | 4.2.2020 |
| 2 | Atherstone Civic Society | Consultation reply | 15.4.2020 |
| 3 | Applicant to Case Officer | e-mail | 12.3.2020 |
| 4 | Case Officer to Applicant | e-mail | 18.3.2020 |
| 5 | Applicant to Case Officer | e-mail | 28.4.2020 |
| 6 | Applicant to Case Officer | e-mail | 7.5.2020 |
| 7 | Applicant to Case Officer | e-mail | 22.5.2020 |
| 8 | Case Officer to Agent | e-mail | 27.5.2020 |
| 9 | Applicant to Case Officer | e-mail | 27.5.2020 |
| 10 | Agent to Case Officer | Revised Plans | 28.5.2020 |
| 11 | Cllr. Chambers | Representation | 1.6.2020 |
| 12 | Resident | Representation | 2.6.2020 |
| 13 | Cllr D Downes | Representation | 2.6.2020 |
| 14 | Resident | Representation | 2.6.2020 |
| 15 | Resident | Representation | 3.6.2020 |
| 16 | Resident | Representation | 4.6.2020 |
| 17 | Resident | Representation | 4.6.2020 |
| 18 | Resident | Representation | 4.6.2020 |
| 19 | Resident | Representation | 4.6.2020 |
| 20 | Agent to Case Officer | e-mail | 4.6.2020 |
| 21 | Resident | Representation | 5.6.2020 |
| 22 | Resident | Representation | 5.6.2020 |
| 23 | Cllr J Chambers | Representation | 6.6.2020 |
| 24 | Resident | Representation | 8.6.2020 |
| 25 | Resident | Representation | 9.6.2020 |

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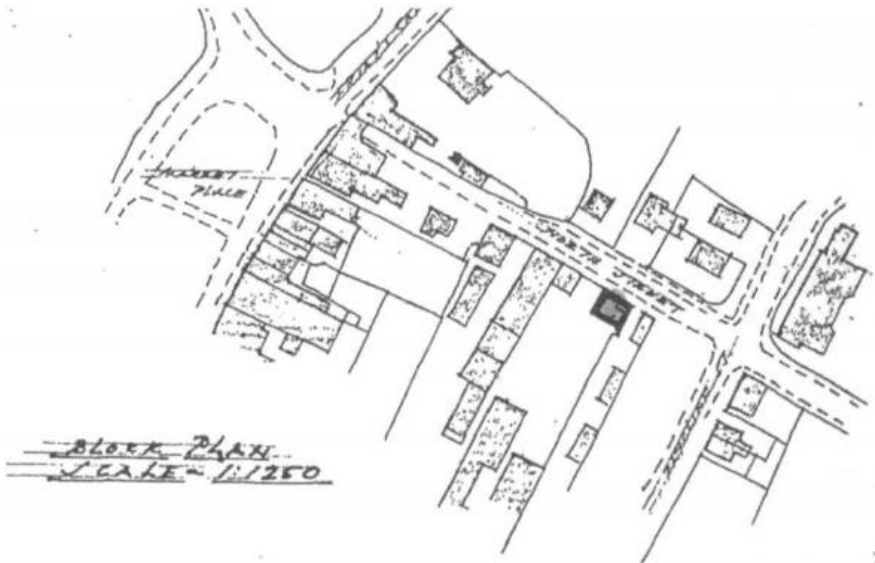
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|----|----------------------------------|------------------------|-----------|
| 26 | Resident | Representation | 10.6.2020 |
| 27 | Atherstone Town Council | Supporting Information | 11.6.2020 |
| 28 | Resident | Representation | 12.6.2020 |
| 29 | Resident | Representation | 12.6.2020 |
| 30 | Resident | Representation | 15.6.2020 |
| 31 | Resident | Representation | 15.6.2020 |
| 32 | Applicant to Case Officer | e-mail | 19.6.2020 |
| 33 | Applicant to Case Officer | e-mail | 22.6.2020 |
| 34 | WCC Highways Authority | Consultation reply | 24.6.2020 |
| 35 | Resident | Representation | 26.6.2020 |
| 36 | Case Officer to Agent | e-mail | 8.7.2020 |
| 37 | Resident | Representation | 9.7.2020 |
| 38 | Case Officer to Agent/ Applicant | e-mail | 9.7.2020 |

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Appendix A:



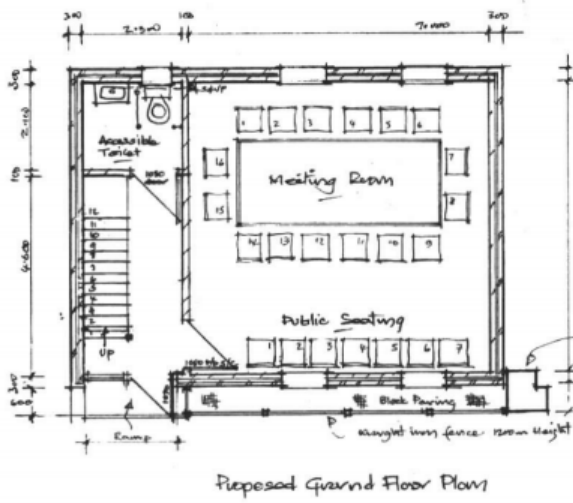
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Appendix B:

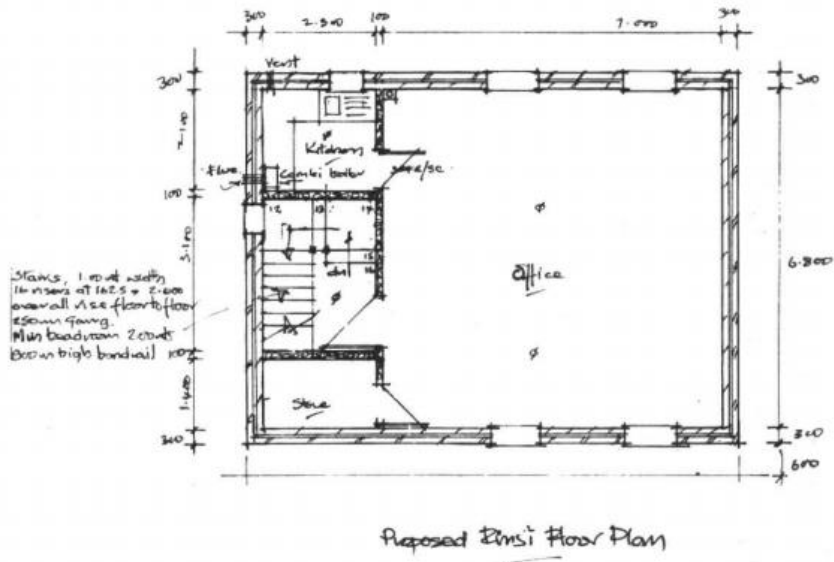
The proposed layout is illustrated below:



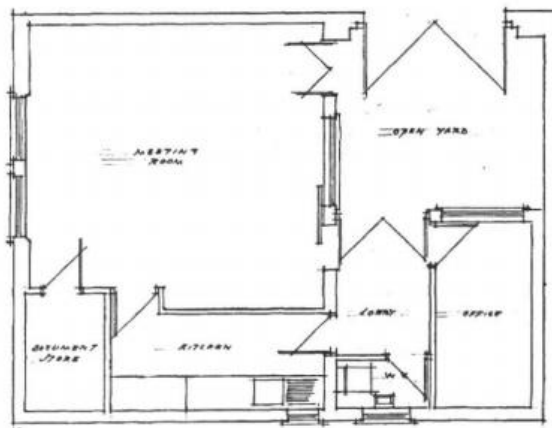
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The existing layout of the building comprises the open yard area, which allows for access into the building. The new proposal would build on the open yard area.



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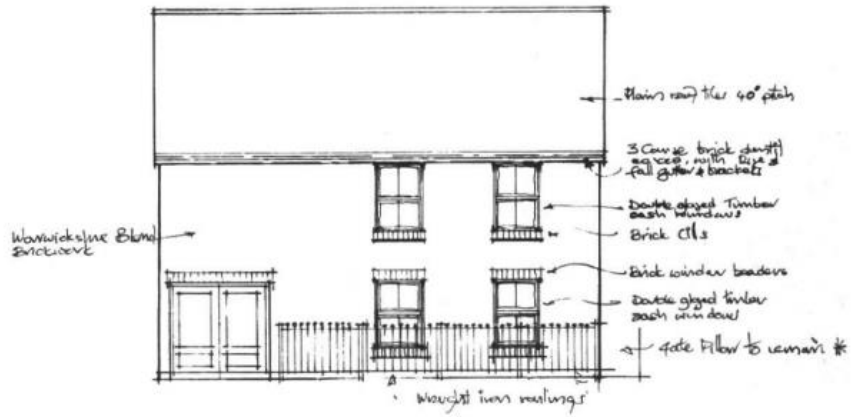


3/130

3/103

6F/79

Appendix C:



Proposed front elevation



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To see our privacy notice go to:
www.northwarks.gov.uk/privacy

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General Development Applications

(6/g) Application No: PAP/2018/0050

Fir Tree Paddock, Quarry Lane, Mancetter,

Variation of conditions no: 2, 5 & 6 of planning permission ref PAP/2007/0730 (Appeal ref APP/R3705/A/08/2066891) relating to development shall be carried out in accordance with plan submitted 07_145C_003 and residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time; in respect of change of use to retain caravan for occupation by one gypsy/traveller family, for

Mr Timothy Gough

Introduction

The application is reported to Board at the discretion of the Head of Development Control given the interest in the site expressed by the Parish Council

The Site

The site lies on the north east side of a track off Quarry Lane at a position 400m south east of Quarry Lane. The Coventry Canal runs to the north east boundary of the land ownership. The site is as shown below:



The Proposal

The application is seeking the variation of conditions 2, 5 and 6 which are imposed on application ref: APP/R3705/A/08/2066891. The conditions to which this application refers are shown below:

Condition 2 read:

"The development shall be carried out in accordance with the amended appeal plan received at the hearing on 17 June 2008.

The applicant seeks to vary condition no.2 to read as:

"The development shall be carried out in accordance with the plan submitted 07_145C_003 Proposed Site."

Condition 5:

"The residential use hereby permitted shall be restricted to the stationing of no more than 1 caravan at any time."

The applicant also seeks to vary condition 5 to read as:

"The residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time."

Condition 6:

"Prior to the first use of the site for residential purposes, details of the intended site layout, including the siting of the caravan shall have been submitted to and approved by the local planning authority in writing. The caravan, or any replacement, shall only be positioned in the approved location, unless otherwise agreed in writing by the local planning authority."

The applicant considers that Condition 6 should be removed, as this application provides a plan for a new layout of the site. The drawing 07_145C_003 Proposed Site' satisfies condition 6 imposed in the appeal decision, therefore it is not required.

The proposed site plan is shown below:



Background

Appeal Ref: APP/R3705/A/08/2066891 was for the change of use in the retention of caravan for one gypsy /traveller family. Permission was simply sought for a site that could be occupied by anyone falling within the definition of a gypsies and travellers in paragraph 15 of Circular 01/2006.

The Inspector's key conclusions included the following:

- The impact on the surrounding countryside would in my opinion be minimal.
- Sites on the outskirts of built-up areas may be appropriate.

- Sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints, are acceptable in principle and local authorities should be realistic about availability, or likely availability, of alternatives to the car in accessing local services.
- The site, although outside any defined development boundary, is reasonably well located to Mancetter which contains a primary school, Church and some local shops including a post office and is adjacent to Atherstone.
- I consider the location of the appeal site would be acceptable in principle and in the context of gypsy sites, a sustainable location.
- The appeal site is well screened by existing vegetation from any public vantage points although additional planting would help assimilate it further with its immediate surroundings. The impact on the surrounding countryside would in my opinion be minimal.
- The Alvecote site was not be a suitable or an available alternative

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW7 (Gypsy and Travellers), NW8 (Gypsy and Travellers Sites), NW10 (Development Considerations) and NW12 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV13 (Building Design); ENV14 (Access Design and TPT3 (Access and Sustainable Travel and Transport)

Mancetter Neighbourhood Plan - DP1 (Sustainable Development Principles), SB2 (Residential Development outside the Settlement Boundaries), BE2 (Protecting and enhancing local character), NE & L1 (Protecting the Countryside and Landscape), NE & L2 (Nature Conservation)

Other Relevant Material Considerations

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

Planning Policy for Traveller Sites 2015 – (the “PPTS”)

The 2018 Submission Local Plan – LP1 (Sustainable Development); LP2 (Settlement Hierarchy); LP6 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9 (Affordable Housing Provision), LP10 (Gypsy and Travellers), LP11 (Economic Regeneration), LP14 (Landscape), LP16 (Natural Environment), LP31 (Development Considerations), LP32 (Built Form) and LP35 (Water Management)

North Warwickshire Local Plan, Main Modifications, January 2021 - LP1 (Sustainable Development), LP2 (Settlement Hierarchy), LP7 (Housing Development), LP8 (Windfall Allowance), LP10 (Gypsy and Travellers), LP14 (Landscape), LP31 (Development Considerations), LP32 (Built Form) and LP35 (Water Management)

Representations

Mancetter Parish Council – This application attempts to achieve the original planning which was refused. Much of the coniferous hedging was removed during the last application and appeal time. This application still contravenes the original selling of these parcels of land for agricultural and recreational use. If the application is permitted, then future refusals will be extremely difficult.

Observations

Though the site lies beyond the development boundary for Mancetter and is in an area of open countryside, the Inspector who granted permission for the residential use of this site for occupation by a gypsy and traveller family, found the site to be a sustainable location for a gypsy traveller family. The application site therefore already has use for residential use. The increase in the number of caravans by an additional single caravan would not constitute a material change in the use of the land. It is necessary to consider whether there have been any material changes in the circumstances of the site since that time or whether there has been any material change in planning policy.

The Core Strategy requirement for Gypsy and Traveller sites over the plan period 2011 – 2028 was based on a GTAA dated 2008. Policy NW7 requires nine residential pitches as a consequence. The same GTAA was used in the preparation of the emerging Local Plan as Submitted in 2018. This was because no representations or evidence was submitted in the preparation of the Plan from any Gypsy and Traveller representative body to the contrary despite being consulted. As a consequence, the respective policy in the Submitted Local Plan – LP6 – retains the requirement of nine residential pitches.

The Inspector handling the Examination of the Submitted Plan queried this position. As neighbouring Local Authorities had already commissioned a new joint GTAA, the Borough Council joined in that commission and the Assessment was prepared in 2019. This was subsequently sent to the Inspector along with additional information that he had requested.

Planning permissions for traveller pitches have been granted by the Council or at appeal since the adoption of the Core Strategy. At present there have been 22 pitches permitted since 2011. The 2019 GTAA concludes that a further 19 are required from 2019 up to 2033 (the expiry date of the Submitted Local Plan).

The Council is now in receipt of the final version of the Main Modifications from the Examination Inspector. The modified policy now reads:

MM52:

A Gypsy and Traveller Plan will be brought forward and will include pitch allocations and follow the principles of the settlement hierarchy.

A Gypsy and Traveller Accommodation assessment was completed in early 2020. A Gypsy and Traveller Development Plan Document will be undertaken as soon as practicable to address this need, including the allocation of sites as identified in the Council's Local Development Scheme.

Sites for Travelling Show people will not be allocated specifically, albeit that if the above review or monitoring indicators (set out below) indicates needs arising in the future, the Council will similarly undertake further work as soon as practicable to address that.

MM53:

Sites will be allocated and/or permissible inside, adjoining or within a reasonable safe walking distance of a settlement development boundary outside of the Green Belt. Site suitability will be assessed against relevant policies in this Local Plan and other relevant guidance and policy. Sites will also be assessed using the following criteria:

- The size of the site and number of pitches is appropriate in scale and size to the nearest settlement in the settlement hierarchy and its range of services and infrastructure
- The site is suitably located within a safe, reasonable walking distance of a settlement boundary or public transport service and access to a range of services including school and health services'
- Avoiding or affected by any other environmental hazards that may affect the residents' health and welfare
- The site has access to essential utilities including water supply, sewerage, drainage and waste disposal
- The site can be assimilated into the surroundings' and landscape without any significant adverse effect

Safeguarding Established Gypsy, Traveller and Travelling Show people Sites

Existing Authorised sites listed in Appendix E will be safeguarded for Gypsy and Traveller Use for the number of pitches permitted a new Gypsy and Traveller sites granted planning permission will also be safeguarded for Gypsy and Traveller use for the number of pitches permitted.

Policy LP10 of the emerging Local Plan (as modified by MM53), is at an advanced stage of preparation and carries considerable weight (para 48 of the NPPF).

Policy LP10 identifies this site as an existing authorised site for gypsy and traveller use which will be safeguarded:

| | |
|-------------------|---|
| Appendix E | List of Existing and Sites with Planning Permission Authorised for Gypsy and Traveller Use |
|-------------------|---|

Current Residential Sites

| | | | |
|--|-----------------------|---------------|------------------------------------|
| Alvecote Caravan Park | Socially rented (WCC) | | 17 pitches with amenity buildings |
| Kirby Glebe Farm, Atherstone Road, Hartshill | Private | PAP/2011/0273 | 7 pitches and one amenity building |
| Fir Tree Paddock, Quarry Lane, Mancetter | Private | PAP/2007/0730 | 1 pitch |

The above sites were approved before the latest GTAA was produced in 2013 and so do not count towards the outstanding need. The GTAA identifies a the requirement for North Warwickshire of 9 residential and 5 transit pitches.

The additional mobile home is needed to allow the applicant’s son to reside at the family property, the family having grown since 2008. It would be sited wholly within the land authorised at appeal in 2008. Given the sustainability findings of the Inspector when he first granted permission here and given that the application does not alter the existing use of the site, as such, it is considered that the varied permission would still fit with the size and locational limitations for gypsy and traveller sites set out in the up-to-date Local Plan policy.

The additional caravan on this site would help Council to achieve identified continuing need in the Local Plan period. The site remains reasonably well screened from public view. Though a boundary fence has been erected a hedgerow has also been planted to supplement the fence and soften its visual impact. The additional caravan would not have a significantly detrimental impact on the character, appearance, landscape or views hereabouts. The site has the necessary services for power and water disposal. As such, it is considered that the varied permission would still fit with the amenity and infrastructure requirements for gypsy and traveller sites set out in the up-to-date Local Plan policy.

It is not considered that the variation of this approval to allow for one additional caravan would set any adverse precedent and it is considered that the application to vary the conditions of the approved use of the land can be supported.

It is considered necessary to vary the condition defining gypsies and travellers to an up-to-date definition. It previously referred to the definition in paragraph 15 of ODPM Circular 01/2006, but that should be updated to the definition contained in the Department for Communities and Local Government ‘Planning policy for traveller sites’ August 2015.

The original landscaping condition of the appeal decision was never formerly discharged. It is considered necessary and desirable to reapply the condition such that the original site is duly landscaped, with recognition of additional visual screening for the additional unit and to improve biodiversity in the locality.

Recommendation

That planning permission be GRANTED and the conditions attached to APP/R3705/A/08/2066891 be varied as follows:

1. The development shall be carried out in accordance with the plan submitted 07_145C_003 Proposed Site received by the Local Planning Authority on 08/03/2018.
2. The site shall not be occupied by any persons other than gypsies and travellers as defined in the Department for Communities and Local Government 'Planning policy for traveller sites' August 2015.
3. No commercial activities shall take place on the land, including the storage of materials.
4. The residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time.
5. Prior to the first occupation of the second caravan, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, shall be submitted to and approved in writing by the local planning authority.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the second caravan; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0050

| Background Paper No | Author | Nature of Background Paper | Date |
|----------------------------|--------------------------|---|-------------------|
| 1 | The Applicant or Agent | Application Forms, Plans and Statement(s) | 19/1/18 8/3/18 |
| 2 | Mancetter Parish Council | Representation | 22/2/18 |
| 3 | Planning Inspectorate | Appeal Decision | 17/6/08 |

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

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

General Development Applications

(6/h) Application No: PAP/2020/0684

Meadow View Farm, Kinwalsey Lane, Meridan, CV7 7HT

Change of use from a field of agricultural or nil use, to that of sui generis dog walking, care and training and planting of trees, for

Sara Skalka

Introduction

This application was reported to the last Board meeting, but determination was deferred so that Members could visit the site.

The previous report is attached at Appendix A

Recommendation

That planning permission be REFUSED for the reason set out in Appendix A and that authority be given to issue an Enforcement Notice in the terms also set out in that Appendix.

General Development Applications

(5/i) Application No: PAP/2020/0684

Meadow View Farm, Kinwalsey Lane, Meridan, CV7 7HT

Change of use from a field of agricultural or nil use, to that of sui generis dog walking, care and training and planting of trees, for

Sara Skalka
Introduction

This application is brought before the Planning and Development Board because of the possibility of enforcement action in light of the recommendation.

The Site



The application site comprises an irregular, 0.74ha agricultural field sited to the north of Meadow View Farm along Kinwalsey Lane, Meridan. The surroundings are rural in character, function and appearance, save for the urban influence of the M6 300m to the north and a scattering of dwellings along Kinwalsey Lane to the south of the application site (illustrated on the plan provided above). Kinwalsey House, a grade II listed timber framed cottage, is positioned immediately to the north of the application site.

The agricultural field is demarcated by 6ft high green mesh fencing with access afforded by a narrow, single-track lane to the west which links the site to Kinwalsey Lane and the surrounding road network. The application site is located within the Green Belt.

The Proposal

Planning permission is sought to change the use of the agricultural field to that of dog walking, dog care and dog training – a sui generis use.

The new business would be operational between 0800 and 1500hours Monday to Friday, providing full-time employment for four people and seasonal employment for an individual during the summer months for grass cutting.

The applicant proposes to limit the number of dogs held on site to 20 at any one time.

Access is afforded by the narrow lane with hardstanding provided adjacent to the field to allow for parking and manoeuvring.

It is proposed that dogs would be collected from customers' homes by two vans before 0800. These would then transport the dogs back to their owners after 1500. No owners would be permitted at the site.

The applicant also proposes to plant a band of trees along the site's northern perimeter.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy); NW3 (Green Belt); NW10 (Development Considerations); NW12 (Quality of Development); NW13 (Natural Environment) and NW14 (Historic Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV12 (Urban Design); ENV14 (Access Design); TPT1 (Transport Considerations in New Development) and TPT3 (Access and Sustainable Travel and Transport)

Other Relevant Material Considerations

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework 2019 (NPPF)

Planning Practice Guidance (PPG)

The Submitted Regulation 19 Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP13 (Rural Employment); LP15 (Historic Environment), LP16 (Natural Environment), LP31 (Development Considerations) and LP36 (Parking)

Proposed Main Modifications to the Regulation 19 Local Plan 2021 – MM21 (in respect of Policy LP1); MM24 (in respect of LP2), MM28 (in respect of LP3), MM60 (in respect of LP15), MM61 (in respect of LP16), MM74 (in respect of LP31) and MM83 (in respect of LP36)

Consultations

Environmental Health Officer - There is an objection on amenity grounds.

Warwickshire County Council as Highway Authority - Following an initial objection, the authority considers that, subject to a management plan, the development would have no unacceptable impact on the highway network

Warwickshire County Council (Rights of Way) - Public footpath M284 runs along the track and must remain open and available for public use at all times.

Representations

Fillongley Parish Council object to the application for the following reasons:

- Development has already caused noise problems and intrusion
- Permanent consent will result in a huge detrimental impact on the amenity of neighbours
- Noise adjacent to the garden area for two properties
- Fencing not in keeping
- Use could result in significant vehicle movements on the highway
- Application does not accord to Core Strategy policy NW10(9)
- Similar application in Corley was refused and upheld at appeal, reference PAP/2016/0060

Three representations have been received, objecting to the application for the following reasons:

- Nuisance from proposed use, adversely affecting the amenity of adjacent properties
- Site shouldn't be taken out of agricultural use
- Insufficient parking for development
- Local road network not suitable for the volume of traffic associated with the proposed use.
- Object to tree planting, leading to shading/shadowing of the adjacent properties.
- Green netting fails to contain dogs
- Tree planting will block light to properties

Observations

a) Principle of Development

Core Strategy policy NW1 effectively mirrors section 38(6) of the Planning and Compulsory Act 2004 which requires planning applications to be determined in accordance with development plan policies unless material considerations indicate otherwise.

The site lies in the Green Belt and thus consideration falls as to whether the development is appropriate having regard to the authority's development plan and if relevant, the National Planning Policy Framework (NPPF). Whilst Core Strategy Policy NW3 does not contain development specific guidance, emerging policy LP3 does.

Paragraph 5a of LP3 indicates that appropriate facilities for outdoor sport and outdoor recreation are appropriate providing that the openness of the Green Belt is preserved and no conflict arises to the purposes of including land within the Green Belt, reflecting the Green Belt exception found at 145(b) of the framework.

Accordingly, the change of use of land from agriculture to dog walking, care and training would not be inappropriate provided that the use preserves the openness of the green belt and does not conflict with the purposes of including land within it.

In the absence of any operational development, apart from the fencing of which the majority is likely to constitute permitted development, considering the transient nature of activity on the site and the limited vehicle movements, the openness of the Green Belt would be preserved. Moreover, there is no conflict with the purposes of including land within the Green Belt. Consequently, the development is appropriate within the Green Belt.

In principle the development is acceptable.

b) Amenity

i) Introduction

As an appropriate form of development in the Green Belt, consideration falls to other material considerations. The main area of consideration on this application is the developments' impact on the amenity of nearby residential properties.

2014 Core Strategy Policy NW10 (9) requires all development proposals to avoid and address unacceptable impacts upon neighbouring residents, such as, but not limited to noise, light, and other pollution.

The wording of this policy is amended and carried forward into policy LP31 (Development Considerations) of the emerging local plan. Furthermore, paragraph 180 of the NPPF states that planning decisions should consider the impacts of pollution on living conditions and "avoid noise giving rise to significant adverse impacts on health and the quality of life" (180c).

National Planning Practice Guidance (NPPG) on noise expands upon the policies set out within the NPPF and provides a noise exposure hierarchy which aims to establish in which circumstances noise would give rise to concern – as below

| Response | Examples of outcomes | Increasing effect level | Action |
|--|--|-------------------------------------|----------------------------------|
| No Observed Effect Level | | | |
| Not present | No Effect | No Observed Effect | No specific measures required |
| No Observed Adverse Effect Level | | | |
| Present and not intrusive | Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life. | No Observed Adverse Effect | No specific measures required |
| Lowest Observed Adverse Effect Level | | | |
| Present and intrusive | Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life. | Observed Adverse Effect | Mitigate and reduce to a minimum |
| Significant Observed Adverse Effect Level | | | |
| Present and disruptive | The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area. | Significant Observed Adverse Effect | Avoid |
| Present and very disruptive | Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory. | Unacceptable Adverse Effect | Prevent |

The hierarchy relates the level of concern in respect of noise exposure to changes in behaviour, attitude or physiological response, referred to colloquially within the table as 'outcomes'. The initial two stages on the hierarchy require no mitigation however as the impacts of noise become more appreciable, the development would cross into the lowest observed effect level, the level at which noise causes minor behavioural changes i.e. turning up a television or needing to speak louder. The hierarchy states that such impacts should be mitigated and reduced to a minimum.

Further increases in exposure which trigger material changes in behaviour (such as keeping windows closed, avoiding activities at certain periods etc.) are found at the

Significant Observed Adverse Effect Level (SOAEL). The hierarchy advises that development generating such impacts should be avoided. The table furthers that extensive changes to behaviour, those which result in unacceptable adverse effects, should be avoided all together.

The PPG does not provide numerical values for the different effect levels, instead recognising that 'the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation'

ii) The Site

The relevancy of Policies NW10, LP31, the NPPF and NPPG to this application is that the use of the site for dog walking, training and care has the potential to have a detrimental impact on the amenity of nearby residential occupiers.

Immediately bordering the application site to the north is the Grade II listed building Kinwalsey House with a further residential property currently under construction at the site – Kinwalsey House is set-back 12m from the northern boundary with a separation of approximately 25m provided to the dwelling under construction. The amenity spaces for both dwellings sit between the buildings and the boundary to the application site. Further residential properties known as Rest Haven and Church Tree Barn are located 75m and 110m to the south-west respectively with Meadow View Farm and Kinwalsey Farm 55m and 140m to the east respectively.

The surroundings of the application site have a generally quiet, tranquil character save for the road noise generated from the M6 some 300m to the north, which is noticeable as a relatively low frequency, continuous rumble.

iii) Impact

Whilst an intermittent source of noise, dogs have highly pitched sounding barks which have the potential to cause disturbance. These sharper sounds, together with high-pitched whistles from the employees (as well as shouting) have been observed by the nearest residents over and above the low frequency rumbling background sound of the motorway. Notwithstanding the restricted hours of use which would offer a degree of mitigation, limiting the period for noise exposure, the occupation of the site by up to 20 dogs, together with the inevitable barking, shouting and whistling (as the dogs are undergoing training), would preside for up to 7 hours a day, 5 days a week.

The site has been operational for over a year and the implications of the development have been readily observed by neighbouring occupiers. An objection cites the shouting, whistling and squeaking of toys as being distinctly aurally noticeable, disturbance which has led to a complaint to the council's planning enforcement and environmental health departments. It is material here that the EHO considers that the application should be refused due its adverse amenity impact.

Drawing on the experiences of nearby occupiers and the observations of the environmental health, it is considered here that the use of the site for dog training, dog walking and dog care has, and would continue to if consent was forthcoming, lead to heightened levels of noise and disturbance which would have a detrimental effect on the residential amenity within the immediate vicinity.

The impact of such a use would be particularly profound on occupiers of Kinwalsey House and the further property currently under construction given the proximity of these buildings and their available amenity space to the application site. The effects have been observed already and, with an increased proportion of homeworking during the pandemic, residents are more likely occupy properties throughout the day, reducing the mitigation afforded by the proposed hours of use.

The supporting statement articulates that dogs with an inclination to bark won't be permitted at the site. Notwithstanding, all dogs tend to bark, the noise implications of the use have been readably observed and no management plan and noise assessment has been submitted. Furthermore, the effectiveness of the tree planting along the boundary to Kinwalsey House as an acoustic buffer has not been articulated by the applicant.

Having regard to the noise exposure hierarchy and the complaints/objections received, it is considered that the development does and would continue to result in material changes in behaviour and diminish quality of life due to a change in acoustic character.

The scheme draws parallels to a refused application for dog training and walking along Wall Hill Road in Corley, reference PAP/2016/0060. That application was appealed and subsequently dismissed (APP/R3705/W/17/3177385), with the inspector citing that the use of the site for dog training would result in a poor standard of amenity for nearby occupiers.

As with this application, the development site was adjacent to the M6 and close to residential properties. However pertinently, the amenity implications in this instance are more readily apparent as the M6 road noise is less noticeable (the M6 is 300m away as opposed to 25m in the Corley case) and residential properties are located closer to the application site and not separated from it by an established highway, as was the case in Corley.

Drawing together the above, it is considered that the development would unacceptably impact upon neighbouring amenity and thus fails to comply with Core Strategy Policy NW10(9) and emerging policy LP31(9).

c) Heritage

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'special regard' should be given by the decision maker to the desirability of preserving a listed building or its setting. Core Strategy Policy NW14 and emerging local plan policy LP15 seek to conserve and enhance the quality, character, diversity and distinctiveness of the local historic environment.

Although there are no designated heritage assets within the site, Kinwalsey House, a Grade II listed building, is found immediately to the north. Kinwalsey House derives significance from its timber framed construction and associated features, presenting as a good example of 17th Century architecture typical of the vernacular for cottages of this age within the North Warwickshire landscape.

Although there is no direct, physical harm to the building itself, the implications of the proposals on the setting of Kinwalsey House requires consideration. Setting's represent the surroundings from which the heritage assets are experienced – these are not fixed, evolving over time and as such cannot be definitively mapped. It has been established through case law that the effect of a development on the setting of a listed building isn't merely confined to visual or physical impacts.

The principle setting of Kinwalsey House encapsulates its associated land, the house and the adjacent agricultural buildings which are to be reconstructed/converted into a private dwelling (PAP/2019/0602). The surrounding land also falls within the setting of the building, providing a contribution to the experience, appreciation and thus significance, of this rural, vernacular cottage.

It is considered that the proposed development would result in some harm to the setting of the listed building by reducing the 'experience' of the asset from increased noise and disrupting the remoteness of the building, the latter an important contributor to the building's significance. The harm would be less than substantial engaging paragraph 196 of the Framework. Paragraph 196 requires the decision maker to undertake a balancing exercise, weighing the harm to the heritage asset against the public benefits of the proposal.

On the harm side, there is a degree of harm, albeit limited, to the setting of the listed building. On the opposing side (the public benefits), the NPPG on the Historic Environment advise that public benefits 'could be anything that delivers economic, social or environmental objectives' and should 'flow from the development'.

The proposals are suggested to provide full time employment for four individuals, part-time seasonal employment for a single individual and would offer a service for nearby residents. There would be some socio-economic benefits arising here. However, the proposals would, as indicated in an earlier section of this report, lead to adverse harm to the amenity of neighbouring occupiers, a social harm. Any public benefit arising additional employment generation is thus substantially moderated by the identified social harms.

Nevertheless, it is considered that the public benefits would, in this instance, outweigh the modest harm to the setting of Kinwalsey House. The development thus accords to paragraph 196 of the Framework, together with policies NW14 and LP15.

d) Highways and Access

Saved Policy TPT1 supports development in situations whereby there is sufficient capacity within the highway network to accommodate the traffic generated and policy TPT3 stipulates that development will not be permitted “unless its siting, layout and design makes provision for safe and convenient pedestrian and vehicular access and circulation”. Emerging local plan policy LP31(6) reflects Core Strategy policy NW10(6) - both of which require safe and suitable access to be provided for all users.

Paragraph 109 of the NPPF makes it clear that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the scheme are severe.

Warwickshire County Council (as the local highways authority) initially objected to the development, citing concerns over the insufficiency of the material presented to assess the impact of the development and the potential for a significant increase in vehicular movements on Kinwalsey Lane to the possible detriment of highway safety. Following the receipt of additional information from the applicant, (method of dog transportation and restrictions on client attendance), the highways authority is satisfied that, subject to a management plan, the development would not result in an unacceptable impact on highway safety or that the residual cumulative impacts of the scheme would be severe.

Subject to conditions, the proposals would accord with saved 2006 Local Plan policies TPT1 and TPT3, Core Strategy Policy NW10 (6), Emerging Policy LP31(6) and paragraph 109 of the National Planning Policy Framework.

e) Conclusion

Officers conclude that the proposals would be an appropriate form of development within the Green Belt. Notwithstanding this, the development is considered to result in an adverse impact on the amenity of nearby occupiers, particularly Kinwalsey House and the further property currently under construction given the proximity of these buildings and their available amenity space to the application site. No further harms have been identified.

f) Enforcement Action

As the application is retrospective and seeks to retain the current, unauthorised use of land, the Board will need to consider the expediency of enforcement action if the recommendation detailed below is agreed upon. From a planning policy perspective there are clear grounds for following up the recommendation with enforcement action as there is significant breach of Development Plan policies by fact and by degree.

There would be an impact here as the applicant would have to vacate the site and there may well be a loss of employment and the closure of the business if a suitable alternative site is not found.

Given the identified conflict with the Development Plan and the impact on neighbour amenity, it is considered that enforcement action is still expedient even given the potential impacts and that the requirements of any notice should require the use of land to cease with a compliance period of one month considered proportionate.

Recommendation

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

1. The proposed change of use would result in an unacceptable adverse impact on the residential amenity of neighbouring occupiers and satisfactory mitigation measures could not be delivered to reduce any detrimental impact to the occupiers of such properties to an acceptable level. The development thus fails to accord to 2014 North Warwickshire Core Strategy Policy NW10(9) and Policy LP31(9) of the Submitted Regulation North Warwickshire Local Plan (2018) as supported by the NPPF 2019.

B) That authority be granted to the Chief Executive to issue an Enforcement Notice requiring the use of land for dog walking, care and training to cease with a compliance period of one month, for the reasons set out in this report.

Notes:

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through early identification of the planning issues and providing the opportunity to overcome reasons for refusal. However, despite such efforts, the planning objections have not been satisfactorily addressed. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2020/0684

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|---------------------------|---|------------|
| 1 | The Applicant or Agent | Application Forms, Plans and Statement(s) | 21/12/2020 |
| 2 | Resident | Objection | 9/2/2021 |
| 3 | Resident | Objection | 11/2/2021 |
| 4 | Resident | Objection | 7/2/2021 |
| 5 | Fillongley Parish Council | Objection | 10/2/2021 |
| 6 | WCC Rights of Way | Consultation | 10/2/2021 |
| 7 | WCC Highways | Consultation | 21/1/2021 |
| 8 | NWBC Heritage | Consultation | 12/2/2021 |
| 9 | NWBC Environmental Health | Consultation | 16/2/2021 |

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

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

General Development Applications

(6/i) Application No: PAP/2021/0196 and PAP/2021/0203

The Limes, 87 Main Road, Austrey, CV9 3EG

Planning application and Listed Building application for the change of use of paddock to garden land and erection of summer house and/or gazebo, for

Mr Gary Furnival

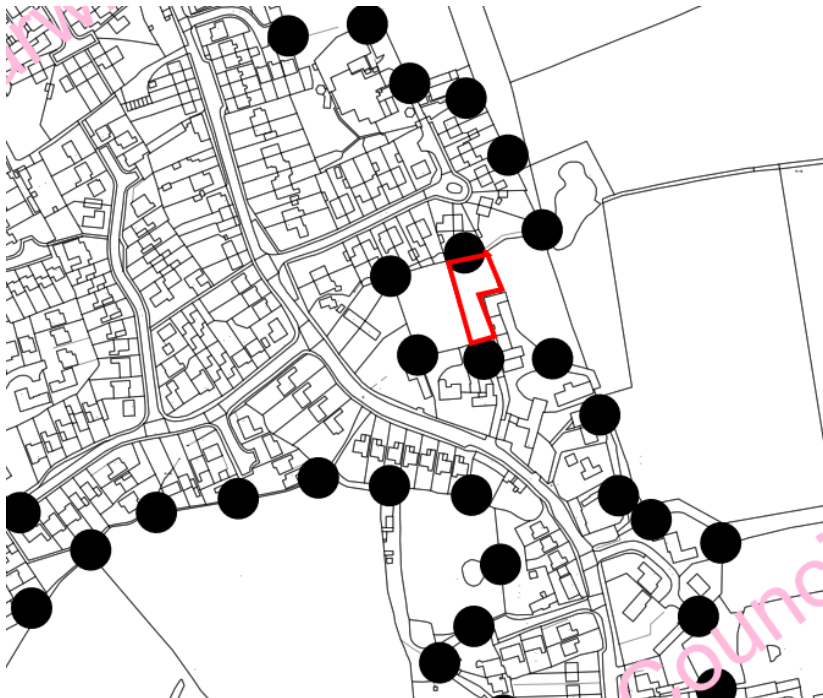
Introduction

This application has been referred to the Board at the discretion of the Head of Development Control in light of other decisions in this part of the village.

The Site

The application site is a paddock at the rear of The Limes, 87 Main Road Austrey which is a listed building.

Whilst the host dwelling is located within the Austrey development boundary, the site itself is not. It adjoins that boundary on two sides - at the front and rear of the site.



The Proposal

This is for the change of use of the existing paddock to garden land in association with number 87 and the erection of a summer house and a gazebo

The two structures are proposed to be at the bottom of the site.

These are shown at Appendix A.

Development Plan

The North Warwickshire Core Strategy - NW10 (Development Considerations); NW12 (Quality of Development) and NW14 (Historic Environment)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design) and ENV13 (Building Design)

Austrey Neighbourhood Plan - AP3 (Sight Lines)

Other Relevant Material Considerations

The Submitted Regulation 19 Local Plan 2018 – LP1 (Sustainable Development); LP15 (Historic Environment), LP31 (Development Considerations) and LP32 (Built Form)

Proposed Main Modifications to the Submitted Plan 2021 – MM21 (in respect of LP1); MM60 (in respect of LP15), MM74 (in respect of LP31) and MM75 (in respect of LP32)

The National Planning Policy Framework 2019 – (the “NPPF”)

Planning (Listed Building and Conservation Areas) Act 1990

Representations

Austrey Parish Council – It objects for the following reasons:

- Flood risk. There is evidence of flooding at St Nicholas Close who’s gardens back directly onto the paddock. The proposed buildings are to be directly in front of the brook and considered to pose an even greater flood risk on the properties behind the proposal site.
- Preserve open space. The land has been used as a paddock for horses until recently. The parish council feels the land should be kept as that use and preserved for this purpose as it contributes to the area and local identity. Allowing this proposal will set a precedent for other paddock land to be converted which would be to the detriment of the village and open space the village enjoys.

Seven letters of objection have been received referring to the following:

- Allowing this proposal to go ahead will set a precedent for other paddock land to be converted to gardens
- The paddock contributes to local identity
- Paddock used for horses as recently as spring 2019
- Development will be an eyesore and destroy important greenspace
- Flood risk
- The structures proposed are too large

- The paddock is on a slope, so groundwork is required to level the base for this development
- Development will not be obscured by row of conifers
- Discrepancies in the application with regard to position of building positions, size and height approximations and no measurements as to the positioning in the paddock and the distance to any adjacent property.
- The proposal will impact the vehicular access to the site.
- Summerhouse will lead to a dwelling on the site
- The hedgerow indicated in the amended plans is not owned by the applicant
- The back of the proposed building will result in a 3.5 metre wall
- Concern about trees in gardens and disruption to routes as a result of foundations
- Height and proximity of trees and shrubs will spoil the enjoyment of adjacent gardens by overshadowing
- Noise and light pollution

Observations

The main issues for consideration here are the impact of the proposal on the character of the surrounding area.

a) Character and appearance

The policy background with relation to this application is fairly extensive and corresponds directly with policies NW10 and NW12 of the Core Strategy as well as AP3 from the Neighbourhood Plan. In short, these state that all development should demonstrate a high quality of sustainable design and that extensions to new dwellings will only be permitted where the scale, massing, height and appearance of the proposal positively integrates into its surroundings and the materials and details used respect and enhance local distinctiveness. NW12 specifically mentions that a proposal must positively improve the individual settlements character. AP3 of Austrey Neighbourhood Plan states that any new development should ensure the views of Austrey and the surrounding countryside are not compromised by new development. The NPPF too “attaches great importance to the design of the built environment” and to the need to respect the setting.

In this case, the proposal would change the use of the land from paddock to garden with the introduction of two outbuildings - a gazebo and summerhouse - located towards the rear (north) of the site. This is considered to result in a higher intensity of the usage of the land with material differences in that use which would have a detrimental impact on the character of the surrounding area. The paddock along with the adjacent paddock to the west, provides a large parcel of open land on the edge of the village which enhances and contributes to the village’s character. Whilst, through amended plans, the two proposed structures are located within a more appropriate location, it is still considered that the provision of these buildings along with their proposed size will increase the intensity of the use of the site. The combined effect would not accord with the Development Plan policies set out above.

b) Heritage Impact

87 Main Road Austrey is a Grade 2 Listed Building. The Council is under a statutory duty to have special regard to the desirability of preserving a listed building, or its setting, or any features or architectural interest which it possesses.

The significance of this heritage asset is that retains a traditional rural building with contemporaneous external and internal features within a village frontage. Its setting adds to that significance because of the front garden and the open land to its rear within its curtilage.

It is considered that the proposal would not affect the actual historic or architectural characteristics of the asset but that the change of use of the rear land and the erection of outbuildings would impact on its setting. This is because the openness of that area would be lost and there would be greater use of that land. The level of harm caused would be less than substantial.

The NPPF states that even this level of harm should carry significant weight. In these circumstances the NPPF requires this harm to be balanced against any public benefits that might arise. In this case there are none, as the benefit is wholly private. The greater public benefit is the safeguarding of the village's character and the openness of this part of the village as expressed through the Development Plan.

c) Flood Risk

Several of the objections mention the flooding of the Brook at the rear of the paddock alongside the gardens of St Nicholas Close. The proposal is not located within a designated flood risk zone and therefore, in conjunction with the type of proposal it is not considered that there is any evidence submitted to support that claim that the proposal would significantly increase the flood risk.

Recommendations

a) PAP/2021/0196

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

1. The proposed change of use and its associated development, by virtue of the intensification of use and its scale would cause an adverse impact on the character of the surrounding area, particularly in respect of its openness and the views into the village. This proposal is therefore contrary to policy NW12 of the North Warwickshire Core Strategy 2014; policy AP3 of the Austrey Neighbourhood Plan 2017, Policy LP1 of the Submitted Regulation Local Plan 2018 as proposed to be Modified by Main Modification MM21 2021 and Section 12 of the NPPF.
2. The proposed change of use and its associated development, by virtue of the intensification of use and its scale would cause harm to the setting of The Limes, a Grade 2 Listed Building which is not outweighed by any community benefit. As such the proposals would not accord with Policy

NW14 of the Core Strategy 2014; Policy AP3 of the Austrey Neighbourhood Plan, Policy LP15 of the Submitted Regulation Local Plan 2018 as proposed to be Modified by Main Modification MM60 2021 and Section 15 of the NPPF.

Notes:

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues, suggesting amendments to the proposal, meetings and negotiations and providing the opportunity to overcome reasons for refusal. However despite such efforts, the planning objections and issues have not been satisfactorily addressed/the suggested amendments have not been supplied. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

b) PAP/2021/0203

That Listed Building Consent be **REFUSED** for the following reason:

1. The proposed change of use and its associated development, by virtue of the intensification of use and its scale would cause harm to the setting of The Limes, a Grade 2 Listed Building which is not outweighed by any community benefit. As such the proposals would not accord with Policy NW14 of the Core Strategy 2014; Policy AP3 of the Austrey Neighbourhood Plan, Policy LP15 of the Submitted Regulation Local Plan 2018 as proposed to be Modified by Main Modification MM60 2021 and Section 15 of the NPPF.

Notes:

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues, suggesting amendments to the proposal, meetings and negotiations and providing the opportunity to overcome reasons for refusal. However despite such efforts, the planning objections and issues have not been satisfactorily addressed/the suggested amendments have not been supplied. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2021/0196

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|------------------------|---|------------|
| 1 | The Applicant or Agent | Application Forms, Plans and Statement(s) | 30/03/2021 |
| 2 | The applicant or Agent | Revised Plans | 16/06/2021 |
| 3 | Austrey Parish Council | Objection | 25/05/2021 |
| 4 | Austrey Parish Council | Further Objection | 07/07/2021 |
| 5 | R Simpson | Objection | 17/05/2021 |
| 6 | I Twigger, L Barlow | Objection | 20/05/2021 |
| 7 | H Simpson | Objection | 16/06/2021 |
| 8 | F Simpson | Objection | 16/06/2021 |
| 9 | R Simpson | Further Objection | 23/06/2021 |
| 10 | I Twigger, L Barlow | Further Objection | 24/06/2021 |
| 11 | P Pepper | Objection | 04/07/2021 |

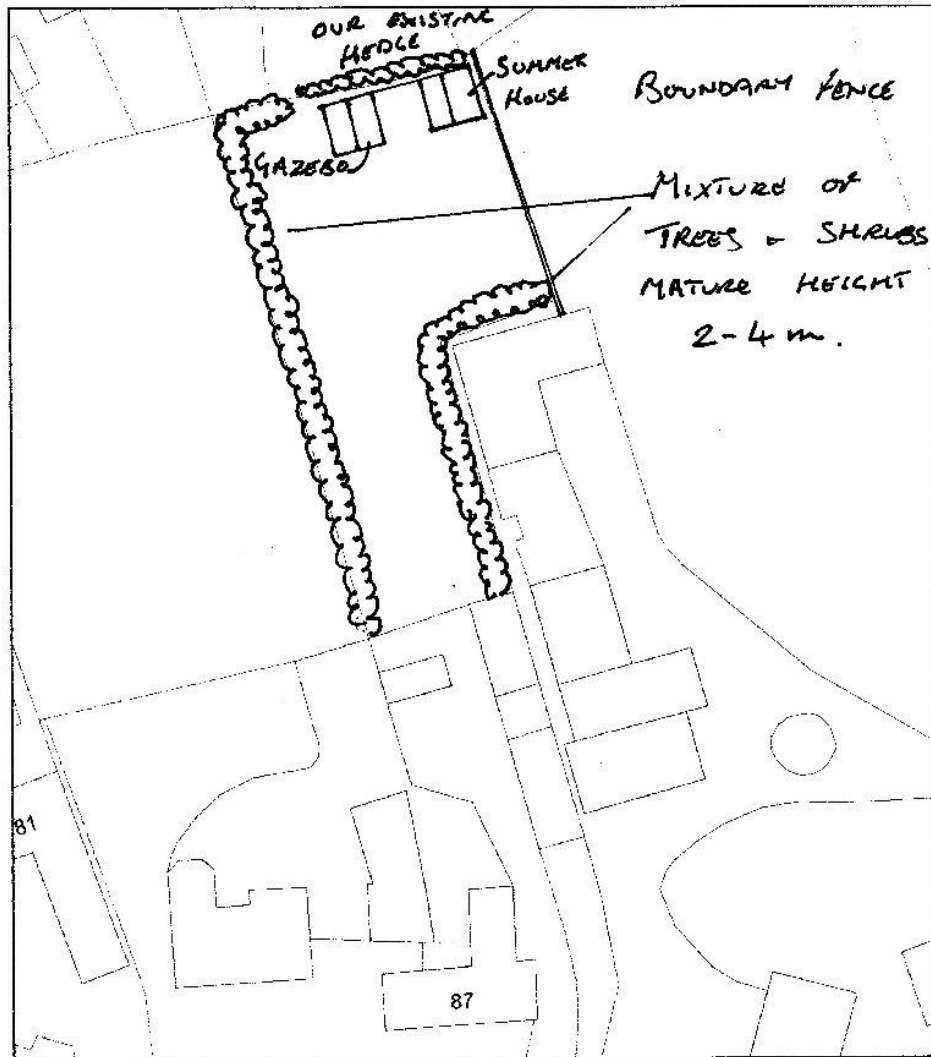
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APPENDIX A

PAP/2021/0196

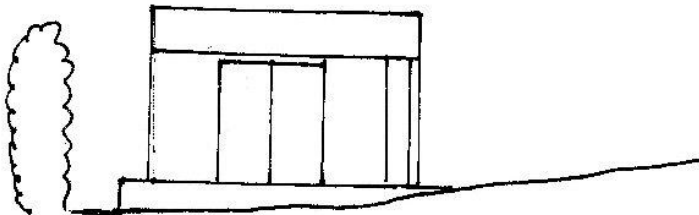
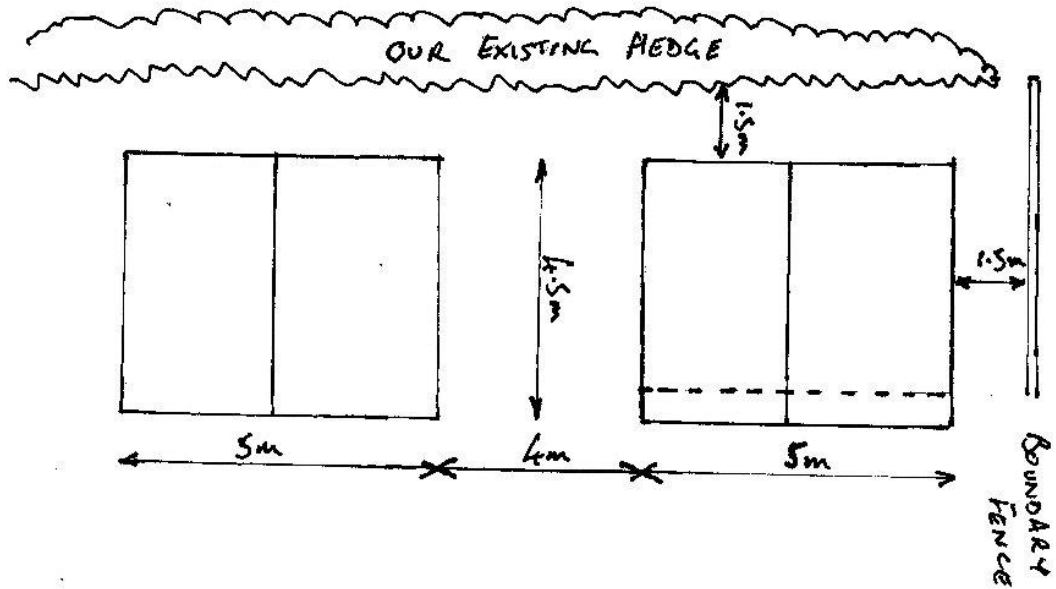
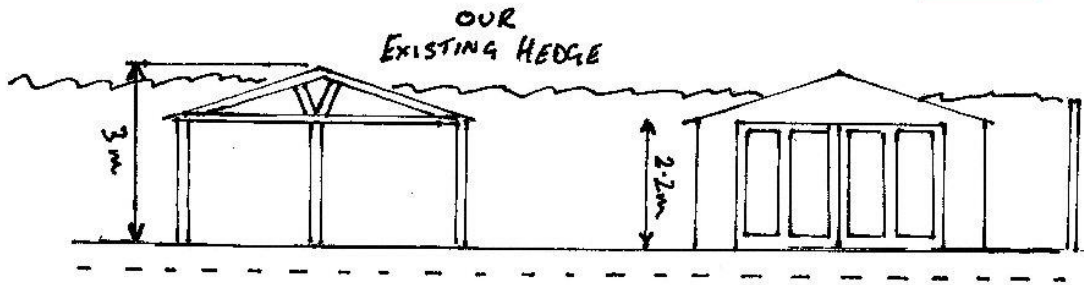
87 Main Road Block Plan



Plan Produced for: Gary Fumival
 Date Produced: 23 Mar 2021
 Plan Reference Number: TQRQM21082075851551
 Scale: 1:500 @ A4

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