

General Development Applications

(5/M) Application No: PAP/2020/0552

Chapel House, Church Lane, Fillongley, CV7 8EW

Two storey and single storey rear extensions, for

Mr Dan Nelmes

Introduction

This application is reported to the Board at the request of a local Member who considers that the weight attributed to Fillongley Parish's parking concerns should be re-assessed.

The Site

The application site is a two-storey detached property situated along the northern side of Church Lane within the village of Fillongley. The Cottage and Church House are the immediate neighbours with the B4102 present to the rear of the site. The site falls within the development boundary for Fillongley.

The site is illustrated at Appendix A.

The Proposal

There have been amendments made to the originally submitted proposals and so the latest scheme is that now reported. Planning permission is sought for two-storey and single storey rear extensions. The two-storey element is stepped at the rear with a projection of 2.574m along the boundary to Church House, increasing to 4.48m along the boundary to The Cottage. The two-storey sections have end-gabled roof forms connected by a large flat roofed span. The single storey extension also contains a flat roof. The extensions will be finished in a render system and with roof tiles to match the host dwelling.

The proposals are at Appendix B

Background

It is evident that the property has been extended in the past – the two-storey cross-wing at the front is likely to be an extension. The large conservatory at the rear will be removed to facilitate the extension.

Development Plan

North Warwickshire Core Strategy (October 2014) - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations), NW12 (Quality of Development) and NW14 (Historic Environment)

North Warwickshire Local Plan 2006 (Saved Policies) - ENV4 (Trees and Hedgerows); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1

(Transport Considerations in New Development) and TPT3 (Access and Sustainable Travel and Transport)

Fillongley Neighbourhood Plan 2018-2034 - FNP01 (Built Environment) and FNP07 (Traffic and Transport)

Other Relevant Material Considerations

National Planning Policy Framework 2019 - (the "NPPF")

Planning Practice Guidance (PPG)

The Submitted Regulation 19 Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP31 (Development Considerations), LP32 (Built Form) and LP36 (Parking)

Proposed Main Modifications to the Regulation 19 Local Plan 2021 – MM21 (in respect of Policy LP1); MM24 (in respect of LP2), MM74 (in respect of LP31), MM75 (in respect of LP32) and MM83 (in respect of LP36)

Representations

Fillongley Parish Council raise concern that the property has limited parking and that the extensions could lead to four drivers occupying the house with insufficient parking available, creating highway safety issues along the narrow Church Lane.

One neighbour objected to the earlier proposals, raising concern in respect of loss of light and overlooking from the extension.

Observations

a) Principle of Development

This application will be determined in accordance with the aforementioned development plan policies, unless material considerations indicate otherwise, pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

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. Policy NW2 states that development within the confines of Fillongley's development boundary can be supported.

Given the dwellings location within the development boundary for Fillongley, in principle, there is no objection to extensions to this property.

b) Parking

The central issue relates to parking provision.

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

Fillongley Neighbourhood Plan Policy FNP07 states that developments should provide safe vehicular access arrangements, comply with NWBC, WCC and NPPF guidelines and ensure that parking provision is related to property size.

Appendix 4 to saved Local Plan policy TPT6 sets out a maximum parking requirement of two spaces for properties with two or more bedrooms.

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 proposals seek planning permission for rear extensions to the dwelling which would increase the number of bedrooms from three to four. Contrary to the parishes comments, off-road parking is currently provided by a large area of paving to the front of the property which can comfortably accommodate three cars with NWBC's policies requiring just two for a property of this size.



Site photograph illustrating the parking area in use to the front of the property

Whilst there will be four bedrooms at the property, it is unlikely that the occupants will have four cars. Additionally, there are three off-road spaces and the relevant policies do not state that an additional parking space should be provided for each bedroom i.e. 4 spaces for a 4-bed property, 5 for a 5-bed and so on.

Refusals on highway-related grounds have to be substantiated on the basis that the development would have an unacceptable or severe impact on highway safety – essentially in this case it would need to be demonstrated that the addition of a bedroom to a three-bed property which already benefits from three off road spaces would in some way have an unacceptable or serve impact on traffic circulation and highway safety along Church Lane. Officers do not consider the proposals to adversely affect highway safety and do not perceive that any refusal on highway-related grounds could be defended. The proposal would accord to NW10, FNP07 and TPT6.

c) Amenity

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(6) of the emerging local plan.

Neighbouring properties of Church House and The Cottage are the only two potentially implicated by the extension.

The Cottage is sited to the west of Chapel House with a separation distance of some 15m. Considering the separation between the proposed extension and the side elevation of The Cottage and the absence of first-floor windows in the extension, no amenity harm is considered to arise. It is material that no objections have been received.

In respect of Church House, the proposals have been amended throughout the course of the application with the extent of a two-storey projection along the boundary to Church House greatly reduced. Now a 45-degree angle is breached to only one of the four windows serving a ground floor living room at two-storey level which is considered to be acceptable. The only new windows at first floor level facing onto the property will serve a bathroom and either be elevated in the roof slope (rooflights) or obscurely glazed.

Officers do not consider the extension to adversely affect the amenity of neighbours.

Considered as a whole, the scheme accords to policies NW10(9) and LP31(6).

d) Design

Saved policy ENV12 of the 2006 Local Plan requires development proposals to harmonise with the immediate and wider setting while respecting natural features and policy NW12 of the 2014 Core Strategy seeks for development to positively improve a settlements character and appearance.

Part one of saved policy ENV13 relates to the physical characteristics of built form, only permitting development where the *'scale, massing, height and appearance of the proposal positively integrates into its surroundings'*.

Fillongley Neighbourhood Plan policy FNP01 states that new development should not cause a detrimental change to the character of the village.

The extensions are sympathetic to the host dwelling in terms of scale, form and material use. Consequently, the proposal accords to saved policies ENV12 and ENV13 as well as Core Strategy policy NW12 and FNP policy FNP01.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan received on the 19th October 2020 and the drawing numbered 01C, received by the Local Planning Authority on 9th June 2021.

REASON

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

3. Roof tiles and render to be used shall match the existing building in colour, coursing and texture unless, prior to their incorporation into the development hereby approved, alternative details are first submitted to and approved in writing by the Local Planning Authority pursuant to an application made in that regard, whereafter the approved alternative details shall be incorporated into the development.

REASON

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

4. The first floor window in the dwellings north-east facing elevation, serving the bathroom as indicated on the drawing 01C, shall be glazed in obscure glass and non-opening (except for elements that are situated higher than 1.7m above the finished floor level) and permanently maintained thereafter as such, which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

To maintain control in the interest of the effect upon neighbouring properties

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. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with Nuneaton and Bedworth Borough Council. For further information please see https://www.nuneatonandbedworth.gov.uk/info/20025/planning_and_building_controlandhttps://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations ; guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>
3. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

4. 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 and quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2020/0552

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	20/10/20
2	Neighbour	Representation	19/11/20
3	Fillongley Parish Council	Representation	20/11/20

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.

SITE LOCATION PLAN
AREA 2 HA
SCALE: 1:1250 on A4
CENTRE COORDINATES: 428254 , 287353



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EXISTING FRONT ELEVATION
Elevation 1



EXISTING SIDE ELEVATION
Elevation 2



EXISTING REAR ELEVATION
Elevation 3



EXISTING SIDE ELEVATION
Elevation 4



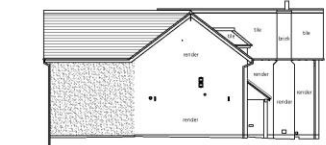
PROPOSED FRONT ELEVATION
Elevation 1



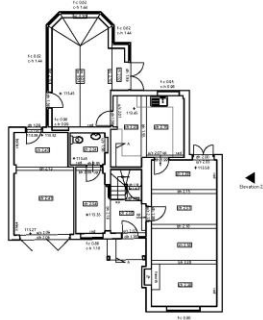
PROPOSED SIDE ELEVATION
Elevation 2



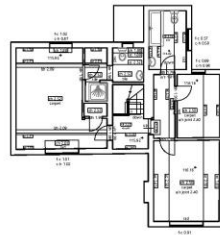
PROPOSED REAR ELEVATION
Elevation 3



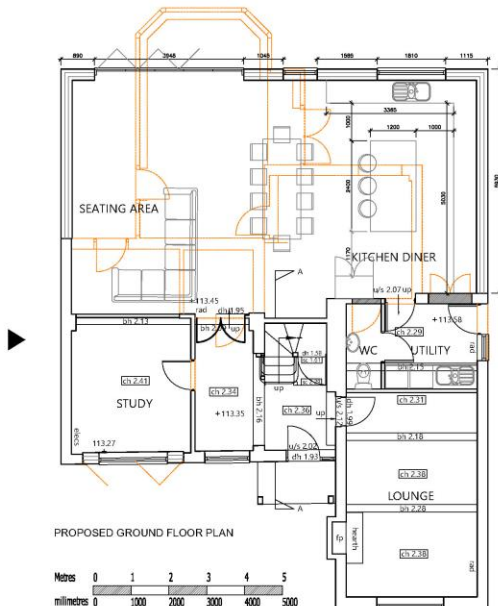
PROPOSED SIDE ELEVATION
Elevation 4



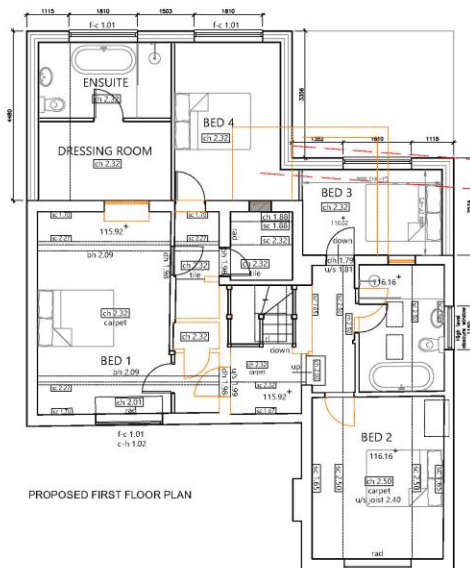
EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

H=1169.24
C=1153.98

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

(5/O) Application No: PAP/2021/0194

42, Austrey Road, Warton,

Replacing of existing building with 1 or 2 bed dormer bungalow, for

Mr R Verk

Introduction

This case is referred to the Board in light of its previous interest in the site and a recent appeal decision.

The Site

This is a single storey building located at the rear of the pavement on the eastern side of Austrey Road just south of its junction with Curlew Close. It is set at road level whereas the residential property immediately to the rear is at a higher level behind a retaining wall. There is residential property on either side of the site as well as opposite the site.

Because of the angle of the road here one corner of the building protrudes into the pavement.

The general location is illustrated at Appendix A.

The Proposals

As described above the proposal is to replace the building with a one-bedroom dwelling on the same footprint as the existing structure. It would have a single facing aspect to the west. Space for a single car parking area is to be provided as well as a small area of amenity space. The new dwelling would incorporate the first-floor accommodation within its roof and have front facing dormer windows.

The existing building and layout are shown on Appendix B and the proposals are shown at Appendix C.

Background

The building has historical associations as it was one of the earliest Methodist Society buildings in the Tamworth area.

The last use was as a car repair workshop, but it is understood that this use ceased in the late 1980's. There has been infrequent use since then, although the interior still exhibits the appearance of a workshop.

A planning application to replace the building with a two-bedroom dwelling with two car parking spaces was refused planning permission in October 2020, essentially on

highway safety grounds. This refusal was appealed, but that was dismissed in February 2021. The decision letter is at Appendix D

Representations

Three letters of support have been received which say that any continuing commercial use would have greater adverse impacts, particularly from on-street car parking and that the area would be significantly improved if this application was approved.

Three representations have been received expressing concern about highway safety because of the car parking provision; the need to ensure no other openings are made, and the amenity issues raised through the lack of sunlight into the building.

Consultations

Warwickshire County Council as Highway Authority – No objection

Warwickshire Petroleum – There appears to be an underground fuel storage tank in the open part of the site. The status of this is unknown.

Development Plan

The Core Strategy 2014 – NW10(Development Considerations); NW12 (Quality of Development) and NW14 (Historic Environment)

Other Material Planning Considerations

The National Planning Policy Framework

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

Proposed Modifications to the Submitted Plan 2021 – MM21 (in respect of LP1); MM 60 (in respect of LP15), MM74 (in respect of LP31) and MM75 (in respect of LP32)

Observations

This application is essentially a re-submission, seeking to overcome the recent proposal, which was dismissed at appeal. The new proposal is also for the replacement of the existing building on the same footprint as that dismissed scheme and essentially it is for the same sized building with the same external appearance. The changes made to accommodate the Inspector's reasons for the refusal are:

- The change from a two-bedroom building to a single bedroom building. This is said to result in the need for only one car parking space rather than two and that it would increase the size of rooms within the new building.
- Only one car parking space to be provided which leaves some room for a small amenity area behind a knee height rail

- The front windows to only open inwards and to be fitted with a privacy film or coating that prevents looking in but allows light to pass and views out of the habitable rooms.

The appeal decision is a material planning consideration of substantial weight in the determination of this amended scheme because it is very recent; it relates to a very similar proposal and because there has been no material change to the Development Plan since that decision. It is acknowledged that the Proposed Modifications were published after the appeal decision, but the proposed policy modifications do not materially change the approach taken by the Development Plan in the policies which are the most important to the current assessment – ie. highway safety and amenity considerations.

There is no objection to the principle here as the site is within the settlement boundary of Warton. The appeal decision does not question this conclusion. It therefore concentrates on the two matters highlighted above – highways and amenity.

The Inspector did not support the Council in its refusal reason in respect of highway matters. His reasons are set out in paras 6 to 14 of Appendix D. It is noteworthy that the County Council did not object to the appeal proposal and it neither objects to the current scheme. Given this, the content of Appendix D and the fact that the accommodation has been reduced and only one car parking space is now proposed, it is concluded that a further highway refusal could not be substantiated through evidence that could demonstrate significant harm.

In looking at the second matter – residential amenity – the Inspector took a different view. He concluded that the earlier proposal would not provide acceptable living conditions for future occupiers and his reasoning is set out in paras 15 to 18 of Appendix D. It is therefore necessary to assess whether the re-submission now overcomes that reasoning. It is acknowledged that changes have been made and that these all move the proposal into a “better” position in respect of any assessment of this matter. There are however still concerns about the “acceptability” of the living conditions. Changes to the specification of front windows are made and it is accepted that terraced properties are very often in a similar “back of pavement” location. However, the key issue here remains the lack of private amenity space and its use. That proposed now is still not private, very small and far from ideal in respect of highway safety. When coupled with the need to accommodate the front window specifications and space needed for waste bins and possible drying space, it is still concluded that the living environment here is not acceptable. The Inspector commented on these matters in paras 15 to 18 – particularly paras 15 and 16 – and concluded that “very significant” harm would be caused – para 18. That remains the case.

As reported above the present building has heritage associations. It is a non-designated heritage asset because of these. The NPPF says that such assets should be taken into account and that as such a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In looking at this assessment under the previous proposal, it was concluded that less than substantial harm would be caused to its significance and that the greater public benefit lay in continuing with the proposal. The appeal Inspector also referred to this issue in his decision - para 19 of Appendix D. In light of this and the content of the current proposal with its continued re-instatement and retention of architectural style and detail, it is

again agreed that harm would be less than substantial and that there is greater benefit in supporting the proposal.

In the final planning balance here, there is support in principle; no highway harm, and less than substantial heritage harm. However, that is not considered to outweigh the very significant harm caused to the living conditions of future occupiers of the new dwelling.

Recommendation

That planning permission be REFUSED for the following reason:

1. It is considered that the proposal would fail to provide acceptable living conditions for future occupiers of the development with particular regard to privacy and the provision of outdoor space. The proposal does not therefore accord with Policy NW12 of the North Warwickshire Core Strategy 2014 as supplemented by paragraph 127 of the National Planning Policy Framework

Notes:

1. Notwithstanding the refusal here, the Local Planning Authority has met the requirements of the NPPF in this case through engagement with the applicant to review the recent appeal decision and to seek amendments.
2. Standard Part Wall Act Informatives.

PAP/2021/0194

APPENDIX A



Site boundary, 87m²



Site Block Plan 1:500
Ordnance Survey, (c) Crown Copyright 2021. All rights reserved. Licence number 100022432



Site Location Plan 1:1250

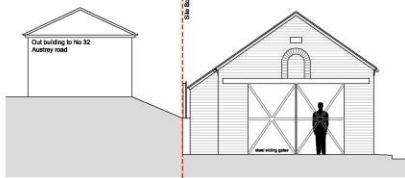
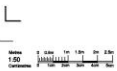
NORTH WARWICKSHIRE
 BOROUGH COUNCIL
RECEIVED
 30/03/2021
 PLANNING & DEVELOPMENT
 DIVISION

FOR PLANNING

Date: / /
 Rev: / /
 Project: 42 AUSTREY ROAD, WARWICK
 Proposed: PROPOSED REDEVELOPMENT
 Drawing No: RED LINE SITE LOCATION / BLOCK PLAN

Scale:	1:500	Date:	19/03/21
Author:	0000	Check:	

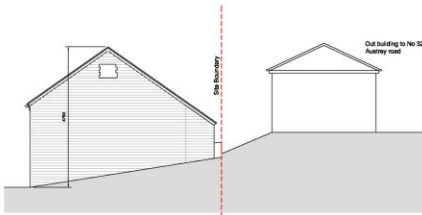
AP
 8 Crown Road
 Warwick, CV9 2JF
 01927 62611



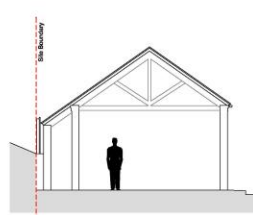
North Elevation



West Elevation



South Elevation



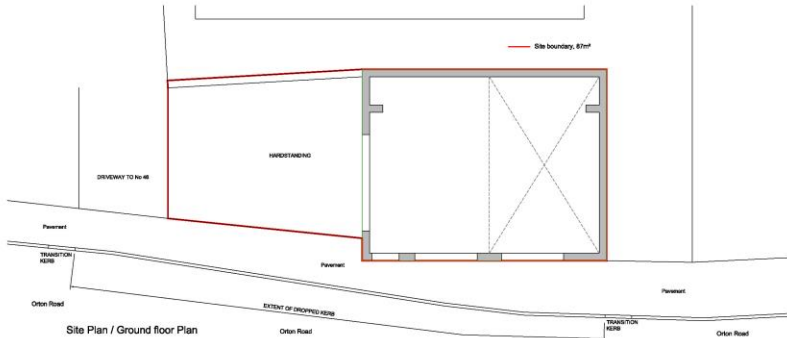
Section A

APPENDIX B

PAP/2021/0194



Site Location Plan - 1:1250



Site Plan / Ground floor Plan

NORTH WARWICKSHIRE
 BOROUGH COUNCIL
RECEIVED
 30/03/2021
 PLANNING & DEVELOPMENT
 DIVISION

FOR PLANNING

Date: / /
 Rev: / /
 Project: 42 AUSTREY ROAD, WARWICK
 Existing Plans and elevations

Scale:	1:250	Date:	19/03/21
Author:	0000	Check:	

AP
 8 Crown Road
 Warwick, CV9 2JF
 01927 62611

Appeal Decision

Site Visit made on 19 January 2021

by **M Russell BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 February 2021

Appeal Ref: APP/R3705/W/20/3261679
42 Austrey Road, Warton, Tamworth B79 0HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R Virk against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2020/0215, dated 3 April 2020, was refused by notice dated 6 October 2020.
- The development proposed was originally described as 'Replacing of existing dwelling with 3 bed dormer bungalow'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have considered the appeal on the basis of the revised description of 'Replacing existing building with a 2 bedroom dwelling' which was agreed between the Council and the appellant during the planning application process and reflects the plans before me.
3. The planning application form refers to a 'Mr R Verk'. However, I have used the spelling of the appellant's name given on the appeal form, appellant's statement and the Council's decision notice for the purposes of my decision.
4. The Council suggests that it does not rely on the Saved Policies of the North Warwickshire Local Plan (LP) (2006). I acknowledge that the reasons for refusal refer solely to Policies from the North Warwickshire Local Plan Core Strategy (CS) (2014). However, as part of the suite of policies provided, Saved Policy TPT6 (Vehicle Parking) and accompanying Appendix 4 of the LP have been provided and are relevant to my considerations under the first main issue. The Council has also confirmed that the emerging Submitted Local Plan for North Warwickshire is still going through examination. Therefore, given I am unaware of any outstanding objections or requirements for modifications in respect of the emerging plan, I have assessed parking requirements under the currently adopted standards in the LP.

Main Issue

5. The main issues are:
 - the effect of the development on highway safety; and
 - whether the proposal would provide acceptable living conditions for future occupiers of the proposed development with particular regard to

privacy, the provision of private outdoor space, security, refuse storage and on-site parking facilities.

Reasons

Highway safety

6. The appeal site is situated within a predominantly residential area and fronts Austrey Road which forms part of the main arterial route through the village of Warton. Footways are provided either side of Austrey Road and the footway narrows where the existing building on the appeal site fronts the highway. The speed limit to the front of the site is 30mph and there are no parking restrictions. At the time of my visit pedestrian and vehicular traffic on Austrey Road was relatively frequent. There was not a high prevalence of vehicles parked on the highway close to the site. However, I acknowledge that this only provides a snapshot of the highway and parking conditions in the area.
7. Paragraph 109 of the National Planning Policy Framework (the Framework) states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety'.
8. The proposed layout indicates that 2 off street parking spaces would be provided. Therefore, this would not exceed the maximum standard of 2 on-site parking spaces for a dwelling with 2 bedrooms or more as required by Saved Policy TPT6 (Vehicle Parking) and accompanying Appendix 4 in the LP.
9. The Highway Authority suggests that both spaces would need to be 4.8 metres (m) in depth and 3.0m in width but has not provided any adopted guidance which specify these dimensions. Even so, it was evident from my site visit that the parking area would be likely to be relatively cramped. However, it was clear that one vehicle would comfortably fit on the proposed parking area. This would still be within the maximum standards set out in the LP. Any residual on street parking associated with a single two-bedroomed dwelling would be unlikely to be at a level that it would result in any significant inconvenience for road users or give rise to an unacceptable impact on highway safety.
10. Drivers exiting the appeal site in a forward gear would be likely to have adequate visibility of any pedestrians or oncoming traffic approaching the site from the north. However, the position of the proposed dwelling with its front elevation abutting the footpath would significantly impede visibility towards the south. In that regard there would be the potential for vehicular conflict with pedestrians approaching the site from the south on this side of Austrey Road. The potential risks would be exacerbated in situations where vehicles were being reversing towards the highway. Therefore, in that particular regard the development would have an unacceptable impact on highway safety.
11. Notwithstanding the above, my attention has been drawn to the existence of a fallback position in respect of the established lawful use of the site as a car repairs garage. Even though a considerable period of time has passed since the building was last in that use, the building remains largely intact and would be capable of re-use with minimal intervention. On this basis, the use has not been abandoned and could recommence without planning permission. Sales particulars have also been provided which demonstrate that the site has been marketed with reference to its most recent use as a garage and repair business.

12. The footprint of the existing building is similar to the proposed dwelling. Associated vehicular activity with a car repairs garage would differ from a dwelling insofar as vehicular movements would likely be restricted to times where any business would be operational. The size of the site and associated building would also be likely to be self-limiting in terms of the scale of any such operation and the likely level of associated vehicular movements. However, the overall level of vehicle movements to and from the site and their relationship with highway safety would be likely to be comparable to those associated with the use of the site for a single dwelling. This represents a legitimate fall-back position to which I attach significant weight.
13. The Council is also concerned that window openings would overhang the pavement. If planning permission were to be granted, a condition could be attached requiring these windows to incorporate inward opening elements only or alternative forms of ventilation.
14. I conclude that the development would conflict with the highway safety aims of Policy NW10 (Development Considerations) of the CS. However, the impact of the development on highway safety would be neutral when the fallback position is taken into account.

Living conditions for future occupants

15. The main ground floor windows for the dwelling would be to the front elevation which would abut the footpath on Austrey Road. Therefore, in order to provide suitable levels of privacy for occupiers of the dwelling it is likely that these windows would need to be fitted with opaque glass or blinds. This would be detrimental to the means of outlook for occupiers and could not be compensated by windows being provided to the rear elevation given the close proximity of the rear boundary. The only other means of outlook would be a side window which would also be positioned in close proximity to the street and would face towards an area that would be likely to be occupied by parked vehicles and bins. Therefore, in trying to address a lack of privacy, this would be likely to lead to other issues in that occupant of the dwelling would not be provided with a suitable internal living environment.
16. The dwelling would not benefit from any private outdoor space. The appellant contends that there are parks and countryside nearby. Even so, the occupants of a two-bedroomed dwelling should reasonably expect to have some private garden for the purposes of sitting out, hanging out washing and outdoor storage including secure storage of bins away from the street. Therefore, the close proximity of public open space would not meet the reasonable needs of the occupiers of the dwelling.
17. There is no substantive evidence before me to persuade me that the development would be particularly susceptible to crime. The prominent position of the dwelling within the street would ensure that it would benefit from a reasonable level of natural surveillance. I am satisfied that the development would also be served by adequate on-site parking facilities having particular regard to the maximum standards in the LP referred to under the first main issue. Even so, the acceptability of the development in these regards does not overcome the other deficiencies identified in terms of living conditions for occupiers of the dwelling.

18. I conclude, when the issues of insufficient levels of privacy and a lack of private outdoor space are considered together, they would amount to very significant harm to the living conditions of future occupiers of the dwelling. In those regards the development would be contrary to the high quality, sustainable design requirements of Policy NW12 (Quality of Development) of the CS. The development would also conflict with Paragraph 127 of the Framework which amongst other things requires that development creates places with a high standard of amenity for existing and future users.

Other Matters

19. The specialist heritage advice provided during consideration of the planning application identified the existing building as a non-designated heritage asset. From what I saw on site and the evidence before me, I find no reason to disagree with this. I am also satisfied that the proposed rebuild would not undermine its significance insofar as its replacement would reinstate and retain some legibility in terms of architectural style. However, even if no harm would result from the perspective of preserving the historic environment, that is a matter of neutral consequence and does not outweigh my conclusions on the main issues.

Conclusion

20. I have found that the development would have a neutral impact on highway safety having regard to the fallback position on the site. The development would remove a derelict building and would also make a limited but positive contribution towards the Council's housing requirements.
21. However, occupants of the dwelling would not be provided with acceptable living conditions. This is a matter which attracts significant weight and tips the balance firmly against the proposal.
22. No further material considerations have been advanced of sufficient weight to justify a decision other than in accordance with the development plan and the Framework. Therefore, for the reasons set out, I conclude that this appeal should be dismissed.

M Russell

INSPECTOR

General Development Applications

(5/P) 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), for

Mr S Chaudry - MAC Developments & Construction Ltd

Introduction

This application is being reported to the Board at the discretion of the Head of Development Control given the issues involved. A Board site visit was carried out on the 12 July 2021 at 1830.

Members should be aware the proposed development is substantially completed and thus the application should be treated as one seeking retrospective permission.

The Site

The site itself is to the rear of Coleshill Road. To the north of the site is land within the control of the applicant and includes the recently constructed shop and another row of shops and flats above. To the west of the site are the Council owned bungalows in Willow Close. To the east of the site are residential properties in Chancery Lane. To the south of the site are gardens of Chancery Lane and a small holding. Part of the site is situated in Nuneaton and Bedworth Borough Council's jurisdiction and therefore a planning application has also been submitted to that Authority.

The Proposal

The application proposes the formation of a car park through the changing of levels of the land to the rear of 92 Coleshill Road. The development has also included the formation of retaining walls, the land has also been enclosed by 2.4m high fencing; lighting columns erected and the inclusion of plastic 'camouflaged' netting to the retaining wall facing Willow Close. The proposal is to provide additional parking to serve the commercial units within the applicant's ownership on Coleshill Road. The car park is adjacent to the new store which has approved opening hours between 0700 and 2200 hours.

The latest plan is attached at Appendix A.

Background

Planning permission was granted for a retail unit on the land immediately to the north of the site in 2018 (ref PAP/2018/0082) with a variation to the plans approved in 2019 (ref PAP/2019/0036) to increase the height of the building by 1m. The proposals of this application are connected to those approvals in terms of the additional parking and boundary treatments.

Development Plan

North Warwickshire Core Strategy (October 2014) - NW1 (Sustainable Development); NW10 (Development Considerations), NW12(Quality of Development) and NW17 (Economic Regeneration)

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

Hartshill Neighbourhood Plan 2017 – H4 (Good Quality Design in Hartshill) and H12 (Hartshill Retail Centre)

Other Relevant Material Considerations

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

The North Warwickshire Local Plan Submission Version, March 2018 - LP1 (Sustainable Development); LP11 Economic Regeneration, LP31 (Development Considerations) and LP32 (Built Form)

Proposed Main Modifications to the Submitted Plan – MM21(in respect of LP1); MM 55 (in respect of LP11), MM74 (in respect of LP31) and MM75 (in respect of LP32)

Air Quality - Planning Guidance Document September 2019

Consultations

Warwickshire County Council as Lead Local Flood Authority – It originally objected and following submission of additional details it has no further comments to make.

Warwickshire County Council as Highway Authority - It objects as it considers that a Road Safety Audit should be submitted.

Environmental Health Officer – It required both noise and lighting assessments to be undertaken

Nuneaton and Bedworth Borough Council – It objects to the development in that the retaining wall and fencing will have a detrimental impact on visual amenity. This may also have a significant impact on the residential properties.

Warwickshire Fire and Rescue Service – No objections.

Representations

A petition signed by 11 residents, objects to the scheme outlining the following concerns:

- Willow Close residents advised a new fence erected, but not the concrete walls.
- Residents can no longer enjoy garden areas, consider overwhelmed and devastated.

- Scale of the car park is huge.
- No consultation prior to the erection of the proposal.
- Proposals continued without planning permission.
- Disregard for neighbours.
- Great deal of stress created by the proposal.
- This is a supermarket carpark not just a staff car park
- Noise is an issue
- Oppressive structure with additional fence.
- Lighting columns 15 in total.
- Lighting turned off after 10pm
- Poor workmanship

There have been letters of objection from four local residents raising issues in respect of the following:

- The proposal does not accord to the application forms in terms of materials and surface water attenuation.
- Surface water attenuation should amount to 84 cubic metres of attenuation. This has not been included, which will lead to water on neighbouring properties. No plans have been submitted showing connections.
- The approved commercial development shows overland surface water.
- Kerbs not 1 metre away from the fencing.
- Landscaping has not been provided
- Lighting not shown on plans and incorrect.
- Car parking going to create noise issues.
- No maintenance details of the structure, landscaping.
- Workmanship is poor to the sheet piling, fencing and landscaping
- Landscaping removed and nothing put back as a replacement.
- Steel piles are reused and are likely to fail in the future. Maintenance difficult due to their position on the boundary.
- Unstable land
- Fences erected lead to sense of enclosure and lead to an impact on sunlight and daylight reaching the adjacent properties.
- The works have already been undertaken.
- Skips and waste areas for store to the rear of the car park.
- CCTV and lighting impact on the residential properties
- Access from Chancery Lane flats has poor visibility, no barriers stopping cars running through fences.
- Impact on air and noise pollution
- Piles damaged main sewage system during construction.
- Completely changed the character of the area from a green outlook to a commercial/industrial estate. The store will be used for multiple business which the car park will be used to support.
- Concerns it is not be used as a car park but as a recycling centre or other commercial activities.
- Impact during construction, noise, vibration, dust
- Should be carbon off contributions from the development.
- The development echoes as noise is amplified

Observations

Planning legislation states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.” (Section 38(6) of the Planning and Compulsory Purchase Act 2004, amending the Town and Country Planning Act 1990 (as amended)).

The statutory Development Plan comprises the North Warwickshire Core Strategy adopted in July 2014; Saved policies of the North Warwickshire Local Plan 2006 and the Hartshill Neighbourhood Plan. Other material planning considerations comprise the National Planning Policy Framework (NPPF) published February 2019, the National Planning Practice Guidance (NPPG), the emerging North Warwickshire Local Plan (2018) and the Council’s Supplementary Planning Guidance.

The proposal is situated adjacent to Chapel End Neighbourhood Centre as defined by Policy LP21 of the emerging local plan which is designated between 82-102 Coleshill Road. Additionally, policy H12 of the Hartshill Neighbourhood Plan indicates that within this area expansion of retail provision will be supported. When planning permission is required, non-retail uses will be restricted in order to retain the level of retail provision in the area. The use of the northern part of the site is already approved for retail use.

There is no objection in principle here as the proposal provides both staff and customers car parking for an approved retail scheme within an established retail and community centre. It will also enable deliveries to be made on-site, removing vehicles from the road. There is thus a benefit in reducing the pressure for on-street car parking on the Coleshill Road.

There are however a number of detailed matters which need to be considered, particularly the impacts on the residential amenity of existing neighbouring properties in respect of visual impact, lighting and noise. These are the main issues raised through the representations which have been received. Other matters such as the disposal of surface water and highway safety need to be considered. The current documentation submitted however requires updating and there is also some clarification needed. This is being actively addressed by the applicant. As a consequence, officers are unable to prepare a determination report at this time. It is therefore recommended that that report is tabled at a subsequent Board meeting when the documentation is complete and after Members have visited the site.

Recommendation

That the current position is noted and that a determination report be referred to the Board in due course.

BACKGROUND PAPERS

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

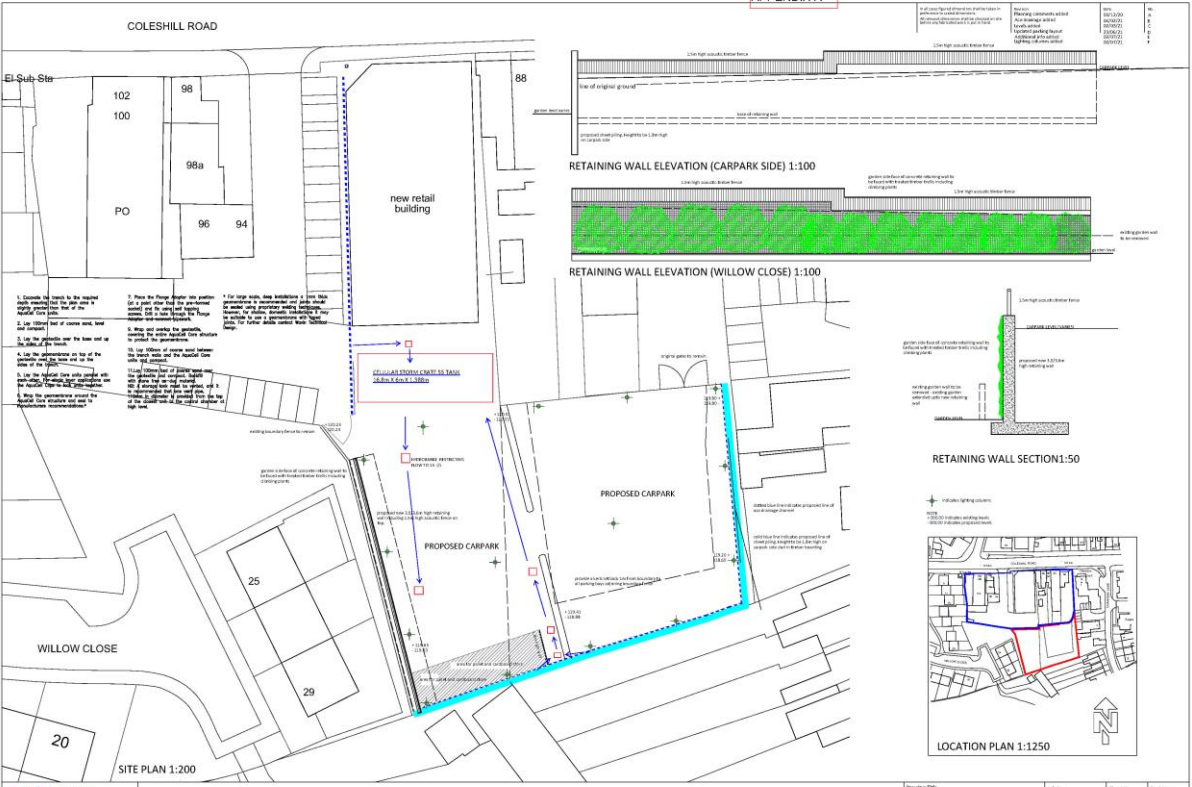
Planning Application No: PAP/2020/0599

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant	Application Forms, Plans and Documents	12/11/2020
2	Local resident	Objection – petition signed by 11 residents	26/02/2021
3	Local resident	Objection	26/02/2021
4	Environment Agency	Comments	05/03/2021
5	NBBC	Objection	19/03/2021
6	NWBC Environmental Health	Objection	30/03/2021
7	WCC Flood Authority	Objection	01/04/2021
8	WCC Highway Authority	Objection	08/04/2021
9	Hartshill Parish Council	Comments	08/04/2021
10	Warwickshire Fire Safety	Comments	09/04/2021
11	Local resident	Objection	09/04/2021
12	Local resident	Objection	09/04/2021
13	WCC Flood Authority	Comments	19/04/2021
14	Updated light assessment	Correspondence	20/04/2021
15	Local resident	Objection	30/06/2021
16	Noise assessment submitted	Correspondence	11/06/2021

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.

APPENDIX A



Pickles Architecture
 100, High Street, Nuneaton, CV11 3JG
 Tel: 01927 541111
 Email: info@pickles-arch.co.uk

PROPOSED NEW CARPARK ON LAND AT COLESHILL ROAD, CHAPEL END. NUNEATON.

Drawing Title	Job No.	Drawn No.	Revisors
PLANNING DRAWING	R966	01	F
This drawing is copyright	Scale 1:200/PA1	Date 23/09/20	Drawn NCSA

Agenda Item No 6

Planning and Development Board

14 July 2021

**Report of the
Head of Development Control**

**Blackgreaves Farm
Blackgreaves Lane
Lea Marston**

1 Summary

- 1.1 A Temporary Stop Notice was served in connection with works at this address on 7 June 2021. The report explains the background and seeks confirmation of the action taken.

Recommendation to the Board

That the issue of a Temporary Stop Notice under Section 171 (E) of the town and Country Planning Act in respect of the uses described in this report relating to land a Blackgreaves Farm, be confirmed.

2 Background

- 2.1 Blackgreaves Farm lies within the Green Belt and is accessed from Blackgreaves Lane which is a single carriageway rural lane. The land the subject of the Notice is adjacent to Blackgreaves Farmhouse, which is also within the ownership of the owner of Blackgreaves Farm and a cluster of privately owned residential properties, which are converted buildings, once part of Blackgreaves Farm.

...

- 2.2 The use of the land shown edged red on the attached plan, began approximately two months ago following the construction of an elevated cement silo, the construction of three large concrete bays for the storage of associated materials and the hard surfacing of the area, New security entrance gates were also erected - over two metres in height at the entrance to Blackgreaves Farm. This development on the land requires planning permission.

- 2.3 The service of the Temporary Stop Notice refers to the use of the land. The Notice was served under s 171 (E) of the Town and Country Planning Act 1990 on 7th June 2021, in respect of the unauthorised change of use of part of the land at Blackgreaves Farm, Blackgreaves Lane, Lea Marston, B76 0D, for a use in connection with the processing, storage, import of materials and distribution of cement together with the parking and operation of vehicles used in connection with the use of the land for the processing, storage, import of materials and distribution of cement.
- 2.4 Blackgreaves Farm is accessed, via a single carriageway, which also serves several residential properties, a Golf Club a Hotel, a camp site, a cricket ground, an Indian Restaurant, pavilion, and an established shooting club. The camp Site, shooting club, the cricket club ground is also within the ownership of the owner of Blackgreaves Farm. The remaining agricultural use of the land at Blackgreaves Farm appears to have now ceased. It has been noted that the land is currently being advertised for lease. (June 2021)
- 2.5 The unauthorised use of the land commenced approximately two months ago in April. Since it first commenced, however, the use has intensified. It is understood currently, that cement is hard to obtain for all building projects and the construction industry in general. Since the unauthorised installation of the equipment and development of the land for this purpose, the use has intensified significantly to the detriment of the occupants of the surrounding and nearby neighbours, in terms of noise, disruption, and general nuisance. HGV vehicles in connection with this use have been delivering, picking up and dropping off materials, on some occasions, at 2200 hours which is not acceptable and clearly impacts on the life of the occupants of nearby residential properties.
- 2.6 Furthermore, evidence of HGV vehicle queuing on the single carriageway has been provided, causing obstruction and inconvenience to other road users accessing the facilities and properties in Blackgreaves Lane. Damage to the metalled road, allegedly caused by the unauthorised use, has occurred at the entrance to Blackgreaves Farm. This matter has been reported to Warwickshire County Council.
- 2.7 Blackgreaves Farmhouse is a Grade II listed building. As such the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. Cement processing and storage/distribution works on the parcel of land alongside this heritage asset does have a harmful impact on its setting.
- 2.8 The significance of the Heritage asset lies in its strong architectural form and presence in the Arden landscape, comprising a farmstead with visual and functional links to the land which form part of the overall historic context of the site. The character of the 'setting' is diluted by such an operation and the harm caused to the significance of the Heritage Asset would not likely be outweighed by any public benefits.

- 2.9 Contact has been made with the owner of the land, who claims that the concrete is only for his own purposes. Whilst he does own a significant amount of land within the vicinity, no justification for the installation of plant and equipment and use of the land for this purpose, at this level, has been provided. It is believed that the owner is exporting the cement elsewhere and is making use of the fact that there is a national shortage in supplying cement. The owner has also indicated that the concrete facility will remain in situ and be relocated to another part of his land once his personal needs are met.
- 2.10 Verbal authorisation, from the Board Chairman was obtained prior to the service of a Temporary Stop Notice in order to provide a wider timescale for the consideration of any further formal action. A Planning Contravention Notice has also been issued, to establish the background. Following receipt of any further information, obtained in response to this Notice, further action may be necessary in respect of the breach identified in the Temporary Stop notice.

3 Planning Policy

- 3.1 The reasons for the issue of the Notice relate to non-compliance with Development Plan policy.
- 3.2 The site is in the Green Belt. It is considered that the use is not appropriate development in the Green Belt because it does not preserve the openness of the Green Belt and because it conflicts with the purposes of including land within the Green Belt. By virtue of paras 143 and 144 of the National Planning Policy framework 2019 - (the "NPPF") - inappropriate development is harmful to the Green Belt and substantial weight should be given to that harm. The Council is not aware of any planning considerations that would provide the weight to clearly outweigh this harm and thus provide the very special circumstances to support the retention of the use as is required by para 143 of the NPPF. As a consequence, the use would not accord with Policy NW3 of the North Warwickshire Core Strategy 2014 and Section 13 of the NPPF.
- 3.3 The proposal is considered to cause substantial harm to the setting of an adjoining Grade 2 Listed Building - Blackgreaves Farmhouse. 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 of special architectural and historic interest it possesses. The significance of this heritage asset is that a former farmhouse is retained with its contemporaneous internal and external architectural attributes and characteristics together within its open countryside setting. Substantial harm is caused to the setting a consequence of the use the subject of this Notice because it reduces the extent of the open land around the asset and introduces a thoroughly modern and industrial alien character to its setting. There is not considered to be the substantial benefits to outweigh this harm as is required by para 195 of the NPPF. As such the use would not accord with Policy NW14 of the North Warwickshire Core Strategy 2014 and Section 16 of the NPPF.

- 3.4 The proposed development introduces an industrial process and use within a rural area where there are other private residential properties. As such the use introduces unacceptable impacts on neighbouring residential amenities through noise, light and increased traffic. As such the use would not accord with Policy NW10 (9) of the North Warwickshire Core Strategy 2014 and para 180 of the NPPF.

In respect of highway matters unauthorised works have been carried out to the public highway verge in order to widen a vehicular access at the location highlighted. Warwickshire County Council will pursue this with the landowner, as a contravention of the Highways Act. Additionally, the access appears to be partially block-paved and Warwickshire County Council does not give permission for this type of surface to be used in a vehicle access.

- 3.5 Additionally, Blackgreaves Lane carries an environmental weight limit of 2.5 Tonnes. Operations being carried out within this weight restriction without planning consent that require vehicles exceeding this weight limit to access the site, may be in contravention of this weight restriction and therefore subject to Police enforcement. Any repairs to damage caused to the highway through the use of vehicles exceeding this weight limit may be recharged back to the responsible party through S59 of the Highways Act. These other Agencies are aware of the situation.
- 3.6 It is considered that the harms identified above are substantial and carry significant cumulative weight. This warranted the service of the Notice. The Notice may well have an impact on the recipients and any business activity associated with the uses. Since no clear justification for the use has been provided, this loss appears to be limited to the loss of income from the unlawful use which is outweighed by the harm caused. The Notice enables these to be explored further, such that any future formal action can be considered with that in mind in the planning balance.

4 Report Implications

4.1 Financial and Value for Money Implications

- 4.1.1 There will be no implications for the Council as the service of such Notice will be dealt with through the service's own departmental budget.

4.2 Equality, Human Rights and Legal Implications

- 4.2.1 There is no appeal against the issue of a Temporary Stop Notice, further engagement within the 28-day period in which it takes effect, will enable any future action to be considered in light of any information received in that period.

4.3 **Environmental and Sustainability Implications**

- 4.3.1 The unauthorised change of use of this land does not accord with the Development Plan such that there are adverse environmental impacts being caused in an unsustainable location.

4.4 **Links to Council Priorities**

- 4.4.1 This action aligns to the Council's priorities of protecting and improving the environment, defending the countryside and the openness of the Borough

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

Temporary Stop Notice



Sterling Court
Northon Road
Stevenage
Herts SG1 2JY
UK

Tel: +44 (0)1438 747996
Fax: +44 (0)1438 747997
E-mail: info@cadcorp.com



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Agenda Item No 7

Planning and Development Board

14 July 2021

Report of the Chief Executive

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

1 Summary

- 1.1 This report informs 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.

Recommendation to the Board

That Members consider the performance achieved and highlight any areas for further investigation.

2 Consultation

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

3 Background

- 3.1 This report shows the year end position with the achievement of the Corporate Plan and Performance Indicator targets for 2020/21. This is the fourth report showing the progress achieved so far during this year.

4 Progress achieved during 2020/21

- ... 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the agreed local performance indicators during April 2020 to March 2021 for the Planning and Development Board.
- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not being achieved (shown as a red triangle)

Green – target achieved (shown as a green star)

5 Performance Indicators

- 5.1 The year end returns are subject to review by Internal Audit and therefore maybe subject to changes. Any amendments to the returns will be reported to a future meeting of the board.

6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 88% of the Corporate Plan targets and 67% of the performance indicator targets have been achieved. One target for processing other applications has not been achieved due to a combination delays in receiving consultation responses and the seeking of extensions in time. A target to prepare a report to the board was also delayed due to priority given for enforcement cases. A delay with work on preparing a sub-regional planning policy framework for sustainable construction has also been highlighted. The report shows the individual targets that have been classified as red or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

Corporate Plan

Status	Number	Percentage
Green	14	88%
Red	2	12%
Total	16	100%

Performance Indicators

Status	Number	Percentage
Green	2	67%
Red	1	33%
Total	3	100%

7 Summary

- 7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

8 Report Implications

8.1 Safer Communities Implications

- 8.1.1 Major applications are considered by the Police Architectural Liaison Officer who is looking to ensure that Secure by Design principles are applied for new developments.

8.2 Legal Data Protection and Human Rights Implications

8.2.1 The national indicators were specified by the Secretary of State for Communities and Local Government. They were replaced by a single list of data returns to Central Government from April 2011.

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. The actions to improve apprenticeships, training and employment opportunities and transport links for residents is contributing towards the raising aspirations, educational attainment and skills priority of the North Warwickshire Sustainable Community Strategy 2009 – 2026.

8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

8.5 Equality Implications

8.5.1 The action to improve employment opportunities for residents is contributing to equality objectives and is a positive impact in terms of the protected characteristics for age through the young people employment programme.

8.6 Links to Council's Priorities

8.6.1 There are targets and performance indicators included relating to supporting employment and business, protecting countryside and heritage, and promoting sustainable and vibrant communities.

The Contact Officer for this report is Robert Beggs (719238).

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

Planning and Development 20/21										
	Action	Priority		Reporting Officer	Quarter 3	Status	Direction	Quarter 4	Status	Direction
21 (a)	To continue to manage development and to deliver its associated infrastructure, in line with the Infrastructure Delivery Plan and priorities in the Council's Corporate Plan and in the Sustainable Community Strategy	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown	Infrastructure is sought where appropriate alongside the handling of planning applications.	Green	↔	Infrastructure is sought where appropriate alongside the handling of planning applications.	Green	↔
21 (b)	Use the Design Champions to ensure the best achievable designs are implemented and developed so as to reflect setting and local character	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown	Meetings are regularly held when appropriate even at pre-application stage but this has been limited this quarter because of COVID	Amber	↓	Meetings are regularly held when appropriate even at pre-application stage but this has been limited this quarter because of COVID	Green	↔
21 (c)	To seek to secure the protection of the best of the Borough's built and rural heritage, including supporting the Tame Valley Wetlands Partnership and the area's Country Parks and reporting, by January 2021, on a review of the Borough's Conservation Area	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown/Simon Powell	Heritage issues continue to feature in the handling of applications and the report is on course. The Tame Valley Partnership is referred to where appropriate in looking at Section 106 agreements.	Green	↔	Heritage issues continue to feature in the handling of applications and the report is on course. The Tame Valley Partnership is referred to where appropriate in looking at Section 106 agreements.	Green	↔
21 (d)	To continue to work with North Warwickshire Heritage Forum to protect, promote and develop the heritage and tourism of North Warwickshire in accordance with the priorities of the Destination Management Plan	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown/Simon Powell	Whilst work has been diluted due to the COVID-19 pandemic, activity undertaken in support of local heritage, tourism and other priorities of the Destination Management Plan is continuing to evolve. These are material considerations in dealing with planning applications	Amber	↔	Whilst work was diluted due to the COVID-19 pandemic, activity undertaken in support of local heritage, tourism and other priorities of the Destination Management Plan continued to evolve. These are material considerations in dealing with planning applications	Green	↔
21 (e)	Review the Borough's tourism priorities and Destination Management arrangements in particular with a view to maximising the opportunities from the City of Culture 2021 and Commonwealth Games 2022 and related cycling events, and to include walking, cycling, water sports, horse riding and country parks	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown/Simon Powell	Whilst work has slowed due to the COVID-19 pandemic, the Authority has continued to be engaged in forums reviewing the opportunities available through the planning of the City of Culture and Commonwealth Games events, as well as in respect of the further development of, for instance, cycling and walking in the Borough	Amber	↔	Whilst work slowed due to the COVID-19 pandemic, the Authority continued to be engaged in forums reviewing the opportunities available through the planning of the City of Culture and Commonwealth Games events, as well as in respect of the further development of, for instance, cycling and walking in the Borough	Green	↔
22	To regularly report on Growth pressures on the Borough, the protection of the Green Belt as far as possible and how to sustain the rurality of the Borough	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown	Reference to these matters appears in reports when officers deal with planning applications.	Green	↔	Reference to these matters appears in reports when officers deal with planning applications.	Green	↔
23	Report on ways to improve enforcement of all planning and environmental powers by November 2020	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown	The report will be prepared on time	Green	↔	The preparation of this report has been delayed due to substantial enforcement cases having to take priority	Red	↓
24	To press for maximum mitigation and benefits for the Borough arising from HS2, particularly during construction in partnership with other affected Councils and community action groups	Protecting our Countryside & Heritage	Planning & Development Board	Dorothy Barratt	Work is ongoing.	Green	↔	Work is ongoing.	Green	↔
25	To continue to oppose the principle of Opencast Mining and Mineral Extraction	Protecting our Countryside & Heritage	Planning & Development Board	Jeff Brown	There have been no instances in the Borough to date	Green	↔	There have been no instances in the Borough to date	Green	↔
30	To progress the Local Plan through Inquiry towards adoption and commence further work as agreed by the Local Development Framework Sub-Committee, including work to protect valued views, Member steering groups on major allocation sites (to include Section 106 requirements) and consideration of work for the next Local Plan period (2033-2045)	Protecting our Countryside & Heritage	Executive Board/Planning & Development Board/LDF Sub-Committee	Dorothy Barratt	Virtual hearings were held in December 2020 with work progressing to Main Modifications consultation.	Green	↔	Main Modification consultation ended on 14 April. The 46 representations were sent to the Local Plan Inspector. His final report is awaited.	Green	↔
33	Maximise the opportunity for Section 106 funding for leisure and open space in accordance with the Supplementary Planning Document and Infrastructure Delivery Plan	Improving Leisure & Wellbeing Opportunities	Planning & Development Board	Jeff Brown/Simon Powell	The Borough Council is maximising the opportunities to negotiate Section 106 funding in accordance with the provisions of the relevant Supplementary Planning Document. This is ongoing and regularly features in cases - eg. Community use at Polesworth School and the proposed Surf Park	Green	↔	The Borough Council is maximising the opportunities to negotiate Section 106 funding in accordance with the provisions of the relevant Supplementary Planning Document.	Green	↔
51 (a)	Better understand the employment and skills deficits in the Borough, particularly in respect of the changing nature of the logistics sector, so as to work with the County Council and other partners to provide and promote apprenticeships and training opportunities for North Warwickshire residents and to increase their accessibility to employment centres; and	Supporting Employment & Business	Planning & Development Board	Steve Maxey	The draft Economic Development Strategy will consider further projects to improve employment prospects for residents of the Borough. Discussions are taking place with MIRA in respect of a bespoke skills curriculum if the extension at their site is granted planning permission.	Amber	↔	The draft Economic Development Strategy will consider further projects to improve employment prospects for residents of the Borough. Discussions are taking place with MIRA in respect of a bespoke skills curriculum if the extension at their site is granted planning permission.	Green	↔

Planning and Development 20/21										
	Action	Priority		Reporting Officer	Quarter 3	Status	Direction	Quarter 4	Status	Direction
51 (b)	Administer funding provided by the developers and through other funding sources to maximise opportunities for employment of local people, in light of the evidence to be provided under (a) above	Supporting Employment & Business	Planning & Development Board	Steve Maxey	Work has started to ensure that when the opportunities are available that the Borough Council is in a position to use these funds.	Green	↔	Work has started to ensure that when the opportunities are available that the Borough Council is in a position to use these funds.	Green	↔
52	To work with the County Council, Town and Parish Councils and other partners to maximise section 106 contributions for infrastructure to support business such as communities such as the use of renewable energy, enhancement of sustainable transport initiatives, employment support, affordable employment space and enterprise hubs	Supporting Employment & Business	Planning & Development Board	Jeff Brown	This is ongoing and regularly features in the determination of planning applications - The proposed Surf park and Wall are cases in hand. But presently there have been few major applications to deal with	Green	↑	This is ongoing and regularly features in the determination of planning applications - The proposed Surf park and Wall are cases in hand. But presently there have been few major applications to deal with	Green	↔
54	Progress the North Warwickshire Transport Strategy to improve strategic roads such as the A5 (via the HIF bid) and A446, reduce overuse of rural routes and improve transport links, including cycle ways, footpath links, public transport, all forms of rail provision and HGV parking to local employment and report on progress by March 2021	Supporting Employment & Business	Planning & Development Board	Steve Maxey	Funding has been achieved in the March 2020 budget for a £79.5m scheme for the A5. Discussion continue with Government about the delivery of the project and a statement of common ground regarding delivery of the scheme was submitted to the Local Plan examination in December 2020. Officers are working with the County Council to improve the safety of the A446. Work on the NW Transport Plan is waiting for the next steps from the County Council	Green	↔	Funding has been achieved in the March 2020 budget for a £79.5m scheme for the A5. Discussion continue with Government about the delivery of the project and a statement of common ground regarding delivery of the scheme was submitted to the Local Plan examination in December 2020. Officers are working with the County Council to improve the safety of the A446. Work on the NW Transport Plan is waiting for the next steps from the County Council	Green	↔
62	Examine the case for a sub-regional Planning Policy Framework for sustainable construction to ensure high levels of sustainability for new buildings in the Borough	Tackle Climate Change	Executive Board Planning & Development Board	Steve Maxey	This will be picked up as part of the joint work on spatial planning which has been delayed slightly due to the COVID outbreak. The work programme for the joint spatial planning work has now been drafted and progressed by the CSW group of planning officers	Amber	↔	This will be picked up as part of the joint work on spatial planning which has been delayed slightly due to the COVID outbreak. The work programme for the joint spatial planning work has now been drafted and progressed by the CSW group of planning officers	Red	↔

NWPI Planning Board 20/21

	Description	Section	Priority	Year End Target 2020/21	Outturn 2019/20	April - Mar Performance	Traffic Light	Direction of Travel	Comments
@NW:NI157a	Processing of planning applications in 13 weeks for major application types	Development Control	Countryside and Heritage	60%	84.00%	94.00%	Green	↑	Continue to obtain extension of times
@NW:NI157b	Processing of planning applications in 8 weeks for minor application types	Development Control	Countryside and Heritage	80%	80.00%	80.00%	Green	↑	Continue to obtain extension of times
@NW:NI157c	Processing of planning applications in 8 weeks for other application types	Development Control	Countryside and Heritage	90%	76.00%	77.00%	Red	↓	Reflects significant increase in number of householder applications