

**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 719226 or 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

23 JUNE 2021

The Planning and Development Board will meet on Wednesday, 23 June 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 719221.

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 12 April 2021** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

5 Planning Applications - Report of the Head of Development Control

Summary

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

- 5a **PAP/2019/0648 & 0683, The Coach Hotel, 150 High Street, Coleshill, B46 3BG**
Planning and Listed Building Consent for Construction of single storey hotel bedroom detached annex building ancillary to the Coach Hotel, together with associated landscaping works.
- 5b **PAP/2021/0190 - 19 Dordon Road, Dordon, B78 1QW**
Erection of two single storey dwellings with associated access and parking.
- 5c **PAP/2020/0342 - Land opposite Baddesley Farm, Lower House Lane, Baddesley Ensor**
Erection of stable block and exercise area (menage). Construction of free-standing access track/driveway and new fencing.
- 5d **PAP/2021/0151 - 115 Victoria Road, Hartshill, CV10 0LS**
Change of use from dwellinghouse (Class C3) to a Children's Home (Class C2- maximum 4 children).
- 5e **PAP/2020/0483 - 1 Morgan Close, Arley, CV7 8PR**
Retrospective change of use of incidental open space to provide 2 additional car parking spaces, the erection of fencing and garden area.
- 5f **PAP/2021/0032 - Land 500 metres south east of Common Farm, Ansley Common**
Residential development of 77 dwellings, including vehicular access, open space provision, landscaping and other associated infrastructure works.
- PAP/2021/0033 - Land 250 metres east of Common Farm, Ansley Common**
Outline application for proposed residential development of up to 154 dwellings, including details of new vehicular access with all other matters reserved.

- 5g **PAP/2020/0621 - 22 Maypole Road, Warton, B79 0HP**
Conversion of former scout hut building to two additional houses including demolition of two brick outbuildings.
- 5h **PAP/2019/0705 - Land west of Old Holly Lane, Atherstone**
Erection of a multi-storey car park providing 485 vehicular spaces.
- 5i **PAP/2020/0684 - Meadow Farm, Kinswalsey Lane, 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.
- 5j **PAP/2021/0165 - Land rear of 161 Tamworth Road, Kingsbury, B78 2HJ**
Erection of two 2 bedroomed semi-detached properties.
- 5k **PAP/2020/0582 & PAP/2020/0583 - The Stables, Packington Estate, Meriden, CV7 7HF**
Planning and Listed Building Consent for the conversion and extension of stable building to provide flexible event and learning spaces.
- 6 **Blackgreaves Farm, Blackgreaves Lane, Lea Martson – Head of Development Control**

Summary

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.

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

- 7 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2020 – March 2021 - Report of the Chief Executive**

Summary

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.

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

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

12 April 2021

Present: Councillor Simpson in the Chair

Councillors Bell, T Clews, Dirveiks, Hayfield, D Humphreys, Jarvis, Lees, Macdonald and H Phillips.

Apologies for absence were received from Councillors Deakin and Parsons.

Councillors D Clews, Farrow and M Humphreys were also in attendance.

44 **Disclosable Pecuniary and Non-Pecuniary Interests**

The following Councillors declared a non-pecuniary interest in Minute No 46 (Planning Applications):

Councillors T Clews and Jarvis - Application No PAP/2020/0635 and PAP/20/20/0634 (65-67 Long Street, Atherstone)

Councillor Hayfield – Application No PAP/2019/0648 and PAP/2019/0683 (The Coach Hotel, 150 High Street, Coleshill)

Councillor Dirveiks declared a non-pecuniary interest in Minute No 47 (Warwickshire Highway Design Guide) by reason of being a member of Warwickshire County Council's Regulatory Committee and took no part in the discussion or voting thereon.

Councillor Macdonald declared a non-pecuniary interest in Minute No 48 (Submission of Water Orton Neighbourhood Plan for Public Consultation) by reason of being a member of the governance group and took no part in the discussion or voting thereon.

45 **Minutes**

The minutes of the meetings of the Planning and Development Board held on 16 February and 8 March 2021, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

46 **Planning Applications**

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

Resolved:

- a** That Application No PAP/2019/0326 (Priory Farm, Robeys Lane, Alvecote, B78 1AR) be approved, subject to the completion of a Section 106 Agreement as set out in the report, there being no objections to the Proposed Modifications MM87 and 106 and subject to the conditions set out in the report of the Head of Development Control;

[Speaker: Charles Graham and Will Brearley]

- b** That Application No PAP/2021/0034 (125 Tamworth Road, Wood End, CV9 2QQ) be approved, subject to the conditions set out in the report of the Head of Development Control;

- c** (i) That in respect of Application No PAP/2020/0635 (65-67 Long Street, Atherstone, CV9 1AZ) advertisement consent be granted subject to the conditions set out in the report of the Head of Development Control: and
(ii) That in respect of Application No PAP/2020/0634 (65-67 Long Street, Atherstone, CV9 1AZ) Listed Building consent be granted subject to the conditions set out in the report of the Head of Development Control;

[Speaker: Chris Smith]

- d** That Application No PAP/2020/0342 (Land Opposite Baddesley Farm, Lower House, Lane, Baddesley Ensor) be deferred for a site visit;

- e** That Application No PAP/2020/0621 (22 Maypole Road, Warton, B79 0HP) deferred for a site visit;

- f** That Application No PAP/2019/0648 and PAP/2019/0683 (the Coach Hotel, 150 High Street, Coleshill, B46 3BG) be deferred for a site visit and further information be obtained in relation to the use of the car parking spaces at the venue;

[Speaker: Ms V Broadway]

- g 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;**

47 Warwickshire Highway Design Guide

The Head of Development Control gave details of a draft highway design guide which had been published by Warwickshire County Council for consultation. The Board was invited to forward representations to the County Council.

Resolved:

That the Board expresses its disappointment with the draft guide to Warwickshire County Council

48 Submission of Water Orton Neighbourhood Plan for Public Consultation

The Chief Executive informed Members of the progress of the submitted Water Orton Neighbourhood Plan and sought approval to go out for a formal consultation in accordance with Section 16 of the Neighbourhood Planning (General) Regulations 2012.

Resolved:

That the Water Orton Neighbourhood Plan be circulated for a 6 week public consultation.

49 **Tree Preservation Order Dunn's Lane, Dordon**

The Head of Development Control sought agreement to confirm a Tree Preservation Order at Dunn's Lane, Dordon.

Resolved:

That the Tree Preservation Order at Dunn's Lane, Dordon be confirmed.

50 **Delivery of Strategic Housing Draft Residential Design Guide and Draft Distinctiveness Guide for Dordon and south-east Polesworth**

The Chief Executive brought a refresh and update of the Residential Design Guide and a Draft Distinctiveness Guide for Dordon and south-east Polesworth to Members for approval for consultation.

Resolved:

That consideration of the Residential Design Guide and Draft Distinctiveness Guide for Dordon and south-east Polesworth be deferred to enable officers to give a presentation to Members on both Guides and so that any details suggested by the Climate Change Member Group can be incorporated.

51 **Minutes of the Local Development Framework Sub-Committee held on 22 February 2021**

The Minutes of the Local Development Framework Sub-Committee held on 22 February 2021 were received and noted.

52 **Exclusion of the Public and Press**

Resolved:

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

53 **Land at Hartshill**

The Head of Development Control sought approval for the withdrawal of one Enforcement Notice and the issue of an alternative Notice for land at Kirby Glebe Farm.

Resolved:

- a That the Enforcement Notice dated 4/11/20 in respect of Plot One at the Kirby Glebe Farm site and the subject of appeal reference APP/R3705/C/20/3264552 be withdrawn;**
- b That the Planning Inspectorate and the appellant be notified of the withdrawal of the Enforcement Notice detailed in (a) above;**
- c That the service of a Breach of Conditions Notice in respect of condition number 1 attached to planning permission referenced PAP/2011/0273 dated 19/7/11 be approved; and**
- d That the minute of this decision should not remain private, but should be published in full in public, since the Notices referred to must appear on a Statutory register and are therefore open to public inspection.**

Councillor Simpson
Chairman

**Planning and Development Board
12 April 2021**

Additional Background Papers

Agenda Item	Application Number	Author	Nature	Date
4/a	PAP/2019/0326	Daytona Karting	Objection	12/4/21
4/c	PAP/2020/0634 & 0635	Applicant	Supporting Letter	6/4/21
4/f	PAP/2019/0648 & 0683	Coleshill Civic Society	Objection	8/4/21
		Coleshill Town Council	Objection	7/4/21
		Resident of Lyon Court	Support	27/3/21
		Resident of Lyon Court	Representation	27/3/21
		Coleshill Resident	Representation	7/4/21
		Parkfield Road Resident	Representations	29/3/21
		Parkfield Road Resident	Objection	8/4/21
4/g	PAP/2020/0582 & 0583	WCC as Highway Authority	No objection	8/4/21

Agenda Item No 5

Planning and Development Board

23 June 2021

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 14 July 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
5/a	PAP/2019/0648 and 0683	1	The Coach Hotel, 150 High Street, Colehill Planning and Listed Building Consent for construction of single storey hotel bedroom detached annex building ancillary to the coach hotel together with associated landscaping works.	General
5/b	PAP/2021/0190	33	19 Dordon Road, Dordon Erection of two single storey dwellings with associated access and parking.	General
5/c	PAP/2020/0342	45	Land opposite Baddesley Farm, Lower House Lane, Baddesley Ensor Erection of stable block and exercise area (menage). Construction of free-standing access track/driveway and new fencing.	
5/d	PAP/2021/0151	62	115 Victoria Road, Hartshill Change of use from dwellinghouse (Class C3) to a Children's Home (Class C2-maximum 4 children).	
5/e	PAP/2020/0483	72	1 Morgan Close, Arley Retrospective change of use of incidental open space to provide 2 additional car parking spaces, the erection of fencing and garden area.	
5/f	PAP/2021/0032 PAP/2021/0033	84	Land 500 metres south east of Common Farm, Ansley Common Residential development of 77 dwellings, including vehicular access, open space provision, landscaping and other associated infrastructure works. Land 250 metres east of Common Farm, Ansley Common Outline application for proposed residential development of up to 154 dwellings, including details of new vehicular access with all other matters reserved.	
5/g	PAP/2020/0621	93	22 Maypole Road, Warton Conversion of former scout hut building to two additional houses including demolition of two brick outbuildings.	

5/h	PAP/2019/0705	112	Land west of Old Holly Lane, Atherstone Erection of a multi-storey car park providing 485 vehicular spaces.
5/i	PAP/2020/0684	129	Meadow Farm, Kinswalsey Lane, 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.
5/j	PAP/2021/0165	140	Land rear of 161 Tamworth Road, Kingsbury Erection of two 2 bedroomed semi-detached properties.
5/k	PAP/2020/0582 and PAP/2020/0583	155	The Stables, Packington Estate, Meriden Planning and Listed Building Consent for the conversion and extension of stable building to provide flexible event and learning spaces.

General Development Applications

(5/a) Application No: PAP/2019/0648 and 0683

The Coach Hotel, 150 High Street, Coleshill, B46 3BG

Planning and Listed Building Consent for Construction of single storey hotel bedroom detached annex building ancillary to the Coach Hotel, together with associated landscaping works, for

Mr McGroarty - Briskland Ltd

Introduction

These applications were referred to the Board on 12th April, but determination was deferred in order that Members might visit the site and also in order to receive further information in particular on the car parking situation. Matters raised by the Board in respect of Licensing issues have been referred to the appropriate Council officers.

The previous report is attached at Appendix A and a note of the site visit is at Appendix B

The consultation period on the Proposed Modifications to the Emerging Local Plan expired on 14th April. At the time of preparing this report, the comments of the Examination Inspector are still awaited. As a consequence, the position remains as set out in Appendix A. Any changes to this position will be explained at the meeting.

Further Information

The premises presently operate as a hotel with 19 bedrooms as well as a public house with a function room. There are 24 car parking spaces on site. There are regular bus services operating along the High Street with direct connections to Coleshill Parkway Station. There are public car parks in the town centre as well as unrestricted on-street car parking provision between 1800 and 0800 hours.

The proposals are to add a further 10 bedrooms and to re-configure the car park to provide 22 spaces – two being lost in order to better facilitate movement in and out of the access.

The applicant undertook a survey of travel behaviour by existing hotel visitors in February 2020 which showed that 71% of guests checked-in after 1900 hours and that 48% checked out before 0800. He thus concludes that demand for parking is outside of normal working hours when public car parking in the town is more likely to be available. Moreover, that survey also showed that whilst 61% of guests arrived by car, 32% arrived by taxi and were either picked up or dropped off privately. He considers that this “profile” would be continued and thus with 29 rooms in total, there would be a parking requirement for 17/18 spaces on site. The 22 on site are thus considered to be adequate.

At present the car park is often empty during the day, but some “permissive” use is made of it by the local community. In response to the Board’s request to look at how the car park could be managed, the applicant has provided an arrangement attached at Appendix C. This would be an ANPR system which would allow authorised users, permit holders and visitors to validate parking whilst identifying and providing enforcement for potential breaches. He says that experience at other sites in the country suggests that this arrangement has a very quick impact as it identifies misuse by non-patrons.

Observations

In respect of the matters discussed at the April Board meeting, then the Licensing issues have been referred to the appropriate officers at the Council and advice given to the objector on how to pursue concerns in this regard. In respect of car parking then the survey described above is reassuring and the proposed management scheme is considered to be proportionate.

The existing car parking area is to be re-configured as a consequence of the proposal and this will involve the removal of two existing spaces close to the access onto the High Street thus benefitting the ability of all vehicles to enter and leave the site.

The applicant’s survey work was undertaken prior to the first “lock-down” and therefore will carry substantial weight. It confirms the matters referred to by the applicant and that the general indication is that the hotel will be used for “business” use.

The proposed parking management arrangements are appropriate and proportionate and Members may be familiar with similar systems elsewhere.

It is considered that these arrangements should be included in the grant of any planning permission here and that they be installed prior to occupation of the new bedrooms and that they be properly maintained.

Recommendation

That this remains as set out in Appendix A subject to the additions reported above in this report.

General Development Applications

(4/f) Application No: PAP/2019/0648 and PAP/2019/0683

The Coach Hotel, 150 High Street, Coleshill, B46 3BG

Planning and Listed Building consent for Construction of single storey hotel bedroom detached annex building ancillary to the Coach Hotel, together with associated landscaping works, for

Mr McGroarty - Briskland Ltd

Introduction

These applications are reported to the Planning Board due to receipt of an objection from the Highway Authority.

The Site

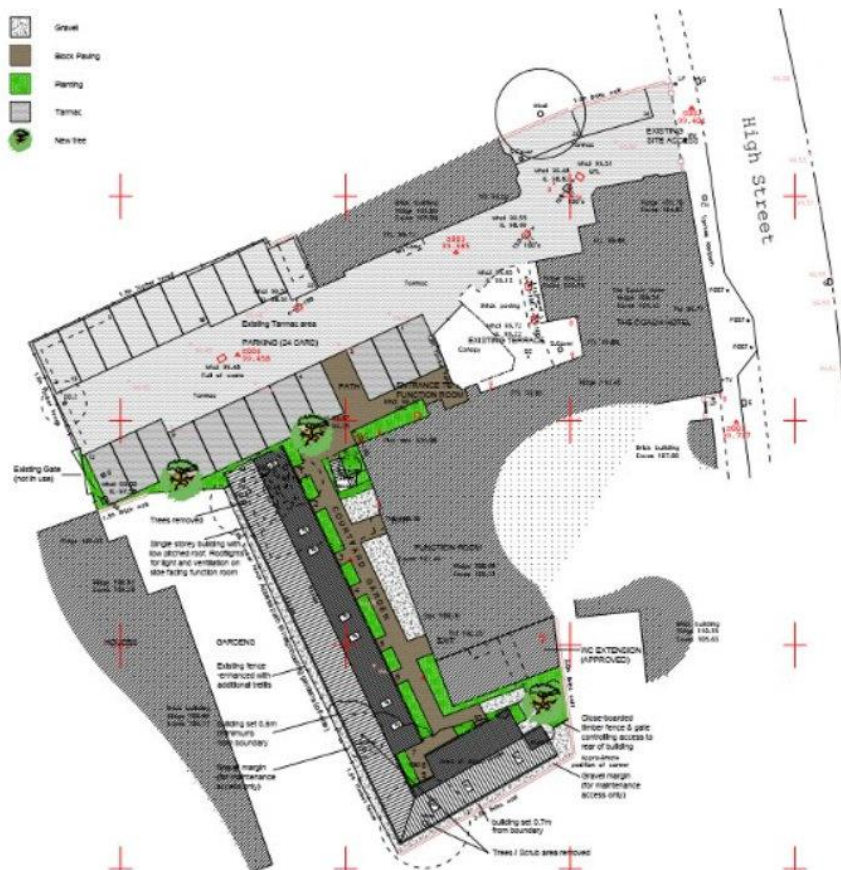
The Coach Hotel is located on the southern end of the High Street in the centre of Coleshill. The surrounding area is characterised by high street development to the north-east which provides a strong street scene. To the south of the site the character of development in the town becomes less dense and includes more modern buildings. The north boundary of the site abuts the parking area of the 'Cameo function and conference suite'. To the west of the site on Parkfield Road are a variety of C20th residential properties. Gardens of the properties to Lyon Court back onto the rear of the site. The rear of the site where the extension is proposed is not within the Conservation Area. The context of the site is illustrated below:



4F/48

The Proposal

This application is for a single storey hotel bedroom detached annex building ancillary to the Coach Hotel, together with associated landscaping works. The layout of the proposal is an 'L' shaped building and comprises ten bedrooms which could also be suitable for disability access. The annex is located at the rear of an established function room and a parcel of grassed area, which serves as an informal beer garden. The proposal would have the following layout with associated hard and soft landscaping:



Images of the existing arrangement at the site is illustrated at Appendix A.

Background

The site lies within the town's development boundary and the building is grade 2 listed. The extension would not be extended off the historic part of the building. There have been numerous applications at this site in the past, including extensions to the host building to form additional

function accommodation and previous applications for signage. A more recent application was for an extension of the function room to provide WC facilities.

The main building is Grade 2 listed and the list entry description reads as follows:

COLESHILL HIGH STREET SP2088-2188 (West side) 11/51 No.150 (The Coach Hotel) 11/11/52 (Formerly listed as Coach Hotel) GV II Public house. Early C19 with later alterations and additions. Roughcast brick; hipped plain tile roof, brick stack behind the ridge. 3 storeys, reduced proportions to second floor; dentilled eaves band. 2 bays: tripartite glazing bar sashes with segmental heads and raised keys. 4-panel door to the right with pilastered doorcase and rectangular over-light. Double gabled extension to the right: 2 storeys; 4 bays of glazing bar sashes and casements. Further extensions to the rear. The interior has been altered but contains an C18 cast iron fireplace surround.

The Coach Hotel has been operating as a hotel since the early C19th. After a number of years in decline, the hotel was acquired by a new owner in 2016 and is now being refurbished and improved. This proposal will provide a range of new bedrooms to sustain and build existing hotel business and to meet demand for this type of accommodation in the local area. The site is in a very sustainable location and can be reached easily from surrounding attractions including the NEC by public transport.

Development Plan

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

Saved Policies of the 2006 Local Plan - ENV4 (Trees and Hedgerows); ENV12 (Urban Design), ENV13 (Building Design), ENV16 (Listed Buildings) and TPT6 (Vehicular Parking)

Coleshill Neighbourhood Plan - TCLENP1 (Support for Coleshill Town Centre)

Other Relevant Material Considerations

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

The Submitted Regulation 19 Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP15 (Historic Environment), LP22 – (New Services and Facilities), LP31 (Development Considerations), LP32 (Built Form) and LP36 – (Parking).

Proposed Main Modifications to the Regulation 19 Local Plan 2021 – MM16 (in respect of Policy LP1); MM19 (in respect of LP2), MM52 and MM60 (in respect of LP15) MM63 and MM74 (in respect of LP31) and MM75 (in respect of LP32)

Consultations

Warwickshire County Council as Highway Authority - It has objected on the grounds of lack of parking and intensification of use of the access with substandard visibility.

Environmental Health Officer – No objection

4F/50

Representations

The Coleshill Society objects to the proposals, which it regards as “crammed in” and likely to impact adversely on the neighbouring properties at the rear of the Coach Hotel.

Coleshill Town Council – It initially objected because of an increased volume of traffic and the effect of the development on the character of the neighbourhood. However, it later balanced this position by saying that anti-social behaviour experienced at the rear of the Coach Hotel could well be removed as a consequence of the proposal which removes the rear open beer garden.

Warwickshire County Archaeologist - Some archaeological work should be required if consent is forthcoming and this can be covered by planning conditions.

Representations

Four responses have been received for local residents referring to:

- The plans do not correctly represent ownership boundaries
- Concerns with the height of the building which is only approximately 20 feet from residential property.
- Concerns about parking facility. The Coach currently closes its parking area on evenings this resulting in parking on the road.
- There are concerns about noise and dust issues.
- The proposal might be welcome, but the concerns are about how it might be managed.
- Residents should be compensated during the building period.

Observations

The main detailed considerations here are the impact of the proposed single storey extension on the heritage asset; the impact on the amenities of the area particularly as it might affect the residents of Lyon Curt to the rear, as well as possible highway impacts. However it is first necessary to look at the principle of the proposal

a) Principle

The proposal is for a small-scale extension of limited proportions at the rear of the existing function room which serves the hotel. The proposal will deliver additional hotel bedroom accommodation in the local area, building upon a long-established Hotel. It will serve the needs of local businesses and help support economic development and local employment in the town centre. Additionally, by meeting the needs of the established business, it will help secure the survival and growth of a long-established historic hotel building and thereby contributing to protecting and preserving a Grade 2 Listed Building in Coleshill. The site is within a wholly sustainable location, which has public transport links and is close to several major existing as well as proposed “destinations”.

Planning policy as expressed in the Development Plan and the emerging Local Plan also supports and promotes hotel and tourism uses in the Borough’s main town centres. Although the hotel doubles up as a drinking establishment and as a function venue, the present

accommodation has secured the upkeep of the listed building. It is likely that the hotel use and activity would become more predominant with this application moving towards a hotel with a restaurant facility.

In principle therefore a small-scale hotel extension in the form of an annexe is considered to be satisfactory in planning policy terms. It too complies with the sustainability objectives of the NPPF.

b) Design

The design of the extension is essentially an 'L' shaped arrangement which will remove the rear beer garden area and back onto the rear gardens of properties in Lyon Court. Essentially the extension would appear as a stable block design with low proportions to the roof and simple design details. The proposal is entirely subservient to the proportions of the host listed building. The proposed elevations are illustrated at Appendix B.

The scale, height and size of the extension would be proportionate to the size of the garden area and would not be considered to result in any adverse design impact being limited in height. The materials would be to match the existing brick used elsewhere in the site and with simple clay roofing tiles. Internally the proposal would comprise a bedroom space and en-suite facilities.

In terms of design considerations then revised plans have been submitted highlighting specific improved design to the fenestration arrangement and design option A and B has been provided for further consideration. Two types of window are provided, either a simple casement window provided by option A or a 6-pane configuration presented by option B with a blind window on the gable end of the annexe. The design has therefore been improved and either option A or B would be suitable for a design which mimics a stable block. The proposal would have a dentilled eaves arrangement and traditional verge details and therefore the design is both utilitarian and architecturally correct to the sensitivity of this historic location. Conditions regarding the finish to materials and window and door details would be required by condition.

Overall, the intention is that the resulting building should be of a design and scale which would not change the character of the host building. Revised plans have simplified the design with improved elevations and fenestration detail to the extent that they comply with policy NW12 of the Core Strategy and policy LP32 of the Submitted Regulation 19 Local Plan 2018. The Proposed Main Modifications to the Regulation 19 Local Plan 2021 (MM63 and MM75) would not alter this assessment.

c) Neighbouring Amenity

The nearest neighbours to the application are at Lyons Court which immediately backs onto the application site where the proposed annexe would be constructed. The relationship between the proposal and nearby neighbouring buildings is illustrated at Appendix C.

The layout of the annex provides a service strip at the rear of the proposed building where it abuts onto the boundary fence to the neighbouring properties at Lyons Court. This allows for the maintenance of the building and provides a greater degree of separation between the rear facing windows of the neighbouring properties at Lyons Court towards the proposal. Maintenance of the boundary fence at Lyons Court would be a separate civil matter depending on who owns the boundary. In any case the development may well improve the boundary to the neighbouring properties, subject to a condition on boundary treatment and landscaping.

In terms of amenity matters surrounding light, then the proposal would be sited due east of the neighbour's rear windows at Lyon Court and given the proposal would be single storey in height

and screened by the existing boundary fence, then only the eaves and the roof slope would be visible to neighbour's. From this orientation it is considered that the proposal would not cause a loss of light to the neighbours rear habitable rooms at Lyons Court.

There is the potential that one or two conifers would need to be removed. This will improve light penetration where appropriate to the neighbours. In terms of privacy matters, then no windows, rooflights, or doors would be located on the elevation facing Lyons Court. All fenestration and doors are on the courtyard elevation of the proposal and face towards the hotel's function suite.

In terms of issues such as noise and disturbance, then it is a material consideration that the rear garden area does attract patrons even although it is not in formal use as a beer garden. The function suite also backs onto the present garden area and patrons often "spill-out" onto this area. The proposal presents the opportunity to build out potential anti-social behaviour and thus secure a better arrangement for the neighbours. It would also reduce noise emanating from the function room, with the proposed built form acting as a barrier to the function suite and to the external seating area which remains at the site as an exterior smoking shelter. Effectively the proposal builds out the anti-social behaviour issues that have been experienced at this site. It is of significant weight that the Environmental Health Officer has raised no objection.

The site can be controlled during the construction phase. A construction management plan will be required to mitigate development noise and potential dust which should help to address neighbour's concerns.

Other neighbouring properties surrounding the site have good separation distances from the proposal in order that amenity issues are not materially affected. Overall, the proposal accords with policy NW10 of the Core Strategy and policy LP31 of the Submitted Regulation 19 Local Plan 2018. The Proposed Main Modifications to the Regulation 19 Local Plan 2021 (MM63 and MM74) would not change this conclusion.

d) Heritage Asset

The work falls within the scope of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This section of the act requires the Council to "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

Historically the taller part of the main building on the frontage and the ancillary former stable building are visible on historic mapping as the oldest parts of the built form within the site. The frontage was extended, probably in the early C20th to provide the main elevation seen on the high street today. The rear wings have been much altered, with many of the buildings that formed the original courtyard being removed in the early C20th, to create the current car park area. The rear function room is a mid/late C20th addition, built in a plain and functional design which doesn't have the same architectural character or quality of detail seen in the original Georgian buildings. The significance of the building lies in the original Georgian elements of the building which are evident today both externally and internally.

The rear of the site which was undeveloped as evidenced in historic mapping, has been taken over by residential development at Lyons Court, which has also altered the character of site as seen from the rear, There is thus little visibility into the rear of the site from the public realm. The site has always functioned as a public house – a coaching inn as was the case with many other similar public houses within Colleshill.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as the Listed Building, great weight should be given to the asset's conservation. Where harm is identified this harm should be weighed against the public benefits of the proposal. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

It is acknowledged that the provision of a rear extension is close to the non-historic element of the asset here and it does not affect the architectural significance of the host building. The rear of the site therefore has a neutral impact on the architectural significance of the Heritage Asset. There is no direct harm to the character or appearance of the building and in doing so it neither harms any special architectural features or historic interest that the building possesses. It will not have any impact on the character of the Conservation Area or views into or out of the Conservation Area.

The proposal therefore amounts to less than substantial harm on the significance of the Heritage Asset. Harm can be outweighed by public benefit in that the proposal will improve the function facilities at this site encouraging the use of the building as a hotel rather than as a drinking establishment which would continue to safeguard the future of the building and thus preserving its listed status.

Overall, the impact of the proposal on the Heritage Asset being the Listed Building is not considered to amount to substantial harm and this is outweighed by the public benefit proposed in that the building would be used for a viable function. The proposed would not be considered contrary to section 16 of the NPPF or to policy NW14 of the Core Strategy, or policy LP15 of the of the Submitted Regulation 19 Local Plan 2018. The Proposed Main Modifications to the Regulation 19 Local Plan 2021 (MM52 and MM60) do not change this assessment.

e) Highways

Adequate vehicle parking provision commensurate to a proposed development will be expected, as guided by the parking standards outlined in the Local Plan. There are 19 existing rooms at the Coach Hotel and the proposal would provide a further 10 bedrooms. The proposed re-configuration of the car-park would provide 24 parking spaces thus resulting in shortfall of at least 5 parking spaces. Moreover, other functions here will require parking. Thus, at certain times there will inevitably be parking elsewhere in Coleshill.

The applicant points out that there is parking available in the town centre, including parking bays adjacent to the Hotel on the High Street. In terms of parking requirements in a town centre location, a lower provision is appropriate as is required by both local and national planning policy.

The customer base for the Hotel is understood to predominantly be guests visiting the NEC, the Airport and the Resorts World Arena who travel by taxi. This site has operated for many years and for the most part the applicant points out that the carpark is empty during the daytime and local residents often use the carpark for shopping in Coleshill or during school drop-off and pick – up times.

It is therefore proposed by the applicant that some mitigation to control parking at the site would be beneficial. He proposes a day-time permit for the local community at times when the car-park is not busy thus providing some parking benefit as well as controlling the use of the car-park for patrons only during the evenings so as to ensure parking capacity can be maximised for the hotel. Therefore, management of the carpark will be necessary such as a

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camera operated system or parking permit system. Whilst a proposed parking management system does not address the lack of parking provision at the site, it does provide mitigation. The details of this would be covered by a planning condition.

The proposal does not seek to change the access to the carpark which is accessed from High street with the vehicular access to the north of the buildings, passing below a wrought iron archway. It widens at the rear and accommodates the car park. The proposal will not be considered to have a material impact on the vehicle access and the layout of the parking area will be improved. Overall, the access currently serves adequately for cars and delivery vehicles. The hotel rooms do not significantly change the nature or intensity of the use and the traffic speeds on the high street at this point are low with traffic calming and on street parking.

In terms of the highways objection, then on balance the continued use of the site to safeguard the heritage asset for the future is also a material consideration which is considered to be of sufficient weight to tip the planning balance in favour of supporting the application, even where there is a highway objection. In particular, there is regard to the sustainable location of the site where access to public transport links can be achieved to visiting customers to the Coach Hotel.

Conclusion

The proposal for the hotel annexe is of an acceptable design, scale, and siting and in its location does not impact upon the significance of the Heritage Asset or harm that of the amenity of the neighbouring occupiers. The highway's objection has been assessed in the planning balance and it is considered that there are opportunities here whereby the carpark can be managed to control users and to prioritise customers to the Coach Hotel. Therefore, the application is supported subject to conditions.

Recommendations

A) 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 proposed plans numbered 1483.01, 1483.02, 1483.03; the proposed indicative elevations numbered 1483.05, the design, access and Heritage Statement received on 25 November 2019, the Travel Demand Note received by the Local Planning Authority on 31 March 2020 and the revised schematic views with window and design options A and B received by the Local Planning Authority on 25 and 26 March 2021.

REASON

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

3. No development shall commence until detail/samples of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) Facing brick and roofing tiles.
- b) Eaves and verge details at a scale of 1:10.
- c) Details of the windows and doors at a scale of 1:10, with elevations at 1:20.
- d) Details of the brick bond and mortar mix to be used for the development.
- e) Details of hard-surfacing, including the arrangement to the car-parking spaces.
- f) Details of boundary treatments, including gated access to the courtyard.
- g) Details of the gated entry system.

REASON

In the interests of the amenities of the area and the building concerned.

4. Within six months of the commencement of development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

REASON

In the interests of the amenities of the area.

5. All planting, seeding or turfing comprised in the approved details of landscaping required by Condition 4 shall be carried out in the first planting and seeding seasons following the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

6. No development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

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

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

d) The development, and any archaeological fieldwork, post-excavation analysis,

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

REASON

To ensure the recording of any items of archaeological interest.

7. The development hereby approved shall not be occupied until a parking management strategy has been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of controlling the parking at the site.

8. No development shall commence until details of the discharge of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

9. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include:

- (i) The timetable of the Proposed Development
- (ii) A scheme of how the contractors will minimise noise and dust management, vibration site traffic and deliveries to and from the site.
- (iii) Details of hours of construction including all associated vehicular movements.
- (iv) Details of the construction compound.
- (v) Details of the removal of waste from the site.

The construction shall be carried out in accordance with the approved CMP.

REASON:

In the interests of protecting the amenity and managing waste throughout development works.

INFORMATIVES

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 <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
3. The applicant is encouraged to ensure that any demolition, construction works and deliveries do not cause nuisance to neighbouring properties and their occupiers. It is recommended that works are restricted to between 0730 and 1800 hours on weekdays, and 0800 and 1300 hours on Saturdays, with no demolition, construction works and deliveries on Sundays or recognised public holidays.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and suggesting amendments to improve the quality of the proposal along with meeting the applicant and agent. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

B) That Listed Building Consent be granted subject to 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory purchase Act 2004, and to prevent an accumulation of unimplemented consents.

2. The development hereby approved shall not be carried out otherwise than in accordance with the proposed plans numbered 1483.01, 1483.02, 1483.03 and the proposed indicative elevations numbered 1483.05 and the design, access and Heritage Statement received on 25 November 2019 and the Travel Demand Note received by the Local Planning Authority on 31 March 2020 and the revised schematic views with window and design options A and B received by the Local Planning Authority on 25 and 26 March 2021.

REASON

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

3. No development shall commence until detail/samples of the following have been submitted to and approved in writing by the Local Planning Authority:

- h) Facing brick and roofing tiles.
- i) Eaves and verge details at a scale of 1:10.

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- j) Details of the windows and doors at a scale of 1:10, with elevations at 1:20.
- k) Details of the brick bond and mortar mix to be used for the development.
- l) Details of hard-surfacing, including the arrangement to the car-parking spaces.
- m) Details of boundary treatments, including gated access to the courtyard.
- n) Details of the gated entry system.

REASON

In the interests of the amenities of the area and the building concerned.

Notes

1. The developer is advised that if works are carried out without strict compliance with the above conditions, approved plans and details, an offence will have been committed under the Planning (Listed Buildings and Conservation Areas) Act 1990 rendering both the building owner, their agent and the person carrying out such works liable to prosecution. In cases of doubt you should contact the Local Planning Authority for further advice prior to the commencement of works.
2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and suggesting amendments to improve the quality of the proposal along with meeting the applicant and agent. 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/2019/0648

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	25.11.2019
2	Case Officer to Agent	e-mail correspondence	9.3.20
3	Case Officer to Agent	e-mail correspondence	10.6.20
4	Case Officer to Agent	e-mail correspondence	12.6.20
5	Case Officer to Agent	e-mail correspondence	14.9.20
6	Case Officer to Agent	e-mail correspondence	1.10.20
7	Case Officer to Agent	e-mail correspondence	6.10.20
8	Case Officer to Agent	e-mail correspondence	14.10.20
9	Case Officer to Agent	e-mail correspondence	4.11.20
10	Case Officer to Agent	e-mail correspondence	20.1.21
11	Case Officer to Agent	e-mail correspondence	22.1.21
12	Case Officer to Agent	e-mail correspondence	17.2.21
13	Case Officer to Agent	e-mail correspondence	24.2.21
14	Case Officer to Agent	e-mail correspondence	3.3.21
15	Case Officer to Agent	e-mail correspondence	19.3.21
16	Case Officer to Agent	e-mail correspondence	23.3.21
17	Case Officer to Agent	e-mail correspondence	26.3.21
18	Agent to Case Officer	e-mail correspondence	16.1.20
19	Agent to Case Officer	e-mail correspondence	24.1.20
20	Agent to Case Officer	Transport Technical Note	31.3.20
21	Agent to Case Officer	e-mail correspondence	10.6.20
22	Agent to Case Officer	e-mail correspondence	12.6.20
23	Agent to Case Officer	e-mail correspondence	9.7.20
24	Agent to Case Officer	e-mail correspondence	1.10.20
25	Agent to Case Officer	e-mail correspondence	16.10.20
26	Agent to Case Officer	e-mail correspondence	12.11.20
27	Agent to Case Officer	e-mail correspondence	20.1.21
28	Agent to Case Officer	e-mail correspondence	22.1.21
29	Agent to Case Officer	e-mail correspondence	16.2.21
30	Agent to Case Officer	e-mail correspondence	17.2.21
31	Agent to Case Officer	e-mail correspondence	24.2.21
32	Agent to Case Officer	e-mail correspondence	19.3.21
33	Agent to Case Officer	Revised elevation plans	22.3.21
34	Agent to Case Officer	e-mail correspondence	23.3.21
35	Agent to Case Officer	Schematics elevation plan	26.3.21
36	Neighbour	Representation	23.12.19
37	Neighbour	Representation	6.1.20
38	Neighbour	Representation	6.1.20
39	Neighbour	Representation	13.1.20
40	Coleshill TC	Representation	9.1.20
41	Coleshill CS	Consultation reply	17.1.20
42	STW	Consultation reply	21.1.20
43	WCC Museum	Consultation reply	21.1.20

44	WCC Museum	Consultation reply	26.3.21
45	WCC Highways	Consultation reply	17.1.20
46	WCC Highways	Consultation reply	10.6.20

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.

APPENDIX A

Existing arrangement at the site:



View from existing rear garden with resident's dwellings facing the rear of the site from Lyon Court.





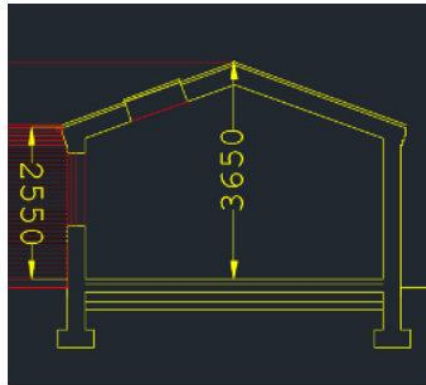
REAR VIEW OF ORIGINAL BUILDING

APPENDIX B

Proposed Floor Plan



Scale – finished floor level to eaves and ridge height:



Proposed elevations

Design option A – proposed elevations with casements and arched window head.





REVISED WINDOW OPTION A

Aerial view of Courtyard



REVISED WINDOW OPTION A

View of Courtyard looking North



REVISED WINDOW OPTION A

View of Courtyard looking South

Design option B – proposed elevations with a 6-pane configuration to the windows with arched window head





REVISED WINDOW OPTION B

Aerial view of Courtyard

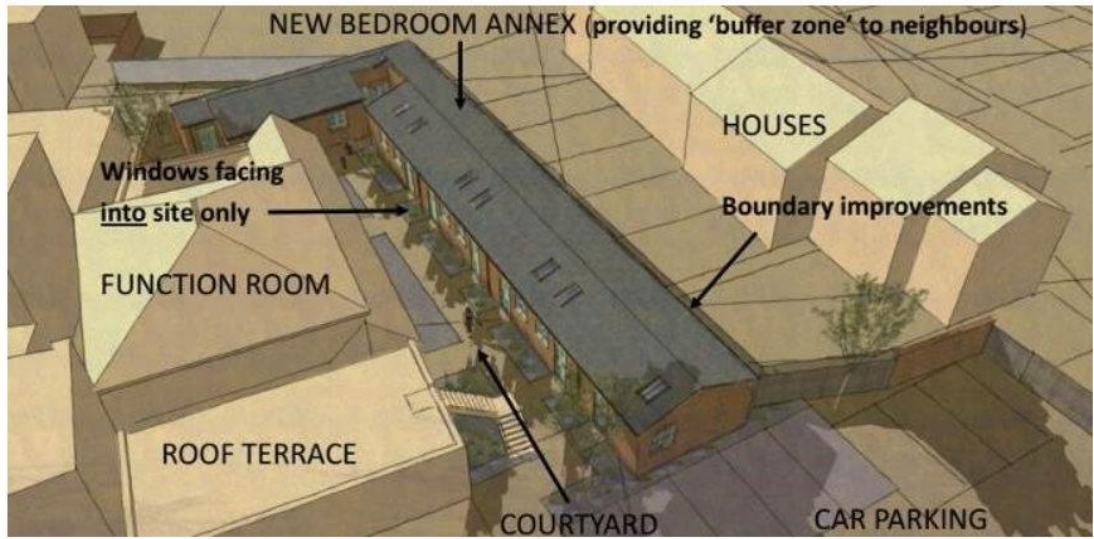


REVISED WINDOW OPTION B

View of Courtyard looking South

APPENDIX C

Amenity layout showing relationship with neighbouring properties at Lyons Court.



Appendix B
PAP/2019/0648 and 0683
The Coach Hotel, Coleshill
Site Visit – Sat 5th June 2021 at 1030

Present: Cllrs Bell, T Clews, D Humphries, Jarvis, Lees, Parsons, Phillips, Simpson, Symonds and A Wright together with the applicant and J Brown.

1. Members were shown copies of plans illustrating the existing layout of the premises together with one showing the proposed location of the bedroom annex and the re-arranged car park. The proposed elevations of the annex were also pointed out.
2. Members went to the rear of the premises where they were able to view the existing boundary fence as well as the terrace of properties at Lyon Court.
3. Whilst here Members reviewed the height of the proposed building – its eaves and ridgeline – as well as the line of its rear wall and were thus able to compare these with features on the existing property as well as the boundary fence.
4. The group then looked at the existing car park and the boundary fences. The location of the neighbouring residential properties was also noted.
5. Members then looked at the existing access onto the High Street so as to view visibility and the traffic movements along the road.
6. The applicant then explained the proposed car parking management system to Members. It was confirmed that this would be included in the forthcoming Board report.
7. The visit concluded at around 1100.

Thank you for your time on our recent call, as promised please find detailed below an outline of our **best free ANPR solution**, that will help stop unauthorised parking. Allowing your guests only to park your car park. Please let me know if these meet with your requirements, and I'd be happy to walk through as soon as you have time to discuss further. If you have any further questions please contact me on the number below, if you wish to proceed and put our solution in place, I'll send you a set of terms for your review, as soon as we have those in place I'll send an engineer to survey and install.

The key points of our proposal are:

- The entire system to be provided to you at **nil cost**.
- **Permit holders Only** parking
- A whitelist of all staff, management cars, and regular users to be entered via a web portal, allowing free parking, time determined by yourself. This option issues a permanent digital permit, **so you can come and go freely without issue**.
- **Tablets provided** to enter visitors registration details to issue a digital permit and validate parking if required
- Fully automated ANPR solution provided to **automatically monitor** the car park
- PCN's to be sent by post to unauthorised parkers who do not have a permit, ensuring **no on-site confrontation**
- New clear high vis signage deployed in line within BPA guidelines.

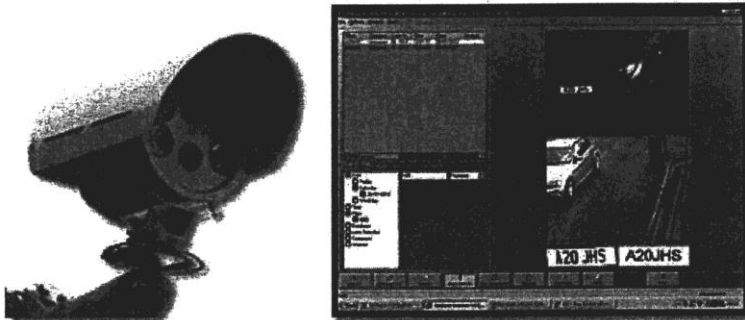
Introduction to Creative Car Park

Creative Car Park Management was formed in 1995 to provide traditional car park management services. We quickly developed the reputation for professionalism, friendly efficiency and technological innovation that is the basis for our success today. All our products and services are provided by our UK-based in-house team, and bespoke for your direct needs. Every client has a designated personal account manager who knows their sites and understands their business. Together, we build long-term, trusted relationships and react quickly to develop new products and services when our client's needs change. We work closely with police authorities across the country that access the data from our cameras for crime detection and investigation. We have many years' experience of managing car parks and corporate reputations on behalf of household name companies. We would invite you to visit one of our 1,450+ operational sites and our national control centre in London, so that you can see our systems operating in a live environment for yourself.

Our Proposed System

The system is designed to deliver the optimum use of your car park, speeding up the flow of cars in the morning drop offs, allowing Sports/Gym users free access to the car park upon validation at reception – All staff and regular users are whitelisted to allow ease of use for all, maximising the use of the car park to its optimum.

We believe that the most efficient method of car park management at your car park would be achieved using our ANPR cameras, together with our specially designed software to collect, track and identify parking infringements. We install high resolution infrared cameras and automatically analyse all vehicle movements into and out of your car park and issue a Parking Charge Notice (PCN) to vehicles that breach your regulations.



We would also install **large brand-new signage** informing drivers of the parking tariffs applicable on cost free basis.



"Sample Signs"

We will photograph every vehicle as it enters and leaves the car park – and automatically read the registration number. At the end of the day we will have a database of the time of entry and exit of every car together with the amount of time it stayed. Any vehicle that remained in the car park for without a permit will receive a parking ticket in the post. We would achieve this using our computerised link with the DVLA, whereby we obtain the details of vehicle keepers who have not obtained a permit and send them a PCN through the post. Your visitors and staff benefit from free use of the car park designed to serve their needs. We are keen to enforce a policy where your visitors benefit directly from the management of the car park. The system is fully automated and operates 24 hours a day, 7 days a week.

Leeway All of our systems operate on a 10 minute leeway as standard, meaning each car that enters your site has 10 mins to leave before any parking ticket is issued, allowing plenty of time to exit without triggering the system. This allows for drivers who enter the premises in error, delivery, or taxi pick-ups and drop offs

Enforcement The charge for breaching the regulations will be £60 if paid within 14 days

Digital Permits

We will provide you with a secure access , along with on-site training, to our web portal which will allow you to enter the registration numbers of all members / staff / service vehicles etc.

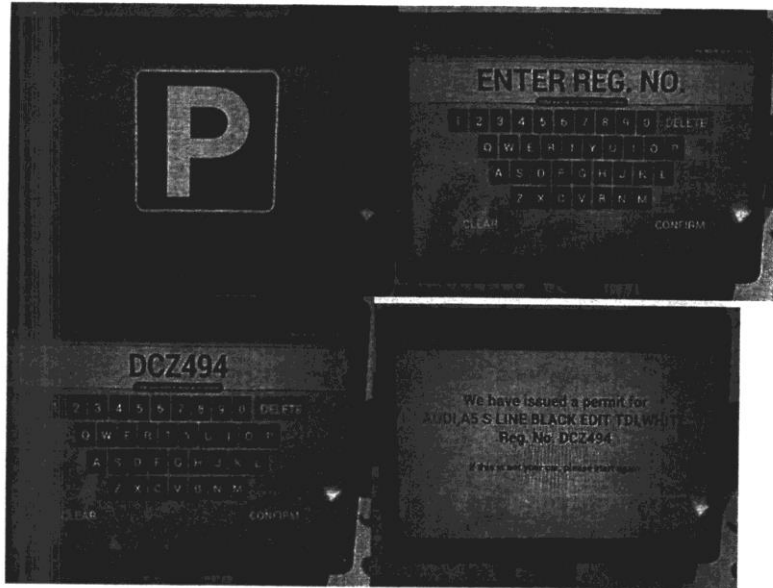
Webportal Login :



We will provide a tablet for guests and visitors to validate their parking as below:

Tablets, at entrance

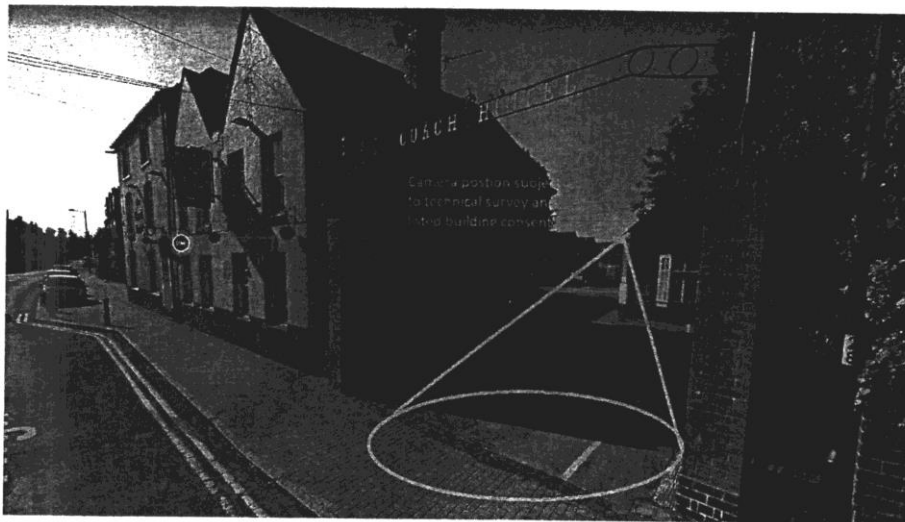
simple data entry of car registration required – less than 10 seconds to enter details



Training

Full training will be provided from one of our client liaison team, the training is simple and will take little time, to show how to add/ remove permits for members, staff etc. and how to advise your visitors to enter their registration at the tablet.

Proposed ANPR camera positioning at entrance – subject to survey



Customer to provide power

Authority

Creative Parking is an approved and accredited member of the British Parking Association (BPA) ref: 30190. The BPA are a UK registered governmental body which require high standards of customer care, they require a very high levels to attain their code of conduct. This should enhance your confidence in working alongside Creative Car Parking when considering your future endeavours.

- Creative Parking is also a member of Park Mark.
- Creative parking is also a member of the Safe Contactors Scheme.

Regulatory bodies with who we are registered & members of.



Your dedicated team:

At Creative Car Park you will have your designated Personal Account Manager, who will know your site and understand your business needs and requirements.

All employees are directly employed by CCP, we do not use 3rd parties to ensure direct control of our processes

Timescales

We would survey and commence our installation within a 2-4 week window, subject to Covid-19 rules and access. We would work in conjunction with yourselves to find an appropriate time to install the system to suit your needs.

Insurance & Safe Contractor

Creative Car Park carries full liability insurance. We have in place all the necessary documentation and PLI and are Safe contractor approved, we can supply further detail, or set of RAMS should you wish.

Financials

Installation of all ANPR equipment	Charge waived.
Use of ANPR equipment	Charge waived.
Management fee	Charge waived.
Telephone line/ADSL installation/rental	Charge waived.
Tablets and connectivity	Free on loan
Provision of 'Phone and Pay' system	n/a
Signage	Charge waived.

There are no capital costs, or ongoing costs, these costs are covered in full by Creative Car Park

Conclusion

I am firmly of the belief that my company's proposal will provide the ultimate solution to your parking problems. By adopting the scheme outlined in this report, you will benefit from:

- Free car parking for your visitors
- A car park free of unauthorised vehicles
- A barrier free car park
- A congestion and queue free car park
- Swift and easy access for users
- A totally non-confrontational traffic management system.

General Development Applications

(5/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



PAP/2020/0190

PLANNING & DEVELOPMENT
 RECEIVED
 01/04/2020

REVISIONS
 NO. | DESCRIPTION | DATE

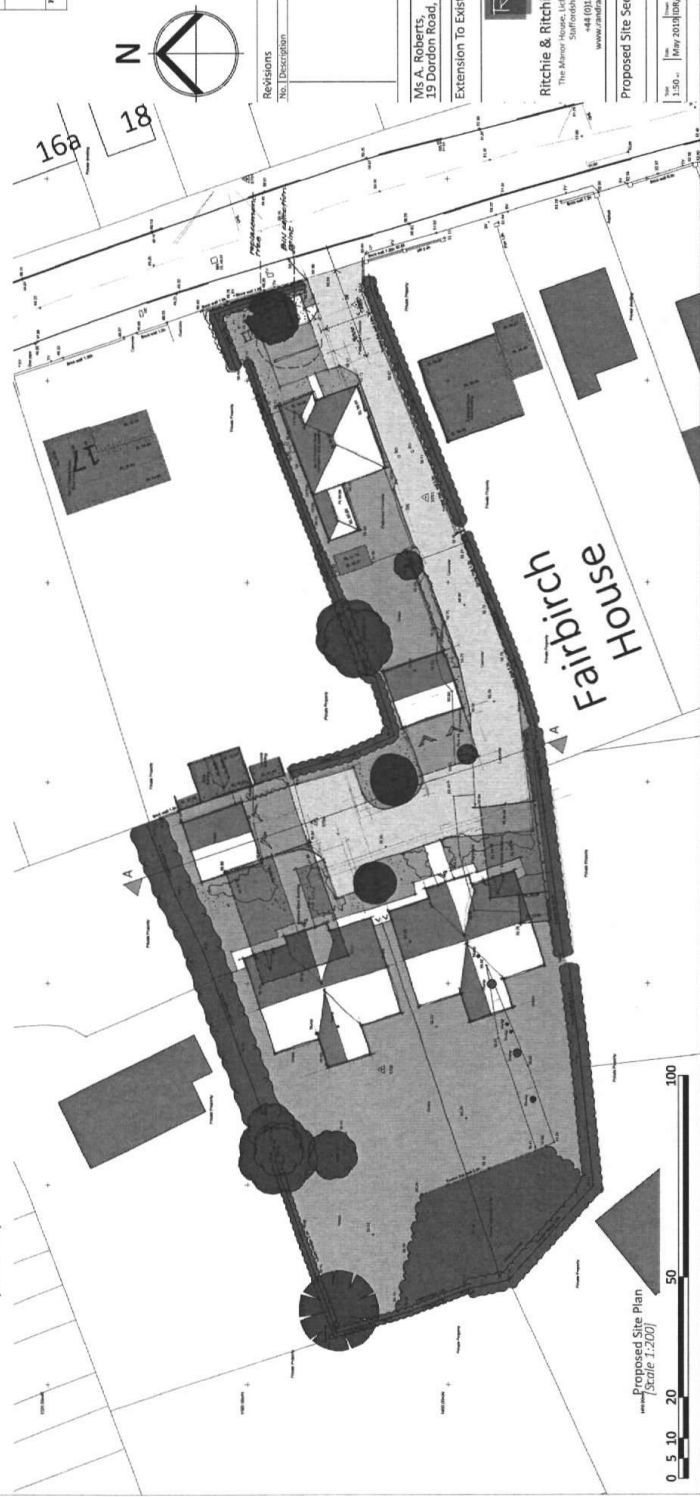
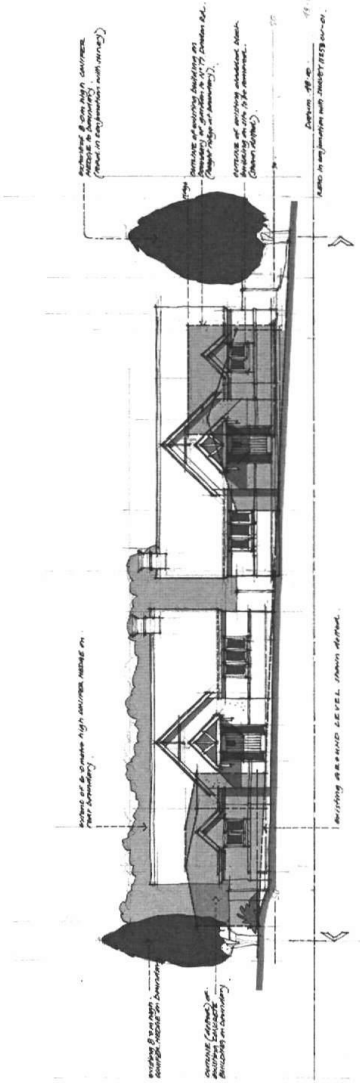
Ms A. Roberts,
 19 Dordon Road, Dordon, Tamworth
 Extension To Existing Dwelling



Ritchie & Ritchie Architects LLP
 The Manor House, Unfield Street, Tamworth,
 Staffordshire, B79 7DZ
 www.ritchiearchitects.co.uk

Proposed Site Section

Plot No. 150, New 2025/04/01/1000, 746/151A





Appeal Decision

Site visit made on 27 July 2020

by Chris Forreth 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

(5/c) Application No: PAP/2020/0342

Land Opposite Baddesley Farm, Lower House Lane, Baddesley Ensor,

Erection of stable block and exercise arena (menage). Construction of free standing access track/driveway and new fencing., for

Mrs Pamela Dickinson

Introduction

This case was referred to the Board's April meeting, but determination was deferred in order to enable Members to visit the site. This will take place just before the meeting and thus a report will be given verbally at the meeting on that visit. The Board should note that the visit also included going to an objector's property. For the benefit of those Members unable to visit, some photographs are attached illustrating the access position and views over the site from that access. These are at Appendix A.

The previous report is attached at Appendix B.

Other Matters

No additional information has been received and thus the situation remains unchanged from the April meeting.

The consultation period on the Proposed Modifications to the Emerging Local Plan expired on 14 April. At the time of preparing this report the comments of the Examination Inspector are still awaited. As a consequence, the position remains as set out in Appendix B. If there is a change to this position it will be reported at the meeting.

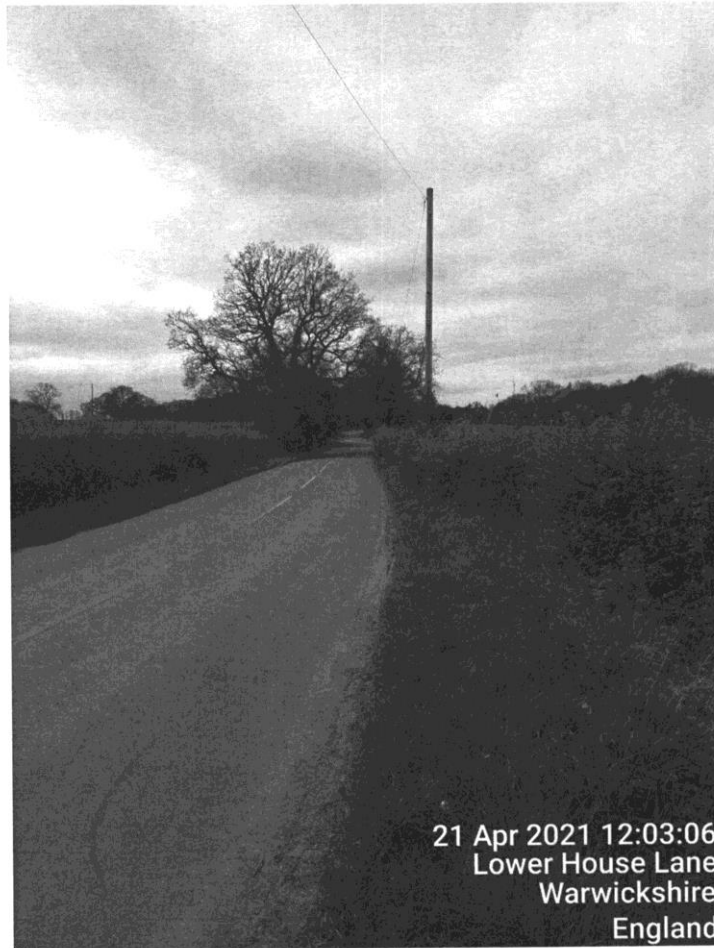
Observations

Members also visited the premises of one of the objectors to view the site from his property. The objections from the local community are covered in Appendix B.

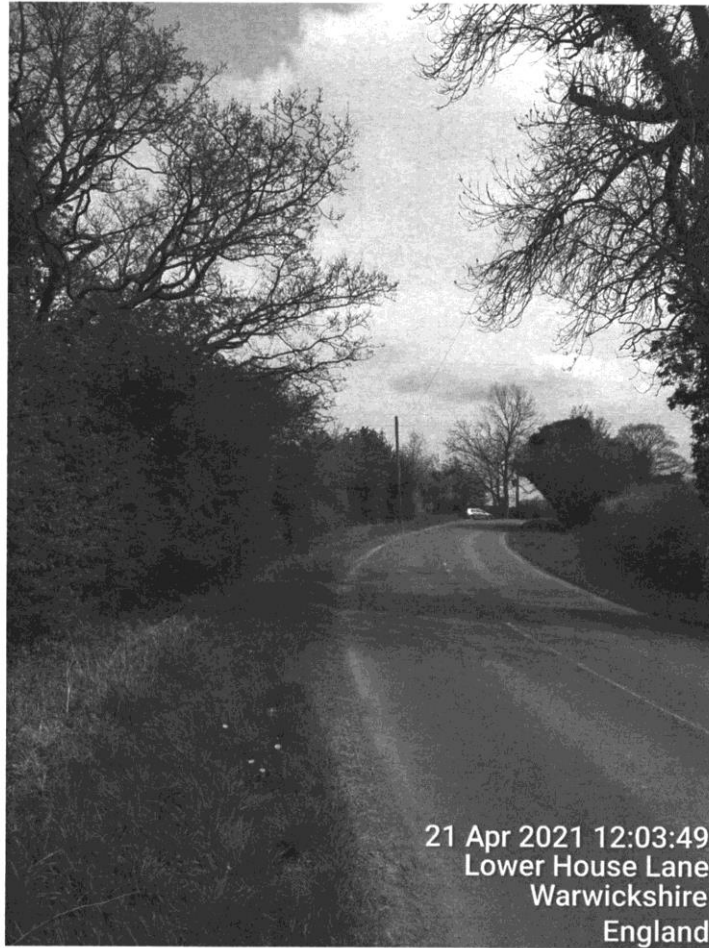
Recommendation

That the recommendation in Appendix B is agreed.

PAP/2020/0342 – Site Photos



Visibility to the Right-Hand Side of the proposed access onto Lower House Lane



Visibility to the Left-Hand Side of the proposed access onto Lower House Lane



Field B – View looking east, Field A visible in the background – stable block would sit behind the boundary hedgerow



Field B – View looking north



Field A – view looking north

General Development Applications

(/d) Application No: PAP/2020/0342

Land Opposite Baddesley Farm, Lower House Lane, Baddesley Ensor,

Erection of stable block and exercise arena (manège). Construction of free standing access track/driveway and new fencing, for

Mrs Pamela Dickinson

Introduction

This application is reported to the Board at the request of the two local ward members who are concerned about local impacts.

The Site

The application site comprises 4ha (10 acres) of undeveloped agricultural fields demarcated by hedgerows and field trees, denoted as fields A, B and C below, situated along Lower House Lane, approximately 0.9km east of Wood End.

The site and its surroundings have a distinct rural character save for the extensive Birch Coppice Business Park to the north which punctuates the landscape, and a scattering of nearby dwellings - Rough Copes Lodge borders Field A to the north with Stone Cottage and Baddesley Farmhouse located to the east and south of Field C respectively. The fields slope gently on a south-north axis, falling from approximately 5 metres from the roadside to the rear of Site B. Two public footpaths cross the site – the AE59 and AE60.



Aerial image of application site



Application site in relation to the two public footpaths

The Proposal

Planning permission is sought for the following:

- Change of use of 10ha of agricultural land for use as horse grazed pasture
- Construction of a 16.8m by 12.1m, 3.5m high U-shaped stable block
- Construction of a 60m by 20m manège with drainage and a sand/fibre surface
- Formation of access onto Lower House Lane
- Formation of freestanding access driveway and parking area
- Erection of post and rail fencing
- Installation of CCTV and low energy LED lighting on the stable block

This application has been revised substantially since its initial submission. In order to address concerns raised by the highway's authority, the proposed built development has moved from field C to field A. The facilities have been reduced in size and the stabling use would be restricted to a private use and horse breeding only, with a limit of six stables.

The plans are provided at Appendix A.

Background

Planning permission was refused in 2015 (PAP/2015/0614) for the provision of a 4MW solar farm off Lower House Lane which incorporated 'Field C'.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy); NW10 (Development Considerations); NW12 (Quality of Development); NW13 (Natural Environment); NW14 (Historic Environment) and NW15 (Nature Conservation)

Saved Policies of the North Warwickshire Local Plan 2006 – 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)

Other Relevant Material Considerations

National Planning Policy Framework 2019 (NPPF)

Planning Practice Guidance (PPG)

The Submitted Regulation 19 Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP13 (Rural Employment); LP14 (Landscape); LP15 (Historic Environment), LP16 (Natural Environment), LP31 (Development Considerations), LP32 (Built Form) and LP34 (New Agricultural and Equestrian Buildings)

Proposed Main Modifications to the Regulation 19 Local Plan 2021 – MM21 (in respect of Policy LP1); MM24 (in respect of LP2), MM59 (in respect of LP14); MM60 (in respect of LP15), MM74 (in respect of LP16), MM75 (in respect of LP32) and MM79 (in respect of LP34)

Consultations

Warwickshire County Council (Highways) - No Objection, subject to conditions

Warwickshire County Council (Rights of Way) - No Objection

North Warwickshire Environmental Health – No Objection, subject to conditions

Representations

Objections have been received from three properties through multiple letters. The concerns are detailed below:

- Latest application doesn't address highway safety issues previously raised – access and egress will pose a serious risk of collision
- Environmental implications for Copes Rough Lodge
- Setting of nearby listed buildings will be compromised
- Hardstanding will cause drainage and contamination risks
- Hedgerow removal
- Access too steep
- Pollution, smell and vermin arising from stables
- Light pollution to nearby properties

- Security risk to Rough Copes Lodge
- Coverup for large scale operation
- No provision for surface water drainage
- Use of site is retrospective, forcing the council's hand
- Vehicle movements to and from the site will impact on highway safety
- Size of stables is unacceptable

In addition to the above, two letters have been received which voice support for the application.

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.

Core Strategy Policy NW2 (Settlement Hierarchy) identifies a settlement hierarchy for the Borough through which new development is to be directed, proportionate to the level of services and facilities that each settlement possesses. The site falls outside of the settlements named in the hierarchy, described as Category 5 in NW2. In Category 5 locations development is to be limited to that necessary for agriculture, forestry or other uses that require a rural location alongside affordable housing meeting a proven local need. As an equestrian use, the development can be considered to require a rural location.

Although there is no specific reference to equestrian uses in the NPPF, paragraph 83(b) states that planning policies and decisions should enable the “development and diversification of agricultural and other land-based rural businesses”. As a diversification of an agriculture site, the development also draws support from paragraph 83(b).

Furthermore, emerging policy LP34 supports new equestrian buildings and structures subject to necessity in scale, construction and design for the efficient and viable long-term operation of that holding, provided that there are no other existing buildings and the visual and amenity impacts of the development are deemed acceptable.

Drawing together the above, the development can be supported in principle.

b) Landscape and Design

Core Strategy policy NW13 (Natural Environment) requires development to protect and enhance the “quality, character, diversity and local distinctiveness of the natural environment”. Such wording is echoed within emerging local plan policy LP14 (Landscape) which states that within landscape character areas proposals should “conserve, enhance and where appropriate, restore landscape character”.

Saved policy ENV12 (Urban Design) requires new development to harmonise with the prevailing characteristics of the immediate and wider surroundings while respecting existing natural features. Core Strategy Policy NW12 (Quality of Development) seeks for proposals to demonstrate a high quality of sustainable design that positively improves the character, appearance and environmental quality of a settlement.

The site lies within the “Tamworth–Urban Fringe Uplands” landscape character area as defined by the 2010 North Warwickshire Landscape Character Assessment. As such, the baseline against which to assess the implications of the development impact are the area’s key characteristics.

The area is best summarised as *“an indistinct and variable landscape with relatively flat open arable fields and pockets of pastoral land, fragmented by restored spoil heaps, large scale industrial buildings and busy road and bordered by the settlement edges of Tamworth, Dordon and Kingsbury and with wooded horizons to the south.”*

By the very nature of introducing stables, menage, fencing and hardstanding, the proposals would propagate a degree of change to the landscape. However, the landscape implications of the proposals are considered to be acceptable for the following reasons.

Firstly, the provision of a stable block and menage are not discordant features in a rural landscape. Moreover, the visual impacts of the menage and stable block are reduced by the limited number of visual receptors and the existing and proposed hedgerow boundaries – additional planting is encouraged as a management strategy within the Landscape Character Assessment. Furthermore, the stables limited scale and juxtaposition to the highway (narrow side elevation facing Lower House Lane) further reduces the impact of the proposals and the manège is positioned adjacent to the site’s roadside boundary. The timber post and rail fencing are appropriate, and the drive is to be surfaced with compacted stone, a less intrusive surfacing material than traditional hardstanding.

As a whole, given the limited scale of the development in the context of the site and wider landscape and its very nature which is a recreational/equestrian use in the open countryside, the landscape is considered to be able to readily absorb the development and thus remains conserved and the proposals are appropriately designed.

c) 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 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 concerns raised through representations refer to the inadequacy of the access onto Lower House Lane and the potential adverse implications that would arise from the use of the site for its stated purpose.

Following an initial objection from the Local Highways Authority, the stable block and manage have been relocated to field A with a new access proposed onto Lower House Lane. The highways officer has reviewed the latest plans and concludes that the acceptable visibility splays (x distance of 2.4m and a y distance of 145m to the east and 160m to the west) can be achieved from the new access. Additionally, the officer states that footfall generated from a private and horse breeding use would not result in adverse implications for the local highway network. Subject to conditions, there is a response of no objection from the Highway Authority which will carry substantial weight here.

It is considered that, subject to conditions, the proposals provide for safe, secure access for all users and the cumulative impacts of the development on highway safety would be not be severe or unacceptable to warrant a refusal on highways grounds. The proposals, therefore, 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.

d) 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, fumes and other pollution (emphasis added). The wording of this policy is carried forward into LP31 of the emerging local plan.

The relevancy of NW10 and LP31 to this application is that the provision of stables, and the use of land for equine purposes, has the potential to generate noise, odours and water pollution if not suitably sited and managed.

The nearest neighbouring dwelling is Rough Copes Lodge, located 80m to the north of the stable block and 130m north of the manage. Given this separation distance, together with the small number of stables proposed, the rotational management plan and the use restriction of private and horse breeding only, the proposals are not considered to result in unacceptable impacts by reason of noise, odour or disturbance to the amenities of nearby neighbouring occupiers.

Condition 9 would limit the maximum height of the muckheap and would require its removal from the site at regular intervals, particularly during the winter months to avoid any adverse amenity impacts. Furthermore, no burning of waste would be permitted onsite and lighting will be restricted to low energy, downlight LED lighting provided on the stable block. It is material that the Council's Environmental Health Officer has not raised an objection to the application, subject to conditions.

In respect of drainage, the manège will be equipped with built-in drainage, a soakaway will collect run off from the stable block and foul water is to be discharged to a septic tank cesspit. Such details are considered to be acceptable and minimise any impact on adjacent properties.

In view of the above, it is considered that the development does not unacceptably impact upon neighbouring amenity and therefore complies with Core Strategy Policy NW10(9) and emerging policy LP31(9).

e) 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 in the site, there are three Grade 2 Listed Buildings close by – Stone Cottage and an associated outbuilding together with Baddesley Farm.

Stone Cottage and its outbuilding are mid to late 18th Century stone buildings, evidential of the vernacular style of the time. Baddesley farmhouse is believed to be 17th Century but it was re-faced and extended in the 18th Century. Its principal significance is derived from its physical fabric as a vernacular farmhouse illustrating its historic and architectural interest.

Although there is no direct harm to the buildings themselves, the implications of the proposals on the settings of the buildings 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.

The immediate surrounds of the application site contribute to the experience and appreciation of the three buildings; however, the proposals are not considered to result in harm to the settings of the buildings for the reasons outlined below.

All built development is restricted to field A – fields B and C closest to the listed buildings will remain undeveloped and be put to horse pasture. Furthermore, the stables and manage within field A will not visually interrupt any views to and from the assets given their limited scale and distant proximity, nor will the development propagate any wider urbanising effects nor materially increase light spillage, noise and odour pollution (Baddesley Farmhouse is set within a working farm). Drawing together the above, the setting of the listed buildings is not considered to be harmed by the proposals.

The statutory duty is discharged and the development accords to Core Strategy policy NW14 and emerging local plan policy LP15.

f) Conclusion

Considering the proposals as a whole, it is considered that the development accords to the provisions of the development plan and as such, should be approved.

g) Conditions

The recommendation below includes the use of pre-commencement condition(s) (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition. In this instance the applicant has given such written permission.

Recommendation

That planning permission be granted subject to the following conditions:

Standard Conditions

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the submitted plans.

REASON

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

Pre-commencement conditions

3. The development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 145 metres looking eastwards and 160 metres westwards to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of highway safety

4. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide for:

- Wheel washing facilities;
- Measures to control the emission of dust during construction;
- Noise control during construction in accordance with BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites; and
- Details of the contact for any local concerns with the construction activities on the site

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

REASON

In the interests of the amenities of the area and surrounding properties.

Other conditions

5. The use of the stables hereby approved shall be for private recreational purposes and for horse breeding only. The stables shall not be subdivided into or used as separate livery, used independently of the land or as a commercial livery or for any other equestrian business.

REASON

In the interests of highway safety and to preserve the areas rural character.

6. The number of stables hereby approved shall be limited to six.

REASON

To define the limitations of the consent and to secure a satisfactory form of development

7. Hours of construction shall be limited to:

- Monday - Friday 08:00 – 18:00.
- Saturday 08:00 - 13:00; and
- No working Sunday or Bank Holidays without prior approval.

REASON

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

8. No external lighting, other than the provision of downlight, low-energy LED lighting installed on the stable block, shall be placed or erected on the site without details first having been submitted to, and approved in writing, by the Local Planning Authority. The low-level lighting shall be operational between 16:00 and 19:00 hours only.

REASON

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

9. The muck-heap waste shall only be stored in the position indicated on the approved site plan, shall not exceed 1.6 metres in height and shall be removed from the site at least once a month (providing at all times the maximum height is not exceeded).

REASON

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

10. Liquid and solid animal/vegetable wastes and associated contaminated waters shall be stored and disposed of in a manner that will not lead to pollution of surface or underground waters. Only clean uncontaminated surface waters should be discharged to any soakaway, watercourse or surface water sewer.

REASON

To prevent pollution of the surface water or ground water

11. The stables hereby approved shall be clad in timber with a green 'Onduline' roofing sheeting system. Gates installed within the site shall be of timber post and rail construction only.

REASON

In the interests of the amenities of the area and the building concerned.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, no gates, walls, fences or other means of enclosure (except as authorised by this permission or allowed by any condition attached thereto) shall be erected without the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

REASON

To maintain control in the interest of the character and amenity of the area

13. Other than as indicated on the approved plans, no trees, shrubs or hedges within the site shall be felled, uprooted, wilfully damaged or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

REASON

In the interests of the amenity of the area.

14. There shall be no burning of stable waste at the site.

REASON

In the interests of the amenities of neighbouring occupants.

15. Notwithstanding the plans submitted access for vehicles to the site from the public highway shall not be made approximately 70 metres west of the existing access to the site, at a position whereby the visibility splay requirements stated in condition 3 will be satisfied. The access shall not be used until constructed as a dropped kerb verge crossover.

REASON

In the interests of highway safety.

16. The access to the site shall be no less than 4.0 metres in width, surfaced with a bound material for a distance of no less than 12.0 metres, as measured from the near edge of the public highway carriageway. Gates within the access shall also be set back a distance of 12.0 metres, as measured from the near edge of the public highway carriageway and shall be hung so as to open into the site only.

REASON

In the interests of highway safety.

17. Vehicular access to the site shall be obtained solely from the position of the proposed access driveway, as indicated on the location and block plan drawing, Revision E, received by the Local Planning Authority on 26th February 2021.

REASON

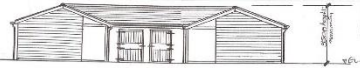
In the interests of highway safety.

18. The parking and manoeuvring area shall be surfaced in compacted stone and shall be retained for the parking and manoeuvring of vehicles. No other materials shall be used.

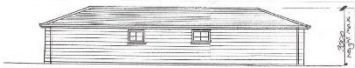
REASON

In the interests of the visual amenity of the area and highway safety.

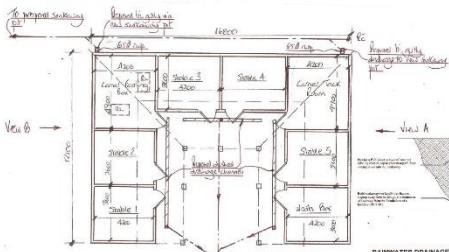
NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
20/01/2021
PLANNING & DEVELOPMENT
DIVISION



APPENDIX A



Proposed Rear Elevation



Proposed Ground Floor Plan

RAINWATER DRAINAGE
New drainage system to use 100mm UPVC half round gutter down and connected to 100mm dia UPVC drainage. Downpipes to be installed at least 100mm from the wall and to be fixed to the wall. All downpipes to be fixed to the wall and to be fixed to the wall. All downpipes to be fixed to the wall and to be fixed to the wall.

WTE LTD
WATER TREATMENT EQUIPMENT
Tel: 01273 200000 / 200000

Septic tank four water drainage specification

Specification of works for construction timber U shaped stables outbuilding

Concrete base
Concrete to a depth of 100mm.
Concrete to be finished to BS 1188.
Concrete to be finished to BS 1188.

External walls
External walls to be constructed from 100mm thick concrete blocks.
External walls to be constructed from 100mm thick concrete blocks.

Roof
Roof to be constructed from 100mm thick concrete blocks.
Roof to be constructed from 100mm thick concrete blocks.

Septic tank four water drainage specification

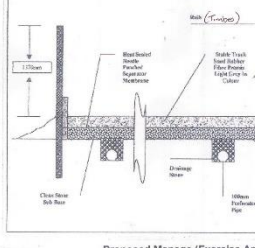
RAINWATER DRAINAGE TO PROPOSED STABLES OUTBUILDING
New drainage system to use 100mm UPVC half round gutter down and connected to 100mm dia UPVC drainage. Downpipes to be installed at least 100mm from the wall and to be fixed to the wall. All downpipes to be fixed to the wall and to be fixed to the wall.

FIXED EXTERNAL LIGHTING TO PROPOSED STABLES OUTBUILDING
External lighting to be installed in the form of a wall light or a wall light. External lighting to be installed in the form of a wall light or a wall light.

EXTERNAL LIGHTING TO PROPOSED STABLES OUTBUILDING
External lighting to be installed in the form of a wall light or a wall light. External lighting to be installed in the form of a wall light or a wall light.

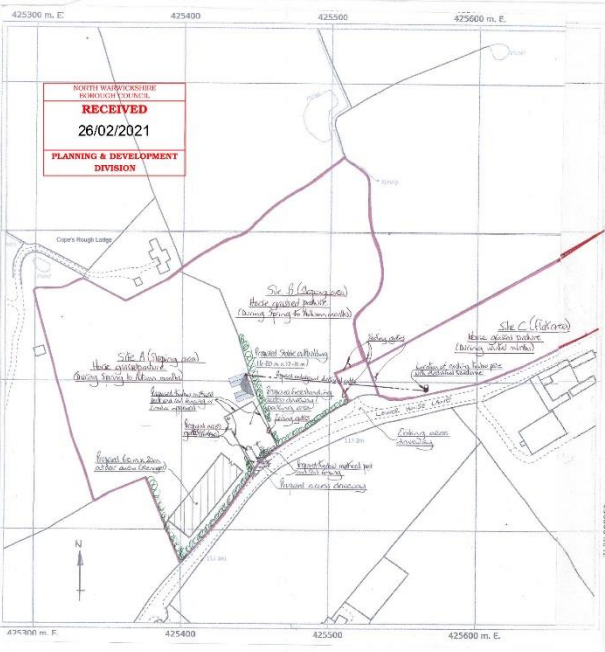


Typical photo showing U shaped timber stables outbuilding



Proposed Manege (Exercise Arena) Construction Details Scale - NTS

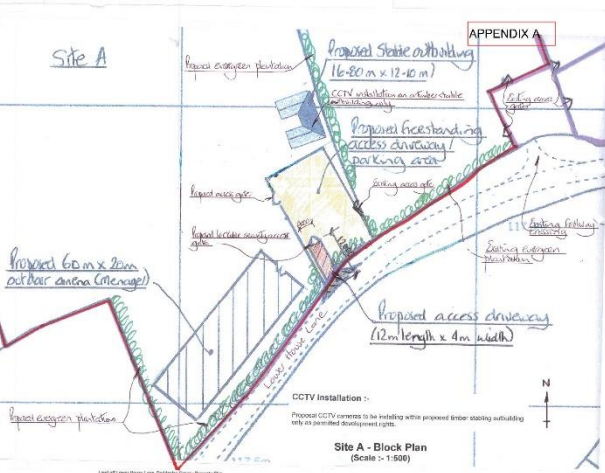
Drawing no 1
Proposed construction timber U shaped stables outbuilding and outdoor manege (Exercise Arena) to new 10 acres farming land at adjacent Baddesley Farm, Lower House Lane, Baddesley Enzor, Atherton, Warwickshire.
for Mrs Pam Dickinson.
Scale - as shown Date - January 2021



Sites A,B,C & D
All three parcels of land are intended to be used for grazing, the 10.51 acre Site A (grazing area) is intended to be used for grazing, the 10.51 acre Site B (grazing area) is intended to be used for grazing, the 10.51 acre Site C (grazing area) is intended to be used for grazing, the 10.51 acre Site D (grazing area) is intended to be used for grazing.

Use of the site to be restricted to private use and horse breeding only

Please note :-
Arable farming land and access compound area (blue hatched area) ownership :-
Mr Thomas Wardell,
Field Farm,
Lower House Lane,
Baddesley Enzor,
Atherton,
Warwickshire CV9 2DB.



Site A - Block Plan
Scale 1:1500

North Warwickshire Borough Council - Design of lighting scheme - September 2002

- Use energy saving lighting should be installed and installed below the roof height of the stable outbuilding and access driveway to ensure the space.
- Avoid the use of sensors which can be tripped by animals.
- Position lights as far away as possible from the site to avoid glare.
- Design lighting to be forward facing and not overcast from a site to avoid glare.

Specification for sub-base materials to new access driveway crossing and driveway also parking areas
The sub-base materials to be used for the access driveway and parking areas should be as follows:
1. A 100mm thick sub-base of 0/10 stone.
2. A 100mm thick sub-base of 0/10 stone.

Drawing no 2
Proposed construction timber U shaped stables outbuilding, and outdoor manege (Exercise Arena) to new 10 acres farming land at adjacent Baddesley Farm, Lower House Lane, Baddesley Enzor, Atherton, Warwickshire.
for Mrs Pam Dickinson.

General Development Applications

(5/d) Application No: PAP/2021/0151

115, Victoria Road, Hartshill, CV10 0LS

Change of use from dwellinghouse (Class C3) to a Children's Home (Class C2 - maximum 4 children), for

Mr D Pugh - Horizon Care & Education Group Ltd

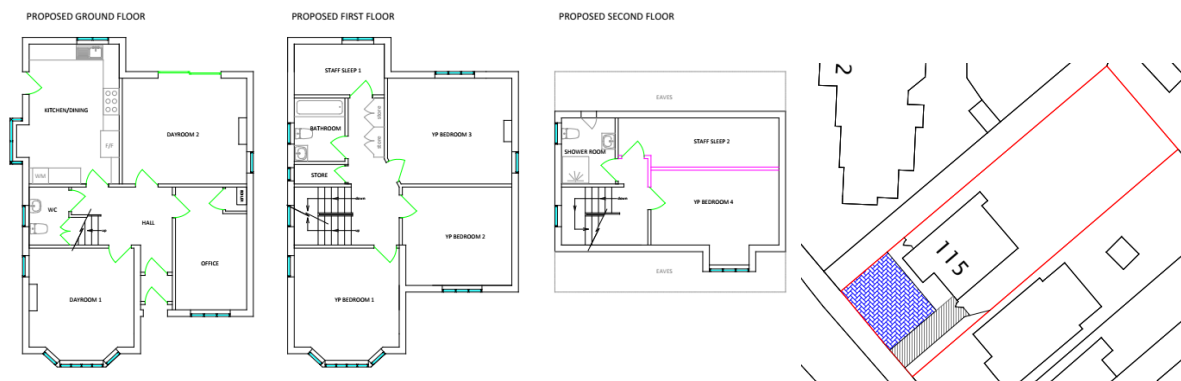
Introduction

This application is reported to the Planning and Development Board at the request of a local Member concerned about potential adverse planning impacts.

The Site

The application site is located on the northern side of Victoria Road, Hartshill, some 30 metres south east of its junction with School Hill. The application site is located within the built-up area of Hartshill and is adjoined to the south east and north west by existing residential development. To the east of the site is Nathaniel Newton Infant School, to the north of which is Hartshill School. To the south is an area of open land beyond which is further residential development off Victoria Road and School Hill.

The property is detached with four first floor rooms, two rooms in the roof space and a large front garden and rear garden. Vehicular access is at the front with parking for a number of cars.



The Proposal

This is a proposed change of use from a dwellinghouse (Use Class C3) to a Children's Home (Use Class C2) involving a maximum of four children.

It is proposed to provide a home for four young people between the ages of 8 and 17 from challenged backgrounds demonstrating varying degrees of Emotional Behavioural Disorder (EBD). There would be two on-duty members of staff operating on a shift system, providing 24 hour-cover. Therapeutic support is to be provided by the applicant.

The property can provide accommodation for two overnight staff. Parking for up to four cars can be provided within the site frontage. There are no alterations proposed to the building that would materially affect its external appearance. The existing access arrangements to the property from Victoria Road would be unchanged.

Background

A Certificate application for a proposed use was recently submitted under reference PAP/2020/0664 to ask the Council as to whether the proposal for the care home would need a planning application. The applicant took the view that the proposed use fell within the C3 definition in the Use Classes Order and was thus “permitted development.” The Council disagreed and hence this planning application has now been submitted.

Consultations

Warwickshire Police – No objection

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

Environmental Health Officer - No objection

Representations

There have been seven letters of objection to the proposal, raising issues in respect of following:

- Windows overlook neighbouring properties and school to rear.
- Road is really busy and along with additional car parking required will lead to an impact on highways.
- On street parking is already a problem due to the position of the adjacent school
- Will lead to increase in traffic next to a busy junction.
- The drive is not big enough to take extra visitors to the property.
- The company do not have a good reputation.
- Not like a family and will lead to expansion in the future.
- Concerns about care element and type of children who will in the property.
- Concern about anti-social behaviour.
- Application states 7-18 year olds but could include vulnerable up to age of 25.
- Will lead to devaluation of properties.
- Restrictive covenant on the property.
- Noise will increase.
- Not an appropriate or suitable position for this type of use.
- Being close to 3 schools is not an ideal situation.

Development Plan

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

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking)

Hartshill Neighbourhood Plan 2017 - H4 (Good Quality Design – neighbour impacts); H5 (Appropriate Infrastructure – drainage) and H6 (Housing Mix)

Other Relevant Material Considerations

The Submitted Regulation 19 Local Plan 2018 – LP16 (Natural Environment); LP31 (Development Considerations) and LP32 (Built Form)

Proposed Main Modifications to the Regulation 19 Local Plan 2021 – MM62 (in respect of LP16) MM74 (in respect of LP31) and MM75 (in respect of LP32)

National Planning Policy Framework 2019 (NPPF)

Planning Practice Guidance (PPG)

Observations

a) Introduction

The proposal seeks to change the use of the existing dwelling from a C3 use (that is use as a dwelling house) to a C2 use (that is as a residential institution providing care and accommodation) and in this case specifically to provide care and accommodation to people under eighteen years of age.

It must be pointed out immediately that the C2 Use Class is wholly distinct from a C2a Use Class. This is a use that is defined as a secure residential Institution. Some of the representations received have raised concerns that the use could be changed to a C2a Use at a later date. This is not the case – a new separate planning application would be needed for that change.

It is important to stress that the existing lawful use is a C3 Use. In planning terms that includes a number of different scenarios and these are set out in the Use Classes Order. There are three:

a) A dwelling house lived in by a single person or family. This category would include foster families.

b) Up to 6 people living as a single household and receiving care. This includes supported housing schemes, such as for people with mental health issues or learning disabilities.

c) Up to 6 people living as a single household, which do not fall within a C4 use (small house in multiple occupation), such as religious communities.

The last occupation here was under (a) above - a single family. But the property could have been residentially for either (b) or (c) without the need for a planning application.

The applicant has accepted that his C2 Use does not fall within the three cases set out above. The key matter here is therefore to assess whether there would be significant and demonstrable harmful impacts arising from the C2 Use which may be introduced here, given that there may well be significant and demonstrable potential impacts occurring from any of the three instances above. In other words what evidence is there that the C2 use will introduce significant and demonstrable harms that are by fact and degree, different from those that might occur under a lawful C3 occupation. Because the proposed use here is residential care for children, there is almost certain to be some significant overlap between the use of the property by a large family, one that fosters children or one that falls under (b) above and the proposed use. As such the key issue is repeated - are there demonstrable aspects of this proposed use, which would function differently to a residential dwelling-house and would those cause significant harm.

The principle of introducing this C2 use into a wholly residential area within the built-up area of a settlement which has a full range of services and facilities and where there are regular public transport links is acknowledged from the start.

The two main potential impacts that have been raised by the representations are the impacts on residential amenity and on highway safety. These will be dealt with first before addressing other matters.

b) Impact on Residential Amenity

Policy NW10 of the Core Strategy and policies LP13 and LP31 of the emerging North Warwickshire Local Plan and are all relevant policies which considered whether a proposal will lead to an unacceptable impact on neighbouring residential properties by virtue of noise, light and other pollution. Paragraph 180 of the NPPF echoes these policies and outlines the need to consider the impact of noise resulting from new development on health, quality of life and areas of tranquillity. It also indicates the need to consider measures, including the use of conditions, to minimise noise and mitigate against the impact from it. The NPPF is consistent with this in outlining that planning should seek a good standard of amenity for all existing and future occupants of land and buildings.

The applicant's supporting statement advises that the home would accommodate up to four children between the ages of 8 to 17. The applicant has confirmed that the home would be registered with OFSTED, if planning permission is granted. There would be a minimum of two carers and maximum of three carers on the premises at any one time, providing 24-hour supervision for the children. Overnight there would be two carers on the site at any one time.

The staff handover would take place at 0930 and 2130 hours. Handovers would on average take around 15-30mins. Based on the information provided by the applicant, at handover time, there would be a maximum of five members of staff at the premises. On the basis that the staff could all arrive and leave individually, that would result in a

minimum of 10 staff movements to and from the property per day. The times of these handovers are at quieter times of day after school drop off times, when comings and goings are more likely to be noticeable or disruptive to nearby residents. The children are likely to be educated off site at a local school or at a nearby special educational establishment.

The supporting statement has advised that children would usually live at the property for 3 to 6 months for short term stays and 3 to 4 years for longer term provision. An example of additional coming and goings at a similar establishment has been provided. This indicates maintenance, external contractors, support workers, social visits and compliance visits to a property. This equates to around 4 to 5 visits per day, which is very much similar to a residential dwelling of this size, or a large family house.

The only regular visitors anticipated are social workers, who would visit when a child first arrives at the property, and then every six weeks, and the applicant, who would oversee the running of the care home. However, it would not be reasonable or enforceable in planning terms to restrict by use of a planning condition who could visit the property and when, as well as the number of visitors present on the site at any one time. Such a condition would go beyond the remit of the planning system, as it could potentially interfere with the operational functioning of the home, affecting how and when key visitors, such as social workers and health visitors could attend the property. It would also be impossible to monitor.

Given the relatively small-scale nature of the use, the level of movement to and from the property should not materially intensify the use to the extent that it would be incompatible in this a residential area. Moreover, the anticipated use has to be compared against the potential comings and goings under any of the three scenarios outlined under a lawful C3 use set out in section (a) above. However, in order to provide some degree of control, the number of children here can be limited to four by planning condition.

Concerns have been expressed in relation to increased overlooking and privacy implications, however the property occupation would not increase above that of a large family house. No alterations are proposed as part of the proposal. It would only be the perception of privacy that would be increased. The intention of the applicant is to ensure that the property is run like a house and the children are given opportunities and responsibilities similar to that of a family unit. Communal areas will be provided for eating (two day rooms) and socialising as well as individual bedrooms for each child.

c) Highways Safety

Policy NW10 requires development proposals to have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards set out of the Local Plan. It states that development should provide for proper vehicular access, sufficient parking and manoeuvring for vehicles in accordance with adopted standards. The Highway Authority has been consulted in relation to the proposal and concluded that the proposal would not have a detrimental impact on highway safety. There is sufficient off-street parking through additional paving to the front, and subject to the use being limited to the applicant and ensuring that existing wall at the front remains, it would be acceptable.

d) Social Aspects

Many of the objections raise concerns that the proposed use will result in anti-social behaviour from the children and from potential visitors to the property. The risk of crime and disorder, and the perception of it, arising from the proposed use is a material planning consideration. In order to carry weight in the determination of a planning proposal fear of crime must be based on sound reasons and that there needs to be reasonable evidential basis for that fear.

Objectors' concerns and anxiety about the proposed use are acknowledged, but there is no solid evidence to demonstrate that the change of use of the dwelling to a children's care home would result in a spike in anti-social behaviour in the neighbourhood. Proposals for care homes are not uncommon nationally and planning appeal decisions relating to similar proposals have concluded that it cannot be assumed that children living in care would be more likely to behave antisocially or create levels of noise over and above children living in a 'traditional' family unit.

Planning appeal decisions take the reasonable view that in a care home, children would be cared for by specialist supervising staff and care workers, who are able to deal with any situations that might arise.

It is the case that, in addition to holding the relevant planning permissions, residential children's homes, which accommodate children under 16 years old must be registered with OFSTED under the Care Standards Act 2000. It is a criminal offence to run a children's home which is not registered with OFSTED. As part of this registration process, the applicant must demonstrate that they meet certain legal requirements set out within the Care Standards Act 2000, Care Standards Act 2000 (Registration) (England) Regulations 2010 and the Children's Homes (England) Regulations 2015. This is entirely different and separate from planning matters. Even if a planning permission is granted here, the use cannot operate without these additional consents, and indeed they can be withdrawn if they are breached. Concerns about the track record of the applicant are not matters relevant to planning, as the Board has only to consider the impact of the proposed use on the area. It is not the role of the Board to address the "suitability" of the applicant. If there are concerns, then these need to be raised separately with OFSTED.

There is no tangible evidence to demonstrate that the creation of a children's care home in this location would result in anti-social behaviour or crime. Whilst perception and fear of crime can be a material planning consideration it must be based on sound evidence. Warwickshire Police have been consulted about the proposal and do not object to the proposal.

e) Children's best interest

Local authorities need to consider whether children's best interests under the Equalities Act are relevant to any planning issue under consideration. In doing so, they will want to ensure their approach is proportionate. However, the best interests of a particular child or children will not always outweigh other considerations including those that impact negatively on the environment or the wider community. This will include considering the

scope to mitigate any potential harm through non-planning measures, for example through intervention or extra support for the family through social, health and education services. The provision of a care home is in the best interests of children and so is the provision of a facility within a community rather than a more isolated location.

f) Other considerations

Representations have been made in relation to a restrictive covenant on the property. The only persons who could enforce the covenant would be whoever now owns the land which was retained by the Company when they sold the land on which the house is built in 1934. The right to do so may have passed to those who now own adjoining land however, they would need to check their own certificates of title to see if this is the case. It is however, worth noting that the restriction prevents use; 'for any *offensive noisy or dangerous* trade business pursuit or occupation or for any purpose which shall or may be or grow to in any way a *nuisance damage or annoyance* to the Company or its successors in title. For that reason, even if a person can be identified who has the right to enforce the covenant, they would need to show that it was offensive, noisy, dangerous, a nuisance, caused damage or annoyance to that person. This would be relatively easy if, for example, a manufacturing business operated on the land using noisy machinery however, the closer to use is to an ordinary dwelling-house as permitted under that sale, the less likely a Court would be persuaded that there was a breach. This is a private matter and is not material to the consideration of the application. Based on the information, provided by the applicant, the care home would be of a relatively small scale nature, housing a maximum of three children, which is unlikely to result in comings and goings in excess of those which could reasonably be expected in a residential area

g) Conclusion

The proposed children's care home would be a residential use in a residential area. There is no objection in principle to this use in this location. Given the relatively small scale nature of the use, and on the basis of the information provided by the applicant, the proposal is unlikely to result in any comings and goings in excess of those which could reasonably be expected in a residential area arising from the lawful use of the site.

There is no tangible evidence to demonstrate that the creation of a children's care home in this location would result in anti-social behaviour or crime. Whilst perception and fear of crime can be a material planning consideration it must be based on sound evidence.

It is not within the remit of the planning system to manage the operational running of the care home, as this is covered by other legislation and managed by OFSTED. The care home would have to be registered with OFSTED and comply with all the necessary legislative requirements. It would be the responsibility of OFSTED to ensure that the care home was being run to an appropriate standard.

The proposed parking arrangement would meet the standards set out within policy and the Highway Authority has not raised any highways safety concerns.

In addition to the planning condition limiting occupation and conditions are also suggested restricting the use to a children's care home only; requiring the parking areas to be provided and limiting the number of children living in the home to a maximum of four at any one time.

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.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered as follows:

Existing Floor plans LK/H/13/D-01A

Proposed Floor plans LK/H/13/D-01B

Site plan LK/H/13/D-02

Location Plan

REASON:

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

3. The premises shall be used as a children's care home run by Horizon Care Ltd for children aged between 8 and 17 years old only and for no other purpose whether or not that purpose is falling within Class C2 of Part C of the Schedule to The Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.

REASON

In the interests of the amenities of occupiers of neighbouring dwellings in accordance with NW10 of the Adopted Core strategy

4. The children's home hereby approved shall accommodate no more than four children between the ages of 8 and 17 years old at any one time.

REASON

To limit the scope of the permission. Any additional children over the maximum of four would result in an intensity of use harmful to the amenities of nearby residents, contrary to policy NW10 of the Adopted Core Strategy.

5. Prior to first use of the children's home hereby permitted, the parking spaces shown on the approved block plan LK/H/13/D-02 shall be provided. The parking spaces shall remain available for parking associated with the care home at all times.

REASON

To ensure adequate space for parking off the highway is provided in the interest of highway safety.

6. The existing wall to the front of the property on the back edge of the footpath shall remain in situ throughout of the use of the premises as a care home.

REASON

To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

BACKGROUND PAPERS

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

Planning Application No: PAP/2021/0151

Background Paper No	Author	Nature of Background Paper	Date
1	Agent	Application Forms, Plans and Planning Statement	16/03/2021
2	Warwickshire Police	Consultation	13/04/2021
3	Environmental Health Officer	Consultation	04/05/2021
4	Local resident	Objection	06/05/2021
5	Local resident	Objection	12/05/2021
6	Local resident	Objection	20/05/2021
7	Local resident	Objection	21/05/2021
8	Local resident	Objection	21/05/2021
9	Local resident	Objection	21/05/2021
10	Local resident	Objection	25/05/2021
11	Warwickshire Highways	Consultation	08/06/2021

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 Assessment

General Development Applications

(5/e) Application No: PAP/2020/0483

1, Morgan Close, New Arley, CV7 8PR

Retrospective change of use of incidental open space to provide 2 additional car parking spaces and garden area for 1 Morgan Close, for

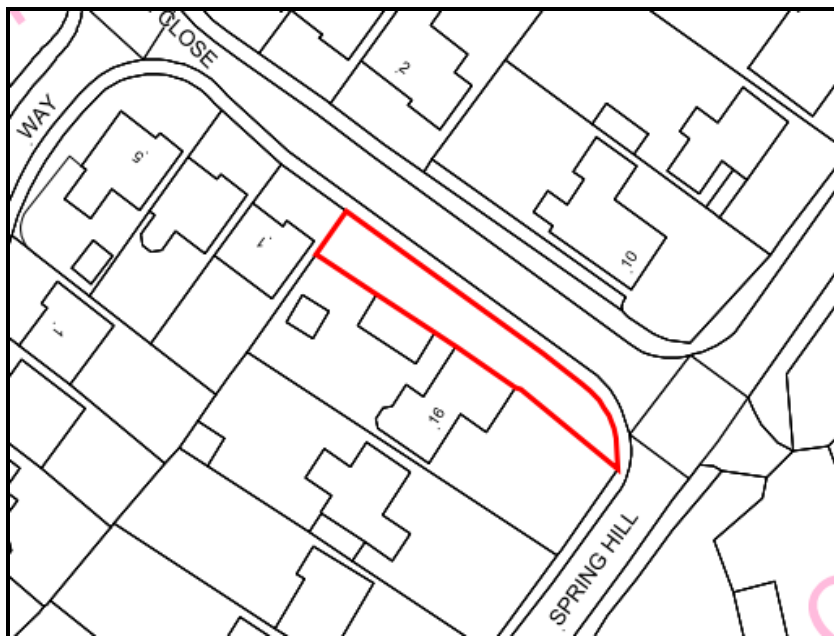
Jane Farnsworth

Introduction

This application is being reported to the Planning and Development Board as the recommendation includes the requirement for the need to consider the expediency of enforcement action if refused.

The Site

The area of land is situated on the corner of Morgan Close and Gun Hill. There is open land on either side of the road and this provides an open aspect on the entrance into the estate.



The Proposal

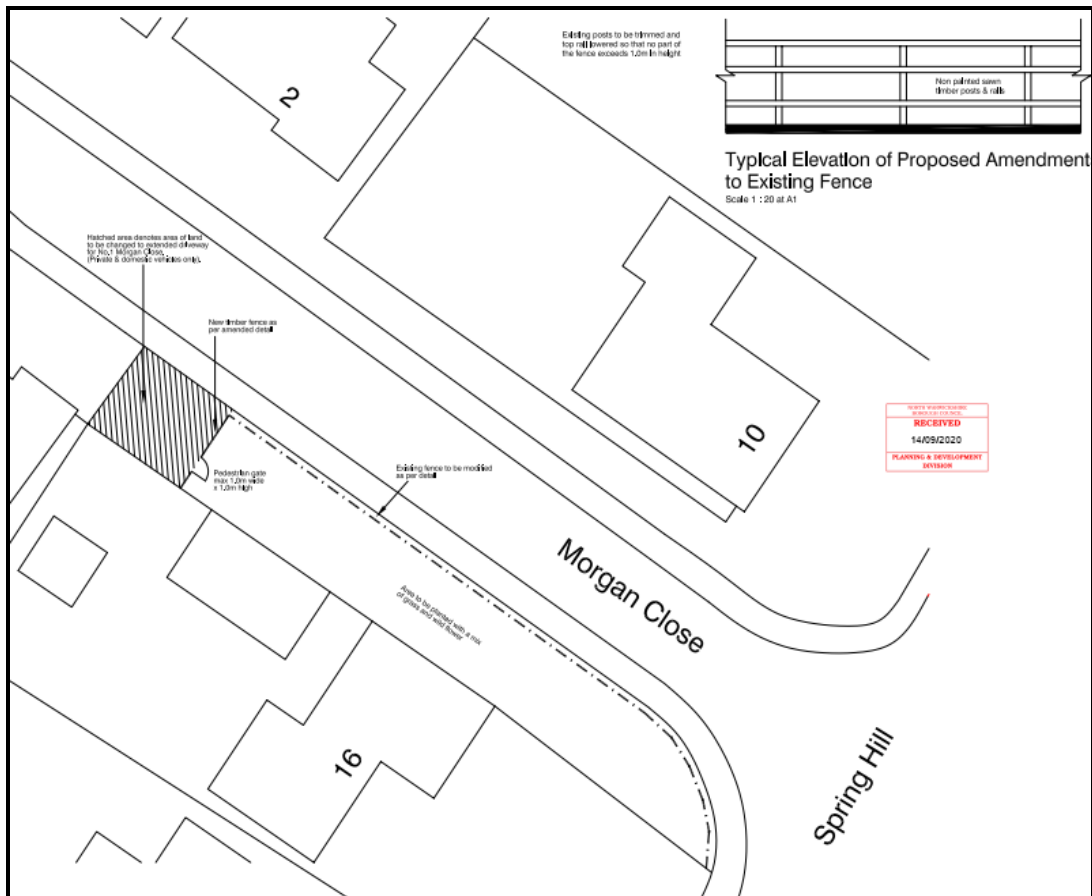
This seeks a retrospective permission for a change of use of incidental open space; the erection of fencing and the provision of two additional car parking spaces and garden area for 1 Morgan Close



The change of use of the land as 'residential garden' involves a material change of use and, as such, it constitutes development requiring planning permission for the purposes of sections 55 and 57 of the Act.

The fencing was not originally included on the application. It now does. This is because normally the land would benefit from permitted development rights and thus a fence of up to one metre here would be permitted development being adjacent to a highway. However, paragraph 3 (6) of the Town and Country Planning Act (General Permitted Development) (England) Order 2015 states that this right "does not authorise any development which creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons." This is the case here, as the fence is not considered to allow clear visibility for the parking spaces or at the road junction. The fence is thus now part of the application.

The creation of hardstanding for parking spaces is classed as an engineering operation and again requires planning permission. Evidence gained from the applicant indicated that it was proposed to use the strip of land for the parking of vehicles associated with the property, and for the siting of skips. Works carried out to pave or hard surface part of the land for this purpose have been carried out but not to the full extent of proposal. This can be seen from the photographs.

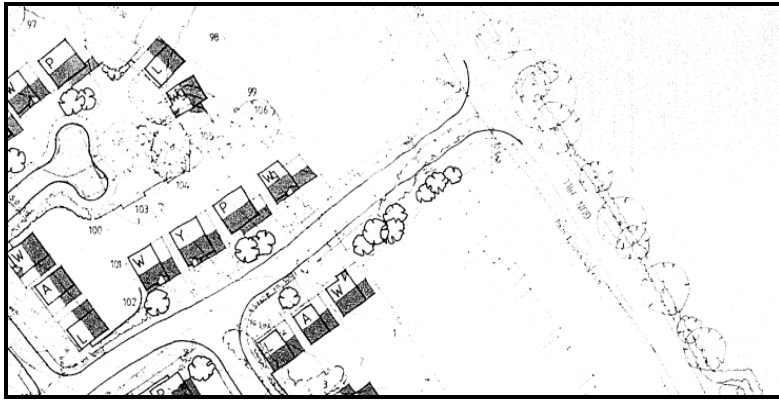


There is an issue about land ownership, and it appears that the applicant intends to gain possessory rights of ownership over the land through the passage of time, which is 12 years. In order to accommodate this as part of the application process, the applicant has properly gone through the appropriate procedure by completing Certificate D in respect of an unknown land-owner. Lovell's, the previous developer no longer exists and therefore the applicant has also had to place a statutory Notice in the Coventry Telegraph in order to adhere to the ownership procedures of the planning application process.

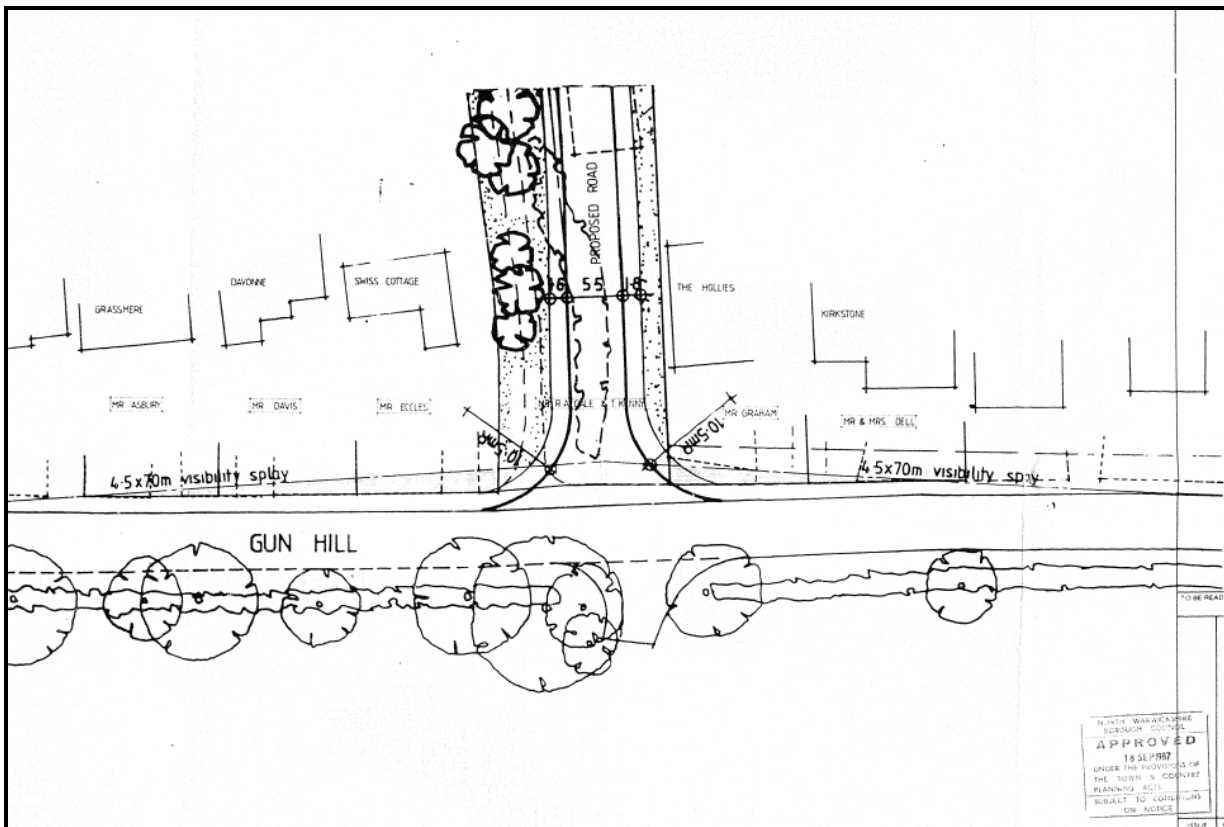
Background

The planning permission for this development was granted consent in 1987, subject to planning conditions - reference NW/87/0923. Condition 2 of that consent states that the layout should be in accordance with approved plan. The condition states:

“The development hereby approved shall not be carried out otherwise that in accordance with the house types received by the District Planning Authority on 15th July 1987, the site plan and plan numbered 61420/A received by the District Planning Authority on 7th September 1987.”



The approved plan shows that the strip of land, the subject of the application, should be landscaped and visibility splays provided in accordance with conditions 12 and 13 of the Notice. The area was therefore approved and designed to be an open landscaped area.



(12) No dwelling shall be occupied until such time as the whole of the vision splays on either side of the new access to Gun Hill hereby approved shall have been formed to the satisfaction of the District Planning Authority in consultation with the Highway Authority.

(13) Areas contained within visibility splays at junctions to public roads and footpaths shall not be planted other than with ground cover species not exceeding 1 metre in height and be maintained thus at all times.

Development Plan

North Warwickshire Core Strategy (October 2014) - NW10 (Development Considerations); NW12 (Quality of Development) and NW15 (Nature Conservation)

North Warwickshire Local Plan 2006 (Saved Policies) - ENV11 (Neighbour Amenities); ENV12 (Urban Design), ENV13 (Building Design) and TPT1 (Transport Considerations in New Development)

Arley Neighbourhood Plan – ANP5 (Built Environment)

Other Relevant Material Considerations

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

The Submitted Regulation 19 Local Plan 2018 – LP16 (Natural Environment); LP31 (Development Considerations) and LP32 (Built Form)

Proposed Main Modifications to the Regulation 19 Local Plan 2021 – MM62 (in respect of LP16) MM74 (in respect of LP31) and MM75 (in respect of LP32)

Residential Design Guide – SPD 2003

Consultations

Warwickshire County Council as Highway Authority – It objects because of the substandard visibility.

Representations

Arley Parish Council objects to the proposal, as it sets a precedent for others to enclose land.

There have been 30 letters of objection to the proposal, raising issues in respect of following:

- Unsightly – it's open space and should be maintained as such
- The fencing and block paving are not in keeping
- It is a hazard for drivers
- Not in keeping as four cars will be parked on the front to the detriment of the area.
- There are Covenants on the land
- There are services present on the land.
- The works have already been undertaken

Observations

The main issues for consideration here are the loss of character, loss of amenity open space and the impact on highway safety.

a) Loss of Character

The planning policy background to this issue is quite extensive. One of the core planning principles contained within the NPPF is to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

This is set out in paragraph 124 which states that “the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Additionally, paragraph 127 says that a guiding principle is the improvement of the overall quality of an area. “Good design, landscaping, layout, sympathetic to local character and history, including the surrounding built environment, establishes a strong sense of place by optimising the potential of the site and creating places that are safe, inclusive and accessible.”

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.

The property is part of a development which is marked by its generous landscaping provision and open verges. The fence would be on a wide and prominent plot at the entrance to the estate. The area is of greater length than any other properties with side boundary treatments and is elongated in its position. Matching this on the opposite side of the road there is a similar open boundary. The estate has an open feel with limited demarcation other than natural landscaping. Other corner plots which have brick and fence boundaries are generally set back significantly from the highway boundary. The proposed boundary fence would be far more extensive in length than the general area and this would result in a development of elongated prominent enclosures alongside a public footway. The boundary feature is not set back and although a post and rail fence, its position would not alleviate the overall overbearing impact of the development to any great degree. The boundary fence here does not harmonise with the character and local distinctiveness of the area.

It is considered that the existing area of open space makes a significant contribution to the character and appearance of the surrounding area and provides an open landscape feature in a prominent location. The proposal would result in the loss of such openness, significantly reduce the public amenity value and therefore be detrimental to the visual amenity of the surrounding area. Any landscaping would provide little visual relief to the awkward prominent siting of the fence and proposed change of use to garden area and a consequent loss of openness. For these reasons, the proposal would conflict with policy NW12 of the North Warwickshire Core Strategy and the NPPF.

The Council's own Residential Design Guide says that:

- 5.3 *Frontage boundary treatments can lead to difficulties. Where a residential area essentially has open front gardens, then it is unlikely that new walls and fences would be permitted in order to retain that character. Walls and fences can reduce visibility for drivers too, so alternatives need to be considered. Good planting schemes can look better and enhance the property as a whole.*
- 5.4 *When frontage treatments are appropriate then often a cue can be taken from local characteristics or designs already in existence - .e.g. low brick walls; combinations of walls, railings and planting, or wooden treatments such as paling fences and ranch type fences. If replacements are being considered, the impact on the appearance of the area is a factor that needs to be balanced against any increased security that might be obtained. Design and appearance should be given more weight in particular areas where they dominate the character of that area.*
- 5.5 *Particular problems can arise on more modern estates where the original development allowed for open frontages. As part of the overall layout, often fences were constructed behind frontage amenity planted areas in order to retain a sense of openness. This is particularly common on corner properties. Although the amenity land is in the private ownership of the householder, it is outside of their garden which is usually marked by the fence. In general, it is unlikely that permission will be granted to move these fences or walls forward so as to incorporate this land within the garden. This reduces the overall openness of the estates and lessens the amount of green and planted space that is publicly visible as the amenity of that estate.*

In this instance it is considered that the proposal will reduce the overall perception of openness on what is an open plan estate at the main point of access and entrance to the estate. Although not owned by the applicant, it was originally indicated to be retained as open space by the developers and has been done so from completion of the development in the late 1980's, until recently. It will reduce some of the green and planted space through the hardstanding. It is likely that if permitted, residential paraphernalia would be positioned on the open space. If permitted, conditions could be imposed removing permitted development for enclosures. This is considered necessary to protect the openness of the area. Overall, in terms of character of the area the proposal will diminish the original scheme to the detriment of the character of the area.

b) Loss of Open Space

With regard to recreational value of the land, consideration has been given to Paragraph 91 of the NPPF, which suggests that policies and decisions should plan positively for the provision and use of shared spaces and community facilities to enhance the sustainability of communities and residential environments. Paragraphs 96 and 97 expand on this advice and indicate that the existing open space, sports and recreational building and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken, which has clearly shown the open space building or land to be surplus to requirements: or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

This piece of land is modest in size, which makes it generally unsuitable for most sports or games. The restricted size, in combination with its position adjacent to the road junctions means the land has very limited value as a recreation space. However, even small pieces of land can provide open space and breathing space within developments and it is this function that was proposed as part of the original approval. This visual value should not be under-estimated and its loss would weigh against the consideration of the application.

There are a number of pieces of incidental amenity green spaces within this development, which from the south to the north west provide Green Infrastructure linkages to Daffern’s Wood which is a designated Local Wildlife Site (LWS). It is considered that the incremental loss of such land to other uses that may not be able to be controlled and would erode this network of open space with biodiversity benefits in the estate. This is not a large area of open space however its position at the beginning on the estate is crucial. The provision of hard-surfacing and fencing remove the sense and perception of openness of the land to the wider public. It is these smaller areas of greenspace whose loss can have an eroding and perpetual impact on the open space in the area. The proposal is contrary NW12 of the Core Strategy in that it would not positively improve the character of the area. It would neither provide, conserve and enhance biodiversity and would potentially remove linkages between green spaces and wildlife corridors. For these reasons it is considered that the proposal should be refused.



In respect of ecology, Core Strategy 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). The applicant has indicated

that he would intend to plant wildflower potentially on the area. It is considered that this could well comply with this element of biodiversity policy.

d) Highway Safety

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 policy LP31(6) reflects Core Strategy policy NW10(6) - both of which require safe and suitable access to be provided for all users. They require development proposals to have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards. This requires two spaces per residential property.

It states that development should provide for proper vehicular access, sufficient parking and manoeuvring for vehicles in accordance with adopted standards. The Highway Authority has concerns with the proposed layout of the extension to the parking area. No dropped kerb extension is proposed, for vehicles to access the extended parking area they would be required to either enter the site at an angle or drive over the full height kerbs, neither of which would be supported. Vehicles should not drive over full height kerbs, the extra time it takes for vehicles to complete the manoeuvre can result in an increased chance of a collision occurring, vehicle completing this manoeuvre can also result in damage to both the highway and the vehicle. Vehicles should enter the highway at 90 degrees to provide the full extent of the available visibility splay, vehicles leaving at acute angles have restricted visibility and drivers may be required to look over their shoulder which can cause problems for people with mobility issues.

There are also concerns with the fence that has been installed. The position of the fence restricts visibility for pedestrians using the pedestrian crossing at the end of Morgan Close. Pedestrians would be unable to see oncoming vehicles on Morgan Close to determine whether they have sufficient time to cross. This could result in pedestrians stepping out into Morgan Close in the path of an oncoming vehicle resulting in a collision. The fence should be removed or moved so that it is not within the visibility splay or the fence should be reduced to a maximum height of 0.6 metres to provide visibility. Based on the appraisal of the development proposals and the supporting information in the planning application the Highway Authority submits a response of objection for the following reasons:

1. The proposed layout of the parking area could result in vehicles driving over the full height kerbs or entering/exiting the site at an acute angle which would not be supported.
2. The proposed fence would obstruct visibility for pedestrians waiting to cross on Morgan Close. Pedestrians may be unable to see oncoming vehicles to determine whether there is sufficient time to cross.

Therefore, as the proposal stands neither the fencing or hard surfaced areas are acceptable and are leading to a detrimental impact on highway safety in respect of manoeuvring and visibility. Para 109 of the NPPF requires that development should only be prevented or refused on highways grounds if therefore would be an unacceptable impact on highway safety. It follows in this instance that the proposal is detrimental and should therefore be refused on highway safety grounds.

d) Precedent

The proposal would set a precedent for similar developments close to proposal. Whilst each application must be treated on its individual merits, there is concern that approval of this proposal could be used in support of such similar schemes nearby. Allowing this would make it difficult to resist further planning applications for similar developments nearby and it is considered that the cumulative impact would exacerbate the harm which has been described and lead to the further loss of landscaped open spaces thereby eroding and adversely affecting the character and appearance of the area in general.

e) Enforcement Action

The Board will also need to look at the expediency of enforcement action here should the recommendation below be agreed. The applicant does have the right of appeal relating to this application, however there is the issue of ownership. The Council has been maintaining the land for some time as open space, through general maintenance, however since the erection of the fencing it has not been able to do so, as access by machinery has not been possible. The proposal is detrimental to the character of the area as the land acts as an important piece of open space and the fencing is detrimental to highway safety. Therefore, it is considered that an enforcement notice should be served requiring the removal of the fencing and hardstanding so that the land can be maintained as it has historically been done. A Compliance period of three months is reasonable here. There will be a cost to the applicant in complying with the requirements, but the works are not excessive nor unusual to undertake.

f) Conclusion

In conclusion, the extent of the fence and hard-surfaced areas would harm the open plan character and appearance of the street scene, leading to loss of open space. The change of use to garden area would remove an important integral piece of open space. The proposed fence and hard-surfacing are also detrimental to highway safety. Accordingly, the proposal would conflict with policies NW10, NW12 of the Core Strategy; Saved policies ENV12, TPT3 of the 2006 Local Plan, the 2003 residential design guide together with provisions of the NPPF, which requires high quality design for developments to conserve or enhance local character, open space and highway safety.

Recommendations

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

1. The proposed use of garden area, consequent loss of open space and extent of the fence would be detrimental to the visual amenity of the surrounding area and introduce an obtrusive feature in the street scene which would diminish the open character of the entrance to the estate. Accordingly, the proposal would conflict with Saved Policy ENV12 of the 2006 North Warwickshire Local Plan, Policies NW10 and NW12 of the North Warwickshire Core Strategy 2014, policies LP31 and LP32 of the Submitted Regulation 19 Local Plan 2018, paragraphs 5.3-5.5 of the Residential Design Guide 2003 and the provisions of paragraph 130 of the National Planning Policy Framework, which requires high quality design for developments that conserves or enhances local

character, and streetscape quality.

2. The proposal will lead to the loss of an integral area of amenity of open space diminishing the level in the area. The site is within an extensive area of housing with very few areas of public open space. It is therefore the Council's view that the site acts as a valuable piece of open space providing an important feature within the built environment of this part of Arley. It acts as an integral piece of open space linking other areas of open space between the existing residential areas, which aids in contributing to the quality of the local urban environment. The loss of this area of open space which provides a visually important landscape feature within the urban environment would diminish the open space in this area of Arley contrary to Saved policy ENV12 of the North Warwickshire Local Plan 2006, policies NW10 and NW12 of the North Warwickshire Core Strategy 2014 and policies LP31 and LP32 of the Submitted Regulation 19 Local Plan 2018.

3. The proposed development by reason of its design and layout would create a vehicular hardstanding which would have limited visibility, leading to vehicles accessing and exiting the driveway with limited pedestrian and vehicular visibility due to the position and siting of the fencing and hardstanding. The proposal is therefore contrary to saved policies TPT3 and ENV14 of the North Warwickshire Local Plan 2006; policy NW10 of the North Warwickshire Core Strategy 2014 and policy LP31 of the Submitted Regulation 19 Local Plan together with paragraph 109 of National Planning Policy Framework.

b) Enforcement

That, it is considered expedient to serve an Enforcement Notice in this case for the reasons as outlined in this report and that the compliance period be three months.

BACKGROUND PAPERS

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

Planning Application No: PAP/2020/0483

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant	Application Forms, Plans and	14/09/2020
2	Local resident	Objection	23/11/2020
3	Local resident	Objection	24/11/2020
4	Local resident	Objection	25/11/2020
5	Local resident	Objection	26/11/2020
6	Local resident	Objection	26/11/2020
7	Local resident	Objection	26/11/2020
8	Arley PC	Objection	27/11/2020
9	Local resident	Objection	27/11/2020
10	Local resident	Objection	27/11/2020
11	Local resident	Objection	30/11/2020
12	Local resident	Objection	3/12/2020
13	Local resident	Objection	7/12/2020
14	Local resident	Objection	7/12/2020
15	Local resident	Objection	7/12/2020
16	Local resident	Objection	7/12/2020
17	Local resident	Objection	7/12/2020
18	Local resident	Objection	8/12/2020
19	Local resident	Objection	8/12/2020
20	Local resident	Objection	8/12/2020
21	Local resident	Objection	9/12/2020
22	Local resident	Objection	10/12/2020
23	Local resident	Objection	11/12/2020
24	Local resident	Objection	14/12/2020
25	Local resident	Objection	14/12/2020
26	Local resident	Objection	14/12/2020
27	Local resident	Objection	14/12/2020
28	Local resident	Objection	14/12/2020
29	Local resident	Objection	14/12/2020
30	Local resident	Objection	14/12/2020
31	Local resident	Objection	14/12/2020
32	Warwickshire Highways	Consultation	21/12/2020
33	Local resident	Objection	01/03/2021

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

(5/f) Application No: PAP/2021/0032 and PAP/2021/0033

a) PAP/2021/0032

**Land 500 metres south east of Common Farm, Ansley Common
Residential Development of 77 dwellings, including vehicular access, open space provision, landscaping and other associated infrastructure works**

b) PAP/2021/0033

**Land 250 metres east of Common Farm, Ansley Common
Outline application for proposed residential development of up to 154 dwellings, including details of new vehicular access with all other matters reserved both for**

Countryside Properties (UK) Ltd

Introduction

The receipt of these applications is referred to the Board for information at this time. A full determination report will follow in due course. The report therefore only describes the two proposals as well as outlining their supporting documentation. The relevant parts of the Development Plan will be identified as well as other material planning considerations.

The two applications are reported together as they are neighbouring sites, as well as both being part of a larger Reserved Housing Site as set out in the Emerging North Warwickshire Local Plan.

The Sites

The application site referenced PAP/2021/0032 is 2.83 hectares of agricultural land and roughly rectangular in shape, extending westwards from the residential development known as The Larches and to the north of the residential frontage of Ansley Common. There is woodland to the north and open arable land further to the west. The complete southern boundary is marked by the embankment of a former mineral railway line between 2 and 4 metres in height above the ground level of the site. It has thick vegetation on both slopes with an existing informal footpath running along its length. This separates the site from the residential frontage of Ansley Common. The northern boundary is marked by the Bar Pool Brook watercourse; the eastern boundary by the development at The Larches. There is no physical boundary marking its western edge. The site slopes down from its southern edge towards the water course and it sits at a lower level than the surrounding land with higher ground towards the west and to the north, towards the Moorwood Wood.

It is to the west of Hartshill and to the north of Ansley Common – both large settlements with a full range of local services as well as regular public transport services.

The second site referenced PAP/2021/0033 is 5.8 hectares of agricultural land which lies immediately to the west and north of the site described above. The southern boundary is marked by the continuation of the former rail embankment separating the site from the residential development of Ansley Common, Cornish Close and Thorncliffe Way, the latter two cul-de-sacs extending back from the Ansley Common frontage. The Bar Pool Brook runs through the centre of the site with the western boundary having no demarcation. The land on the north side of the Brook rises running up to the Moorwood Wood.

There is a group of agricultural buildings together with a farmhouse further to the west – known as Common Farm - and a residential property to the north known as Woodside House.

There are a number of public footpaths that cross both sites and connect to Ansley Common – notably the AE 172 and 174 and as well as in the north to the Moorwood Wood – the AE 169.

The two sites are shown together on a general location plan at Appendix A which also illustrates some of the features referred to above.

The Proposals

a) The smaller site – PAP/2021/0032 – is a fully detailed application for the erection of 77 dwellings. This would be accessed through the existing cul-de-sac development off The Larches to the east which would involve the removal of a length of rail embankment. The Larches is presently a cul-de-sac with sole access from the Coleshill Road. The layout shows a curved through road with a number of smaller private drives. The site has a number of proposed areas of open space - around existing trees within the centre of the site; to the north-west, along the northern boundary, the railway embankment and a surface water drainage depression in the north east corner. The proposed houses would comprise 4 one bedroom, 36 two bedroom, 27 three bedroom and 8 four bedroomed two storey properties with 2 one bedroomed flats, in a variety of different built forms. 40% of the overall provision would be “affordable” – that is 31 dwellings with all house types included - with a tenure mix of social rented and shared ownership to be agreed. The parking provision is shown as being 200 % and the overall density would be around 26 houses per hectare.

The proposed layout is shown at Appendix B with street scenes at Appendices C and D. The application has been submitted with a range of supporting documentation.

An Archaeological Assessment concludes that there are no known archaeological assets on the site and that it lies in the agricultural hinterland of a historic settlement. The potential for remains is therefore considered to be low for all time periods and the proposed development is unlikely to have any impact. As a pre-caution, a trial trench evaluation would be expected through a planning condition. Additionally, there would be no adverse impact or harm to known archaeological assets in the locality – ie. Hartshill Castle, Oldbury Camp and Bowl barrow.

An Arboricultural Assessment concludes that the development would retain the better quality trees and allow for their long term retention. These include the three oak trees in the centre of the site. The proposed layout is not considered to adversely impinge on

their root areas, or their branch spreads and they would have minimal shading on properties to the north. The groups of trees along the northern boundary on the other side of the water course would not be affected as neither would the hedgerow along the southern boundary at the base of the embankment. The trees to be removed are all located on or adjacent to the embankment where the proposed access from The Larches is proposed. The proposed continuation of this access into the site would involve the removal of part of the embankment as well as eight self-set ash and hawthorn trees.

An Ecological Appraisal identifies four nationally designated wildlife sites within a 2km radius but there are unlikely to be adverse impacts arising from the proposals. There is non-statutory designated site bordering the north of the site and recognised working practices should thus be adhered to. The site is arable land and provides negligible ecological value with bracken, scrub and species poor semi-improved grassland around its edges. The habitats of greater value are the watercourse along the northern boundary; the hedgerows and embankment along the south boundary, the three trees in the centre of the site and the groups of trees to the north. Whilst there are ponds outside of the site, these are considered to be too distant to lead to Greater Crested Newts using the site. No bat roosts were identified, but the perimeter planting does provide foraging habitats which are to be retained. This retention will also assist in protecting any reptile habitats.

A Flood Risk Assessment shows the site as being in Flood Zone 1 which is the least at risk of fluvial flooding. There is however the risk of surface water flooding adjacent to the Bar Pool Brook. In these circumstances the proposed drainage strategy is to discharge surface water into the Bar Pool Brook via an attenuation/storage basin in the north-east corner of the site, together with precautionary measures – creating a five metre “stand-off” alongside the Brook and for ground floor levels to be around 300mm above ground level. Foul water connections would be made to the existing system at The Larches.

A ground contamination investigation has been jointly undertaken for both sites. This concludes that there is a low overall risk to human health through potential site contamination subject to suitable mitigation measures – ground gas membranes in the house foundations and removal of any contaminants alongside the former railway embankment, particularly where it is to be removed to enable vehicular access into the site from The Larches. Given the history of the surrounding land for coal mining, it is considered that the potential for localised shallow unrecorded mining cannot be discounted. Further investigation is thus needed.

An Air Quality Assessment concludes the proposed development would not exceed air quality thresholds or lead to new significant deterioration.

A Transport Assessment concludes that the site is in a sustainable location because of the availability of local services and facilities and their accessibility by foot, cycle and public transport. The access into the site would continue the 5.5 metres wide road that already serves The Larches with two metre pavements on either side. The Assessment concludes that there would be no serious impact on the highway network or lead to severe capacity issues at the junction of The Larches with the Coleshill Road.

An Affordable Housing Statement provides the policy and technical background to the proposed provision as set out above.

A Design and Access Statement describes how the appearance and design of the proposed layout was evolved as well as the design of the dwellings.

A Planning Statement brings together all of these matters as well as assessing the full proposal against the relevant policies of the Development Plan and other material planning considerations. Particular reference is made to the Emerging Local Plan and the identification therein of a Reserve Housing Site (RH2) which includes both of the current application sites.

b) The larger site – PAP/2021/033 – is an outline application for up to 154 dwellings. All matters are reserved for later approval except for access provision. This is to be taken via Thorncliffe Way between numbers 43 and 45 where there is an existing electricity substation and a car parking area, and then use the existing access onto Ansley Common. The application suggests that 40% of the provision on site would be affordable – that is up to 62 dwellings. The overall density would be around 25 units per hectare.

The proposed site is at Appendix E and the access details are at Appendix F.

There is less supporting documentation with this application and there is some duplication with the above Assessments. Of note are the following four matters.

It is also proposed to provide 40% of the dwellings as affordable on site – that is 62 units – with details of house type and tenure mix to be agreed.

The Transport Assessment undertaken above has been supplemented and it shows a 5.5 metres wide access with a single two metre footway forming a junction at Thorncliffe Way. It concludes that this arrangement would not give rise to severe capacity issues. This junction currently accommodates a car parking area and an electricity substation. The Assessment has looked at existing road junctions within the Hartshill area – particularly the three at Coleshill Road/Plough Hill Road; the B4111/ Woodford Lane and Camp Hill/Tuttle Hill/Mancetter Road. It concludes that there needs to be on-going discussion with the Highway Authority about these junctions.

A Statement of Community Involvement describes the applicant's consultation process with the local community at pre-application stage. This took the form of two leaflet "drops" in September 2020 and January 2021 through 1750 letter boxes. A virtual meeting also took place with the Ansley Parish Council. There were 251 returns to the 2020 circulation in which 65% did not support the proposals. The 2021 circulation had 184 returns with 57% not supportive. The matters that were most raised were infrastructure delivery, traffic and general environmental issues. There was a greater degree of support for affordable housing to be provided.

The Planning Statement in this case provides a wider assessment of the Reserved Site status of the combined sites.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) and NW22 (Infrastructure)
Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design); ENV14 (Access Design), TPT1 (Transport Considerations), TPT3 (Sustainable Travel) and TPT6 (Parking)

Other Material Planning Considerations

The Submitted Regulation 19 North Warwickshire Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP9 (Affordable Housing Provision), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP31 (Development Considerations), LP32 (Built Form), LP37 (Renewable Energy and Energy Efficiency), LP39 (Housing Allocations) and LP39(a) (Reserve Housing Allocations)

Proposed Main Modifications to the Submitted Plan 2021 – MM21 (in respect of LP1); MM24 (in respect of LP2), MM50 (in respect of LP9), MM59 (in respect of LP14), MM60 (in respect of LP15), MM61 (in respect of LP16), MM74 (in respect of LP31), MM75 (in respect of LP32), MM 69 (in respect of LP37), MM87 (in respect of LP39) and MM89 (in respect of LP39(a))

Affordable Housing Supplementary Planning Document

Planning Obligations for Open Space, Sport and Recreation Supplementary Planning Document 2017

The North Warwickshire Air Quality Supplementary Planning Document 2019

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

The Daw Mill Appeal Decision – APP/R3705/W/16/3237408

Observations

In terms of considering the principle of these proposals, Members will have to make a judgement on the various weights to be attributed to a number of planning policies which are to be included in that assessment. Core Strategy policy NW2 says that in respect of Hartshill with Ansley Common, development will be permitted in or adjacent to development boundaries where it is appropriate to a settlement’s status in a settlement hierarchy. Both application sites adjoin this boundary. Whilst the identification of a settlement hierarchy is still of weight, all development boundaries have been found to be “out-of-date” by the Daw Mill appeal decision and they thus now carry only limited weight. The Submitted Plan Policy LP2 as now proposed to be modified, says that in respect of Hartshill with Ansley Common, development directly adjacent to development boundaries may be acceptable. Submitted Plan Policy LP39(a) as now proposed to be modified, identifies a “Reserve Housing Site” known as RH2 for

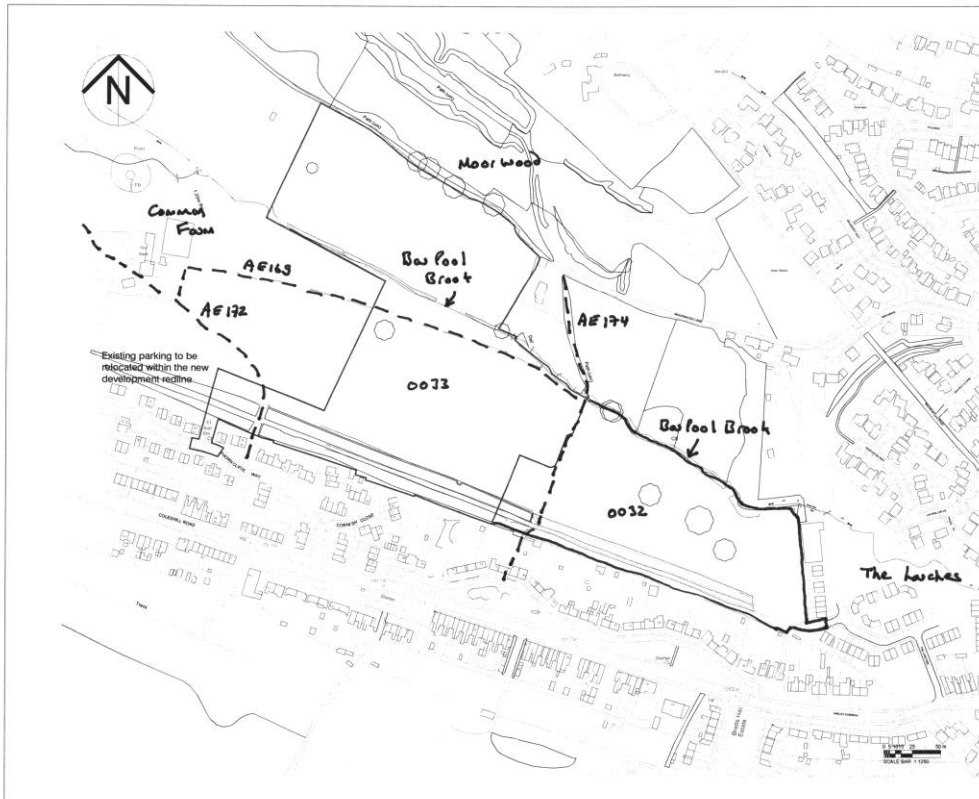
up to 388 houses on land north of Ansley Common. It is a large site and includes both of the current application sites. Its release is subject to a number of conditions. Policies LP2 and LP39(a) as proposed to be modified, carry significant weight given the advanced status of the Submitted Plan. Officers will set out their view on the weights to be considered by these various policies in the determination report and thus conclude on the final planning balance in respect of the principle of supporting these two proposals.

Even if the principle of development here is acknowledged, full support should only be considered if the conditions relating to the release of the Reserve Housing site are met, along with there being no significant and demonstrable adverse impacts arising in doing so. The pre-conditions are firstly that there is a need to enhance housing supply when measured against the five-year housing supply – i.e. if the forecast land supply in the Borough falls lower than 5.5 years relative of the delivery of new housing, then the condition is satisfied. The second is that access, infrastructure and flooding impacts have all to be addressed. In addition, this site, RH2, has to provide for improved walking and cycling through the site to link to various footpaths; provide an access road through the site which is useable by public transport, assess and implement a package of measures to protect and enhance bio-diversity assets in the locality including Moorwood Wood and provide supporting social and community infrastructure.

As indicated above, apart from specifically looking at the two pre-conditions, Members will have to assess whether there are likely to be significant and demonstrable adverse impact arising from the proposals. The applicant has addressed this through the submission of the supporting documentation outlined in this report. The responses from the Statutory Consultees on the conclusions of these documents will be reported to the Board in the usual manner within the determination report.

Recommendations

- a) That the report is noted
- b) That 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.
- c) That the Board visits both site prior to determination of the applications.



RESERVED
13/01/2021
PLANNING & DEVELOPMENT
DEPARTMENT

Area of phase 2 development: 58,028m²

C 10 10 10 10
B 10 10 10 10
A 10 10 10 10

COUNTRYSIDE
Place People Love

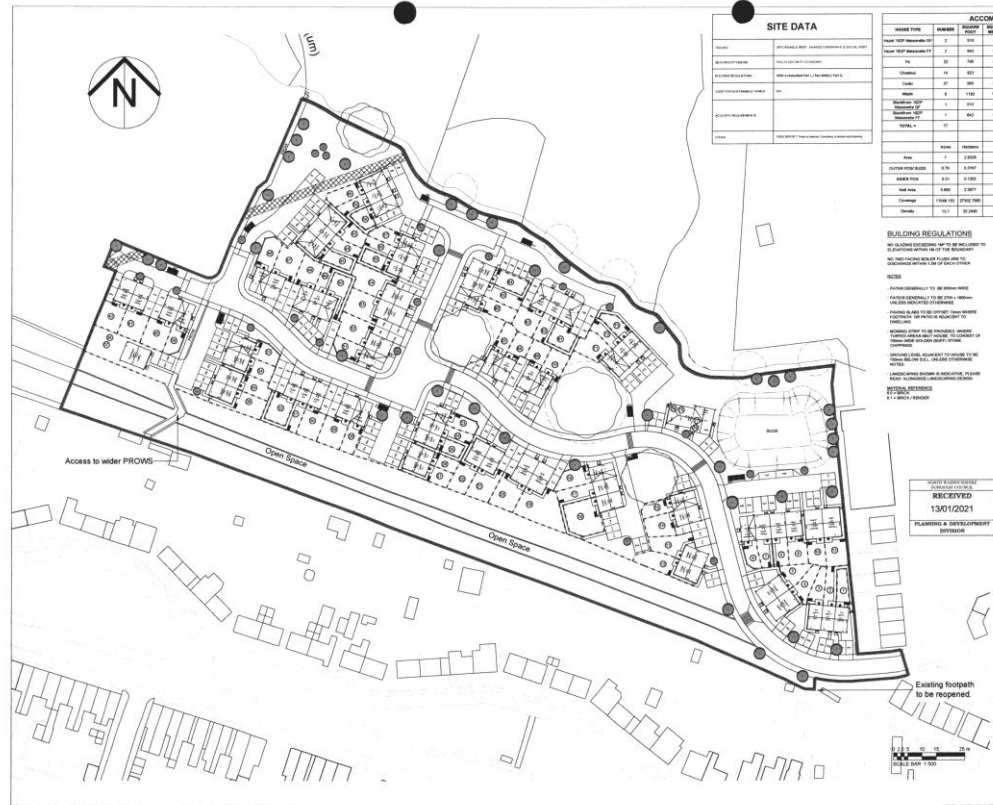
Coleshill Road
Hartshill Phase 2A

Planning
Redline Plan
Phase 3

Scale: 1:5000
Date: July 2020

SKPSM-004-PL-0103

Sheet 1 of 1



COUNTRYSIDE
Place People Love

Coleshill Road
Hartshill Phase 2A

Planning
Layout

Scale: 1:5000
Date: Oct 2020

SKPSM-004-PL-001

Sheet 1 of 1

APPENDIX C

PAP2021/0032



Elevation A - A
1:200



Elevation B - B
1:200



Elevation C - C
1:200



Elevation D - D
1:200



Elevation E - E
1:200



Street Elevation Key
NTS

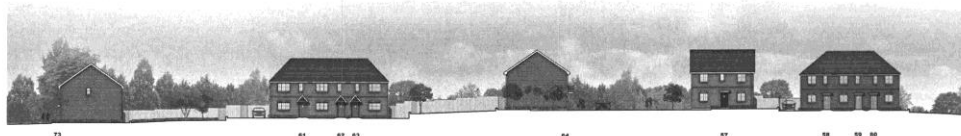


- 1. All elevations are based on the 2020 datum.
- 2. All elevations are based on the 2020 datum.
- 3. All elevations are based on the 2020 datum.
- 4. All elevations are based on the 2020 datum.

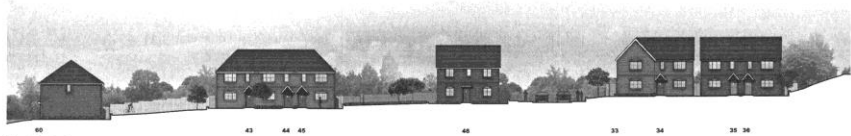
COUNTRYSIDE Place People Live	
Coleshill Road Hartshill Phase 2A	
Street Elevations A - E	
Scale: 1:200	Sheet: GA
Date: October 2020	Revision: 1
SKPSM-004-PL010	
Sheet 1 of 1	D

APPENDIX D

PAP2021/0032



Elevation F - F
1:200



Elevation G - G
1:200



Elevation H - H
1:200



Elevation J - J
1:200



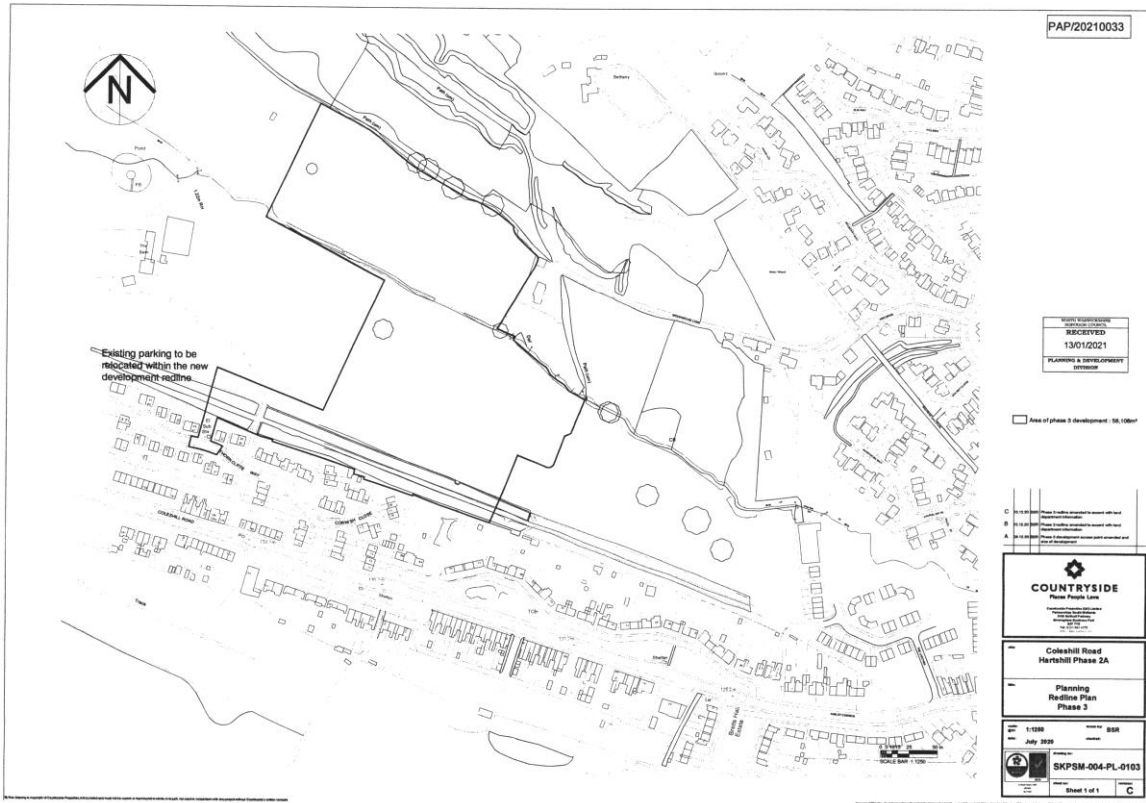
Street Elevation Key
NTS



- 1. All elevations are based on the 2020 datum.
- 2. All elevations are based on the 2020 datum.
- 3. All elevations are based on the 2020 datum.
- 4. All elevations are based on the 2020 datum.

COUNTRYSIDE Place People Live	
Coleshill Road Hartshill Phase 2A	
Street Elevations F - J	
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Date: October 2020	Revision: 1
SKPSM-004-PL011	
Sheet 1 of 1	D

APPENDIX E



APPENDIX F

